



Bay Mills Indian Community

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May 1, 2018

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Michigan Department of Natural Resources
PO Box 30444
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C. Heidi Grether, Director
Michigan Department of Environmental Quality
PO Box 30473
Lansing, MI 48909

Anne Armstrong Cusack, Executive Director
Michigan Agency for Energy
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Lansing, MI 48909

Re: Bay Mills Indian Community's Unanswered Questions and Concerns Assuring the Safe Operation of Enbridge's Line 5 Pipeline

Dear Directors:

Bay Mills Indian Community has been striving to work with the State to assure the protection of our shared resources by, in the very least, urging the safe operation of Enbridge Inc.'s Line 5 Pipeline within Michigan.

Bay Mills has engaged the State of Michigan over a period of years, and has presented many questions and concerns regarding Enbridge Inc.'s operation of the Line 5 Pipeline, as well as the State of Michigan's oversight. To date, we have not received information from the State (or Enbridge, Inc.) in response to our most pressing questions.

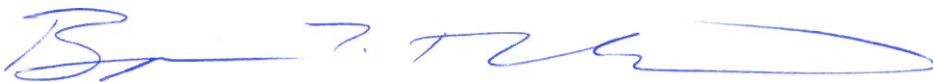
The purpose of this correspondence is to request answers to the following questions and concerns pertaining to the safe operation of Line 5, which, to date, have still gone unanswered by the State:

1. ***Does Enbridge shut down (vacate and depressurize) the Line 5 Pipeline beneath the Straits of Mackinac during maintenance activities?*** Enbridge has clearly demonstrated that completing maintenance activities on the Straits segment of Line 5 can result in damage to the Line. For the protection of our Great Lakes resources, Bay Mills requests that the State make this a conditional requirement to any additional permits being administered for maintenance on the Line 5 Pipeline.
2. ***How did the State determine the 8-foot wave height threshold for “adverse weather conditions” in its November 27, 2017 agreement with Enbridge, Inc.?*** The November 27, 2017 agreement between the State of Michigan and Enbridge, Inc. establishes an 8-foot wave height threshold for the occurrence of “adverse weather conditions,” during which Enbridge, Inc. must shut down the Line 5 Pipeline beneath the Straits of Mackinac. This standard has been touted as sufficiently protective of the Great Lakes because it hadn’t existed previously, but Bay Mills has not been provided with any information regarding how the State and Enbridge, Inc. arrived at this standard. Moreover, we have not received an explanation as to whether the State and Enbridge, Inc. can adequately respond to an oil spill during a storm in which the waves do not reach 8-feet in height.
3. ***Was the United States Coast Guard consulted when negotiating the State’s agreement with Enbridge?*** Our understanding is that the U.S. Coast Guard would serve as the first responder to an oil spill in the Straits of Mackinac. Did the U.S. Coast Guard provide assurances that it could adequately respond to an oil spill during a storm in which the waves do not reach 8-feet in height? If the State did not consult with the U.S. Coast Guard, then, why not?
4. ***Do the State and other responding agencies have the capacity to respond to a spill today?*** What information and criteria are used to determine what constitutes sufficient capacity to respond to a spill?
5. ***Given recent events with American Transmission Company’s spill in the Straits, is the State confident that it (or any responding agency) can sufficiently protect our resources in the Straits by responding to a spill during ice cover?***
6. In our December 14, 2017 letter to Director Grether, we requested that the State retrieve, “...detailed records on the condition of all inland portions of Line 5 within Michigan” including “...current or recent maintenance records (i.e., records of sizes of dents, cracks, weld anomalies and corrosion, repairs including sleeving of damaged sections, records of possible causes of damage, etc.) from the inland portions of the Line.” We have not yet received a response to our December 14th inquiry. This information would help determine the overall condition of the Line and to uncover the rigor of Enbridge’s maintenance program. Has there been any action on this request? If not, then, why not?

It has always been Bay Mills Indian Community's belief that continued operation of Enbridge's Line 5 Pipeline within the Straits of Mackinac poses an unacceptable risk to the Great Lakes, including our cultural, economic and natural resources.

For years, Bay Mills has sought specific information from the State relating to the risks, safety standards, maintenance activities, and spill response plans. The lack of responsive information serves to confirm our concerns about the Line 5 Pipeline. We ask that the State of Michigan work with Bay Mills by providing answers to our outstanding questions and concerns. Thank you.

Sincerely,



Bryan Newland, President
Bay Mills Indian Community

Cc by email:

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