



## Bay Mills Indian Community

12140 West Lakeshore Drive  
Brimley, Michigan 49715  
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### RESOLUTION NO. 15-3-16-B

#### Support for Decommission of Enbridge Line 5 Oil Pipeline under the Straits of Mackinac

- WHEREAS: The Bay Mills Indian Community is the recognized successor to Sault Ste. Marie area bands which signed the Treaty of March 28, 1836 (7 Stat. 491), by which the right to fish in the ceded waters of Lakes Superior, Huron and Michigan--including the Straits of Mackinac-- was expressly reserved for all time, and
- WHEREAS: Enbridge Pipelines, Inc., operates a 645-mile, 30-inch diameter pipeline, named Line 5, which was constructed in 1953 and transports a variety of petroleum products, and
- WHEREAS: Line 5 splits into two 20-inch diameter parallel underground pipelines upon reaching the northern shore of the Straits of Mackinac, which cross the Straits west of the Mackinac Bridge for a distance of 4.6 miles, and which at any given time contains nearly one million gallons of crude oil, and
- WHEREAS: The Tribe is concerned about any discharge of petroleum products into the Straits, as it would adversely affect fishery shoaling, spawning and nursery areas in both Lakes Michigan and Huron which encompass the most productive fishing areas in the 1836 Treaty ceded waters, and
- WHEREAS: A catastrophic oil spill into the Straits would devastate the aquatic ecosystem, damage the shoreline of Lakes Huron and Michigan for hundreds of miles, and disrupt, degrade and diminish the tribal fishery reserved by treaty, and
- WHEREAS: Line 5 was designed to function for a 50-year period, which has already expired, and it is already subject to small ruptures, which have been documented as occurring along the upland portion of the Line, resources which the Bay Mills Indian Community has a treaty-protected right to enjoy, and
- WHEREAS: Enbridge has failed to adequately monitor and maintain its pipelines in this State, as is demonstrated by the 2010 pipeline rupture of oil into the Kalamazoo River, which contaminated 40 miles of that body of water, and

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WHEREAS: Continued operation of Line 5 will ultimately result in a rupture of the pipeline, causing catastrophic damage to the waters of northern Lakes Michigan and Huron and the people who depend on them for their economic livelihood, their quality of life, their cultural and esthetic well being and their very existence, and

WHEREAS: The human and natural ecosystems of the Straits of Mackinac are both too complex and too fragile for a replacement pipeline for Line 5 to be successfully sited and constructed within the reasonably foreseeable future.

NOW, THEREFORE BE IT RESOLVED, that the Executive Council of the Bay Mills Indian Community hereby requests the Michigan Petroleum Pipelines Task Force to recommend that the Enbridge Line 5 Pipeline underlying the Straits of Mackinac be decommissioned.

AND BE IT FURTHER RESOLVED, that the Executive Council hereby requests that any regulatory body with oversight authority over the subject matter and/or geographic area to take any and all actions reasonable and necessary to mandate and enforce the decommissioning of Line 5 at the Straits of Mackinac

APPROVED:

  
Levi D. Carrick Sr., President  
Bay Mills Indian Community  
Executive Council

ATTEST:

  
Anthony J. LeBlanc, Secretary  
Bay Mills Indian Community  
Executive Council

CERTIFICATION

I, the undersigned, as Secretary of the Bay Mills Indian Community, do hereby certify that the above Resolution was adopted and approved at a meeting of the Executive Council held at Bay Mills, Michigan, on the 16th day of March, 2015, with a vote of 3 for, 0 opposed, 1 absent, and 1 abstaining. As per provisions of the Bay Mills Constitution, the President must abstain except in the event of a tie.

  
Anthony J. LeBlanc, Secretary  
Bay Mills Indian Community  
Executive Council