



The Honorable Rick Snyder
Office of the Governor
P.O. Box 30013
Lansing, Michigan 48909

April 29, 2016

Attorney General Bill Schuette
G. Mennen Williams Building, 7th Floor
525 West Ottawa Street
P.O. Box 30212
Lansing, Michigan 48909

Interim Director Keith Creagh
Michigan Department of Environmental Quality (“DEQ”)
525 West Allegan Street
P.O. Box 30473
Lansing, Michigan 48909

Interim Director Bill Moritz
Michigan Department of Natural Resources (“DNR”)
Executive Division
P.O. Box 30028
Lansing, MI 48909

Dear Governor Snyder, Attorney General Schuette, Interim DEQ Director Creagh, and Interim DNR Director Moritz:

Thank you for your letter dated April 27, 2016, in response to our April 13, 2016 letter, which identified eight known violations of Enbridge Energy LLP’s 1953 Easement with the State of Michigan for Line 5 in the Straits of Mackinac, and the need for immediate action pending the Michigan Pipeline Safety Advisory Board’s review of risks and alternatives over the next 15 months.

Our April 13 letter and memorandum from twenty-two partner organizations of *Oil & Water Don’t Mix* campaign and Patagonia detailed the violations of the easement, public trust law, federal law, and the Michigan Environmental Protection Act. These state laws establish an affirmative duty for you to act as trustee and pursue these violations and prevent the associated imminent harm and high risk of a catastrophic oil spill from Line 5 in the Straits of Mackinac.

On behalf of *Oil & Water Don’t Mix* campaign, we are responding to your April 27 letter given the critical importance of this matter, and are formally requesting a meeting with you to discuss and clarify your response to the legal, scientific, and engineering issues raised in our April 13 letter. We are dismayed by your lack of urgency to take specific actions to enforce the present and ongoing violations of the state’s 1953 Easement with Enbridge. Instead, you point to the Pipeline Safety Advisory Board process to evaluate the Straits Pipelines’ risks and alternatives – a process that will not be complete until the summer of 2017 – and indicate that you are “requesting detailed information from Enbridge about the construction, operation, and condition of the Straits Pipelines and its compliance with the terms of the 1953 Easement.” The State of Michigan has been requesting this same information for over two years, and still does not have a definitive answer. In effect, your response letter dated April 27 maintains the status quo in favor of continued transport of crude oil in

spite of the overarching ownership and public trust duties you have to prevent and reduce the imminent risk of harm from a pipeline leak, rupture, or release.

Your inaction appears to defer to and favor Enbridge over the interests and rights of citizens, businesses, and communities along hundreds of miles of Lake Huron and Lake Michigan who depend on this water, as well as the ecosystem, fish and aquatic habitat, and protected public uses. And yet, you clearly indicate that you take your “responsibility to protect the public trust resources of the Great Lakes” very seriously, and are reviewing actions that you can take to protect these paramount state and public interests.

Accordingly, on behalf of the Steering Committee for *Oil & Water Don't Mix* campaign, we request that a meeting be scheduled with you on or before May 13, 2016, to discuss the State's response to these Easement violations that are of tremendous significance and pose an unacceptable risk and consequence to Michigan and our Great Lakes. If you have any questions, or to schedule this meeting, please contact Liz Kirkwood at liz@flowforwater.org or 231 944-1568.

Sincerely,

James Clift, Michigan Environmental Council
David Holtz, Sierra Club Michigan Chapter
Liz Kirkwood, For Love of Water
Jim Lively, Groundwork Center for Resilient Communities
Lynna Kauchek, Food & Water Watch
Greg Reisig and Ann Rogers, Northern Michigan Environmental Action Council
Deb Hansen, Concerned Citizens of Cheboygan and Emmet Counties