

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHEBOYGAN, MICHIGAN

Resolution to Limit Enbridge Line 5 across the Straits to LPG

History	<p>WHEREAS, Line 5, owned by Enbridge, has transported light crude oil and natural gas under the Straits of Mackinac for 62 years; and</p> <p>WHEREAS, the original agreement with the State of Michigan called for a maximum capacity of 300,000 barrels (bbs) per day. That capacity has been raised to 540,000 bbs, which requires pressure more than 10 times greater than the flow of Niagara Falls; and</p> <p>WHEREAS, permits ensuring that pipelines would not pose a threat to the waters or the public's use of the waters were not required prior to the 1994 Great Lakes Submerged Lands Act; and</p> <p>WHEREAS, Michigan's Attorney General Bill Schuette has stated that "the pipeline (5) wouldn't be built today" and that "the pipeline's days are numbered"; and</p>
Risk	<p>WHEREAS, corrosion is the number one reason that pipelines fail; and</p> <p>WHEREAS, according to a University of Michigan study (2004) the Straits of Mackinac is the "worst possible place" for an oil spill to occur in the Great Lakes; and</p> <p>WHEREAS, the currents in the Straits of Mackinac can switch directions from east to west every few days; and</p> <p>WHEREAS, the Coast Guard Commandant testified before Congress in 2015 that the Coast Guard would be unable to respond effectively to an open water oil spill in the heart of the Great Lakes, particularly during the winter months when no recovery plan exists for ice conditions; and</p>
Record	<p>WHEREAS, Enbridge has a track record of some 1,244 reportable spills, leaks and releases from 1996 to 2013, and</p> <p>WHEREAS, Enbridge was in violation for their spacing requirements of its 1953 easement for Line 5 in 2014 and were responsible for a pinhole leak in a section north of the Straits in December of 2014; and</p> <p>WHEREAS, Enbridge was responsible for one of the worst and most expensive oil spills in U.S. history when Line 6b ruptured near Kalamazoo, allowing nearly 1 million gallons of tar sands oil to leak for 17 hours before shutting down the line; and</p>
Consequences	<p>WHEREAS, the Great Lakes contain 20 percent of the world's fresh, available, surface water and is a drinking source for over 35 million people; and</p> <p>WHEREAS, one out of every five jobs in Michigan is linked to the high quality and quantity of fresh water in the Great Lakes; and</p> <p>WHEREAS, tourism is one of Michigan's largest industries, bringing in billions of dollars spent each year; and</p> <p>WHEREAS, agriculture, fisheries, shipping and industry depend on the health of the Great Lakes; and</p> <p>WHEREAS, in 2009 the Great Lakes were linked to over 1.5 million jobs, with Michigan accounting for 35 percent of those jobs; and</p>
Stewardship	<p>WHEREAS, the State of Michigan, as owner and trustee, has a perpetual legal duty to the public to manage these bottomlands and waters for the prevention of pollution, for the protection of the natural resources, and to maintain the public's right of fishing, hunting, navigation, commerce, boating, swimming, and drinking water.</p> <p>WHEREAS, these interests are paramount over private uses of public trust waters and bottomlands. In short, the public trust doctrine gives the State of Michigan authority to not only manage but also to protect the public's fundamental rights to use the property.</p> <p>WHEREAS protection of Michigan's water supplies and resources is better accomplished by prevention of contamination and environmental degradation, rather than an attempted clean-up and restoration after the fact;</p> <p>WHEREAS, the Governor of the State of Michigan has the responsibility to protect the people and the environment of Michigan by restricting the flow of Line 5 to non-oil cargos.</p> <p>WHEREAS, Governor Snyder has been unresponsive; it has been 100 days since the last task force recommended a new task force all without authority, experts, timeline or budget.</p>

NOW, THEREFORE, BE IT RESOLVED, that on the 10th day of November 2015, the City Council of the City of Cheboygan, Michigan, because of the imminent hazard of Enbridge's Line 5, Governor Snyder must exercise his public trust responsibility by acting immediately to restrict Line 5 to its original design capacity of 300,000 barrels per day and to limit its cargo to non-oil products (e.g. Liquid Petroleum Gas, Natural Gas and Propane) by January 1, 2016. This restriction shall remain in effect until a thorough review by licensed experts can take place.

AND BE IT FURTHER RESOLVED, that the City Council of the City of Cheboygan, Michigan, will send a letter to Governor Rick Snyder, Attorney General Bill Schutte, our State Representatives, State Senators and U.S. Senators, calling on them to take immediate action to restrict Line 5 to non-oil cargos as listed above.

PASSED, APPROVE AND EFFECTIVE on this 10th day of November 2015.



Mark C. Bronson, Mayor
City of Cheboygan



Kenneth J. Kwiatkowski, Clerk/Treasurer
City of Cheboygan