

KEWEENAW BAY INDIAN COMMUNITY

2015 TRIBAL COUNCIL

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JENNIFER MISLEGAN, Vice President
TONI L. MINTON, Secretary
SUSAN J. LAFERMIER, Assistant Secretary
DORREN G. BLAKER, Treasurer

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RANDALL R. HAATAJA
MICHAEL F. LAHERNIEK, SR.
GARY E. LOONSIKOOT, SR.
DON MESSEUR, JR.
DONALD SHALFOE, SR.

February 2, 2015

James R. Goodheart
DEQ Tribal Liaison and Senior Policy Advisor
Constitution Hall – 6th Floor South
525 West Allegan Street, PO Box 3-473
Lansing, MI 48909-7973
E-mail: Goodheartj@michigan.gov

Re: Response to invitation to consult with the Michigan Petroleum Pipeline Task Force

Dear Mr. Goodheart:

Thank you for inviting the Keweenaw Bay Indian Community (KBIC) to meet with representatives of the Michigan Petroleum Pipeline Task Force on February 4, 2015. Unfortunately, due to the timing, we are unable to participate in this meeting.

Although we cannot participate in this meeting, we would like to be kept informed of any future meetings or opportunities to discuss and comment on petroleum transportation within the state, particularly within the Lake Superior basin and regarding Enbridge Inc. Line 5 that is more than 50 years old running through our 1842 treaty territory in the Upper Peninsula. We would further appreciate the consideration of locating future meetings here at the KBIC or closer to our community in the Upper Peninsula.

We wish to be kept informed of any proposals that may significantly increase the volume of tar sands crude or other heavy petroleum products to be transported via pipeline or ships across Lake Superior. In addition to multiple chemicals and cancer-causing hydrocarbons added to tar sands crude, non-conventional oil often consists of a heavy mixture of sand, clay and bitumen that sinks and is exceptionally difficult to remove when spilled in freshwater systems. These petroleum products also require higher pipeline operating pressures making them more corrosive to steel pipelines and increasing the risk for spills.

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Recognizing oil spills in the Great Lakes region as an emerging and increasing threat to the health of ecosystems and the livelihood of our people, we especially want to see a more comprehensive regulatory, oil-spill prevention and response framework for Great Lakes petroleum transportation.

Sincerely,

A handwritten signature in cursive script that reads "Lori Ann Sherman". The signature is written in black ink and is positioned above the printed name.

Lori Ann Sherman
KBIC Natural Resources Director

cc: Warren C. Swartz, Jr., KBIC President
David Nyberg, Governor's Tribal Liaison
Leigh Patterson, DEQ Executive Management Assistant

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June 12, 2015

Dept. of Attorney General
RECEIVED

JUN 15 2015

NATURAL RESOURCES
DIVISION

Attorney General Bill Schuette
G. Mennen Williams Building, 7th Floor
525 West Ottawa Street
P.O. Box 30212
Lansing, MI 48909

Director Dan Wyant
Michigan Department of Environmental Quality
525 West Allegan Street
P.O. Box 30473
Lansing, MI 48909

Re: Recommendations to the Michigan Petroleum Pipeline Task Force

Dear Attorney General Schuette and Director Wyant:

On behalf of the Keweenaw Bay Indian Community (KBIC), I am writing to provide additional comments to the Michigan Petroleum Pipeline Task Force (Task Force). KBIC is particularly concerned with Enbridge, Inc. Line 5 that runs through our 1842 treaty territory in the Upper Peninsula and then beneath the Straits of Mackinac. Line 5 is twelve years past its designed lifetime, there is a lack of transparency with regard to what products are flowing through the pipeline at any given time, and a particular concern with potential increased volumes of heavy petroleum products originating from the Alberta tar sands mines.

A pipeline rupture at the Straits of Mackinac would be an especially vulnerable location where strong currents would swiftly spread the oil and make it extremely difficult to contain. Potential ice-cover would further complicate an oil spill response. In addition to devastating impacts to local livelihoods and ecosystems, northern Michigan's vital tourism economy would be crippled and the Pure Michigan campaign, a multi-million dollar investment, would be compromised. Twenty tribal members from the KBIC currently reside in the counties that would be most impacted by a spill at the Straits, and women from our community gather at Mackinac Island each year for ceremony where an oil spill would leave most impact.

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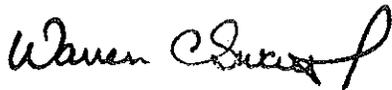
Just as Line 5 divides into twin pipelines beneath the Straits, there are two paths the State of Michigan can choose: complacency or responsibility. Continue to allow Enbridge to pump oil beneath the Straits until more data and studies are commissioned, and risk a pipeline burst in the meantime. Or, take immediate action to exercise regulatory authority under the Michigan Great Lakes Submerged Lands Act to prevent a spill, which must consider the option of halting Line 5 until more information, risk analysis, financial assurance, response planning and public participation occurs.

The State of Michigan has an opportunity to protect its most precious resource and prevent a Great Lakes disaster. Michigan should strive to revolutionize alternatives in order to reduce oil consumption and transportation such as investments in cleaner vehicle technology and become a leader like it was a century ago in the production of internal combustion vehicles.

Thank you for consulting with Tribal Nations regarding oil pipelines in the State of Michigan. As traditional stewards of our homelands in the Great Lakes watershed, our input and participation in decisions regarding management of known risks associated with oil pipelines in the State is critical.

Please find enclosed our recommendations to the Task Force.

Sincerely,

A handwritten signature in black ink, appearing to read "Warren C. Swartz". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Warren C. Swartz

Tribal President, Keweenaw Bay Indian Community

cc: Lori Ann Sherman, KBIC Natural Resources Director
Toni J. Minton, KBIC Tribal Council Secretary
Jim Goodheart, MDEQ Tribal Liaison and Senior Policy Advisor
David Nyberg, Governor's Tribal Liaison

**Recommendations of the Keweenaw Bay Indian Community
to the Michigan Petroleum Pipeline Task Force
June 12, 2015**

Recommendations regarding petroleum pipelines in the State of Michigan:

1. More fully develop and exercise State power to regulate pipelines in order to protect public trust, human health and the environment. This should include type and volume of pipeline products and additives, monitoring and inspection requirements, appropriate financial assurance, alternatives analysis, emergency response plans, public participation, etc. This should also include greater recognition and use of regulatory authorities available under the Michigan's Great Lakes Submerged Lands Act.
2. Ensure greater transparency regarding pipelines throughout the State of Michigan. Regulators, tribes and the public should have greater access to information regarding the types of products moving through pipelines at any given time and safety/inspection records.
3. More leadership is needed from the Governor's Office to take a position and veto legislation that would exempt oil and natural gas pipeline information from public disclosure (House Bill 4540).
4. Ongoing government-to-government consultation with Tribal Nations on pipelines should occur as needed and as requested. The State of Michigan should develop a Tribal Consultation Policy or Protocol in coordination with Tribal Governments in order to implement Executive Order 2012-2 on State-Tribal Affairs.
5. Transportation of heavy petroleum products should be prohibited, especially in more vulnerable and outdated pipelines, due to higher operating pressures that increase corrosion of steel pipes and risk for ruptures. Heavy petroleum products should also be prohibited due to additional risk posed to human health and the environment associated with multiple chemicals and cancer-causing hydrocarbons added to crude oil to enable it to flow through pipelines that release toxic fumes when spilled.
6. Immediate action should take place to cease operation of Enbridge, Inc.'s Line 5 pipelines beneath the Straits of Mackinac until a comprehensive risk analysis, alternatives analysis, appropriate financial assurance, greater public input and other information is collected. Considering the extremely vulnerable location for petroleum transport specifically at the Straits of Mackinac, decommissioning of Line 5 at this location should also be seriously considered within any studies or recommendations.