

Saginaw Chippewa Indian Tribe
Recommendations for State of Michigan Petroleum Pipeline Task Force
February 4, 2015
1:30 – 3:30pm

Ralph A. MacMullen Conference Center
104 Conservation Drive
Roscommon, Michigan 48653

The Saginaw Chippewa Indian Tribe has a number of concerns and recommendations regarding petroleum pipeline safety within the State of Michigan. We appreciate the opportunity to share our concerns and recommendations with the State of Michigan Petroleum Pipeline Taskforce, and we look forward to working collaboratively to address this important topic. The following represents the concerns and recommendations from the Saginaw Chippewa Indian Tribe.

- **Communication with Federal Regulatory Agencies –**
 - There needs to be a concerted effort to work collaboratively with the Federal pipeline regulatory agency, U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration (PHMSA). This regulatory agency needs to be brought into any conversation regarding pipeline safety, as they are the entities responsible for the regulation of Petroleum transport within the United States. In addition, we encourage additional oversight on the State's behalf, because as a May 2014 report by the Office of Inspector General for the Department of Transportation states that PHMSA did not ensure "that key state inspectors are properly trained, inspections are being conducted frequently enough and inspections target the most risky pipelines"
- **Jurisdictional Issues –**
 - Jurisdictional issues remain unclear regarding Tribal land. The Isabella Reservation is clearly defined, yet regulatory jurisdiction regarding Natural Resource issues within Reservation boundaries and on Tribal land held in Federal Trust is not defined. This matter needs to be addressed, as Tribal sovereignty is at stake.
- **Regulatory Authority –**
 - Is MDEQ considering taking over regulatory authority for pipelines? Are there associated programs through the U.S. Environmental Protection Agency or the U.S. Army Corps of Engineers that could be delegated to the State of Michigan regarding other pipeline and petroleum related environmental regulation?
- **Local Emergency Management –**
 - Is there a current inventory of pipelines that could be or is currently distributed to local emergency management agencies for response preparedness?
- **Aged pipeline infrastructure throughout Michigan –**
 - Specifically, Mark West on the west side of the State, which is rumored to be a spider web of 1920s pipeline infrastructure. It has been communicated to the Tribes of Michigan, previously, that the pipeline is lacking integrity, therefore is operating at a minimal pressure to reduce the risk of leaks. Efforts need to be taken to get these pipelines replaced or decommissioned. What is the age and integrity of the pipeline?

How frequently is the pipeline tested for integrity? Is the testing performed by the company or a Federal / State agency?

- Is the State currently considering required replacement of aged pipeline? Is the State performing pipeline inspections at specific time intervals?

- **Abandoned Pipelines –**

- Abandoned pipelines present a serious concern for the Saginaw Chippewa Indian Tribe. For over a century, petroleum production in the Mt. Pleasant area has left a vast network of both currently operating and abandoned pipelines. Presently, these pipelines and any release that they may cause are the responsibility of the land owners. These land owners may not be aware of the historic abandoned pipelines on their property, and this can lead to a number of response and cleanup issues. The State of Michigan needs to make an effort to track, identify, and monitor abandoned pipelines, as they pose a serious threat to our natural resources, community health, and property values.

- **Areas of Tribal Cultural Significance –**

- How will emergency response to petroleum be planned for to avoid impact to areas of Tribal cultural significance? Will culturally significant areas be considered during permitting new pipeline construction, or pipeline replacement? (For example: ceremonial sites, burial grounds and other earth works, wild rice stands, historically harvested ash tree stands, etc.)

- **Protection of Water Resources –**

- The Enbridge 5 Pipeline running through the Straits of Mackinaw poses a serious and immediate threat to Lake Michigan and Lake Huron. Due to the unpredictable nature of currents in the Straits, a release from this pipeline would be devastating. How does the State of Michigan plan to address this issue?
- Are there mandatory shut off valves prior to and after any water systems i.e. – river, lake, wetland, etc.? This would aid in assisting in spill response.
- Are regulations in place to avoid the disturbance, degradation or modification of aquatic resources and ecosystems, including freshwater inland lakes, streams, tributaries on Tribal land?

- **Wildlife Habitat –**

- How is MDEQ assuring that the disturbance, degradation, or modification of wildlife habitat on Tribal lands does not occur while in the process of pipeline development or repair?
- Are specific regulations in place prohibiting the degradation of designated habitat for federally listed species and resultant populations on Tribal lands?
- Is there a mitigation plan in place if natural resources or wildlife habitats are altered in any way during pipeline repair and/or development?