

Hart, Nancy (AG)

From: Michigan Attorney General
Sent: Wednesday, July 02, 2014 9:17 AM
To: Hart, Nancy (AG)
Subject: FW: Letter to Governor re: Line 5 Pipeline in Straits of Mackinac
Attachments: (2014-07-01) FINAL Line 5 Governor Ltr Sign On.pdf

From: Liz Kirkwood [<mailto:liz@flowforwater.org>]
Sent: Tuesday, July 01, 2014 6:30 PM
To: Michigan Attorney General; Thelen, Mary Beth (DEQ)
Subject: Fwd: Letter to Governor re: Line 5 Pipeline in Straits of Mackinac

Dear Attorney General Schuette and DEQ Director Wyant:

As Executive Director of FLOW, I am pleased to submit a courtesy electronic copy of a letter to the Governor's office that has been mailed today concerning the Enbridge Line 5 pipelines under the Straits of Mackinac.

We thank you for your April 29th letter to Enbridge regarding Line 5, and hope this letter will lead to greater transparency, disclosure, and compliance with the 1953 easement held in public trust.

Thank you.

Sincerely,

Liz Kirkwood
Executive Director
For Love of Water (FLOW)
153 1/2 East Front Street,

----- Forwarded message -----

From: Liz Kirkwood <liz@flowforwater.org>
Date: Tue, Jul 1, 2014 at 4:37 PM
Subject: Letter to Governor re: Line 5 Pipeline in Straits of Mackinac
To: governorsoffice@michigan.gov

Dear Honorable Governor Snyder and Staff:

As Executive Director of FLOW, I am pleased to submit a courtesy copy of a letter that will be mailed today concerning the Enbridge Line 5 pipelines under the Straits of Mackinac.

Thank you for your consideration of the letter.

Sincerely,

--
Liz Kirkwood
Executive Director

FLOW

153 1/2 East Front Street

Traverse City, MI 49684

(231) 944-1568 (w)

(570) 872 4956 (c)

liz@flowforwater.org

www.flowforwater.org

July 1, 2014

The Honorable Rick Snyder
Office of the Governor
P.O. Box 30013
Lansing, Michigan 48909

Re: Lack of Transparency and Compliance Concerning Terms and Conditions of Enbridge's 1953 Line 5 Pipeline Easement & the State's Perpetual Public Trust Authority To Protect These Great Lakes Waters

Dear Governor Snyder:

We the undersigned urge you to swiftly address a very serious matter affecting all citizens of the State of Michigan: Enbridge's Line 5 oil pipelines located under the Straits of Mackinac in Lake Michigan-Huron. These twin 61-year-old pipelines located in the heart of the Great Lakes are one of the greatest threats to our water, our economy, and our *Pure Michigan* way of life.

We are encouraged by the joint April 29 letter from the Attorney General's Office and the Michigan Department of Environmental Quality ("DEQ") recognizing the "unique risk" and initiating a dialogue about Line 5 with Enbridge, and by your recent creation of the Great Lakes Petroleum Pipeline Task Force. However, we believe the State of Michigan should require Enbridge to take several immediate steps to comply with the State's easement and to protect the Lakes and public trust. Failure to require these immediate steps would violate the public trust of the State and citizens in the Straits and Great Lakes.

You and your executive team have express authority under the 1953 easement that grants Enbridge the pipeline right-of-way, as well as authority under Act 10 of 1953 and the common law of public trust that govern the use of the lake bottomlands, to demand swift and meaningful action. We urge you to require that Enbridge immediately:

- (1) submit the information the AG and DEQ requested in their April 29 letter and make such information available to the public;
- (2) submit detailed information regarding the product contents, use, and safety of Line 5;
- (3) file a conveyance application under the Great Lakes Submerged Lands Act ("GLSLA"); and
- (4) achieve full compliance with all express terms and conditions of the easement.

The Straits of Mackinac are a natural and cultural treasure held by the State in trust for its citizens. The powerful underwater currents and extreme winter weather conditions at the Straits make them ecologically sensitive and would make cleanup or recovery from a pipeline spill especially difficult. In addition, Line 5 crosses renowned blue-ribbon trout streams, including the famed Au Sable River. These public gems are in danger. As the National Wildlife Federation underscored in its *Sunken Hazard* report, a spill from Line 5 could release up to 1.5 million gallons of oil in just eight minutes. Furthermore, Enbridge has an unfortunate track record in Michigan and across the country. From 1999

to 2010, Enbridge had over 800 spills that released 6.8 million gallons of oil into the environment.¹ In 2010, its Line 6B spilled roughly one million gallons of oil into the Kalamazoo River and took seventeen hours to shut off despite Enbridge's assurances that it could respond "almost instant[ly]" to a release.² A spill of similar magnitude in the Straits would spell disaster in the heart of the Great Lakes.

For the past six months, the undersigned have carefully examined the factual and legal aspects of Enbridge's Line 5 twin 20-inch pipelines under the Straits. Based on this examination, we are deeply concerned about Enbridge's lack of transparency and disclosure regarding its current use of Line 5, as well as the Company's compliance record with the terms and conditions of the 1953 easement and agreements it made under Act 10, P.A. 1953, and the GLSLA and public trust law.

1. Lack of Transparency and Disclosure Raise Deep Concerns about Enbridge's Compliance with 1953 Easement Terms and Conditions for Line 5 and Public Act 10

This section summarizes our greatest concerns related to Enbridge's lack of transparency, disclosure, and compliance with the 1953 easement terms and conditions for Line 5 (see Exhibit 1).

a. Lack of Transparency and Disclosure about Line 5 Pipeline Maximum Operating Pressure

The 1953 easement sets forth clear standards for the pipeline's maximum operating pressure ("MOP"). Section F of the easement provides that: "The maximum operating pressure of either of said pipe lines shall not exceed six hundred (600) pounds per square inch gauge" (psig). Some of Enbridge's own data for the Iron River to Mackinaw City stretch of Line 5 (see Exhibit 2) indicates a MOP of nearly 700 psig with excursions above 1000 psig.³ This data raises a number of questions for Enbridge to answer: (1) Is this data derived from pipeline testing or is it from normal operating pressures? (2) What is the explanation of data points in the 1000-1250 psig range? (3) While there are two separate 20-inch Enbridge pipelines at the Straits, the data appears to show only one line. Is there a second set of data for the other line? (4) What is the current actual maximum operating pressure in Line 5, given the 10% increase in flow that took place in the latter half of 2013? (5) Is Enbridge regularly informing the State about its MOP?

¹ Richard Girdard, Polaris Institute, *Out on the Tar Sands Mainline: Mapping Enbridge's Web of Pipelines* at 53, available at <http://www.tarsandswatch.org/files/Updated%20Enbridge%20Profile.pdf>.

² *Hearing before the Subcomm. on Railroads, Pipelines, and Hazardous Materials of the House Comm. on Transportation and Infrastructure*, 111th Cong. (July 15, 2010) (testimony of Richard Adams, Vice President of Enbridge Energy Company, Inc.), available at <http://www.gpo.gov/fdsys/pkg/CHRG-111hhrg57487/html/CHRG-111hhrg57487.htm> (last visited Feb. 10, 2014).

³ In the attached Exhibit 3, there is a description of the use of Line 5, changes in the pressure, and use of the line based on evolving energy markets in the United States and Canada. Critical to the easement and public disclosure requirements are the characteristics of the product being transported, which would significantly change the nature of a pipeline breach and the resulting natural resource catastrophe that would occur. A review of Enbridge's website listing products carried in Line 5 reveals some 32 different petroleum products, including synthetic crudes, flowing through Line 5 under the Straits.

<http://www.enbridge.com/~media/www/Site%20Documents/Delivering%20Energy/Shippers/Table%20%20F1NAL.pdf>

Enbridge must publicly answer these and other critical questions about Line 5 under the Straits. It appears that they have significantly increased the risk of pipeline failure and impairment of public uses of the waters of the Great Lakes and other state natural resources, which are “held in trust” by the language of the easement and Act 10. Enbridge should be required to immediately disclose all of its pipeline pressure data and information so that the State can make an informed decision about whether Enbridge is in compliance with the easement, Act 10, and public trust law.

b. Failure to Fully Disclose Records of Oil and All Other Substances Being Transported in Line 5 Pipeline

The 1953 easement includes Section I, which gives the State explicit power to review Enbridge’s records.⁴ It reads:

Grantee shall permit the [State] to inspect at reasonable times and places its records of oil or any other substance being transported and shall, on request, submit to [the State] inspection reports covering the automatic shut-off and check valves and metering stations used in connection with the Straits of Mackinac crossing.

It is clear that the DEQ, the AG, and you as Governor have the legal authority and duty to require that Enbridge disclose and make open and available all information and documentation pertaining to any oil or other substance transported through Line 5 under the Straits of Mackinac. We applaud your decision to request that information in the joint letter and the formation of a task force. Enbridge’s failure to provide this information and data in the past and failure to respond with the requested information would be a clear violation of Section I of the easement. We urge you to enforce the easement and make all information that you find and receive public. If any information is withheld we ask you to enforce the easement as well as the public trust duties that require such information and authorization under the GLSLA as described in Section 2 of this letter.

c. Failure to Observe Maximum Span of Unsupported Pipeline Requirements and Incomplete Data about Minimum Curvature Requirements

Section A(10) of the easement provides that: “The maximum span or length of pipe unsupported shall not exceed 75 feet.” Based on DEQ FOIA documents, it appears that prior to 2001, sections of Line 5 under the Straits did not have the required support structures demanded by the express terms of the easement. For example, in 2001 Enbridge, in what it characterized as an “emergency,” applied for a joint DEQ and U.S. Army Corps of Engineers permit under the GLSLA⁵ and the River and Harbors Act “to provide support underneath our pipelines in sections where the pipeline *shows spans*

⁴ As part of the easement’s negotiations, Lakehead Pipe Line Company (“Lakehead”) (later renamed Enbridge in 2001) agreed to the State’s comprehensive set of requirements and conditions, plans, and specifications that were made expressly part of the requirements of the 1953 easement: “14. It is agreed that the final easement for the crossing of the Straits will include, among other covenants, clauses requiring: e. The records of oil being transported across the Straits of Mackinac to be open and available at reasonable times and places to authorized representatives of the Department.” Department of Conservation Archives, Conservation Commission, Feb. 13, 1953, Memorandum to Director, Feb. 10, 1953, Section I, 1953 easement.

⁵ Great Lakes Submerged Lands Act, MCL 324.32501 et seq. See Section 2 of this letter.

unsupported over too great a distance” (see Exhibit 4). Since 2001, the company has continued to apply for joint inspection and maintenance permits under the GLSLA to install more structures on the bottomlands of the Straits (see Exhibit 5), but has not completed the process.⁶ Moreover, Enbridge has a pending permit request for more support structures in 2014.⁷

However, there is a more basic question involving Enbridge’s obligation to apply for full authorization from the State under the GLSLA for occupancy and use of public trust bottomlands and waters of the Great Lakes. To date, Enbridge has tried to circumvent the need to obtain such authorization under the GLSLA and public trust by characterizing these new support structures and its expanded use of Line 5 as mere “maintenance.”⁸ The 1953 easement does not satisfy the GLSLA, and these new structures and expanded use require a complete application for Line 5, with public notice, hearings, full and careful review, and due findings and determinations regarding impacts and alternatives in compliance with the statute and public trust law. Enbridge has not obtained the proper authorization or permission from the State to place its anchoring support structures that occupy and use the public trust bottomlands and waters of the Great Lakes.

Finally, Section A(4) of the easement specifies pipeline curvature limitations: “The minimum curvature of any section shall be no less than two thousand and fifty (2050) feet radius.” Given the topography of the bottomland of the Straits, we are concerned that Enbridge has not met this requirement, and that modifications to the line over the intervening years may have violated this provision. We ask that Enbridge be required to provide actual and current data showing that no section of Line 5 at or under the Straits violates this requirement.

d. Lack of Adequate Liability Insurance to Cover the Indemnity Provision

The \$1 billion cost associated with the breach of Line 6B along the Kalamazoo River raises serious questions regarding the sufficiency of the protection offered by the 1953 easement. At a minimum, insurance coverage should include the potential costs and losses, including damages to natural resources and their public uses. Indeed, Section J(1) requires the Grantee Enbridge (formerly Lakehead) to “maintain ... during the life of the easement... a Comprehensive Bodily Injury and Property Damage Liability policy, bond, or surety, *in form and substance acceptable to the Grantor* in the sum of *at least* One Million Dollars (\$1,000,000).”⁹

⁶ In 2010 after receiving a permit from the DEQ under the GLSLA for additional anchoring structures to support the pipeline, Enbridge notified DEQ that “we do not have the future structure locations determined at this point,” “nor the scope of the projects to come...” Email from Enbridge Jacob Jorgenson to Scott Rasmussen (DEQ) and Gina Nathan (ACE), Nov. 18, 2010.

⁷ MEC staff spoke with DEQ’s Kristi Wilson listed on Enbridge’s permit notice # 14-49-0017-P who explained that Enbridge is adding additional anchoring structures, about 30-40 along the center section of the pipeline. This is phase 2 of Enbridge’s project. Several years ago, Enbridge completed the northern section, and plans to complete the southern section of the pipeline in the future. A draft public notice will be posted in early July 2014, and DEQ will gather comments on environmental impacts during a 20-day public comment period. <http://www.deq.state.mi.us/ciwpcis/ciwpcis.asp> (DEQ website then type in Enbridge and Permit # 14-49-0017-P).

⁸ Email J. Arevalo, DNRE (now DEQ) to K. Benson, DNRE, Sept. 7, 2010.

⁹ (Emphasis added.) Insurance contracts must be reviewed continuously to ensure that there are no exclusions or exceptions to coverage of the policy and the financial assurances required by the terms of the 1953 easement.

We believe that a \$1 million policy is wholly unacceptable to the State. It does not come close to covering the “liability herein imposed” under the easement, which means “all damage and losses” to people and the water, resources, and public trust of the State. The State should immediately require sufficient coverage.¹⁰

In sum, any failure by Enbridge to make its records and information open and available puts Enbridge out of compliance with the easement provisions imposed by state approval under Act 10. This demands a swift remedy to enforce the easement and protect the Straits and the public trust as described below.

2. Lack of Accountability and Compliance with the Requirements of the Public Trust in the Waters and Bottomlands of the Great Lakes

As Governor of Michigan, you are the State’s primary trustee of the waters, bottomlands, and related natural resources of the Great Lakes, representing some 20 percent of the world’s fresh surface water. These Great Lakes and their connecting and tributary waters are held in perpetual solemn public trust for the citizens of Michigan, who are the trust’s legal beneficiaries.

The public trust duty is continuing and perpetual.¹¹ Enbridge may claim the 1953 easement grants it exclusive rights that are not subject to the exercise of the State’s public trust title and authority. However, the easement recognizes Enbridge’s use and operations are subject to Act 10’s reservation that the State’s bottomlands are “held in trust.” Moreover, the water is held by the State in public trust, and the State cannot subordinate its title or control to protect the public trust in favor of a private concern.¹² Enbridge cannot claim its easement is “grandfathered,” and the State is not estopped in any manner to exercise its authority and comply with its duties to protect the public trust, including Part 325, Great Lakes Submerged Lands Act,¹³ and demand for information and compliance with the standards imposed by public trust law.¹⁴ This public trust duty requires complete transparency, disclosure, and accountability on the part of any person or entity that uses or occupies these public trust bottomlands and waters.

In the last year, Enbridge has increased the pumping pressure and transport of crude oil products (synthetic “light crude”) derived from tar sands and/or the Bakken in this aging 61-year-old pipeline. The State’s public trust duties, along with Enbridge’s obligations, demand strict accountability for the nature, volume, and pressure of all liquids and substances transported through Line 5. A release or spill from Line 5 would result in unconscionable devastation and impairment to the public use of these waters. The State cannot allow the status quo in the use of Line 5 on public trust bottomlands or

¹⁰ Documents held by the Department of Natural Resources’ (“DNR”) Real Estate Division reveal that the Grantee, Lakehead (now Enbridge), was in breach of the easement’s indemnity provision between at least August 1970 and October 1970. According to Lakehead, the indemnity breach had occurred because the rider attached to the Company’s one million dollar insurance policy deleted coverage for damage caused by oil pollution. The documents reveal that the State knew of this breach and temporarily allowed the insurance gap because it reasoned that Lakehead was a solvent company with assets of U.S. \$192 million (see Exhibit 6).

¹¹ *People ex rel Director of Conservation v Broedell*, 365 Mich 201, 205 (1961).

¹² *Illinois Central R Rd v Illinois*, 146 US 387 (1892).

¹³ MCL 324.32501 et seq. (“GLSLA”).

¹⁴ *People v Broedell*, *supra* note 11.

overlying waters unless Enbridge can demonstrate – as required by the easement, the GLSLA, and public trust law – that this five-mile submerged pipeline will not likely harm public trust waters, the ecosystem, fishing, commerce, navigation, recreation, drinking water and other uses that depend on these waters.

As trustee and the “sworn guardians”¹⁵ of these waters, lands and uses, you, the Attorney General, DEQ, and DNR have broad authority to demand that Enbridge conform to the duties and standards and correct or address any violations or potential violations of public trust law. Accordingly, we urge you as trustee to exercise this unfettered authority under the GLSLA and public trust law in the Great Lakes to demand such transparency, disclosure, accountability, and compliance wherever required.

Next Steps

Enbridge’s recent changes in transporting synthetic crude products and significantly increasing pumping pressure in Line 5 under the Straits demand that the Company immediately take the following actions required by the easement, Act 10, and/or state public trust law:

1. Submit the information the AG and DEQ requested in their April 29 letter and make such information available to the public;
2. Disclose in detail all oil and other liquids or substances that have been, are, or will be transported through Line 5 pipelines under the Straits;
3. File an application for conveyance authorization from the DEQ under the GLSLA and public trust law, coupled with a comprehensive analysis of likely impacts on water, ecosystem, and public uses in the event of a release, and demonstrate that Line 5 will conform with the State’s perpetual public trust duties and standards for occupying and using the waters and bottomlands of the Straits and Lake Michigan-Huron; and
4. Achieve full compliance with all express terms and conditions of the easement.

Conclusion

Line 5 is a Michigan and a Great Lakes public trust issue, not a partisan one. No one is above the public trust responsibilities and standards that apply to Lake Michigan-Huron. Because the stakes are so high, we urge you, as the State’s highest-level executive and trustee, to protect our public trust lands, waters, and uses by taking additional swift action on Line 5. It is the State’s duty to ask: Is Enbridge’s transport of any kind of oil (particularly synthetic crude products in any amount) or other liquid or gas in Line 5, with the associated risk of catastrophic spills, consistent with the State’s obligation and requirements for anyone to occupy and use the waters and bottomlands of the Straits and Great Lakes under the GLSLA and public trust?

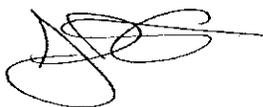
The time to act is now, given the age of the pipeline and Enbridge’s recent efforts to increase Line 5’s capacity and a change in product to heavier synthetic crude. Public trust authority under constitutional, statutory, and common law require Enbridge to disclose all relevant information on Line 5, including what actual product(s) is being pumped through the Straits, and provide the much needed transparency and accountability to ensure our common waters are protected for current and future generations.

¹⁵ Obrecht v National Gypsum Co., 105 NW2d 143, 149 (Mich 1960).

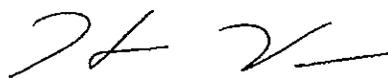
Failure on the part of Enbridge to fully comply is a grave breach of the easement, agreements, GLSLA and the duties imposed under public trust law applicable to the Straits and the Great Lakes.

Given your high and solemn duty as trustee and the gravity of this matter, representatives of the undersigned organizations would like to meet with you and your office to discuss this matter at your earliest convenience. We will contact your office within the next 5 days to set up a time that is suitable for you and your staff.

Sincerely



James Clift
Policy Director
Michigan Environmental Council (MEC)



Hans Voss
Executive Director
Michigan Land Use Institute (MLUI)



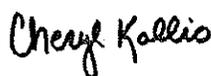
Liz Kirkwood
Executive Director
For Love of Water (FLOW)



Lisa Wozniak
Executive Director
League of Conservation Voters (LCV)



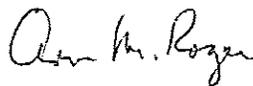
James Olson
President and Founder
For Love of Water (FLOW)



Cheryl Kallio
Associate Director
Freshwater Future



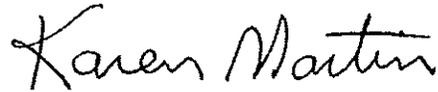
Howard Learner
Executive Director
Environmental Law & Policy Center (ELPC)



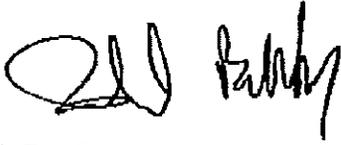
Ann Rogers
Northwest Michigan Environmental Action
Council (NMEAC)



Rev. Debra Hansen
Concerned Citizens of Cheboygan and Emmet
Counties



Karen Martin
Founder
Straits Area Concerned Citizens for Peace,
Justice and the Environment (SACCPJE)



Phil Bellfy
Project Director
Article32.org



Bill Latka /s/
TC350.org



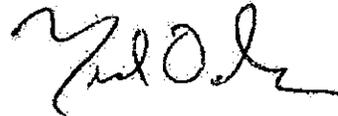
Peggy Case
President
Michigan Citizens for Water Conservation
(MCVC)



Christine Crissman
Executive Director
The Watershed Center Grand Traverse Bay



Mindy Koch, President
Michigan Resource Stewards



Nicholas Occhipinti
Policy Director
West Michigan Environmental Action
Council (WMEAC)



Beth Wallace
Executive Director
SURF Great Lakes.org

Fred Kiogima, Chairman /s/
Little Traverse Bay Bands of Odawa Indians

Jim Bricker /s/
Straits Area Audubon Society

Exhibits to July 1, 2014 Letter to Honorable Snyder

Re: Lack of Transparency and Compliance Concerning Terms and Conditions of Enbridge's 1953 Line 5 Pipeline Easement & the State's Perpetual Public Trust Authority To Protect These Great Lakes Waters

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Exhibit 1: 1953 Easement

STRAITS OF MACKINAC PIPE LINE EASEMENT
CONSERVATION COMMISSION OF THE STATE OF MICHIGAN
TO
LAKEHEAD PIPE LINE COMPANY, INC.

THIS EASEMENT, executed this twenty-third day of April, A. D. 1953, by the State of Michigan by the Conservation Commission, by Wayland Osgood, Deputy Director, acting under and pursuant to a resolution adopted by the Conservation Commission at its meeting held on February 13, 1953, and by virtue of the authority conferred by Act No. 10, P. A. 1953, hereinafter referred to as Grantor, to Lakehead Pipe Line Company, Inc., a Delaware corporation, of 510 22nd Avenue East, Superior, Wisconsin, hereinafter referred to as Grantee,

M I C H I G A N

WHEREAS, application has been made by Grantee for an easement authorizing it to construct, lay and maintain pipe lines over, through, under and upon certain lake bottom lands belonging to the State of Michigan, and under the jurisdiction of the Department of Conservation, located in the Straits of Mackinac, Michigan, for the purpose of transporting petroleum and other products; and

WHEREAS, the Conservation Commission is of the opinion that the proposed pipe line system will be of benefit to all of the people of the State of Michigan and in furtherance of the public welfare; and

WHEREAS, the Conservation Commission duly considered the application of Grantee and at its meeting held on the 13th day of February, A. D. 1953, approved the conveyance of an easement.

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NOW, THEREFORE, for and in consideration of the sum of Two Thousand Four Hundred Fifty Dollars (\$2,450.00), the receipt of which is hereby acknowledged, and for and in consideration of the undertakings of Grantee and subject to the terms and conditions set forth herein, Grantor hereby conveys and quit claims, without warranty express or implied, to Grantee an easement to construct, lay, maintain, use and operate two (2) pipe lines, one to be located within each of the two parcels of bottom lands hereinafter described, and each to consist of twenty inch (20") O D pipe, together with anchors and other necessary appurtenances and fixtures, for the purpose of transporting any material or substance which can be conveyed through a pipe line, over, through, under and upon the portion of the bottom lands of the Straits of Mackinac in the State of Michigan, together with the right to enter upon said bottom lands, described as follows:

All bottom lands of the Straits of Mackinac, in the State of Michigan, lying within an area of fifty (50) feet on each side of the following two center lines:

(1) Easterly Center Line: Beginning at a point on the northerly shore line of the Straits of Mackinac on a bearing of South twenty-four degrees, no minutes and thirty-six seconds East (S 24° 00' 36" E) and distant one thousand seven hundred and twelve and eight-tenths feet (1,712.8') from United States Lake Survey Triangulation Station "Green" (United States Lake Survey, Latitude 45° 50' 00", Longitude 84° 44' 58"), said point of beginning being the intersection of the center line of a twenty inch (20") pipe line and the said northerly shore line; thence, on a bearing of South fourteen degrees thirty-seven minutes and fourteen seconds West (S 14° 37' 14" W) a distance of nineteen thousand one hundred and forty-six and no tenths feet (19,146.0') to a point on the southerly shore line of the Straits of Mackinac which point is the intersection of the said center line of the twenty inch (20") pipe line and the said southerly shore line; and is distant seven hundred and seventy-four and seven tenths feet (774.7') and on a bearing of South thirty-six degrees, eighteen minutes and forty-five seconds West (S 36° 18' 45" W) from United States Lake Survey Triangulation Station "A, Mackinac West Base" (United States

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Lake Survey, Latitude $45^{\circ} 47' 14''$, Longitude $84^{\circ} 46' 22''$).

(2) Westerly Center Line: Beginning at a point on the northerly shore line of the Straits of Mackinac on a bearing of South forty-nine degrees, twenty-five minutes and forty-seven seconds East ($S 49^{\circ} 25' 47'' E$) and distant two thousand six hundred and thirty-four and nine tenths feet ($2,634.9'$) from United States Triangulation Station "Green" (United States Lake Survey, Latitude $45^{\circ} 50' 00''$, Longitude $84^{\circ} 44' 58''$) said point of beginning being the intersection of the center line of a twenty inch (20") pipe line and the said northerly shore line; thence on a bearing of South fourteen degrees, thirty-seven minutes and fourteen seconds West ($S 14^{\circ} 37' 14'' W$), a distance of nineteen thousand four hundred and sixty-five and no tenths feet ($19,465.0'$) to a point on the southerly shore line of the Straits of Mackinac which point is the intersection of the said center line of the twenty inch (20") pipe line and the said southerly shore line and is distant one thousand no hundred and thirty-six and four tenths feet ($1,036.4'$) on a bearing of South sixty-three degrees, twenty minutes and fifty-four seconds East ($S 63^{\circ} 20' 54'' E$) from United States Lake Survey Triangulation Station "A, Mackinac West Base" (United States Lake Survey, Latitude $45^{\circ} 47' 14''$, Longitude $84^{\circ} 46' 22''$).

TO HAVE AND TO HOLD the said easement unto said Grantee, its successors and assigns, subject to the terms and conditions herein set forth, until terminated as hereinafter provided.

This easement is granted subject to the following terms and conditions:

A. Grantee in its exercise of rights under this easement, including its designing, constructing, testing, operating, maintaining, and, in the event of the termination of this easement, its abandoning of said pipe lines, shall follow the usual, necessary and proper procedures for the type of operation involved, and at all times shall exercise the due care of a reasonably prudent person for the safety and welfare

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of all persons and of all public and private property, shall comply with all laws of the State of Michigan and of the Federal Government, unless Grantee shall be contesting the same in good faith by appropriate proceedings, and, in addition, Grantee shall comply with the following minimum specifications, conditions and requirements, unless compliance therewith is waived or the specifications or conditions modified in writing by Grantor:

(1) All pipe line laid in water up to fifty (50) feet in depth shall be laid in a ditch with not less than fifteen (15) feet of cover. The cover shall taper off to zero (0) feet at an approximate depth of sixty-five (65) feet. Should it be discovered that the bottom material is hard rock, the ditch may be of lesser depth, but still deep enough to protect the pipe lines against ice and anchor damage.

(2) Minimum testing specifications of the twenty inch (20") OD pipe lines shall be not less than the following:

Shop Test-----1,700 pounds per square inch gauge
Assembly Test-----1,500 pounds per square inch gauge
Installation Test--1,200 pounds per square inch gauge
Operating Pressure- 600 pounds per square inch gauge

(3) All welded joints shall be tested by X-Ray.

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(4) The minimum curvature of any section of pipe shall be no less than two thousand and fifty (2,050) feet radius.

(5) Automatic gas-operated shut-off valves shall be installed and maintained on the north end of each line.

(6) Automatic check valves shall be installed and maintained on the south end of each line.

(7) The empty pipe shall have a negative buoyancy of thirty (30) or more pounds per linear foot.

(8) Cathodic protection shall be installed to prevent deterioration of pipe.

(9) All pipe shall be protected by asphalt primer coat, by inner wrap and outer wrap composed of glass fiber fabric material and one inch by four inch (1" x 4") slats, prior to installation.

(10) The maximum span or length of pipe unsupported shall not exceed seventy-five (75) feet.

(11) The pipe weight shall not be less than one hundred sixty (160) pounds per linear foot.

(12) The maximum carbon content of the steel, from which the pipe is manufactured, shall not be in excess of .247 per cent.

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(13) In locations where fill is used, the top of the fill shall be no less than fifty (50) feet wide.

(14) In respect to other specifications, the line shall be constructed in conformance with the detailed plans and specifications heretofore filed by Grantee with Lands Division, Department of Conservation of the State of Michigan.

B. Grantee shall give timely notice to the Grantor in writing:

(1) Of the time and place for the commencement of construction over, through, under or upon the bottom lands covered by this easement, said notice to be given at least five (5) days in advance thereof;

(2) Of compliance with any and all requirements of the United States Coast Guard for marking the location of said pipe lines;

(3) Of the filling of said pipe lines with oil or any other substance being transported commercially;

(4) Of any breaks or leaks discovered by Grantee in said pipe lines, said notice to be given by telephone promptly upon discovery and thereafter confirmed by registered mail;

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(5) Of the completion of any repairs of said pipe lines, and time of testing thereof, said notice to be given in sufficient time to permit Grantor's authorized representatives to be present at the inspection and testing of the pipe lines after said repairs; and

(6) Of any plan or intention of Grantee to abandon said pipe lines, said notice to be given at least sixty (60) days prior to commencement of abandonment operations.

C. The easement herein conveyed may be terminated by Grantor:

(1) If, after being notified in writing by Grantor of any specified breach of the terms and conditions of this easement, Grantee shall fail to correct said breach within ninety (90) days, or, having commenced remedial action within such ninety (90) day period, such later time as it is reasonably possible for the Grantee to correct said breach by appropriate action and the exercise of due diligence in the correction thereof;
or

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(2) If Grantee fails to start construction of the pipe lines authorized herein within two years from date of execution of this instrument; or

(3) If Grantee fails for any consecutive three-year period to make substantial use of said pipe lines commercially and also fails to maintain said pipe lines during said period in such condition as to be available to commercial use within thirty (30) days.

D. Construction of the pipe lines contemplated by this instrument shall not be commenced until all necessary authorization and assent of the Corps of Engineers, United States Army, so far as concerns the public rights of navigation, shall have been obtained.

E. In the event of any relocation, replacement, major repair, or abandonment of either of the pipe lines authorized by this easement, Grantee shall obtain Grantor's written approval of procedures, methods and materials to be followed or used prior to commencement thereof.

F. The maximum operating pressure of either of said pipe lines shall not exceed six hundred (600) pounds per square inch gauge.

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If there is a break or leak or an apparent break or leak in either of said pipe lines, or if Grantor notifies Grantee that it has good and sufficient evidence that there is or may be a break or leak therein, Grantee shall immediately and completely shut down the pipe line involved and said pipe line shall not be placed in operation until Grantee has conducted a shut-in two (2) hour pressure test of six hundred (600) pounds per square inch gauge showing that no substance is escaping from a break or leak in said pipe line.

G. If oil or other substance escapes from a break or leak in the said pipe lines, Grantee shall immediately take all usual, necessary and proper measures to eliminate any oil or other substance which may escape.

H. In the event the easement herein conveyed is terminated with respect to either or both of said pipe lines, or if any part or portion of a pipe line is abandoned, Grantee shall take all of the usual, necessary and proper abandonment procedures as required and approved by Grantor. Said abandonment operations shall be completed to the satisfaction of Grantor within one year after any abandonment of any part or portion of a pipe line; or in event of termination of this easement, within one year thereafter. After the expiration of one year following the termination of this easement, Grantee

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shall at the option of Grantor quit claim to the State of Michigan all of its right, title and interest in or to any pipe line, appurtenances or fixtures remaining over, through, under or upon the bottom lands covered by this easement. Abandonment procedures as used herein include all operations that may be reasonably necessary to protect life and property from subsequent injury.

I. Grantee shall permit Grantor to inspect at reasonable times and places its records of oil or any other substance being transported in said pipe lines and shall, on request, submit to Grantor inspection reports covering the automatic shut-off and check valves and metering stations used in connection with the Straits of Mackinac crossing.

J. (1) Grantee shall indemnify and hold harmless the State of Michigan from all damage or losses caused to property (including property belonging to or held in trust by the State of Michigan), or persons due to or arising out of the operations or actions of Grantee, its employees, servants and agents hereunder. Grantee shall place in effect prior to the construction of the pipe lines authorized by this easement and shall maintain in full force and effect during the life of this easement, and until Grantor has approved completion of abandonment operations, a Comprehensive Bodily Injury and Property Damage Liability policy, bond or surety, in form and substance acceptable to Grantor in the sum of at least One Million Dollars (\$1,000,000.00), covering the liability herein imposed upon Grantee.

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(2) Grantee, prior to commencing construction of the pipe lines authorized by this easement, shall provide the State of Michigan with a surety bond in the penal sum of One Hundred Thousand Dollars (\$100,000.00) in form and substance acceptable to Grantor, and surety or sureties approved by Grantor, to well, truly and faithfully perform the terms, conditions and requirements of this easement. Said bond shall be maintained in full force and effect during the life of this easement and until Grantor has approved completion of Grantee's abandonment operations. Said bond shall not be reduced in amount except with the written consent of Grantor.

K. Grantee shall within sixty (60) days thereafter notify Grantor in writing of any assignment of this easement.

L. The terms and conditions of this easement shall be binding upon and inure to the benefit of the respective successors and assigns of Grantor and Grantee.

N. All rights not specifically conveyed herein are reserved to the State of Michigan.

Exhibit 2

Line 5 Iron River to Mackinaw 2011 CDplus

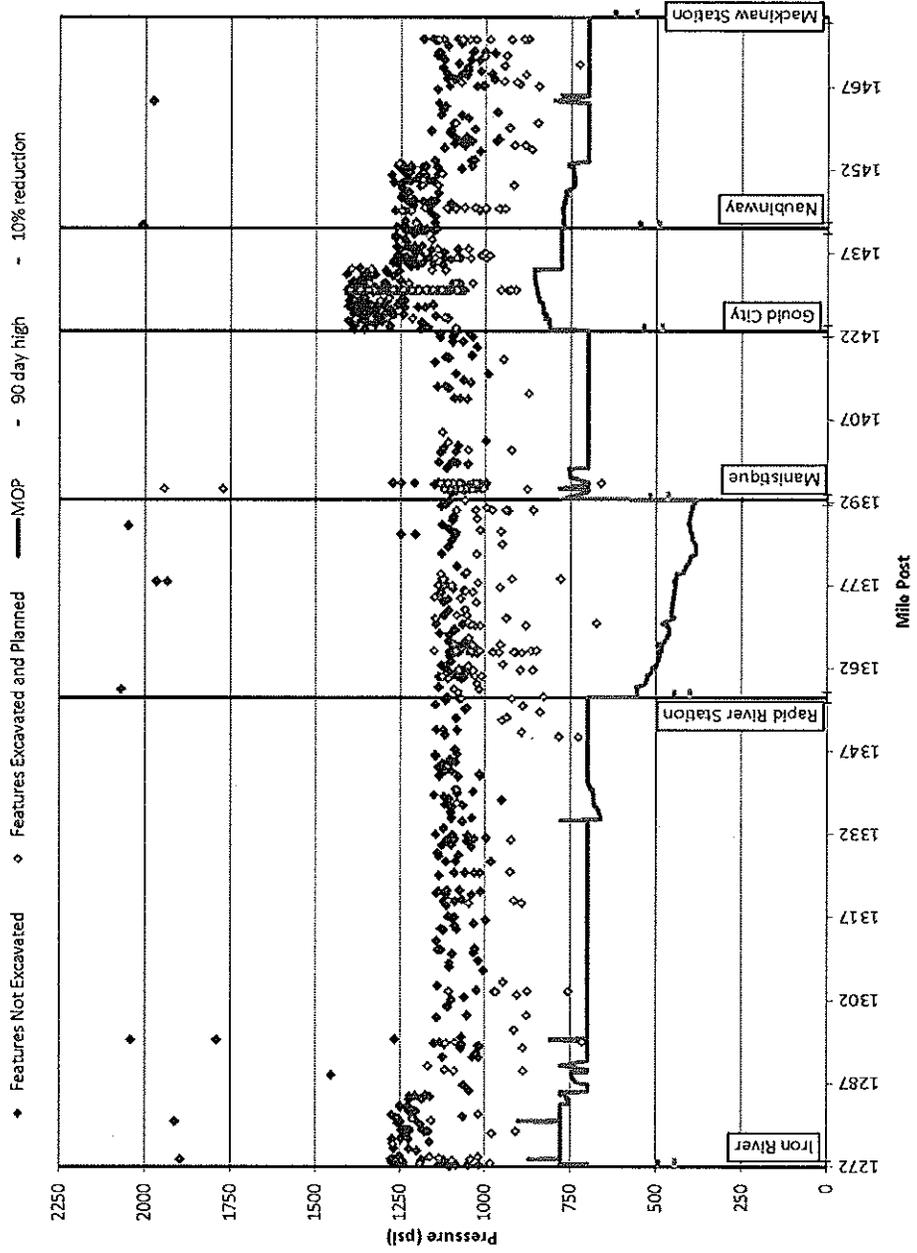


Exhibit 3: Background on Line 5 Pipeline Changes

By way of recent background, in 2012 Enbridge completed a \$100 million expansion with minimal public awareness. By upgrading pumping stations, Enbridge was able to increase the pressure along the 645-mile Line 5 pipeline in order to meet the increasing demand from light crude oil refineries in the upper Midwest and Ontario, Canada. Enbridge's expansion increased Line 5 pipeline product flow by 10 percent from 490,000 to 540,000 barrels per day, or 2.1 million gallons per day. In doing so, Enbridge increased Line 5's pipeline pressure by 20 percent, depending on the viscosity of the product being pumped and transported.

To date, representations by Enbridge indicate that Line 5 carries only light crude oil products from the Bakken oilfields in North Dakota. Enbridge officials have stated that they have no current plans to transport heavy crude or tar sands oil via Line 5. Nevertheless, Enbridge readily admits that it pumps "synthetic crude" through Line 5.¹⁶ Synthetic crude is an intermediate product, made from tar sands, that requires further refining before it becomes a useful product such as gasoline. The physical properties of synthetic crude are not clearly defined, making it possible for Enbridge to transport a crude material that is not truly tar sands, but still far more hazardous and harmful than normal light crude.

Enbridge's Line 5 changes to its pipeline and transported oil products present a high-risk scenario, increasing the magnitude of harm and likelihood of a catastrophic oil spill for Michigan and the Great Lakes. Line 5 presents a particularly heightened and unique risk because as the AG and DEQ explain in their letter: "Strong currents in the Straits could rapidly spread any oil leaked from the pipelines into both Lakes Huron and Michigan, causing grave environmental and economic harm." Moreover, "[e]fforts to contain and clean up leaks in this area would be extraordinarily difficult, especially if they occurred in winter or other severe weather conditions that commonly occur at the Straits." Synthetic or other oil derived from tar sands will make it even more difficult to contain and clean up.

¹⁶ A review of Enbridge's website listing products carried in Line 5 reveals some 32 different petroleum products, including synthetic crudes, flowing through Line 5 under the Straits. <http://www.enbridge.com/~media/www/Site%20Documents/Delivering%20Energy/Shippers/Table%20%20FINAL.pdf>

Exhibit 4

Enbridge Energy Company, Inc.
Lake Superior Place
21 West Superior Street
Duluth, MN 55802-2067
www.enbridgepartners.com

Grant P. Henningsen
Supervisor, Civil/Mechanical Engineering
Adam J. Erickson
Engineer
Tel 218 725 0548
Fax 218 725 0564
adam.erickson@enbridge-us.com



September 14, 2001

Mr. John Arevalo
Michigan Department of Environmental Quality
Gaylord District
2100 West M-32
Gaylord, MI 49735

**Re: Enbridge Energy's Joint Permit Application for Repair Work to be Completed on
Crude Oil Transmission Pipelines Located in the Straits of Mackinac.**

Dear Mr. Arevalo:

As follow-up to our telephone conversation held yesterday regarding the above referenced project, enclosed is a Joint Permit Application for repair work to be conducted on Enbridge's (formerly Lakehead Pipeline) two 20-inch diameter pipelines. We have been in contact with the U.S. Army Corp of Engineers and they will be issuing a permit for this repair work today. They have assigned case number 880161211 to the project. These emergency preventative maintenance repairs must be completed as soon as possible. We are scheduled to begin repair work on Sunday morning, September 16, 2001.

We appreciate your work to expedite the approval process. If you have any questions or comments, please feel free to contact me at (218) 725-0548.

Sincerely,

A handwritten signature in cursive script that reads "Adam Erickson".

Adam J. Erickson
Engineer

Enclosure: Joint Permit Application
Indications map

c: John Sobojinski – LPL
Grant Henningsen – LPL
Barry Power – LPL

Exhibit 4 (cont'd)

AGENCY USE	US Army Corps of Engineers (USACE)	Date Received <div style="border: 1px solid black; padding: 5px; text-align: center;"> Received LWMD/DEQ SEP 17 2001 GAYLORD </div>	Michigan Department of Environmental Quality (MDEQ)	AGENCY USE
	Previous USACE Permit or File Number		Land and Water Management Division, MDEQ File Number 01-24-0046P	
	USACE File Number		Marine Operating Permit Number	
			Fee received \$ \$50.00 #833	

• Print in black, blue, or red ink and complete all items in Sections 1 through 9 and those items in Sections 10 through 21 that apply to your proposed project.

1 PROJECT LOCATION INFORMATION

• Refer to your property's legal description for the Township, Range, and Section information, and your property tax bill for your Property Tax Identification Number(s).

Address LAKE MICHIGAN BETWEEN UPPER & LOWER PENINSULA Township Name(s) N/A Township(s) 39 N Range(s) 3 W Section(s) N/A

City/Village N/A County(ies) N/A Property Tax Identification Number(s) N/A

Name of Waterbody LAKE MICHIGAN Project Name or Job Number SCN 81RR Subdivision/Plat N/A Lot Number Private Claim

Project types (check all that apply):
 private public/government industrial commercial multi-family
 building addition new building or structure building renovation or restoration river restoration single-family
 other (explain)

The proposed project is on, within, or involves (check all that apply):
 a stream a pond (less than 5 acres) a Great Lake or Section 10 Waters a natural river
 a river a channel/canal a designated high risk erosion area a dam a structure removal
 a ditch or drain an inland lake (more than 5 acres) a designated critical dune area a wetland a utility crossing
 a floodway area a 100-year floodplain a designated environmental area 500 feet of an existing waterbody

2 DESCRIBE PROPOSED PROJECT AND ASSOCIATED ACTIVITIES, AND THE CONSTRUCTION SEQUENCE AND METHODS

• Attach separate sheets, as needed, including necessary drawings, sketches, or plans. PROJECT IS TO PROVIDE SUPPORT UNDERNEATH OUR PIPELINES IN SECTIONS WHERE THE PIPELINE SPANS UN-SUPPORTED OVER TOO GREAT A DISTANCE. GROUT BAGS WILL BE PLACED BENEATH THE UNSUPPORTED SECTIONS THEN FILLED WITH GROUT VIA A PUMPING RIG LOCATED ON A BARGE AT THE SURFACE. GROUT HOSES WILL BE CONNECTED BY DIVERS.

3 APPLICANT, AGENT/CONTRACTOR, AND PROPERTY OWNER INFORMATION

• The applicant can be either the property owner or the person or company that proposes to undertake the activity.
 • If the applicant is a corporation, both the corporation and its owner must provide a written document authorizing the agent/contractor to act on their behalf.

Applicant (individual or corporate name) ENBRIDGE ENERGY LIMITED PARTNERSHIP Agent/Contractor (firm name and contact person)

Mailing Address 21 WEST SUPERIOR STREET Address

City DULUTH MN State 55802 City State Zip Code

Daytime Telephone Number with Area Code (218) 725-0548 Daytime Telephone Number with Area Code

Fax (218) 725-0564 E-mail ALAM.ERIKSSON@USPL.ENBRIDGE.COM Fax E-mail

Is the applicant the sole owner of all property on which this project is to be constructed and all property involved or impacted by this project? No Yes
 (If No, provide a letter signed by the property owner authorizing the agent/contractor to act on his or her behalf or a copy of easements or right-of-ways. If multiple owners, please attach all property owners' names, mailing addresses, and telephone numbers.)

Property Owner's Name (if different from applicant) Mailing Address

Daytime Telephone Number with Area Code City State Zip Code

4 PROPOSED PROJECT PURPOSE, INTENDED USE, AND ALTERNATIVES CONSIDERED (Attach additional sheets if necessary)

• The purpose must include any new development or expansion of an existing land use.
 • Include a description of alternatives considered to avoid or minimize resource impacts. Include factors such as, but not limited to, alternative construction technologies; alternative project layout and design; alternative locations; local land use regulations and infrastructure; and pertinent environmental and resource issues.
 • For utility crossings, include both alternative routes and alternative construction methods.

IN ORDER TO MAINTAIN PIPELINE INTEGRITY & SAFETY - THESE MAINTENANCE REPAIRS CAN WAIT NO LONGER. THIS METHOD OF REPAIR IS THE MOST ENVIRONMENTALLY FRIENDLY METHOD WHICH WE ARE AWARE OF.

Exhibit 4 (cont'd)

US Army Corps of Engineers (USACE)	Michigan Department of Environmental Quality (MDEQ) DEQ				
6 LOCATING YOUR PROJECT SITE					
<ul style="list-style-type: none"> • Provide the requested information listed below that will help staff in locating your project site. • Attach a copy of a map, such as a plat, county, or USGS topographic map, clearly showing the site location and include an arrow indicating the north direction. 					
Is there an access road to the project? <input type="checkbox"/> No <input type="checkbox"/> Yes (If Yes, type of road, check all that apply) <input type="checkbox"/> private <input type="checkbox"/> public <input type="checkbox"/> improved <input type="checkbox"/> unimproved Name of roads at closest main intersection _____ and _____ Directions from main intersection _____ Style of house or other building on site <input type="checkbox"/> ranch <input type="checkbox"/> 2-story <input type="checkbox"/> cape cod <input type="checkbox"/> bi-level <input type="checkbox"/> cottage/cabin <input type="checkbox"/> pole barn <input type="checkbox"/> none <input type="checkbox"/> other (describe) _____ Color _____ Color of adjacent property house and/or buildings _____ House number _____ Address is visible on <input type="checkbox"/> house <input type="checkbox"/> garage <input type="checkbox"/> mailbox <input type="checkbox"/> sign <input type="checkbox"/> other _____ Street name _____ Fire lane number _____ Lot number _____ How can your site be identified if there is no visible address? _____ Provide directions to the project site, with distances from the best and nearest visible landmark and waterbody _____					
Does project cross boundaries of two or more political jurisdictions? (City/Township, Township/Township, County/County, etc.) <input type="checkbox"/> No <input type="checkbox"/> Yes (If Yes, list jurisdiction names.) <u>UNKNOWN</u>					
6 List all other federal, interstate, state, or local agencies authorizations required for the proposed activity, including all approvals or denials received.					
Agency	Type approval	Identification number	Date applied	Date approved/denied	If denied, reason for denial
USACE	NATIONWIDE PERMIT	NW03	9-12-01	9-14-01	
7 If a permit is issued, date activity will commence (M/D/Y) <u>9-15-01</u> <u>P.E.</u>		Proposed completion date (M/D/Y) <u>10-15-01</u>			
Has any construction activity commenced or been completed in a regulated area? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes If Yes, identify the portion(s) underway or completed on drawings or attach project specifications and give completion date(s) (M/D/Y) _____ Are you aware of any unresolved violations of environmental law or litigation involving the property? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (If Yes, please explain) _____		Were the regulated activities conducted under a MDEQ permit? <input type="checkbox"/> No <input type="checkbox"/> Yes If Yes, list the MDEQ permit number _____			
8 PUBLIC NOTIFICATION (Attach additional sheets if necessary)					
<ul style="list-style-type: none"> • Complete information for all adjacent and impacted property owners and the lake association or established lake board including the contact person's name. • If you own the adjacent lot, provide the requested information for the first adjacent parcel beyond your property line. 					
Property Owner's Name	<u>N/A</u>	Mailing Address	City	State	Zip Code
Name of <input type="checkbox"/> Established Lake Board <input type="checkbox"/> or Lake Association and the Contact Person's Name _____ Telephone Number _____ Mailing Address _____ City _____ State _____ Zip Code _____					
9 APPLICANT'S CERTIFICATION READ CAREFULLY BEFORE SIGNING					
I am applying for a permit(s) to authorize the activities described herein. I certify that I am familiar with the information contained in this application, that it is true and accurate, and, to the best of my knowledge, is in compliance with the State Coastal Zone Management Program and the National Flood Insurance Program. I understand that there are penalties for submitting false information and that any permit issued pursuant to this application may be revoked if information on this application is untrue. I certify that I have the authority to undertake the activities proposed in this application. By signing this application, I agree to allow representatives of the MDEQ and the USACE to enter upon said property in order to inspect the proposed activity site and the completed project. I understand that I must obtain all other necessary local, county, state, or federal permits and that the granting of other permits by local, county, state, or federal agencies does not release me from the requirements of obtaining the permit requested herein before commencing the activity. I understand that the payment of the application fee does not guarantee the issuance of a permit.					
<ul style="list-style-type: none"> • All applicants must complete all the items in Sections 1 through 9 on pages 1 and 2 of this application. • Complete those items in Sections 10 through 21 that apply to your project. It is necessary to submit only those pages where you have provided information. • Please list here the application page numbers being submitted and a brief description of other attachments included with your application. 					
<input type="checkbox"/> Property Owner <input type="checkbox"/> Agent/Contractor <input checked="" type="checkbox"/> Corporation - Title <u>Professional Engineer</u> , Printed Name <u>Adam Erickson</u> Signature <u>Adam Erickson</u> Date <u>9/14/01</u>					

Exhibit 5

RECEIVED

AUG 26 2010

DNRE/WRD
PERMIT CONSOLIDATION UNIT

PERMIT APPLICATION

MDNRE / ACE JOINT PERMIT APPLICATION

Straits of Mackinac 2010 Underwater Inspection and Maintenance

August 26, 2010

Exhibit 5 (cont'd)

**MDNRE and USACE - Joint Permit Application
Enbridge Pipelines (Lakehead), L.L.C.
Straits of Mackinac Maintenance and Inspection Project, Line 5
Mackinac and Emmet Counties, Michigan**

Project Description

2 - Describe proposed project and associated activities, and the construction sequence and methods. The purpose of the project will be to perform visual inspection of the existing 20-inch pipelines installed beneath the Straits of Mackinac and install support structures in more than 10 locations along the pipeline. The most of the location of the existing pipelines is shown on the attached site location Figures 1, 2, 3, & 4 in attachment "FIGURES AND CONSTRUCTION TYPICALS". The work will involve the installation of a helical anchoring system with saddle mounted about the pipeline in each proposed location to increase support; the anchors will be augered directly into the lake bed. The proposed locations for installation of the anchoring structures are provided on the attached map. During the underwater inspection additional location requiring maintenance may be identified. Installation of support structures in these locations would occur during this project. Schematics showing the auguring apparatus and method as well as equipment utilized for installation are included with the attachments.

Work will be conducted from barges and a certified diving contractor will be employed to oversee the installation. Work is scheduled to begin September 17, 2010 and is expected to take 10 days at the minimum with very good weather conditions and up to 30 days with poor weather conditions.

4 Proposed project purpose, intended use, and alternative considered. In order to maintain pipeline integrity, installation of additional supports to minimize the distance between presently unsupported pipeline spans is necessary. The proposed locations for installation of the anchoring structures are provided on the attached map. Schematics showing the auguring apparatus and method as well as equipment utilized for installation are included with the attachments. The support method is anticipated to incur minimal or no environmental impact. This project is considered pipeline maintenance and is not associated with a new utility installation.

The proposed work is necessary to provide better overall pipeline integrity and safety. Do nothing or the no-build alternative presents a future risk to the pipeline. The no build is not a viable option.

RECEIVED

AUG 26 2010

**DNRE/WRD
PERMIT CONSOLIDATION UNIT**

Exhibit 5 (cont'd)

Page 1 of 2

Rasmusson, Scott (DNRE)

From: Jacob Jorgensen [Jacob.Jorgensen@enbridge.com]
Sent: Thursday, November 18, 2010 1:18 PM
To: Scott Rasmusson (DNRE); Gina Nathan (ACE)
Cc: Arevalo, John (DNRE); Alina Heydt (Barr; Patsy Bolt; David Hoffman; Jason Pavone
Subject: MDNRE File #10-24-0035-P - Enbridge, Straits of Mackinac

Mr. Rasmusson and Ms. Nathan,

Please find the following information for your file on MDNRE File # 10-24-0035-P. Seven screw anchor support assembly installations were completed at the following locations:

West Pipeline Leg

W-10A - Completed at 3:40 PM ON 9-26-10
W-34B - Completed at 3:00 PM ON 9-27-10
W-70 - Completed at 6:40 PM ON 9-29-10
W-58A - Completed at 6:30 PM ON 9-30-10

East Pipeline Leg

E-13C - Completed at 3:35 PM on 10-4-10
E-13B - Completed at 4:11 PM on 10-5-10
E-74B - Completed at 12:15 PM on 10-6-10

We will not be completing the project completion postcard at this time as our preventative work may not be completed. The real-time ROV inspection in September did not indicate that there were immediate support conditions needing attention that were outside of our original fall 2010 preventative maintenance scope. We will be reviewing the data from the 2010 fall inspection to develop and schedule our future preventative maintenance programs. We do not have the future support locations determined at this point, nor the actual scope of the projects to come at this time, but we will be working towards them in the coming months.

Please let me know if you have any questions or concerns.

Thank you,

Jacob Jorgensen, EIT
Enbridge Energy
Superior Region Engineer
Office: (715) 394-1551
Cell: (218) 248-0808
Fax: (832) 325 5602

Enbridge 24-Hour Emergency Response Number 1-800-858-5253

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11/22/2010

Exhibit 6

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Memorandum to the files

Re: Meeting on August 10, 1970, to discuss insurance provisions in easement granted to Lakehead Pipe Line Co., Inc. in 1953, for two twenty inch pipe lines across the Straits of Mackinac (L-2316)

Lakehead, a U. S. Subsidiary of Interprovincial Pipe Line Co., Inc. of Canada, was represented by J. Blight, Secretary-Treasurer and R. B. Burgess, General Counsel. They were accompanied by their insurance representative and manager of Michigan operations. The D.N.R. was represented by A. Gene Gazlay, Assistant Director; Gaylord A. Walker, Deputy Director; Jerome Maslowski, Assistant Attorney General; J. D. Stephansky, Chief, Lands Division; H. A. Young, In Charge, Oil Pollution Control, Bureau of Water Management; and R. G. Wood, Tax Land and Services Supervisor, Lands Division. Also present was Bill Palmer, Executive Secretary, Oil and Gas Association, who acted as intermediary for Lakehead in arranging for the meeting.

Mr. Blight called attention to covenant J (1) of the easement in which Grantee agrees to indemnify and hold harmless the State of Michigan from all damages and losses caused to property or persons due to or arising out of the operations or actions of Grantee and further provides that Grantee shall maintain a Comprehensive Bodily Injury and Property Damage Liability policy, bond or surety, in form and substance acceptable to Grantor in the sum of at least one million dollars covering the liability imposed upon Grantee.

Mr. Blight advised that a rider had been added to their one million dollar insurance policy deleting coverage for damage caused by oil pollution. Although this constitutes a violation of the aforementioned easement terms, it may not be as serious as it appears because Lakehead currently has assets of one hundred ninety two million dollars and acknowledges its liability for any and all damages, including pollution from any break in its line, without limitation and the only change is that the first million is not covered by insurance as to pollution damages.

Exhibit 6 (cont'd)

- 2 -

66
Mr. Bight advised, and this was confirmed by the insurance representative, that damage caused by oil pollution is now excluded from all policies written for oil operations whether drilling, producing or transporting, and that Lloyds of London are studying the situation but as of now they also exclude damages by pollution.

An alternative would be to purchase a one million dollar surety bond, but this is considered money down the drain as the Surety would be called upon to perform only if the Principal were unable to meet its financial obligations.

Safety factors to prevent pollution were discussed and it was stated that any drop in pressure would cause the valves on each side of the Straits to close within ten seconds. If the rupture were at depth the outside pressure would cause water to enter the pipe rather than oil to escape. If the rupture were near either shore where the water pressure would not exceed the pressure in the pipe there would be a loss of oil but the operations manager said this would not likely exceed one hundred barrels as the valves would close quickly, cutting off the pressure.

We were advised that all joints have been re-sealed using improved methods and that only two major breaks have occurred in the overland line in the 17 years of operations. One of them was caused by a construction accident by another company and both breaks were quickly repaired without serious damage or loss of oil. The excellence of their operation was confirmed by H. A. Young and he doesn't hand out many bouquets.

The underwater lines across the Straits were completely inspected in 1963 at a cost of \$140,000.00 and found to be in A-1 condition.

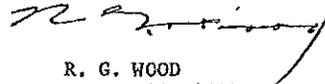
They were last pressure tested with water in 1967. Additional tests will be made fairly soon, but the Company is confident the pipe has not deteriorated and is as good as new.

Exhibit 6 (cont'd)

- 3 -

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Mr. Blight agreed to cover the subject in a letter with the understanding that if the Department were to concur that the Company can handle this liability without a surety bond the Director would so recommend to the Commission as this would require a modification of the easement.



R. G. WOOD
August 12, 1970

cc: A. Gene Gazlay
Gaylord A. Walker
Jerome Maslowski
J. D. Stephansky
H. A. Young
Gerald E. Eddy

Hart, Nancy (AG)

From: Michigan Attorney General
Sent: Wednesday, February 18, 2015 8:30 AM
To: Hart, Nancy (AG)
Subject: FW: Recommendation for State to Exercise Public Trust Authority under GLSLA
Attachments: Letter to Task Force-FINAL 2-17-2015.pdf; Letters to Governor-Combined.pdf

From: Liz Kirkwood [mailto:liz@flowforwater.org]
Sent: Tuesday, February 17, 2015 10:07 PM
To: contactmichigan@state.mi.us; migov@exec.state.mi.us; Wyant, Dan (DEQ); Michigan Attorney General; Gay, Lori (AG)
Cc: saacsc@michigan.gov; Brader, Valerie (GOV); Creagh, Keith (DNR); Manning, Peter (AG)
Subject: Recommendation for State to Exercise Public Trust Authority under GLSLA

Dear Honorable Governor Snyder, Attorney General Schuette, and Director Wyant:

On behalf of eight major national and Michigan environmental and water organizations, I would again like to thank you and your administration's leading officials on the Petroleum Pipeline Task Force for the December 15 invitation to present our request for this Administration to act now on Enbridge's Line 5 oil pipelines located in the Straits of Mackinac through a public process under the Great Lakes Submerged Lands Act. I am pleased to submit our reply letter to you and your administration's representatives.

We look forward to your favorable action and response as part of the Task Force recommendations, and we welcome continued dialog. Thank you.

Sincerely,

--
Liz Kirkwood
Executive Director
FLOW (For Love Of Water)
153 1/2 East Front St., Suite 203C
Traverse City, MI 48684
liz@flowforwater.org
231-944-1568 (o)
570 872-4956 (c)



Visit us online: <http://flowforwater.org> - Like us on [Facebook](#) and [Twitter](#)

The Honorable Rick Snyder
Office of the Governor
P.O. Box 30013
Lansing, Michigan 48909

February 17, 2015

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

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

Re: Recommendation to the Task Force for State to Use the Great Lakes Submerged Lands Act and Exercise Its Perpetual Public Trust Authority to Protect the Great Lakes

Dear Governor Snyder, Attorney General Schuette, and Director Wyant:

We appreciated the opportunity to meet with you and your Administration's Michigan Petroleum Pipeline Task Force on December 15, 2014, to present our request for this Administration to act now on Enbridge's Line 5 oil pipelines located in the Straits of Mackinac through a public process under the Great Lakes Submerged Lands Act (GLSLA). This process under the GLSLA will satisfy the State of Michigan's public trust duties as well as Enbridge's duties under the 1953 easement held in trust, which states the Grantee "shall follow the usual, necessary and proper procedures for the type of operation involved, and at all times shall exercise the due care of a reasonably prudent person for the safety and welfare of all public and private property...."

We also wanted to follow up and provide the Task Force with a road map for better understanding the GLSLA process and the DEQ's public trust duty. As you know, the GLSLA regulations define public trust as "the perpetual duty of the state to secure to its people the prevention of pollution, impairment or destruction of its natural resources, and rights of navigation, fishing, hunting, and use of its lands and waters for other public purposes." Mich. Admin. Code R 322.1001(m). In reviewing conveyance applications, the DEQ must make an express public trust determination that "the private or public use of such lands and waters will neither substantially affect the public use thereof nor impair the public trust or interest of the State." Mich. Admin. Code R 322.1006(d).

In practice, what this means is that the DEQ cannot satisfy its public trust duty by limiting its determination to a safety or risk assessment of the existing 62-year-old oil pipelines. Rather, the DEQ must protect the public trust resource and protected uses by fully examining the range of alternatives, including an alternatives risk assessment. This alternatives risk assessment typically includes these essential elements: (a) a presentation of a full range of options, (b) a presentation of the magnitude of harm, and the potential adverse and beneficial effects of each option, (c) public comments and participation, and (d) accountability for state decision-makers based on due findings and a transparent, public process.

To the best of our knowledge, the State of Michigan has never asked for or conducted a public trust analysis or made findings required by the public trust common law and the GLSLA since it issued the 1953 easement. Moreover, to our knowledge, no alternatives risk assessment has been conducted by or submitted to the Task Force. This analysis is long overdue.

Accordingly, our recommendation for the Task Force's final report is for the DEQ to apply state GLSLA law to Enbridge's Straits oil pipelines and conduct a full public review of the Line 5 oil pipelines in the Straits of Mackinac. Only through this transparent legal process can the State of Michigan satisfy its continuing public trust duties and meaningfully evaluate and assess the risks of and alternatives to the Line 5 oil pipelines occupying Lake Michigan bottomlands indefinitely.

This issue is increasingly a cause for great concern among northern Michigan communities, as well as citizens statewide. Several communities have taken the step of sending letters directly to the Governor, asking that he initiate a public review process immediately to evaluate the risks and alternatives to the Straits oil pipelines consistent with what we have described in our advocacy. We have enclosed the letters for your review as well.

Once again, we appreciate the opportunity to discuss Line 5 with this Administration and look forward to working with you to ensure that the Great Lakes and the Straits of Mackinac in particular remain the pristine jewels that our State holds so dear.

Sincerely,

James Clift, Deputy Director, Michigan Environmental Council (MEC)

Howard Learner, Executive Director, Environmental Law & Policy Center (ELPC)

Liz Kirkwood, Executive Director, For Love of Water (FLOW)

Hans Voss, Executive Director, Michigan Land Use Institute (MLUI)

David Holtz, Sierra Club Michigan Chapter Chair

Gail Gruenwald, Executive Director, Tip of the Mitt Watershed Council

Lisa Wozniak, Executive Director, Michigan League of Conservation Voters (MLCV)

Wenonah Hauter, Executive Director, Food & Water Watch

cc: Chief Deputy Attorney General, Carol L. Isaacs

Division Chief, S. Peter Manning

Deputy Legal Counsel, Valerie J.M. Brader

DNR Director Keith Creagh

Enclosures.



Mackinac Island
community foundation

Making a Difference Since 1994.

September 18, 2014

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The Honorable Rick Snyder
Office of the Governor
P.O. Box 30013
Lansing, MI 48909

Dear Governor Snyder,

I am writing you as the Chair of the Mackinac Island Community Foundation about an issue that could greatly affect our community. It has come to our attention that the State of Michigan has not been paying close attention to the oil pipeline that runs through the Straits of Mackinac, Enbridge's Line 5. Currently some repair of the pipeline to replace anchoring supports on the bottomlands, have brought the issue to our attention. We hope that the state is also looking into the lifespan of a 61-year-old pipeline, the current use of Line 5 and substances being transported, and creating a recovery plan in case of a spill.

A 2013 U.S. Coast Guard Research and Development division report, which found that current spill response methods are "inadequate to find and recover submerged oil", gives us great concern. If the Coast Guard does not have a plan or the ability to detect or recover submerged oil, certainly our volunteer fire department does not have the equipment or skills to develop an efficient recovery plan without the Coast Guards assistance. The type of oil being transported would affect its recovery, with the heavy crude oil like dilbit, diluted bitumen, creating greater concerns.

Those of us, who live on the shores of the Great Lakes, didn't need to read the University of Michigan's study on what a pipeline break in the Straits area would do to our economy, to know that it would be devastating. Our water supply for the Island is drawn from the lake & our economy relies on the use of ferries & freight boats, which could not operate after spill. A spill not only has the potential to shut down our economy but cause the evacuation of the residents from the Island.

We urge you to address these concerns.

Sincerely,

Carol Rearick
Mackinac Island Community Foundation, Chair

Mackinac Island Community Foundation
P.O. Box 1933 Mackinac Island, Michigan 49757
tel (906) 847-3701 fax (906) 847-3893 e-mail info@micf.org www.micf.org

For good. For ever.™

State of Michigan

City of Mackinac Island

City Hall, 7358 Market Street, P.O. Box 455, Mackinac Island, MI 49757-0455

September 25, 2014

Governor Rick Snyder
P.O. Box 30013
Lansing, MI 48909

Dear Governor Snyder,

As Mayor of Mackinac Island, I am writing to you to express deep concern about Enbridge's 61-year-old pipeline, Line 5, located in the Straits of Mackinac. Due to our proximity to the pipelines, a spill of almost any size would surround the Island in oil, shut down all ferry service, and leave residents without a viable drinking water supply for an indefinite period of time.

Representing the residents of Mackinac Island, as well as all those who are drawn to its unique history and natural beauty, I urge you to take immediate action to ensure that Enbridge is in compliance with the State of Michigan 1953 Easement.

I commend you for the joint letters from the Attorney General and the Michigan Department of Environmental Quality to Enbridge, as well as the creation of the Great Lakes Petroleum Pipeline Task Force. However, due to the ecologically sensitive position of Line 5 in the Straits of Mackinac, we cannot afford to allow Enbridge to continue operating under its current framework without full disclosure and accountability of the pipelines' activities, and future plans.

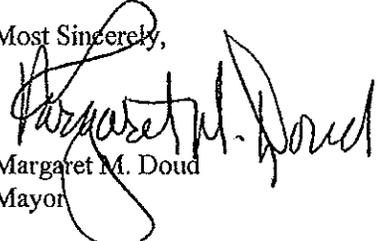
As you know, Mackinac Island is one of the gems of the Great Lakes, drawing visitors from all over the world, not only to the Island but to the surrounding region. It is one of the icons of the *Pure Michigan* tourism campaign, which generated more than \$1.23 billion in economy activity last year.

And to many of us it is simply home, a home that presents a few challenges in exchange for a slower, quieter way of life. As Mayor of this unique community, I cannot stand by and simply hope that the pipelines pose no threat.

I urge you to guarantee that Enbridge is in full compliance with the State's 1953 Easement. This will ensure that the Great Lakes are protected for present and future generations.

Thank you for your commitment to the protection of this great state.

Most Sincerely,



Margaret M. Doud
Mayor

MMD/tlf

The City of Mackinac Island, Michigan, is an equal opportunity provider and employer.

City Clerk (906) 847-3702
Building Inspection (906) 847-4035
Department of Public Works (906) 847-6130

City Treasurer (906) 847-6002
Mayor's Assistant (906) 847-6556
Police/Fire Administration (906) 847-3300

Mayor (906) 847-3452
Assessor (906) 847-6002
FAX (906) 847-6430

The City of Traverse City

Office of the Mayor

GOVERNMENTAL CENTER
400 Boardman Avenue
Traverse City, MI 49684
(231) 922-4440
(231) 922-4476 Fax



October 8, 2014

The Honorable Rick Snyder
Governor of Michigan
PO Box 30013
Lansing, MI 48909

Dear Governor Snyder:

As the Mayor of Traverse City, I am writing to express deep concern about Enbridge's 61 year-old Line 5 pipeline located in the Straits of Mackinac. Representing the residents in Traverse City, I urge you, as the primary steward, to take immediate action to ensure that Enbridge is in compliance with the State's 1953 Easement.

Following the Enbridge 6B pipeline disaster in the Kalamazoo River in 2010, the public trust regarding the safety of these pipelines is a critical concern. The waters of Lake Michigan and Lake Huron are critical to the region and the state's economy and ecology. The residents of Michigan deserve full disclosure and accountability of the Enbridge pipeline's activities.

This issue is obviously important to you and your administration. We commend you for the joint April 29 letter from the Attorney General and the Michigan Department of Environmental Quality, as well as the creation of the Great Lakes Petroleum Pipeline Task Force.

Lake Michigan's clean water and magnificent shores are the backbone of Traverse City, supporting our local way of life and attracting visitors from all over the world. In 2013, tourism alone generated more than \$1.23 billion in economic activity and was responsible for maintaining nearly 12,000 jobs in the Traverse City area. Allowing the integrity of these waters to fall by the wayside would thus have dire consequences for the economy of the Traverse City area and subsequently the State of Michigan.

Enbridge's Line 5 pipeline is located in what PHMSA has designated as a "high consequence area," with strong currents, variable water temperatures and connections to Lakes Michigan and Huron. Additionally, University of Michigan's recent dispersion model raises great public concern as to the extensive nature of a potential spill. As the Governor of the State of Michigan, you have the perpetual duty and express authority to guarantee that Enbridge is in full compliance with the State's 1953 Easement. This will ensure that the Great Lakes are protected for present and future generations, and will create a legacy that we can all be proud of.

Thank you for your commitment to the protection of this great state.

Most sincerely,

A handwritten signature in black ink, appearing to read "Michael Estes". The signature is fluid and cursive, with a large initial "M" and "E".

Michael Estes, Mayor

copy: City Commission
Jered Ottenwess, City Manager
Benjamin Marentette, City Clerk



City of Grand Rapids, Michigan

OFFICE OF THE MAYOR

GEORGE K. HEARTWELL
MAYOR

October 31, 2014

The Honorable Rick Snyder
Governor of the State of Michigan
PO Box 30013
Lansing, MI 48909

Dear Governor Snyder:

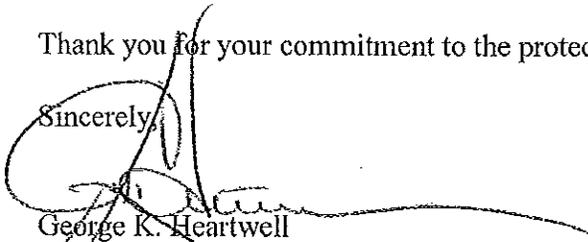
I am writing to you to express deep concern about Enbridge's 61 year-old Line 5 pipeline located in the Straits of Mackinac. I urge you to take immediate action to ensure that Enbridge is in compliance with the State's 1953 Easement and whatever other restrictions may be necessary to protect Lake Michigan and Lake Huron. We cannot afford to allow Enbridge to continue operating under its current framework without full disclosure and accountability of the pipelines' activities.

This issue is very important to my colleagues and me at Great Lakes Saint Lawrence Cities Initiative (GLSLCI), a binational coalition of mayors and other local officials, where I have been serving on the Board of Directors for the past six years. At our recent annual meeting in Thunder Bay, the GLSLCI Mayors adopted a resolution calling on state, provincial, and federal governments to provide comprehensive and responsible management of the transportation of fossil energies and recommending additional safety measures to be instituted. A copy of the resolution is enclosed with this letter for your review.

This resolution, and the actions taken to implement it, will help to ensure that the Great Lakes are protected for present and future generations, and will create a legacy that we can all be proud of.

Thank you for your commitment to the protection of this great state.

Sincerely,


George K. Heartwell

enclosure



GREAT LAKES AND ST. LAWRENCE CITIES INITIATIVE
ALLIANCE DES VILLES DES GRANDS LACS ET DU SAINT-LAURENT

RESOLUTION 05 – 2014M

FOSSIL ENERGY TRANSPORTATION

WHEREAS, the Great Lakes and St. Lawrence River are the largest freshwater ecosystem in the world, providing drinking water to over 40 million people and serving as the economic base for much of Canada and the United States; and

WHEREAS, the Great Lakes and St. Lawrence basin is a complex and fragile ecosystem, encompassing a wide range of human and natural habitat and activities; and

WHEREAS, the rapid increase in volume of oil and gas being transported from Western producing regions across the Great Lakes and St. Lawrence basin towards Eastern refineries and markets has in recent years raised many questions and concerns, notably in the light of recent events in the Kalamazoo River, Michigan, in Casselton, North Dakota, in Plaster Rock, New Brunswick, in Lynchburg, Virginia, and in Lac-Mégantic, Québec; and

WHEREAS, as the volume and nature of the conveyed oil change, there is greater need for increased oversight and sophistication of safety measures, both for pipelines, rail and maritime transport; and

WHEREAS, the lax following of regulations or the lack of regulations with respect to oil and gas transportation have likely contributed to the accidents that have occurred; and

WHEREAS, pipelines, rail and maritime transportation modes for the transportation of fossil energies are complementary, binational and largely integrated at the North American scale; and

WHEREAS, given the current uncertainties about the public safety and environmental risks to water, air and soil as well as potential negative financial impacts on municipalities with each of these transportation modes, there is a greater need for increased safeguards; and

WHEREAS, municipalities have both the duty and obligation to protect the health, safety, and welfare of their residents.



NOW, THEREFORE, BE IT RESOLVED, that the Great Lakes and St. Lawrence Cities Initiative calls on state, provincial and federal governments to provide comprehensive and responsible management of the transportation of fossil energies, through effective legislation and regulations that will ensure the safety of residents and the protection of the environment, as well as to respect the role and authority of municipalities, including their capacity to review proposed regulations; and

BE IT FURTHER RESOLVED, that the Great Lakes and St. Lawrence Cities Initiative recommends additional safety measures, notably, all modes of transportation of fossil energies be equipped with double walled containment, including pipelines, ships, barges, tank cars, and tank trucks; more specifically, for pipelines: increased monitoring and prevention actions, including periodic hydrostatic testing, sufficient number of safety valves near populated areas and major waterways including state of the art leak detection technology and double-walled pipe or other containment systems at all water crossings; for rail transport: reinforced and public routing protocols, speed restrictions of trains travelling through populated areas and other sensitive zones, increased and improved track, mechanical and other rail safety inspections, retrofitting or removal of DOT-111 tank cars, and for maritime transport: the review of current spill preparedness, response capacity and intervention timeframes; and

BE IT FURTHER RESOLVED, that the Great Lakes and St. Lawrence Cities Initiative requests improved emergency responder capabilities and training to address spills and other incidents, as well as open and transparent communication between local governments and industry actors; including live, on-demand, detailed information about oil shipments and an obligation of full and quick disclosure of any spill or incident through a bi-national web portal; and

BE IT FURTHER RESOLVED, that the Great Lakes and St. Lawrence Cities Initiative calls for an environmental assessment of potential impacts on water resources, notably in the case of the transportation of dilbit and other unconventional types of oil; and

BE IT FURTHER RESOLVED, that, considering the North American integration of fossil energy transport modes, the Great Lakes and St. Lawrence Cities Initiative recommend that increased harmonization of such legislation and regulations between Canada and the U.S. be pursued; and

BE IT FURTHER RESOLVED, that the Great Lakes and St. Lawrence Cities Initiative recommends to both federal governments increased environmental standards in trade agreements such as NAFTA's Section 6 (Energy and Petrochemicals), by adding a safety annex which would bind the export right of fossil energy producers and conveyors with the respect of regulations and the meeting of safety standards both sides of the border, and



BE IT FINALLY RESOLVED, that the Great Lakes and St. Lawrence Cities Initiative asks for the creation of mitigation and compensation funds, financed by fees paid by oil transportation industries and/or oil producers that would offer complete remediation and financial compensation to municipalities and those affected on the ground in the event of a spill, fire or other significant events.

Signed this 18th day of June, 2014

A handwritten signature in cursive script that reads "Keith P. Hobbs".

Keith Hobbs, Chair
Great Lakes and St. Lawrence Cities Initiative
Mayor of Thunder Bay

County
of
Cheboygan

BOARD OF COMMISSIONERS

County Building
P.O. Box 70, Room 131
Cheboygan, Michigan 49721

Tel ~ (231) 627-8855
Fax ~ (231) 627-8881
E-mail ~ ccao@cheboygancounty.net

November 25, 2014

Governor Rick Snyder
P.O. Box 30013
Lansing, Michigan 48909

Dear Governor Snyder:

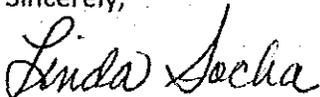
The Cheboygan County Board of Commissioners recognizes the efforts of the Michigan Petroleum Pipeline Task Force in reviewing the safety of petroleum pipelines in Michigan, specifically Enbridge's Pipeline No. 5 under the Straits of Mackinac.

The County is aware that the task force has received presentations from Enbridge, as well as the National Wildlife Federation and the US DOT/PHMSA Office of Pipeline safety, concerning potential hazards and the focus on safety of the pipeline to prevent a spill into the Great Lakes.

As the task force continues its fact-finding, the County encourages consideration of the State's responsibility under the Great Lakes Submerged Land Act to require Enbridge to submit application for permits to provide the best opportunity for public review and comment concerning pipeline improvements. The process would also ensure that the State has the best opportunity to exercise its expertise to ensure that the pipeline poses no significant danger to public or private interest.

The Great Lakes are Michigan's most valuable natural resource, worthy of the State's best efforts to exercise its expertise in assuring the pipeline is safe, while affording the citizens of Michigan with the opportunity to exercise their right to comment on this important pipeline.

Sincerely,


Linda Socha, Chairperson

Cheboygan County Board of Commissioners

DEC 02 2014

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Linda Socha
Chair

District 2
Bruce Gauthier

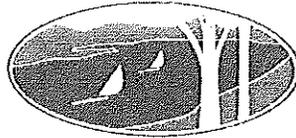
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Pete Redmond
Vice-Chair

District 4
Cal Gouline

District 5
Tony Matelski

District 6
John B. Wallace

District 7
Sue Allor



Petoskey-Harbor Springs Area
community foundation

January 30, 2015

The Honorable Rick Snyder
Office of the Governor
P.O. Box 30013
Lansing, MI 48909

Dear Governor Snyder:

The aging Enbridge pipeline, line 5, running under the Straits of Mackinac to the "Tip of the Mitt" poses great concern to us. A failure of any kind to that pipeline would cause disastrous consequences to the environment, public health, tourism and economy. The financial hardship borne by the Emmet County nonprofit sector in the event of an oil spill in the Straits should not be overlooked.

The nonprofit sector plays a key role in establishing and supporting a strong quality of life in northern Michigan. Time and again the sector has shown its resilience and proven its value during difficult economic times for the State. But the short-term and long-term economic strain of an oil spill disaster in the Great Lakes and along the shores of Emmet County would make it difficult for many of our nonprofit partners to endure.

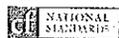
Recent stories of 'pinhole' leaks in line 5 make it clear that the State of Michigan and the Michigan Petroleum Pipeline Task Force cannot afford to delay action. As the Governor of the State of Michigan, you have the authority to guarantee that Enbridge is in full compliance with the State's 1953 Easement. The state has a Public Trust responsibility under the Great Lakes Submerged Lands Act. Requiring permits under that Act provides a process that would give the State the best opportunity to exercise its expertise to ensure the pipeline poses no significant threats to public or private interests.

We urge you to act quickly to address this issue.

Very sincerely,

David L. Jones
Executive Director

cc: Mr. Bill Schuette, Michigan Attorney General
Mr. Dan Wyant, Director of Michigan Department of Environmental Quality



Confirmed in Compliance with National Standards for U.S. Community Foundations

616 Petoskey Street, Suite 203 - Petoskey, MI 49770 Phone: (231) 348-5820 Fax: (231) 348-5883 E-mail: info@phsacf.org www.phsacf.org

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Charles H. Gano
Ann K. Irish
Charles W. Johnson

Hill N. O'Neill
B. Thomas Smith
Todd C. Winnell, Treasurer

David L. Jones, Executive Director

Hart, Nancy (AG)

From: Michigan Attorney General
Sent: Monday, July 07, 2014 1:13 PM
To: Hart, Nancy (AG)
Subject: FW: Final Letter Requesting Survey of Pipelines Crossing Michigan's Waters
Attachments: FINAL Request for PHMSA to Conduct Michigan Pipeline Water Crossing Survey.pdf

From: Jennifer McKay [<mailto:jenniferm@watershedcouncil.org>]
Sent: Monday, July 07, 2014 1:10 PM
To: Wyant, Dan (DEQ); Michigan Attorney General; Rick.Synder@michigan.gov
Subject: Final Letter Requesting Survey of Pipelines Crossing Michigan's Waters

Hello,

Attached is a letter on behalf of 32 environmental and conservation organizations throughout the State of Michigan asking the Pipeline and Hazardous Materials Safety Administration (PHMSA) to conduct a water crossing study to evaluate the risk of ruptures and leaks in all sections of pipelines that cross Michigan's rivers, streams, and lakes. Hard copies were also put in the mail to you today.

Water is the state's most significant resource, with the Great Lakes containing one-fifth of the world's fresh surface water. Michigan is home to more than 11,000 inland lakes, 36,000 miles of rivers and streams, 5.5 million acres of wetlands and 3,200 miles of shoreline, and it provides drinking water to millions of Michigan residents.

Michigan is also home to approximately 70,000 miles of natural gas and hazardous liquid pipelines, not including gas distribution service lines. This total includes an estimated 3,187 miles of hazardous liquid pipelines regulated solely by PHMSA. Hazardous liquid pipelines are those lines that transport crude oil, petroleum products, anhydrous ammonia, and carbon dioxide.

According to PHMSA reports, there were 116 reported incidents on pipelines in Michigan between 2004-2013. Fifty three of these were releases from crude oil, petroleum products, and natural gas liquids pipelines, including a July 2010 spill of an estimated 843,000 gallons of crude oil that impacted over 35 miles of the Kalamazoo River, a Lake Michigan tributary. In the wake of that incident, we must ensure the integrity of pipelines at major water crossings that affect rivers, streams, and lakes in Michigan.

To accomplish this, we are requesting that PHMSA conduct a water crossing study to assess risks of existing pipelines running under the state's rivers, streams, and lakes. This information from such a survey is vital and should be requested from the newly convened Great Lakes Petroleum Pipeline Task Force as part of their charge to review pipeline safety in Michigan.

Thank you,
Jennifer

Jennifer McKay, Policy Specialist
Tip of the Mitt Watershed Council
426 Bay Street
Petoskey, Michigan 49770

Ph: 231.347.1181
Fax: 231.347. 5928
jenniferm@watershedcouncil.org

**Anglers of the Au Sable • Clean Water Action • Detroit Riverkeeper •
Dwight Lydell Chapter Izaak Walton League of America • FLOW (For Love of Water) •
Friends of the Au Gres-Rifle Watershed • Flint River Watershed Coalition •
Friends of The Boyne River • G.R.E.A.T (Grand River Environmental Action Team) •
Grand Valley Metro Council • Great Lakes Council of the International Federation of Fly
Fishers, Inc. • Great Lakes Environmental Law Center • Gull Lake Quality Organization •
Huron River Watershed Council • Les Cheneaux Watershed Council •
Michigan Environmental Council • Michigan Land Use Institute •
Michigan League of Conservation Voters • Michigan Trout Unlimited •
Miller-Van Winkle Chapter Trout Unlimited • Muskegon River Watershed Assembly •
National Wildlife Federation • respectmyplanet.org • Saginaw Field and Stream Club •
Save the Wild U.P. • Sierra Club Michigan Chapter • Sturgeon For Tomorrow •
The Watershed Center ~ Grand Traverse Bay • Tip of the Mitt Watershed Council •
Upper Black River Council • Upper Peninsula Environmental Coalition •
West Michigan Environmental Action Council**

The Honorable Cynthia I. Quarterman
Administrator
Pipeline and Hazardous Materials Safety Administration
U.S. Department of Transportation
East Building, 2nd Floor
1200 New Jersey Ave., SE
Washington, DC 20590

Director Linda Daugherty
Pipeline and Hazardous Materials Safety Administration
Office of Pipeline Safety
Central Region Office
901 Locust Street, Suite 462
Kansas City, MO 64106

July 7, 2014

RE: Water Crossing Survey of Michigan Pipelines

Dear Administrator Quarterman and Director Daugherty:

The undersigned organizations hereby request that the United States Department of Transportation, Pipeline and Hazardous Materials Safety Administration (PHMSA) conduct a water crossing study to evaluate the risk of ruptures and leaks in all sections of pipeline that cross Michigan's rivers, streams, and lakes.

The Great Lakes represent one-fifth of the world's fresh surface water. Forty million people rely on the Great Lakes for their drinking water, and millions more benefit from the commerce and business that depend on the waters of the Great Lakes.

Michigan is the Great Lakes state with more freshwater coastline than any other state in the nation. Our lakes, rivers, and streams define not only our boundary but also provide a path to environmental, economic, and social progress. The health of the people of Michigan, our economy, and our quality of life depends on clean water. The Great Lakes ecosystem provides unparalleled recreational and economic opportunities to the 10 million people that call Michigan home. Studies show that the Great Lakes provide Michigan with 823,000 jobs that represent nearly 25 percent of Michigan's payroll. Additionally, Great Lakes tourism generates billions of dollars each year from those who spend leisure time around our lakes and streams.

Pipelines crossing Michigan's rivers, streams, and Great Lakes put these resources at risk – threatening our health and economic viability. These treasures demand increased attention from the Pipeline and Hazardous Material Safety Administration to accomplish its pipeline safety mission by ensuring the safety of pipeline crossings in Michigan waterways.

We request that PHMSA conduct a water crossing survey of Michigan pipelines to:

- Develop a comprehensive map of pipeline waterway crossings;
- Determine the status of all existing pipelines running underneath Michigan's water bodies;
- Evaluate the pipeline integrity and risk of ruptures and leaks at each pipeline crossing; and
- Outline what should be done to prevent future pipeline failures.

We request that PHMSA review all the documentation necessary to determine the status of all pipelines running under Michigan's rivers, streams, and lakes. PHMSA should analyze and critique the structural integrity of each pipeline and the standards required at the time of installation of each pipeline to assess the risk of ruptures and leaks. The review should include a variety of factors including each pipeline's age, thickness, and degree of corrosion; the condition and operation of all shut-off valves; the valve distances from the streams or rivers; what products the pipelines are carrying; the pipeline diameters and burial depth; and what pressures the pipeline products are under. It should also include identification of any critical information gaps that exist in the pipeline network within Michigan.

In addition, PHMSA should work directly with pipeline operators to complete the water crossing survey. PHMSA should request any and all information related to structural integrity and potential risks from pipeline operators whose infrastructure crosses a river, stream, or lake. PHMSA should also require that companies fill any critical information gaps found during the analysis. This may prompt operators to perform in-depth studies/analyses on all their major pipeline water crossings. All of this information can then be used to make recommendations to prevent any future failures that damage Michigan's pristine rivers, streams, and lakes.

The state has various programs related to the regulation of pipelines. However, the Michigan Public Service Commission (MPSC) is the only state agency with direct regulatory authority over safety of pipelines. The MPSC's authority is restricted to natural gas pipelines. All other safety-related authority, including jurisdiction of hazardous liquid pipelines, rests with PHMSA and preempts state regulation of safety factors. Therefore, it is incumbent upon PHMSA to

fulfill its mandate and conduct a study to ensure the protection of Michigan's citizens and environment from the risks that are inherent in the transportation of hazardous materials by pipeline.

The Great Lakes and inland waters are Michigan's natural resource treasures; they shape our state, our lives, and our economy. The waters of Michigan have already suffered as a result of a July 26, 2010 pipeline rupture that released an estimated 843,000 gallons of crude oil into Talmadge Creek and the Kalamazoo River, a Lake Michigan tributary. It is imperative that history not be repeated elsewhere in Michigan. It is critical to ensure the integrity of pipelines at major water crossings that affect rivers, streams, and lakes in Michigan. To do this, PHMSA must compile a comprehensive inventory of pipelines at water crossings and determine if they are currently safe.

Therefore, the undersigned organizations formally request that the United States Department of Transportation, Pipeline and Hazardous Materials Safety Administration conduct a water crossing survey of Michigan pipelines.

If you have any questions regarding this request or would like to discuss further, please contact Jennifer McKay at Tip of the Mitt Watershed Council at (231) 347-1181 or by email at jenniferm@watershedcouncil.org.

Sincerely,

Bruce Pregler
President
Anglers of the Au Sable

Nic Clark
Michigan Director
Clean Water Action

Robert Burns
Detroit Riverkeeper

Duane De Vries
President
**Dwight Lydell Chapter
Izaak Walton League of America**

Rebecca Fedewa
Executive Director
Flint River Watershed Coalition

Liz Kirkwood
Executive Director
FLOW (For Love of Water)

Jacque Rose
Co-Founder
Friends of the Au Gres-Rifle Watershed

Carl J Wehner
President
Friends of The Boyne River

Kenny Price
President
**G.R.E.A.T (Grand River Environmental
Action Team)**

Wendy Ogilvie
Director of Environmental Programs
Grand Valley Metro Council

Jim Schramm
President
**Great Lakes Council of the International
Federation of Fly Fishers, Inc.**

Nick Schroeck
Executive Director
Great Lakes Environmental Law Center

Susan Houseman
Vice President
Gull Lake Quality Organization

Laura Rubin
Executive Director
Huron River Watershed Council

G.K. Herron
Treasurer
Les Cheneaux Watershed Council

James Clift
Policy Director
Michigan Environmental Council

Hans Voss
Executive Director
Michigan Land Use Institute

Erica Bloom
Policy Manager
Michigan League of Conservation Voters

John Walters
Vice Chairman
Michigan Trout Unlimited

Gregory Walz
President
Miller-Van Winkle Chapter Trout Unlimited

Gary A. Noble
Executive Director
Muskegon River Watershed Assembly

Andy Buchsbaum
Director, Great Lakes Office
National Wildlife Federation

Matt Wandel
Founder & Managing Director
respectmyplanet.org

Mike Meyer
President
Saginaw Field and Stream Club

Alexandra Thebert
Executive Director
Save the Wild U.P.

Anne Woiwode
State Director
Sierra Club Michigan Chapter

Brenda Archambo
President
Sturgeon For Tomorrow

Christine Crissman
Executive Director
The Watershed Center ~ Grand Traverse Bay

Gail Gruenwald
Executive Director
Tip of the Mitt Watershed Council

Carol Moncrieff Rose
Chair
Upper Black River Council

Nancy Warren
Acting President
Upper Peninsula Environmental Coalition

Nicholas Occhipinti, MPP
Policy and Community Activism Director
West Michigan Environmental Action Council

cc: Rick Snyder, Governor, State of Michigan
Dan Wyant, Director, Michigan Department of Environmental Quality
Bill Schuette, Attorney General, State of Michigan
State of Michigan Congressional Delegation
Allan Beshore, CATS Manager, PHMSA
Harold Winnie, CATS Manager, PHMSA

Lois B. Robbins
5275 Sherwood Road, Oxford, MI 48371 (248) 969-2518 lois@robbinsmail.com

Dept of Attorney General
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JUL 14 2014
NATURAL RESOURCES
DIVISION

July 10, 2014

Daniel Wyant, Director, MDEQ
Department of Environmental Quality
525 West Allegan Street
P.O. Box 30473
Lansing, MI 48909-7973

Attorney General Bill Schutte
G. Mennen Williams Building, 7th Floor
525 W. Ottawa St.
P.O. Box 30212
Lansing, MI 48909

RE: Public Comment on Rover/ET proposed new pipeline in Michigan

Dear Sirs,

While I'm happy that a task-force is being set up to study the possible environmental impacts of a proposed new pipeline (Rover/ET), I'm dismayed to see that there will be no representation on the task force by property owners, activist groups, or university professors who have expertise in this field.

Out of respect for the democratic process, Input is needed from representatives of all these stakeholders. Otherwise, the decision-making process will be skewed in favor of the oil companies and public officials.

Thank you for considering my wishes in this matter.

Cordially,



Lois B. Robbins,
Interested citizen

From: RWBarkerMidland@aol.com [mailto:RWBarkerMidland@aol.com]
Sent: Tuesday, October 07, 2014 12:32 AM
To: Michigan Attorney General
Subject: Straits of Mackinac Pipelines

Attorney General William H. Schuette

Dear Bill,

The subject I could not remember when we were talking Saturday night at the Saginaw Art Museum was what influence the AG's office might have with respect to assuring (to the extent that is possible) safety of oil and gas pipe lines under the Straits of Mackinac. My expertise on pipe lines started in 1957 with participating in removing 40 year old Dow brine pipe lines between Midland and Mount Pleasant and later settling damages from small pipe line breaks. The smallest break is a difficult situation. It seems to me the 60ish year old pipe lines across the Straits of Mackinac, a uniquely dangerous location for effects of a break, are too much of a possible danger not to warrant quick action. They scare me. At least right now engineering studies as to the risk of rupture-- tolerance should be close to zero-- and making sure there are remote control valves on each side of the Straits to immediately close off any flow from land lines.

New lines should be in place ready for use before there is any substantial-- I mean one chance in a thousand in any one year-- chance of an underwater break in these old lines, and the State of Michigan should insist on the most thorough scientific investigation of the probability right now. This means advance planning as to when replacement will be required, whether now or ten years from now. The State should take no chances.

It has been mentioned that your office has some interest in the matter, hence my spouting off. Perhaps replacement is not needed right now, but there should never be any probability of a break which could be avoided. It is a matter of absolute best protection from environmental pollution, not what we or the pipeline owners can afford. We don't need and cannot risk an Exxon Valdez or Deepwater Horizon situation in our beautiful Great Lakes as they cannot cleanse themselves like the Pacific Ocean and the Gulf of Mexico did there.

Bill

R. W. Barker
209 Revere Street
Midland MI 48640-4255
RWBarkerMidland@aol.com
Telephone 989-631-9864, Cell phone 989-205-0975, Facsimile 989-631-9946

From: Steve Krause [<mailto:stevek364@gmail.com>]
Sent: Tuesday, December 09, 2014 6:10 PM
To: Michigan Attorney General
Subject: Re: Citizen Response

Mr. Hills,

Thanks for the reply. I appreciate it.

While the background info you provided about Mr. Schuette is interesting, I remain very concerned about the Enbridge pipeline in the Straits. Anyone who looks at this scenario objectively knows that it is nothing short of a ticking time bomb waiting to go off. After all, among other things, the pipeline is 61-years old. To put that into context, it was installed during the Eisenhower Administration -- and before McDonald's ever opened their first burger joint. What's more, knowing that 23-million gallons of crude oil flow through that line each day and being familiar with Enbridge's dismal safety record (around 800 spills in 10 years) when it comes to pipeline leaks, it does not leave me feeling warm and fuzzy.

Mr. Hills, with the Great Lakes being Michigan's greatest asset, why would we even take such a risk!? It's crazy. The meager amount of revenue we are receiving from Enbridge will be a drop in the bucket compared to the devastating consequences of a spill.

In my mind, the only solution is to have Enbridge either:

1. Decommission the pipeline altogether
2. Route it around the Great Lakes
3. Completely replace it with an all new line

Anything short of this (including conducting a series of taskforce meetings) is simply playing Russian roulette with our beautiful waters. Why would we be so foolish to do such a thing?

Thanks again for your response.

Regards,

Sincerely,
Steve Krause

Hart, Nancy (AG)

From: Michigan Attorney General
Sent: Monday, December 22, 2014 9:11 AM
To: Hart, Nancy (AG)
Subject: FW: Yet Another Enbridge oil spill

From: Steve Krause [<mailto:stevek364@gmail.com>]
Sent: Saturday, December 20, 2014 3:25 PM
To: Wyant, Dan (DEQ); Michigan Attorney General; Quackenbush, John (LARA); Creagh, Keith (DNR); Allan, Jon (DEQ); Steudle, Kirk (MDOT)
Subject: Yet Another Enbridge oil spill

Dear MPPTF members,

Aside from what we witnessed from Enbridge in Kalamazoo, this is yet another example of the senseless risk we're taking with our Great Lakes by doing nothing about Line 5.

And for what money? You can't put a price on Michigan's pristine waters.

<https://www.popularresistance.org/enbridge-line-4-spills-1350-barrels-of-oil-in-2-minutes-26-seconds/>

Thanks for listening.

Steve Krause
Troy, MI

Hart, Nancy (AG)

From: Michigan Attorney General
Sent: Tuesday, February 10, 2015 9:24 AM
To: Hart, Nancy (AG)
Subject: FW: The Yellowstone River Oil Spill -- A Wakeup Call?

From: Steve Krause [<mailto:stevek364@gmail.com>]
Sent: Monday, February 09, 2015 9:04 PM
To: Wyant, Dan (DEQ); Michigan Attorney General; Quackenbush, John (LARA); Creagh, Keith (DNR); Allan, Jon (DEQ); Steudle, Kirk (MDOT)
Subject: The Yellowstone River Oil Spill -- A Wakeup Call?

Dear Members of the Michigan Petroleum Pipeline Task Force,

I heard something today that while so blatantly obvious, rang true with such simplicity -- There's no such thing as a safe pipeline.

With that in mind, and in light of the tragic oil spill in the Yellowstone River recently, I thought you might find the following article informative.

<http://insideclimatenews.org/news/06022015/yellowstone-oil-spills-expose-threat-pipelines-under-rivers-nationwide>

The Yellowstone incident can't help but remind one of the Line 5 oil pipeline -- a 62-year-old ticking timebomb in the Straits of Mackinac. An aging underwater pipeline that's certain to devastate our Great Lakes, unless with the help of your committee, meaningful action is taken to prevent it.

Thanks for reading the article and for doing the right thing for our beautiful state.

Sincerely,
Steve Krause - a concerned Michigan resident.
Troy, MI

Thank you

Hart, Nancy (AG)

From: Michigan Attorney General
Sent: Thursday, April 23, 2015 8:25 AM
To: Hart, Nancy (AG)
Subject: FW: Michigan's Greatest Asset

From: Steve Krause [mailto:stevek364@gmail.com]
Sent: Wednesday, April 22, 2015 6:23 PM
To: Quackenbush, John (LARA); Wyant, Dan (DEQ); Creagh, Keith (DNR); Allan, Jon (DEQ); Steudle, Kirk (MDOT); Michigan Attorney General
Subject: Michigan's Greatest Asset

Dear Members of the MPPTF,

I invite you to take a look at this beautiful video of our Great Lakes ...
<https://www.youtube.com/watch?v=gagnnGKprBE>

And then, ask yourself one question ... Why in heaven's name are we allowing a 62-year old oil pipeline to operate in the Straits of Mackinac, putting our state's #1 asset at such risk?

This is insanity.

Knowing there is no such thing as a "safe" pipeline, I am kindly asking that you not play Russian Roulette with our Great Lakes, but rather, shut down this pipeline and help protect our beautiful waters, which are our #1 tourist attraction.

No amount of revenue collected from Enbridge for this pipeline could compensate for the catastrophic damage that could happen as the result of a spill.

Thanks for doing the sensible thing and removing this obvious threat to our Great Lakes.

A concerned citizen.
Steve Krause
Troy, MI

Hart, Nancy (AG)

From: Michigan Attorney General
Sent: Thursday, May 21, 2015 9:11 AM
To: Hart, Nancy (AG)
Subject: FW: Are the Straits Next?
Attachments: GTY_oil_spill_4_kab_150520_4x3_992.jpg

From: Steve Krause [<mailto:stevek364@gmail.com>]
Sent: Wednesday, May 20, 2015 5:55 PM
To: Snyder, Rick (GOV); Michigan Attorney General
Subject: Are the Straits Next?

Dear Mr. Snyder and Schuette,

Unless the Line 5 pipeline in the Straits of Mackinac is decommissioned once and for all, like the recent Santa Barbara spill, we could easily be next.

And why would we choose NOT to remove the pipeline? For financial benefits? Imagine the costs that Michigan tourism, our environment and related businesses would suffer if a spill were to happen in the Great Lakes.

Please do the right thing and shut down this lurking menace.

Thank you.
Steve Krause
Troy, MI

Hart, Nancy (AG)

From: Michigan Attorney General
Sent: Monday, June 22, 2015 9:00 AM
To: Hart, Nancy (AG)
Subject: FW: NASA: "The World is Running Out of Water"

From: Steve Krause [<mailto:stevek364@gmail.com>]
Sent: Friday, June 19, 2015 6:13 PM
To: Michigan Attorney General; Wyant, Dan (DEQ); Steudle, Kirk (MDOT); Allan, Jon (DEQ)
Subject: NASA: "The World is Running Out of Water"

Dear Members of the Michigan Petroleum Pipeline Taskforce,

As you can see in the attached news article from The Washington Post (below), NASA data is showing that the world is running out of water.

<http://www.washingtonpost.com/blogs/wonkblog/wp/2015/06/16/new-nasa-studies-show-how-the-world-is-running-out-of-water/>

What does this mean for Michigan?

We are sitting on a gold mine with our Great Lakes. With that in mind, how could we be so short-sighted in putting our state's most precious resource--arguably more valuable than oil -- at such tremendous risk by allowing the Enbridge pipeline to remain?

Please do the right thing and shut that line down before disaster strikes.

Thanks for listening.

Sincerely,
Steve Krause
Troy, MI

From: Susan Wheadon [<mailto:slwheadon@gmail.com>]
Sent: Wednesday, December 17, 2014 11:16 AM
To: Michigan Attorney General; June Thaden
Subject: Pipeline in the Straits of Mackinac

I along with many others are very concerned about what could happen if there was a leak in the 63 year old pipeline in the Straits of Mackinac. To say that it is safe is preposterous in view of the fact that Enbridge and our government are in control here.

I want my leaders in Michigan to get out of the pockets of the gas and oil companies and to sever your alliance with ALEC.

Economically there is a big chance that you could ruin us all and for what? I am appalled about our current state's environmental policies and the folks that should be protecting the future of my children and grandchildren. It is nothing less than egregious what is happening in this beautiful state.

Please respond.

Susan Wheadon
3044 S Good Harbor Trail
Cedar, Mi 49621
231 228 5920

Hart, Nancy (AG)

From: Michigan Attorney General
Sent: Friday, March 06, 2015 3:52 PM
To: Hart, Nancy (AG)
Subject: FW: FWW Submission of Comments Regarding Line 5
Attachments: Line 5 _ final comments .pdf

From: Alison Grass [<mailto:agrass@fwwatch.org>]
Sent: Friday, March 06, 2015 2:43 PM
To: Michigan Attorney General; Wyant, Dan (DEQ)
Cc: Lynna Kauchek; Quackenbush, John (LARA); Creagh, Keith (DNR); Allan, Jon (DEQ); Steudle, Kirk (MDOT); Etue, Kriste (MSP); Snyder, Rick (GOV)
Subject: FWW Submission of Comments Regarding Line 5

Dear Mr. Wyant and Mr. Schuette,

On behalf of Food & Water Watch, a non-profit consumer advocacy organization, which has an office in Michigan, we submit our comments (attached to this email as a PDF) regarding Enbridge's Line 5.

We thank you for your consideration. We've also emailed a copy of this letter to the other members of the Task Force —Dan Wyant, Bill Schuette, John Quackenbush, Keith Creagh, Jon Allan, Kirk Steudle, Col. Kriste Kibbey Etue— and Governor Rick Snyder.

Sincerely,

Alison Grass

Alison K. Grass
Researcher
Food & Water Watch
1616 P Street NW, Suite 300
Washington, DC 20036
T. 202-683-2507
E. agrass@fwwatch.org
www.foodandwaterwatch.org

"Water is life's mater and matrix, mother and medium. There is no life without water." ~ Albert Szent-Gyorgyi



Michigan Petroleum Pipeline Task Force
Dan Wyant, Task Force Co-Chair
Director Michigan Department of Environmental Quality
wyantd@michigan.gov

Bill Schuette, Task Force Co-Chair
Attorney General, State of Michigan
miag@michigan.gov

Submitted to Co-Chairs of the Michigan Petroleum Pipeline Task Force, Dan Wyant and Bill Schuette, on March 6, 2015 via email.

RE: Public Comment Regarding Enbridge's Line 5

Dear Dan Wyant and Bill Schuette:

On behalf of Food & Water Watch (FWW), a non-profit consumer advocacy organization, which has an office in Michigan, we write to express our organization's concerns about Enbridge's two pipelines collectively known as Line 5. Our comments make explicit our fundamental concern that Line 5 poses severe and potentially irreversible damage to the Great Lakes, the largest cluster of freshwater lakes in the world.

The State of Michigan should not allow Line 5 to continue its transferal of hazardous, toxic hydrocarbons. We request that the Michigan Petroleum Pipeline Task Force be a leader and make a step in the right direction by recommending that Line 5 be permanently decommissioned.

Summary

In short, we are concerned about Line 5 because it poses a significant threat to the Great Lakes and Michigan – both environmentally and economically, and upon rupture, could accost public health problems to residents in the Great Lakes region. Line 5 was built in 1953¹ – prior to the adoption of the Great Lakes Submerged Lands Act² – and has never had to go through the Great Lakes Submerged Lands Act review. In 2013 a filmed dive along Line 5, sponsored by the National Wildlife Federation, discovered undetected “structural defects,”³ and in December 2014 a “pinhole” was detected in the Upper Peninsula.⁴ In general, pipelines pose huge risks of spills. Line 5's aging condition only amplifies the risk. It is imperative that the Michigan Petroleum Pipeline Task Force makes recommendations on behalf of the public's interest and not a corporation with vested interests.

Line 5 is a public trust issue for both the Great Lakes and the State of Michigan.

Line 5 never had to gain Michigan's approval to use and occupy public trust bottomlands and the Great Lakes waters. Public Trust, according to State Law "...means the perpetual duty of the state to secure to its people the prevention of pollution, impairment or destruction of its natural resources, and rights of navigation, fishing, hunting, and use of its lands and waters for other public purposes."⁵

The State of Michigan says activities that require the Great Lakes Submerged Lands Act (GLSLA) Permit include:

*"Any dredging, filling, modifying, constructing, enlarging, or extending of structures in Great Lakes waters or below the OHWM [ordinary highwater mark] of the Great Lakes; or connecting any natural or artificial waterway, canal, or ditch with any Great Lake including Lake St. Clair; or constructing a marina requires a Great Lakes Bottomlands Permit. Applicants may be required to secure leases or conveyances from the State of Michigan to place structures on bottomlands."*⁶

Despite this requirement regarding activities, we find no evidence that a permit for modification was sought in May 2013, when Enbridge expanded Line 5's pumping capacity from 491 thousand barrels per day (bpd) to 540 thousand bpd.⁷ To further reiterate this statement (and further support the fact that Enbridge should have been required to seek a permit) we refer to Attorney General Frank Kelley, who stated in 1977 that existing deed owners ought to be subject to the GLSLA's permitting process.⁸

Opinion #5214:

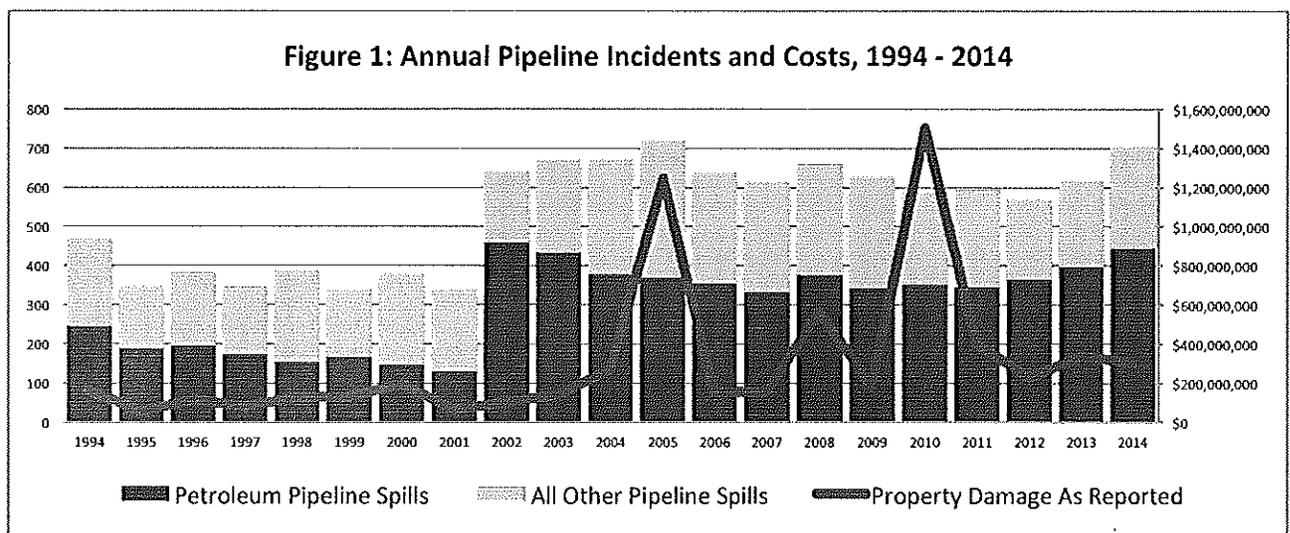
*"Therefore, in view of the fact that the 1965 amendment to the Great Lakes Submerged Lands Act requires an owner to obtain a permit, the fact that a person holds title to the property does not prevent the State from exercising its public trust and police power responsibilities. It is therefore my opinion that an applicant holding title to or rights of possession to lands acquired from the State must obtain a permit before filling, dredging or otherwise altering or modifying lands lying below the ordinary highwater mark of Lake St. Clair."*⁹

The GLSLA is a keystone principle of Michigan's public trust doctrine. Yet, decision makers in Michigan allow the continuation of Line 5 and its occupation of the bottomlands. A contaminant release from Line 5, which carries light crude oil and natural gas liquids¹⁰ through the Straits of Mackinac, would compromise water relied on for recreation, tourism and more. The Lakes, a non-renewable resource, contain roughly 20 percent of the global surface freshwater supply and are home to 10 percent of the United States' population and 30 percent of Canada's population, and various species of flora and fauna, several of which are endangered or threatened.¹¹ Any sort of leakage from Line 5 could spew toxins into the Great Lakes,¹² the largest cluster of freshwater lakes in the world,¹³ and the drinking water source for over 35 million people.¹⁴

A spill in the Straits of Mackinac would be culturally, environmentally, and economically devastating.

When spills go undetected, from inadequate detection systems or monitoring personnel's failure to identify a rupture, a spill could go for hours or even days,¹⁵ posing serious risks to drinking water and public health. Short-term exposure to crude oil can cause difficulty breathing, headaches, nausea and skin irritation;¹⁶ long-term effects include damage to the liver, kidney, respiratory, reproductive, blood, immune and nervous systems, as well as cancer and birth defects.¹⁷ One component of crude oil, benzene, an aromatic hydrocarbon and known carcinogen and mutagen, causes a variety of diseases, including leukemia.¹⁸

In the U.S., more than 11,000 pipeline incidents have occurred from 1994 to 2014, and more than 6,300 have been from petroleum pipelines. The incidents have caused \$6.5 billion in property damage.¹⁹ (See Figure 1).



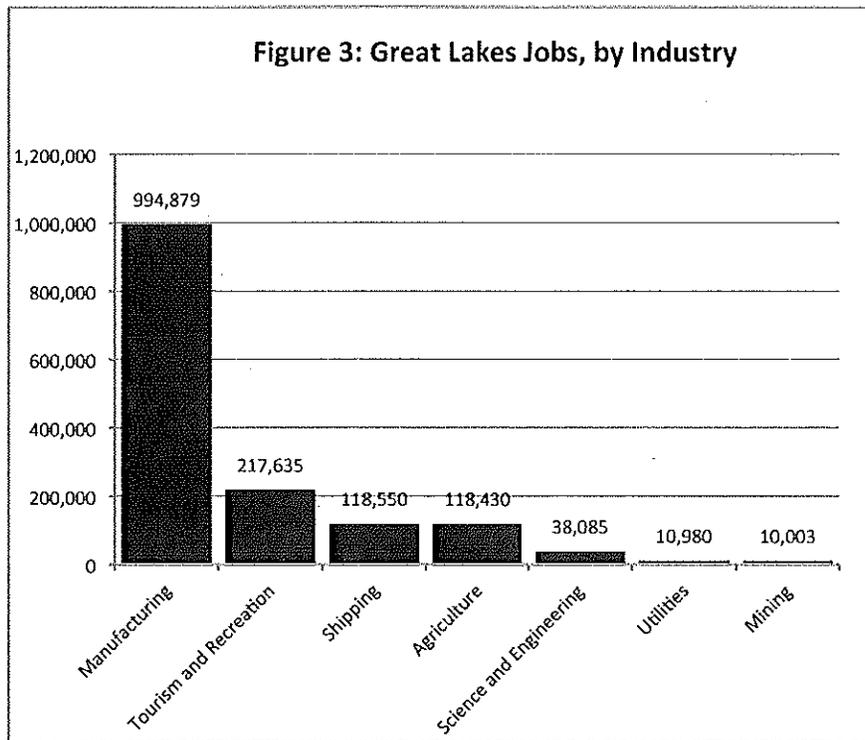
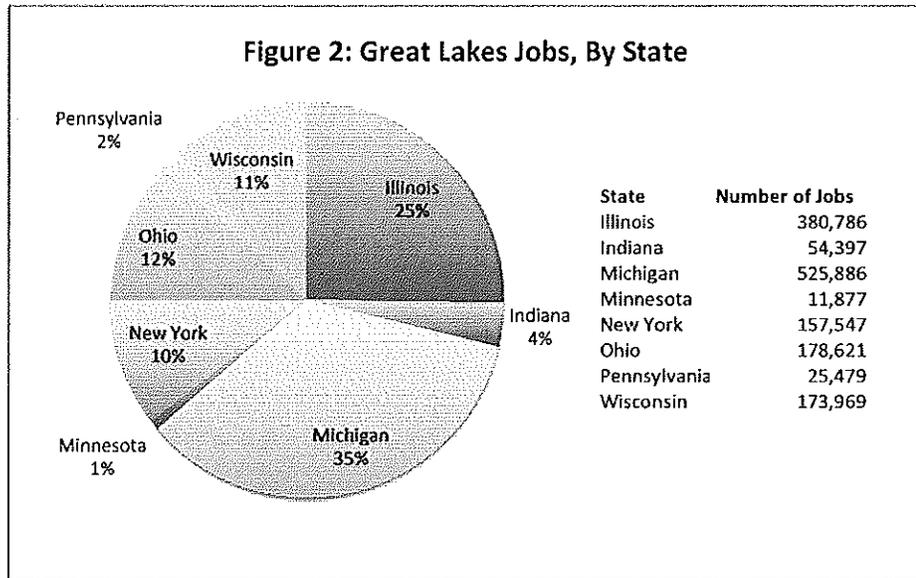
In 2014 a University of Michigan study, *Straits of Mackinac Contaminant Release Scenarios: Flows Visualizations and Tracer Simulations*, determined that an oil spill in the Straits of Mackinac is the “worst possible place” for one to occur in the Great Lakes.²⁰ Every few days the strong currents—which at peak volumetric transport can be more than 10 times greater than the flow of Niagara Falls—bi-directionally switch from eastward to westward.²¹ Depending upon the course of movement at the time of a “contaminant release”, contaminants could travel eastward to Lake Huron or westward to Lake Michigan—and may vacillate, several times, through the Straits.²²

A contaminant release in the Straits could severely impair the surrounding ecologically sensitive areas.²³ Within 20 days of a spill or leak, contaminants could cover large ground—diffusing material both southeasterly to Rogers City in Lake Huron and westerly to Beaver Island in Lake Michigan.²⁴ Based on the two 20-day time period release scenario models used to measure contaminant release impacts, “...the shoreline areas most likely to be impacted by a contaminant release in the Straits are Mackinac Island, Bois Blanc Island, and

the Lake Huron shoreline from Mackinac to Rogers City.”²⁵

The Lakes deliver over 50 billion gallons of water daily for industrial, agricultural and municipal uses, ²⁶ serving as a way of life in Michigan. In addition to scenic views and leisurely enjoyment, the Great Lakes are a major economic hub in the State; agriculture, commercial and recreational

fisheries, shipping/transportation, and tourism/recreation all depend upon its health.²⁷ Even Governor Snyder’s *Pure Michigan* tourism campaign boasts itself around the magnificence of the Lakes.



In 2009, the Lakes were linked to over 1.5 million jobs ²⁸ with Michigan accounting for 35% of the jobs.²⁹ (See Figures 2 and 3 for an economic break down of Great Lakes jobs.^a) Indeed, one out of every five jobs in Michigan is linked to the Great Lakes, ³⁰ and according to Michigan State University Extension, “Tourism is one of Michigan’s largest income industries based on the billions of travelers’ dollars spent, generation of state and local taxes, and the nearly 150,000 jobs it creates.”³¹

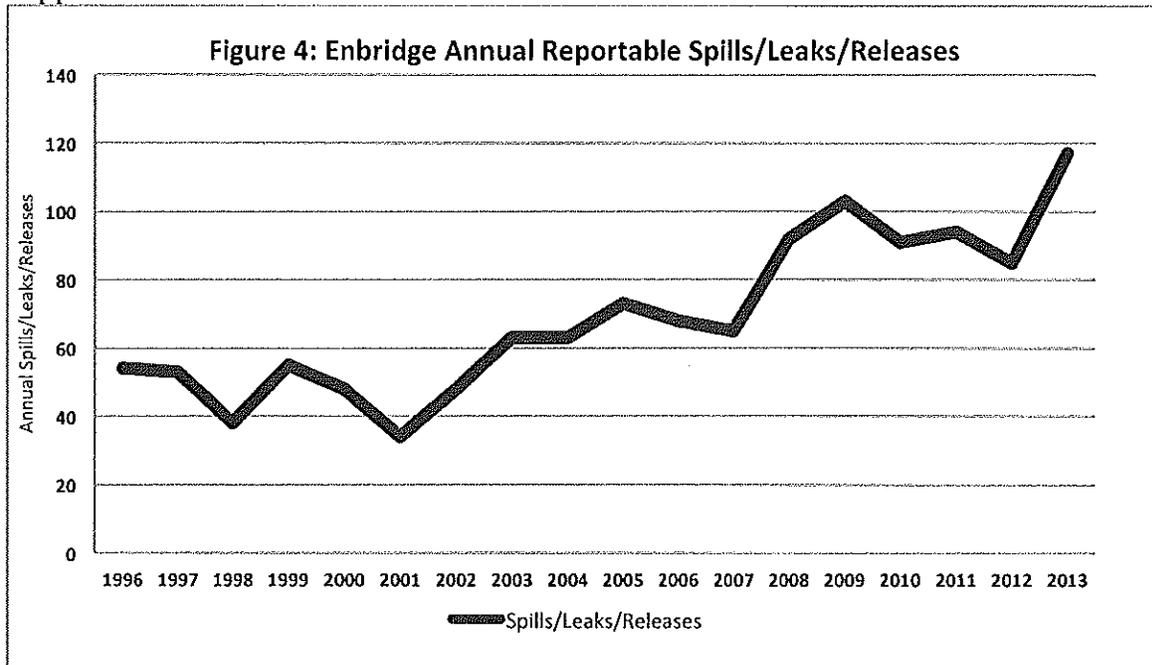
^a Numbers are based on 2009 data from the Michigan Sea Grant’s 2011 report, *Vital to Our Nation’s Economy: Great Lakes Jobs*. This is Michigan Sea Grant’s most recent comprehensive examination.

One of the worst and most expensive oil spills in the U.S. history came from an Enbridge pipeline failure in July 2010.³²

Line 6b ruptured near Talmadge Creek, a tributary of Michigan's Kalamazoo River, spilling as much as 1 million gallons of tar sands crude (diluted bitumen). The spill devastated sensitive ecosystems and impacted people living in nearby communities, and the inland cleanup cost about a billion dollars.³³ According to a sample of Michigan residents, over one third of people living in communities impacted by Enbridge's Kalamazoo relocated due to local air pollution. Local residents exposed to the spill reported troubling neurological, respiratory and gastrointestinal problems.³⁴ Concurrently, based on the 20 years of pipeline incident data from Pipeline & Hazardous Materials Safety Administration, 2010 had the most costly property damage.³⁵

Line 6b — considerably aged infrastructure much like Line 5, having been built in the 1960s³⁶ — ruptured under aging duress. Specifically, the National Transportation and Safety Board (NTSB) attributed the spill to pipeline corrosion and “pervasive organizational failures.”³⁷ According to NTSB Enbridge was aware that the section of the pipeline that ultimately burst was vulnerable, and failed to act on the information.³⁸

Enbridge alone, from 2005 to 2013, spilled or released roughly 91,855 barrels of hydrocarbon products — such as crude oil and natural gas. From 1996 to 2013, the number of reportable^b spills, leaks and releases more than doubled, from 54 to 117, with a total of 1,244 reportable incidents for those 17 years.³⁹ (See Figure 4.) Just last summer Enbridge's Line 5 was found in violation of its 1953-easement spacing requirements and missing support structures.⁴⁰



^b According to *Addendum to Enbridge's 2013 Corporate Social Responsibility Report*, on page 2, a reportable spill, leak or release is one that is, "...large or significant enough to require Enbridge to formally notify a regulatory agency."

Conclusion

Enbridge has never had to go through the Bottomlands Conveyance Application permitting process, as required by the Great Lakes Submerged Lands Act. Yet a hydrocarbon release in the Straits of Mackinac would cause significant social, environmental and economic impacts.

Allowing Line 5 to continue operating puts the Great Lakes and the region's environment, public health and economy at risk, solely for the benefit of a company's profits. Piping millions of barrels of toxic hydrocarbons throughout the Straits is not in Michigan's public interest.

Thus, FWW urges the Pipeline Task Force to decommission Line 5.

We've also sent a copy of this letter to the other members of the Task Force —Dan Wyant, Bill Schuette, John Quackenbush, Keith Creagh, Jon Allan, Kirk Steudle, Col. Kriste Kibbey Etue— and Governor Rick Snyder.

Respectfully yours,



Alison K. Grass
Researcher
Food & Water Watch
1616 P Street NW, Suite 300
Washington, DC 20036
202-683-2507
agrass@fwwatch.org



Lynna Kauchek
Senior Organizer
Food & Water Watch
2727 2nd Avenue, Suite 136
Detroit, MI 48201
313-486-1356
lkauchek@fwwatch.org

cc:

John Quackenbush,
Chair, Michigan Public Service Commission
quackenbushj@michigan.gov

Keith Creagh,
Director, Michigan Department of Natural Resources
creaghk@michigan.gov

Jon Allan,
Director, DEQ's Office of the Great Lakes
allanj@michigan.gov

Kirk Steudle,
Director, Michigan Department of Transportation
steudlek@michigan.gov

Col. Kriste Kibbey Etue,
Director, Michigan State Police
etuek@michigan.gov

Governor Rick Snyder
Office of the Governor
P.O. Box 30013
Lansing, Michigan 48909
rick.snyder@michigan.gov

Endnotes

¹ Alexander, Jeff and Beth Wallace. National Wildlife Federation. "Sunken Hazard: Aging Oil Pipelines Beneath the Straits of Mackinac an Ever-Present Threat to the Great Lakes." 2012 at 4.

² State of Michigan, State License Search. "Great Lakes Submerged Lands Permit (Part 325.)" Accessed January 29, 2015, available at <http://www.michigan.gov/statelicenseesearch/0,4671,7-180-24786-244636--,00.html>

³ Great Lakes Commission. [Issue Brief 3.] "Crude Oil Transport: Risks and Impacts." September 30, 2014 at 3.

⁴ Office of Attorney General Bill Schuette. [Press Release.] "Wyant, Schuette Issue Statement on Enbridge U.P. Pipeline Incident Following Pipeline Task Force Meeting." December 16, 2014; Cassleman, David. "'Pinhole' gas leak found on Enbridge's Line 5." *Interlochen Public Radio*. December 16, 2014.

⁵ R. 322.1001 (1) (m)

⁶ State of Michigan, State License Search. "Great Lakes Submerged Lands Permit (Part 325.)" Accessed January 29, 2015, available at <http://www.michigan.gov/statelicenseesearch/0,4671,7-180-24786-244636--,00.html>

⁷ Enbridge Inc. Annual Report. 2013 at 61; Enbridge Inc. Pipeline System Configuration. Quarter 1, 2013. Updated January 2013; Song, Lisa. "Map: Another Major Tar Sands Pipeline Seeking U.S. Permit." *InsideClimateNews*. June 3, 2013.

⁸ State of Michigan, Frank K. Kelley, Attorney General Opinion #5214. August 19, 1977. Accessed January 29, 2015, available at <http://www.ag.state.mi.us/opinion/datafiles/1970s/op05214.htm>

⁹ State of Michigan, Frank K. Kelley, Attorney General Opinion #5214. August 19, 1977. Accessed January 29, 2015, available at <http://www.ag.state.mi.us/opinion/datafiles/1970s/op05214.htm>

¹⁰ Enbridge. "Line 5." Available at <http://www.enbridge.com/InYourCommunity/PipelinesInYourCommunity/Enbridge-in-Michigan/Line-5.aspx>, accessed March 4, 2015.

¹¹ Environment Canada and U.S. Environmental Protection Agency. "State of the Great Lakes 2009." 2009 at 14 and 286; Barlow, Maude. The Council of Canadians. "Our Great Lakes Commons: A People's Plan to Protect the Great Lakes Forever." March 2011 at

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- 9; Schroeck, Nicholas and Stephanie Karisny. "Hydraulic fracturing and water management in the Great Lakes." *Case Western Reserve Law Review*. Vol. 63. Iss. 4. 2013 at 1167 and 1168.
- ¹² Alexander, Jeff and Beth Wallace. National Wildlife Federation. "Sunken Hazard: Aging Oil Pipelines Beneath the Straits of Mackinac an Ever-Present Threat to the Great Lakes." 2012 at 2 to 4 and 12; Song, Lisa. "Map: Another major tar sands pipeline seeking U.S. permit." *InsideClimateNews*. June 3, 2013.
- ¹³ Barlow, Maude. The Council of Canadians. "Our Great Lakes Commons: A People's Plan to Protect the Great Lakes Forever." March 2011 at 9; National Oceanic and Atmospheric Administration, Great Lakes Environmental Research Laboratory. "About Our Great Lakes: Great Lakes Basin Facts." Available at <http://www.glerl.noaa.gov/pr/ourlakes/facts.html>, accessed March 4, 2015.
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From: William Hoff [<mailto:hoffwr@gmail.com>]

Sent: Tuesday, March 31, 2015 2:10 PM

To: Wurfel, Brad (DEQ); yearout@michigan.com; Datema, Maggie (DEQ); Manning, Peter (AG)

Subject: Pipeline #5

Please convey our thoughts to Atty. General Bill Schuette that we feel very strongly about the potential damage that would be done if Pipeline #5 did rupture. This pipeline is 62 years old and is transporting large amounts of oil through it every day. We live on Grand Traverse Bay, as do many of our friends. We all feel this line should be shut down. The devastation to the waters of our Great Lakes would be heartbreaking. We do not want another spill such as happened at the Kalamazoo river and the Gulf of Mexico.

William and Suzanne Hoff
1615 So. Maple Bluffs Ct.
Suttons Bay, MI 49682

From: Kay Bos [mailto:kay_bos@hotmail.com]

Sent: Tuesday, March 31, 2015 11:35 AM

To: Manning, Peter (AG)

Subject: Line 5

Please use your voice to shut down line 5, under the Mackinac Bridge. Don't be sorry after the spill occurs from an unnecessary leak. Shut down this pipeline 5.

Judith k. Bos
7059 Deadstream Road
Honor, Michigan 49640

Hart, Nancy (AG)

From: Michigan Attorney General
Sent: Tuesday, March 31, 2015 8:53 AM
To: Hart, Nancy (AG)
Subject: FW: Great Lakes

From: Pete/Carol [<mailto:2007danly@gmail.com>]
Sent: Tuesday, March 31, 2015 6:19 AM
To: Michigan Attorney General
Subject: Great Lakes

We are already known nationally for the devastation of the Enbridge oil spill in the Kalamazoo River. Please, take care of Line 5 under the Straights before an accident or spill ruins the Great Lakes. Thank you.

Carol Danly
1902 E Front St
Traverse City, MI 49686
231-313-8744

Hart, Nancy (AG)

From: ahanson47@comcast.net
Sent: Thursday, April 02, 2015 8:48 PM
To: Michigan Attorney General
Subject: Shut down Line 5 under the Straits of Mackinac

Dear Attorney General Bill Schuette:

As a Michigander, I strongly urge you to protect public health and the Great Lakes by shutting down Line 5 under the Straits of Mackinac.

Sincerely,
Art Hanson
1815 Briarwood Dr.
Lansing, MI 48917

Hart, Nancy (AG)

From: nhanson48@comcast.net
Sent: Friday, April 03, 2015 5:45 AM
To: Michigan Attorney General
Subject: Shut down Line 5 under the Straits of Mackinac

Dear Attorney General Bill Schuette:

As a Michigander, I strongly urge you to protect public health and the Great Lakes by shutting down Line 5 under the Straits of Mackinac.

Sincerely,
Natalie Hanson
1815 Briarwood Dr.
Lansing, MI 48917

Manning, Peter (AG)

From: cynthia I cupal <cynthiacupal@me.com>
Sent: Thursday, April 09, 2015 10:00 AM
To: Manning, Peter (AG)
Subject: Pipeline 5

I am writing about my concern of pipe line #5 under the Strait of Mackinaw and the risk of oil spills. Please shut down #5. A potential spill would be devastating to Michigan affecting the largest fresh water in the world, the potential harm to fauna and flora and harm to a popular vacation destination.

Dr Cynthia Cupal

Sent from my iPad

Hart, Nancy (AG)

From: Michigan Attorney General
Sent: Thursday, April 09, 2015 10:57 AM
To: Hart, Nancy (AG)
Subject: FW: Enbridge's Line 5 needs to be shut down!

From: Matt Phelan [<mailto:mattphelan27@yahoo.com>]
Sent: Thursday, April 09, 2015 9:52 AM
To: Michigan Attorney General
Subject: Enbridge's Line 5 needs to be shut down!

Attorney General Schuette,

As a constituent, I urge you to protect public health and the Great Lakes and shut down Line 5 under the Straits of Mackinac.

In years past, Michigan citizens rallied to keep oil drilling out of the Great Lakes and we made it happen. Don't stop that progress. Under the Straits of Mackinac, Enbridge's Line 5 aging oil and gas pipeline is one leak away from devastating our Great Lakes. The entire world saw what BP did to the Gulf. I don't want Michigan making international bad news.

The Michigan Petroleum Pipeline Task Force (MPPTF) will decide this spring what to do about Line 5 and as co-chair of the task force you need to make it clear that the only option is shutting Line 5 down.

Michigan is literally defined by the Great Lakes. One in five jobs is dependent upon their health. They provide drinking water for roughly 35 million people. The currents in the Straits of Mackinac are extremely strong, and every ten days the currents switch direction. If an oil spill were to occur in the Straits the currents would spread the oil quickly making clean-up efforts incredibly difficult. Our Lakes aren't worth the risk.

Our Lakes, our health and our environment are depending on you. Make the right choice, shut down Line 5!

Sincerely,

Matt Phelan
517-282-0783

Hart, Nancy (AG)

From: Michigan Attorney General
Sent: Thursday, April 09, 2015 1:10 PM
To: Hart, Nancy (AG)
Subject: FW: Enbridge Pipeline 5

From: bmdehut@aol.com [<mailto:bmdehut@aol.com>]
Sent: Thursday, April 09, 2015 12:13 PM
To: Michigan Attorney General
Subject: Enbridge Pipeline 5

Mr. Schuette,

Michigan has had enough problems with Enbridge pipelines. Please help prevent an oil spill in the Straits of Mackinac by shutting down pipeline 5.

Thank you.
B. Dehut
Bergland

Hart, Nancy (AG)

From: Michigan Attorney General
Sent: Thursday, April 09, 2015 1:11 PM
To: Hart, Nancy (AG)
Subject: FW: Pipe Line 5

From: Karen [<mailto:Tayl8kr@aol.com>]
Sent: Thursday, April 09, 2015 12:25 PM
To: Michigan Attorney General
Subject: Pipe Line 5

Close Down pipe line 5. Cheaper to prevent a disaster than to clean one up! Don't destroy our beautiful Great Lakes!

Sent from my BlackBerry 10 smartphone.

Hart, Nancy (AG)

From: Michigan Attorney General
Sent: Thursday, April 09, 2015 1:11 PM
To: Hart, Nancy (AG)
Subject: FW: risky pipe line 5

From: Margot McC [<mailto:1980mgmc@gmail.com>]
Sent: Thursday, April 09, 2015 1:02 PM
To: Michigan Attorney General
Cc: Margot McCormack
Subject: risky pipe line 5

*Dear Attorney General Schuette,
as a constituent, I urge you to protect public health and the
Great Lakes and shut down Line 5 under the Straits of
Mackinac. There seems to be too many risks to keep our
Great Lakes safe. Thank you.*

*Sincerely,
Margot McCormack
Westland, MI*

Hart, Nancy (AG)

From: Michigan Attorney General
Sent: Thursday, April 09, 2015 3:11 PM
To: Hart, Nancy (AG)
Subject: FW: Protection for the Great Lakes

From: Melissa McLaughlin [<mailto:melissamclaughlin@gmail.com>]
Sent: Thursday, April 09, 2015 2:46 PM
To: Michigan Attorney General
Subject: Protection for the Great Lakes

Mr. Schuette,

As a constituent and a lover of our great lakes, I urge you to protect public health and the Great Lakes and shut down Line 5 under the Straits of Mackinac. This pipeline is unsafe and one leak away from contaminating our lakes. Michigan is literally defined by the Great Lakes. One in five jobs is dependent upon their health. They provide drinking water for roughly 35 million people. As research shows, if Line 5 were to spring a leak, even a small one, all of this would be put in peril. Please do the right thing and shut this pipeline down.

Thank you so much for your time and consideration!

Sincerely,
Melissa McLaughlin

Hart, Nancy (AG)

From: Michigan Attorney General
Sent: Monday, May 04, 2015 10:15 AM
To: Hart, Nancy (AG)
Subject: FW: Enbridge's Superior Region (#866) Response Zone Document

From: Gerry Niedermaier [<mailto:gniedermaier@gmail.com>]
Sent: Saturday, May 02, 2015 12:51 PM
To: Wyant, Dan (DEQ); Michigan Attorney General
Subject: Enbridge's Superior Region (#866) Response Zone Document

Good Afternoon Gentlemen,

There have been a lot of environmental, conservation, wildlife and concerned citizens expressing concern and outrage regarding Enbridge's #5 Pipeline.

I am in receipt of their Emergency Response Action Plan and am in total shock at how dismal this 148 page document.

In Section 6.8 Containment and Recovery, 6.8.1 Protection Technique Selection, there is no plan for containment and recovery for the Straits. It address land spills, and spills in rivers and channels, but not the huge span across the Straits.

In addition, and this is of enormous concern to me and others, is NO plan for containment and recovery in arctic conditions, with anywhere from 2 feet to 4 feet of ice. Nothing. Booms will be inoperable as there is no open water, submersible units won't be able to operate through ice chunks, presuming the U.S. Coast Guard Cutters can maneuver in tight quarters, which we know they cannot.

This is a total disaster. There is no plan.

How do you folks address this? The U.S. Coast Guard went on record last winter that they will be unable to deal with this, either. So.....Enbridge gets a bye because of their wealth and influence?

This plan is full of deficiencies and inept strategies. Close it down, be proactive here.

They can fund a new line across northern Canada and provide jobs as well.

Sincerely,

Gerald J Niedermaier
Gladstone, MI 49837

Hart, Nancy (AG)

Begin forwarded message:

From: Erica F <ericaceously@gmail.com>
Date: May 20, 2015 at 11:11:25 AM EDT
To: "Pallone, Maggie (DEQ)" <PalloneM@michigan.gov>, "Manning, Peter (AG)" <ManningP@michigan.gov>, "Bitely, Andrea (AG)" <BitelyA@michigan.gov>
Subject: Fwd: Enbridge Line 5 Question

Dear Members of the Pipeline Task Force,

In light of the recent article in *Politico* on the utter failures of PHMSA as an agency, and in light of our country's all-too-frequent oil spills (including yesterday's major oil spill in Santa Barbara) that play out in the same predictable way every time, I have zero confidence in Michigan's ability to prevent or handle an oil spill in the Great Lakes. I join the Little Traverse Bay Band of Odawa Indians in calling for Line 5's decommission. Anything less is too big a risk. Please use the powerful positions you hold to do the right thing.

Thank you,

Erica Flock

Hart, Nancy (AG)

From: Michigan Attorney General
Sent: Thursday, May 21, 2015 9:09 AM
To: Hart, Nancy (AG)
Subject: FW: Spam:Shut down Line 5!

-----Original Message-----

From: Food & Water Watch [<mailto:act@fwwatch.org>]
Sent: Wednesday, May 20, 2015 6:47 PM
To: Michigan Attorney General
Subject: Spam:Shut down Line 5!

May 20, 2015

Attorney General William Schuette
G. Mennen Williams Building, 7th Floor
525 West Ottawa Street
Lansing, MI 48909

Dear Attorney General Schuette,

I am writing to request that the Pipeline Task Force recommend that Line 5 be permanently decommissioned.

In May 2013, the two pipelines collectively known as Line 5 expanded pumping capacity from 491,000 barrels per day (bpd) to 540,000 bpd.

Line 5, which carries light crude oil and natural gas liquids through the Straits of Mackinac, has not been replaced in six decades, and, even more concerning, a 2014 University of Michigan study determined that an oil spill in the Straits of Mackinac is the "worst possible place" for this to happen in the Great Lakes.

Line 5 was built in 1953, prior to the adoption of the Great Lakes Submerged Lands Act. Therefore, the pipelines' owner, Enbridge, never had to go through the Great Lakes Bottomlands Permit permitting process, required by the Act, to determine the risks of Line 5 to the public trust.

But the industry, seemingly hard pressed to make North America the leading producer of oil and gas, is putting the integrity of the Great Lakes in danger for its own benefit. Any sort of leakage from Line 5 could spew toxins into the Great Lakes, the largest cluster of freshwater lakes in the world. The Lakes, a non-renewable resource, contain roughly 20 percent of the world's available fresh surface water. The Great Lakes region is home to 10 percent of the U.S.

population and 30 percent of Canada's population, provides drinking water for approximately 35 million people and provides habitat for various species of flora and fauna, several of which are endangered or threatened.

Line 5 must be permanently decommissioned; allowing this ticking time bomb to stay in operation would be to the detriment of the Great Lakes and the countless people whose livelihoods depend on it.

Sincerely,

Miss Rachael Luce
5028 Coopers Landing Dr
Kalamazoo, MI 49004-7671

Hart, Nancy (AG)

From: Michigan Attorney General
Sent: Tuesday, May 26, 2015 9:40 AM
To: Hart, Nancy (AG)
Subject: FW: Energy and the environment

From: William Bardill [<mailto:forte.jupiter1@gmail.com>]
Sent: Sunday, May 24, 2015 12:57 AM
To: Michigan Attorney General
Subject: Energy and the environment

Dear Attorney General:

Two 62-year old oil pipelines threatens the Great lakes. Called Line 5, owned by Enbridge, a Canadian energy company, they carry 23 million gallons of crude oil daily. Oil and water don't mix and if it were to rupture it would spill oil across the Great Lakes. Please act now and make Enbridge replace the pipeline. Thank you

Marilyn Bardill
37865 Pointe rosa
Harrison Township, MI 48045
forte.jupiter1@gmail.com

Hart, Nancy (AG)

From: Michigan Attorney General
Sent: Monday, June 15, 2015 8:40 AM
To: Hart, Nancy (AG)
Subject: FW: Line 5 and the Great Lakes

From: William Bardill [<mailto:forte.jupiter1@gmail.com>]
Sent: Friday, June 12, 2015 6:06 PM
To: Michigan Attorney General
Subject: Line 5 and the Great Lakes

Dear Governor Synder;

Two 62-year old pipelines called Line 5 threaten the Great Lakes. Line 5 is owned by Enbridge, a Canadian energy company. It carries 23 million gallons of crude oil daily. It passes between the upper and lower peninsulas along the bottom of the Straits of Mackinac.

Oil and water don't mix and if Line 5 ruptures it would spill oil across the Great Lakes.

Please act now vote to replace or shut down Line 5

Thank you for your concern.

Marilyn Bardill

Harrison Township