

October 25, 2019

The Honorable Gretchen Whitmer
Governor, State of Michigan
Michigan Executive Office of the Governor
111 S. Capitol Ave.
Lansing, MI 48901

Dear Governor Whitmer,

As November gales and hazardous ice conditions rapidly approach in the Straits of Mackinac, we are writing to call urgent attention to the serious threat of a winter Line 5 oil pipeline rupture to the Great Lakes and northern Michigan communities and the failure to put adequate limitations and safeguards in place.

The State of Michigan has gambled with dangerous conditions for 66 years. We take seriously your commitment to bringing about an orderly shutdown of the existing dual pipelines. The annual and growing threat is not worth risking the Great Lakes, nor your reputation as a leader who takes the protection of our public trust resources seriously.

On November 17, 2017, the State of Michigan entered into an [agreement](#) with Enbridge Energy to improve pipeline safety at the Straits of Mackinac. As outlined and thoroughly documented by members of the former Michigan Pipeline Safety Advisory Board in a [memorandum](#) to the full board, current agreements with Enbridge fall far short of even minimal protections and safeguards from the consequences of a major Line 5 oil pipeline rupture during winter and storm conditions generally in the Straits. As recently as April 2018, during a three-day blizzard in the aftermath of a damaging anchor strike to Line 5, all shipping was blocked from the Straits. Oil spill response simply isn't possible under the kind of adverse conditions that are common in the Straits.

Nevertheless, the State of Michigan allows Enbridge to continue using the existing oil pipelines without adequate limitations and conditions on operations. We believe this is unacceptable, particularly knowing that even under the best of conditions, the Commandant of the Coast Guard is [on record with the United States Senate](#) as saying his agency is not "Semper Paratus" - *not* always ready - for a major oil spill in the Great Lakes.

The urgency to take action could not be more evident or paramount. Therefore, we are requesting that you, as Governor, make immediate preparations to avoid potential disaster, prior to the onset of predictable wind, high seas, and ice that make effective oil spill response impossible, threatening drinking water, public safety, Native American Treaty Rights, the public trust in the Great Lakes, and the economic well-being of Michigan communities. We ask that you take the following steps:

- 1) **Secure Enbridge's immediate commitment to halt the transport of oil through the Straits of Mackinac when waves exceed 3.3 feet or winds are in excess of 18 mph,** reflecting the conditions which render oil spill response equipment ineffective, as documented in the Michigan Pipeline Safety Advisory Board memo previously referenced. Those adverse conditions are already taking place, based on [recent reporting](#) on Straits conditions by the National Data Buoy Center. Moreover, [Coast Guard officials](#) stated that waves three feet or higher is the threshold for safely deploying oil response equipment. The current Agreement with Enbridge allows for oil transport unless waves reach a median height of 8 feet for 60 minutes, which effectively means that oil transport is allowed through the Straits under conditions where oil spill response is not feasible. Further we request that you work with the US Coast Guard as the first responder to a Straits oil spill to establish rules requiring the shut down of Line 5 when winter weather conditions would make a clean up impossible or pose an unnecessary risk to the safety of response personnel. If Enbridge fails to comply with or take the aforementioned safety measures in the Straits of Mackinac, you should use your emergency and other authorities as Governor to order a halt to the flow of oil in Line 5 in the Straits to protect public safety. You have this authority and duty to act under [Public Act 302](#) that defines the Emergency Powers of Governor, the Great Lakes Submerged Lands Act, and the public trust doctrine, as well as other statutory authorities. Eliminating the threat of a major oil spill in the Great Lakes during rough seas and ice is a responsible, prudent measure.

- 2) **Should Enbridge at any point either refuse, or be unable, to transport natural gas liquids to Rapid River, the state should immediately take measures, as needed, to ensure the uninterrupted supply of propane to portions of the Upper Peninsula currently serviced by Line 5.** As you may know, there has been increased natural gas liquids storage capacity access for Michigan in recent years to ensure the uninterrupted supply of propane during winter. Moreover, as is the case for eastern portions of the Upper Peninsula, existing rail and truck shipments of propane are available. You should not allow Enbridge to use the false threat of propane shortages to keep you from taking action on Line 5 oil transport through the Straits of Mackinac when effective oil spill response is impossible.

We appreciate your consideration of these requests. We know and value your commitment to removing the threat of Line 5 in the Straits and protecting the Great Lakes and look forward to continuing to work with you to decommission Line 5.

Sincerely,

Jane TenEyck, Executive Director, Chippewa Ottawa Resource Authority

Mary Brady-Enerson, Michigan Director, Clean Water Action

Liz Kirkwood, Executive Director, For Love of Water

Larry Bell and Juliette King, Co-Chairs, Great Lakes Business Network

Christina Schlitt, President, League of Women Voters Michigan

Patty Peek, Chair, Mackinac Straits Alliance

Lisa Wozniak, Executive Director, Michigan League of Conservation Voters

Mike Shriberg, Regional Executive Director of the Great Lakes Regional Center, National Wildlife Federation

Greg Reisig and June Thaden, Co-Chairs, Northern Michigan Environmental Action Council

Sean McBrearty, Campaign Coordinator, Oil and Water Don't Mix

Anne Woiwode, Chair, Sierra Club Michigan Chapter

Joanne Cromley, Chair, Straits Area Concerned Citizens for Peace, Justice, and the Environment

Bill Latka, Founder, TC 350

Jennifer McKay, Policy Director, Tip of the Mitt Watershed Council