



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

February 17, 2017

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

Dear Governor Snyder, Attorney General Schuette:

We are writing to notify you that Enbridge Energy LLP continues to operate in violation of its 1953 Easement with the State and are requesting that you immediately institute an orderly process for decommissioning Line 5 in the Straits of Mackinac.

Enbridge's most recent violation was disclosed in a September 2016 report to the U.S. Environmental Protection Agency that revealed missing protective coating along its pipelines in the Straits (see <https://www.scribd.com/document/339434109/Line-5-Biota-Investigation-Work-Plan#>). Research shared with you previously warned that pipeline corrosion had negatively impacted protective coating; the missing protective coating, corrosion, and the weight of invasive mussels and Enbridge's decision to increase the volume of oil flowing through the Straits pipelines creates a substantial and unacceptable risk of failure.

The further admission and documentation from Enbridge that the protective pipeline coating is falling off and missing increases the likelihood of damaging corrosion and a pipeline rupture and the disastrous consequences that would follow. Under the terms of the easement, public trust duties, and the Great Lakes Submerged Lands Act, as trustees you are required to act to prevent a catastrophic oil spill in the Great Lakes.

In an April, 2016 letter we notified you of following eight known breaches of express terms and conditions in the 1953 Easement:

1. Standard of Care as a Reasonably Prudent Person (Section A)
2. Indemnity Provision (Section J)
3. Pipeline Wall Thickness Provision (Section 11)
4. Pipeline Exterior Slats and Coating Requirements (Section 9)
5. Pipeline Minimum Curvature Requirement (Section 4)
6. Maximum Unsupported Span Provision (Section 10)
7. Federal Violation of Emergency Oil Spill Response Plan (Section A)
8. State Violation under the Michigan Environmental Protection Action (Section A)

These Easement violations and the high level of risk are so significant that the State of Michigan should not wait until June 1, 2017 when the final risk and alternatives reports are slated for completion. Therefore, we urge the State of Michigan to notify Enbridge in writing that you are terminating the 1953 Easement on the basis of these multiple breaches of the terms and conditions of the easement and consistent with your trustee responsibilities.

Sincerely,

Jane TenEyck, Executive Director
Chippewa Ottawa Resource Authority

The Rev. Deb Hansen
Concerned Citizens of Cheboygan and Emmet County

Liz Kirkwood, Executive Director
FLOW

Mariah Urueta, Michigan Organizer
Food & Water Watch

James Clift, Policy Director
Michigan Environmental Council

Greg Reisig
Northern Michigan Environmental Action Council

David Holtz, Chair
Sierra Club Michigan Chapter Executive Committee

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

Bill Latka
TC350