



Chippewa Ottawa Resource Authority

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

February 23, 2015

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

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

Re: Tribal/State Consultation with Michigan Petroleum Pipeline Task Force.

Dear Governor Snyder, Attorney General Schuette and Director Wyant:

On behalf of the Chippewa Ottawa Resource Authority (CORA), I am writing to thank you for hosting a consultation with Tribal Nations regarding oil pipelines in the State of Michigan and to re-iterate CORA's concerns with the current and future operation of these pipelines. As I stated to the Task Force at the February 4, 2015 meeting in Roscommon, the Straits of Mackinac and the areas of Northern Lake Michigan and Lake Huron likely to be affected by a rupture of Line 5 are some of the most productive fishing, spawning and shoaling areas for CORA tribal commercial fishers and a spill in this area would devastate our fishing industry. CORA recommends that the Line 5 be entirely decommissioned in order to avoid certain damage to our shared Great Lakes resources.

CORA represents five Tribes in Michigan with regard to the Tribes' commercial and subsistence fisheries in the 1836 treaty-ceded waters of Lakes Huron, Michigan and Superior. The Tribes which are party to the 1836 Treaty are the Bay Mills Indian Community, Grand Traverse Band of Ottawa and Chippewa Indians, Little River Band of Ottawa Indians, Little Traverse Bay Bands of Odawa Indians and Sault Ste. Marie Tribe of Chippewa Indians.

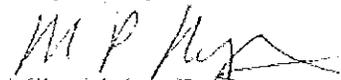
CORA is in agreement with the tribal governments present at the consultation stressing that the State of Michigan has a duty to protect the public trust and requesting that the State follow the Great Lakes Submerged Lands Act (GLSLA) process which defines public trust as "the perpetual duty of the state 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." As indicated at the meeting, the CORA tribes possess fishing rights reserved under the Treaty of Washington executed March 28, 1836. Those rights were subsequently confirmed in federal court decisions that stated, in regard to the Indian Tribes signatory to the 1836, that "Treaty reserved rights to access traditional fishing areas and catch fish are property rights protected by the United States Constitution." In addition, the CORA Tribes, along with the State of Michigan and the federal government, are parties to a Consent Decree adopted in federal court in August 2000. The Consent Decree protects and governs treaty-based fishery management activities within the treaty-ceded waters including the Straits of Mackinac.

CORA is re-iterating the calls by the tribes in consultation to permanently decommission the Enbridge Line 5 as soon as possible with the understanding that there be no compromise in delivery of natural gas for heating to residents in the Upper Peninsula and Northern Lower Michigan. As also discussed at the consultation, we do not believe that decommissioning Line 5 will necessarily lead to increases in other modes of oil transportation. We believe that all of our governments should anticipate and encourage reductions in the use of fossil fuels including oil now and especially in the future.

The production, transportation and burning of petroleum is a major factor contributing to increasing levels of greenhouse gases such as carbon dioxide that are leading to disastrous destabilization of the earth's weather patterns. The Great Lakes ecosystem may be particularly vulnerable to climate change impacts. We believe that Michigan has a duty to lead not only in the reduction of oil consumption but the development of alternative energy sources. In the twentieth century, Michigan excelled in the development and production of internal combustion vehicles and we believe that Michigan can be a world leader in new, cleaner vehicle technology that will see the elimination of the need for oil pipelines and oil transportation in the twenty-first century and beyond. We hope you share this vision for the sake of all our people.

If you or the Michigan Pipeline Task Force have any questions or would like further information please do not hesitate to contact me or CORA Executive Director Jane TenEyck at (906) 632-0043 or via email at mripley@sault.com or jteneyek@chippewaottawa.org.

Respectfully,



Mike Ripley, Environmental Coordinator
Inter-Tribal Fisheries and Assessment Program

Cc: CORA Board



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RESOLUTION 01-23-14

OPPOSITION TO TRANSPORTATION OF DILUTED BITUMEN AND OTHER HEAVY PETROLEUM PRODUCTS IN THE GREAT LAKES

WHEREAS, The Chippewa Ottawa Resource Authority (CORA) exists for the purpose of managing the fishery resource under the Treaty of 1836, 7 Stat. 491, through regulation of treaty fishing activity by members of the Bay Mills Indian Community, the Grand Traverse Band of Ottawa and Chippewa Indians, the Little River Band of Ottawa Indians, the Little Traverse Bay Bands of Odawa Indians and the Sault Ste. Marie Tribe of Chippewa Indians; and

WHEREAS, the right to fish under the 1836 Treaty is dependent upon the ability of the Great Lakes and inland ecosystems to support viable and stable fish stocks; and

WHEREAS, the physical properties of diluted bitumen derived from tar sands petroleum deposits such as those being mined in Alberta, Canada, and any heavy petroleum products (heavy petroleum) that sink in water are exceptionally difficult to remediate when spilled in fresh water; and

WHEREAS, a network of petroleum product and natural gas pipelines of various ages and dubious integrity exist in the Great Lakes including some that may be transporting diluted bitumen as evidenced by the spill that occurred from an Enbridge Inc. pipeline in the Kalamazoo River watershed in 2010; and

WHEREAS, the Enbridge Inc. Line 5 extends through the 1836 Treaty-ceded lands of Michigan and beneath the Straits of Mackinac in an especially sensitive and vulnerable area; and

WHEREAS, diluted bitumen may hasten corrosion of steel pipelines leading to spills;

WHEREAS, there are proposals to transfer diluted bitumen and/or crude oil from pipelines to vessels for transportation across the Great Lakes and connecting channels; and

WHEREAS, the use of rail cars and tanker trucks to transport crude oil to refineries in the Great Lakes region has increased greatly in recent years and accidents have led to the loss of lives and damage to the environment; and

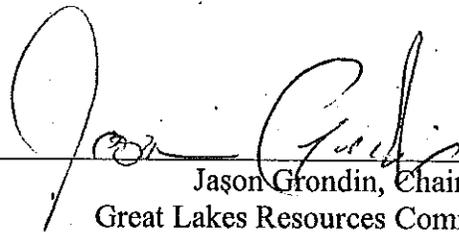
WHEREAS, spills of diluted bitumen and/or other heavy petroleum products in the Great Lakes region threaten the health of people, the health of the ecosystem and the livelihood of tribal members engaged in commercial fishing activities; and

NOW, THEREFORE, BE IT RESOLVED, that the Great Lakes Resources Committee of CORA hereby states its unqualified opposition to the transport of diluted bitumen and heavy petroleum products by any means, but especially by pipeline across or through the Great Lakes, their connecting channels or watersheds.

AND, LET IT BE FURTHER RESOLVED, that CORA urges the governments of the United States, Canada and the Great Lakes states and provinces to prohibit transport of diluted bitumen and heavy petroleum products by any means, but especially by pipeline across or through the Great Lakes, their connecting channels or watersheds.

CERTIFICATION

I, the undersigned, as Chairman of the Great Lakes Resources Committee to the Chippewa Ottawa Resource Authority, certify that the foregoing resolution was adopted at a duly called, noticed and convened meeting on the 23rd day of January, 2014, with a quorum present and with a vote of 10 in favor, 0 opposed, 0 abstaining and 0 absent.



Jason Grondin, Chairman
Great Lakes Resources Committee of the
Chippewa Ottawa Resource Authority