

Line 5 Future

A collaboration among Huron Shore County Leaders

Political party leaders in the 106th Legislative District organized an event on January 10 in Alpena MI to inform County Commissioners, the press and the public of the risks of a failure in crude oil Pipeline 5 and the steps the Attorney General is taking to reduce this risk. More than forty-three people participated in the event held at the Alpena Public Library.

Presenters:

- Roger Gauthier, Cheboygan Democratic Party Chair and Founder, Straits of Mackinac Alliance
- Peter Manning, Assistant Attorney General and Division Chief: Environment, Natural Resources and Agriculture



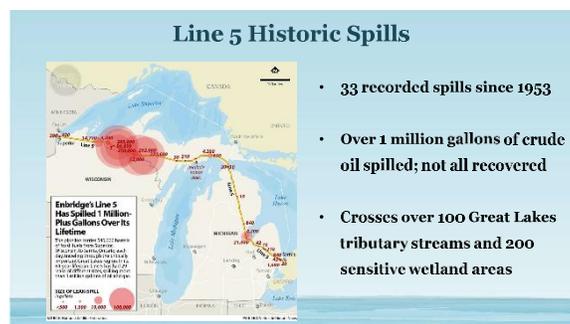
News Photo by Crystal Nelson, The Alpena News: Assistant Attorney General Peter Manning, left, and Roger Gauthier, founder of the Straits of Mackinac Alliance and chair of the Cheboygan County Democratic Party

Moderator: Robert Kennedy, Chair 106th Legislative District Democratic Group.

Risks:

Roger Gauthier presented information on the risks. Line 5 is one of a network of energy pipelines in Michigan. It runs 645 miles from Superior, Wisconsin to Sarnia, Ontario crossing the Straits of Mackinac with twin 20" pipes built in 1953 under State of Michigan easements which are now expired. It carries approximately 540,000 barrels of lite crude oil and propane of which 95% is delivered to Ontario for refining and export.

Enbridge Energy Partners LLP of Calgary, Ontario now owns the pipeline. It has a history of failures in locations in Michigan in past years:



On July 26, 2010 Michigan experienced the largest inland oil spill in U.S. history. Enbridge Line 6B ruptured into a tributary to the Kalamazoo River releasing an estimated 1 million gallons of diluted bitumen oil. Clean-up continued for five years. \$1.2 billion in costs and fines have been incurred. Although we face severe risk of failure in sections of the pipeline on land, research shows the chance of failure in the 4.5 miles of pipeline crossing the Straits at depths of up to 250 ft. is a greater

concern. An anchor strike in April 2018 broke nearby submerged electrical lines and dented the pipelines. Here oil could spread into Lake Huron and Lake Michigan ruining shorelines and the water for miles and lasting years before recovery. This is of greater concern due to Enbridge’s history of disregard for State oversight to monitor risks. Peter Manning presented this information:

- Failing for decades not to maintain adequate insurance
- Failing to inform the State when unsupported gaps larger than 75 feet had developed along the pipeline
- Failing to inform the State when “anomalies” were detected in the pipeline, particularly when those anomalies were known to Enbridge as a result of installing new anchor supports
- Most recently, failing to inform the State for weeks after drilling equipment broke off and was left on State bottomlands

The cost of failure for Line 5 in the Straits was studied in 2018 by Robert B. Richardson, Ph.D. and Nathan Brugnone, M.S., Department of Community Sustainability, Michigan State University. Here is their estimate:

Table 9: Summary of estimates of natural resource damages and economic impacts of an oil spill from Line 5 in the Straits of Mackinac Category	Economic Damages
Natural resource damages and restoration	\$697,500,000
Economic impacts	
•Tourism	\$4,823,082,926
•Commercial fishing	61,050,000
•Municipal water systems	233,090,000
•Coastal property	485,811,163
Total economic impacts	\$5,603,034,089

This report did not investigate potential direct impacts to the Great Lakes shipping industry or the downstream effects that would be induced via import/export delays. As a vital aspect of the U.S. economy, the Great Lakes Navigation System (GLNS) connects the Great Lakes regional economy, the 5th largest in the world, with trade partners around the region and globe (U.S. Army Corps of Engineers, 2013). The 60 ports on the Great Lakes support more than 128,000 U.S. jobs and collectively generate \$18.1 billion in annual revenue (U.S. Army Corps of Engineers, 2013). Delays to this system could have massive impacts on the economy. Furthermore, this report did not investigate the costs of evacuation of particular areas that would be intensely affected by a release of oil from Line 5 because of air contamination. Finally, because of limited availability of data, this report did not consider the potential impacts to economic sectors in Canada. The Schwab (2016) simulations demonstrated, however, that the shorelines of Ontario are vulnerable to impacts of an oil spill from Line 5.



County Leaders Panel

Risk Reduction:

In 2018 Michigan passed a law allowing Enbridge to do feasibility analysis of building a tunnel under the Straits to house the pipeline's crossing of the water. The law has come under serious question due to its expense and the likelihood of timely completion as changes in the demand for fossil fuels decline to deal with global warming among other factors.

Governor Gretchen Whitmer and Attorney General Dana Nessel campaigned on shutting down Line 5. Several legal actions have been taken by the AG and others to halt the implementation of this tunnel plan which will require 19 state and federal permits to be started.

- ***Enbridge Energy v Michigan***, Court of Claims No. 19-000090MZ:

Suits and counter suits over alleged Constitutional violation of PA 359 starting tunnel plans for construction.

- ***Nessel v Enbridge Energy***, Ingham Co. Circuit Court No. 19-474-CE:

The Attorney General's lawsuit against Enbridge alleging that Line 5 constitutes a public nuisance, violates the Public Trust Doctrine, and violates the Michigan Environmental Protection Act

- Briefing on cross-motions for summary disposition has been completed
- A conference will be held with the court on January 31 to discuss the schedule for argument and a decision

Peter stated that they are working on more evidence of violations of state laws and ignoring on-going requirements related to the easements Michigan granted to allow construction of the pipeline in 1953.

If County Commissions and county political parties pass resolutions supporting the AG's work and executive branch actions, this could help them win these cases and more in the courts.

Next Steps:

Planning for a follow-up event tracking progress on risk reduction work and getting more information on questions posed by the county leaders at the January meeting is underway. Those attending and invited but absent from this January event are being surveyed regarding their concerns and priorities, possible solutions and actions they and their organizations may take to help reduce these risks.

Press coverage of the event can be found with the links below:

The Alpena News

<https://www.thealpenanews.com/news/local-news/2020/01/ag-focused-on-line-5-official-says/>

Presque Isle County Advance

<https://piadvance.com/2020/01/michigans-assistant-ag-brings-line-5-update-local-assembly/>

Iosco County News – Oscoda Press

http://www.iosconews.com/oscoda_press/news/article_362818d6-3c62-11ea-bfa7-e7401fde0077.html

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