



Protecting the Common Waters of the Great Lakes Basin
Through Public Trust Solutions

November 2, 2017

Governor Rick Snyder P.O. Box 30013 Lansing, Michigan 48909	Executive Director Valerie Brader Michigan Agency for Energy P.O. Box 30013 Lansing, Michigan 48909-7958
Attorney General Bill Schuette G. Mennen Williams Building, 7th Floor 525 West Ottawa Street P.O. Box 30212 Lansing, Michigan 48909	Director Keith Creagh Michigan Department of Natural Resources Executive Division P.O. Box 30028 Lansing, Michigan 48909
Director Heidi Grether Michigan Department of Environmental Quality P.O. Box 30458 Lansing, Michigan 48909-7958	

VIA EMAIL SUBMISSION

Dear Governor Snyder, Attorney General Schuette, Director of Michigan Department of Environmental Quality, Director of Michigan Department of Natural Resources, and Director of Michigan Agency for Energy:

As you know, For Love of Water (“FLOW”) is a Michigan nonprofit corporation dedicated to researching, evaluating, and providing sound law, science, and policy to protect the waters of Michigan and the Great Lakes, their bottomlands, aquatic resources, and the public trust in these lands, waters, and their protected public trust uses. With respect to crude oil pipeline transport in the Great Lakes, FLOW has submitted numerous legal and technical reports on the high risks associated with Line 5, including the segment in the Straits of Mackinac, over the past three years.

FLOW is gravely troubled by Enbridge’s recent acknowledgement of bare spots being caused by anchor supports, which have been installed along the pipeline since 2003, and further troubled by the fact that Enbridge detected the bare steel three years ago in 2014 and only disclosed the information to the State of Michigan last week. Enbridge has lost credibility and trust from state leaders and Michiganders alike. In a [letter](#) dated November 1, 2017 to Enbridge, Representative Fred Upton called Enbridge’s response and lack of transparency “absolutely unacceptable.”

Following last week’s news, FLOW is submitting a supplemental technical paper from our technical advisor, Gary Street, a retired Dow Chemical engineer who has spent several years studying and documenting his technical concerns related to Enbridge Line 5. Mr. Street’s enclosed technical paper, entitled “*Zebra and Quagga Mussels and their Impact on Bare Steel*,” concludes that the twin pipelines in the Straits may have experienced pitting corrosion at the various “holiday” locations, which may have diminished the wall thickness by almost 50 percent.

Enbridge's current reliance on remote underwater video and smart pig inspection are inadequate tools to study and evaluate pitting corrosion caused by invasive mussels encrusting the Line 5 pipelines. Because pitting corrosion is more difficult to detect, predict, and design against, there could be many more damaged areas that occurred years ago and since then have been overgrown by mussels and other biologic growth and not identified by underwater video.

This technical paper's findings, combined with Enbridge's June disclosures of bends in the lines and concealed attempts to address the failure in design, conflicts of interest, and now the recent disclosure of known bare metal spots on the pipeline for a minimum of three years, elevate the risk of a catastrophic oil spill beyond any prudent or acceptable level. We therefore urge the State of Michigan to exercise its powers and take the following immediate actions:

- (1) Require Enbridge to conduct an immediate investigation on the impact of zebra and quagga mussels on bare steel. FLOW and our independent technical advisors (Gary Street, Ed Timm and Rick Kane) are available to meet with the State of Michigan for a meeting to discuss these concerns in further detail;
- (2) Revoke the 1953 easement or its use based on the imprudence of continued use of the lines because of the non-curable failures of the line and violations of the 1953 easement, which present an unreasonable threat to public and private property, the public trust in and public use of these highly valued waters and bottomlands; and
- (3) Require Enbridge, as part of the pending application for anchor supports under the GLSLA, MCL 324.32501 et seq., to obtain authorization for occupancy and permits for the continued use of the lines and new or added structures. This must include (a) a showing that the lines and supplemental structures in their entirety will not endanger or impair the public trust, safety, or health and welfare of the public; and (b) a showing that there is no feasible and prudent alternative to Line 5 and/or the lines in the Straits taking into account the entire Enbridge and related system through the Great Lakes basin and Michigan.

It is our hope that as leaders of the State you will take these actions and place the responsibility where it belongs—on Enbridge. We submit that this is the only reasonable and lawful means that will eliminate the imprudent and unacceptable risk of catastrophic harm to the Great Lakes, property owners, businesses, communities, and the public threatened and endangered by the transport of crude oil in the twin pipelines in the Straits' segment of Line 5.

Nothing less than Michigan's heritage, legacy, and future are at stake. Thank you.

Respectfully yours,



Liz Kirkwood
Executive Director



Jim Olson
Founder and President