Enbridge Line 5
Addressing the Threat to Treaty Fisheries
Presentation to Upper Peninsula Environmental Coalition
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Chipewa Ottawa Resource Authority

- Bay Mills Indian Community
- Grand Traverse Band of Ottawa and Chippewa Indians
- Little River Band of Ottawa Indians
- Little Traverse Bay Bands of Odawa Indians
- Sault Ste. Marie Tribe of Chippewa Indians
Dates and Boundaries of Major Indian Land Cessions in Michigan

1807 - Ceded by the Ottawa, Chippewa, Wyandott, and Potawatomi
1819 - Ceded by the Chippewa
1821 - Ceded by Ottawa, Chippewa, and Potawatomi
1836 - Ceded by Ottawa and Chippewa
1842 - Ceded by Chippewa on Lake Superior

H.H. Tanner, 1974

Ceded waters of Chippewa-Ottawa Treaty of 1836

Figure 1
2012 National Wildlife Federation Report and Videos Brought Attention to Enbridge Line 5 in Straits of Mackinac

- CORA Tribes first met with EPA and Coast Guard regarding Line 5 in November 2013

- CORA Resolutions and Letters calling for removal of Line 5 followed
“Worst possible place for an oil spill”

--David Schwab, University of Michigan Water Center
Currents Change Direction Every 1.5 Days

Source: NOAA
Key Findings

Worst Case Straits Oil Spill

More than 700 miles of shoreline in Lakes Michigan and Huron Subjected To Possible Oil Contamination

More than 15% of Lake Michigan’s open water and nearly 60% of Lake Huron’s open water could be affected by a spill in the Straits.
Worst Case Oil Spill: 700 Miles of Shoreline Impacted

Source: University of Michigan Graham Sustainability Institute
Fish harvest reported by CORA commercial fishers, summarized by grid, 2005-2015 average.
State of Michigan Scrambled in 2015 to Address This Issue by Creating the Pipeline Safety Advisory Board

- Michigan discovered that Enbridge was out of compliance with 1953 Easement and was not forthcoming with answers or actions

- Board held well-attended public meetings quarterly where CORA Tribal leaders and staff testified
CORA Joins with Oil and Water Don’t Mix Coalition in November 2014

- OWDM Composed of Sierra Club, Michigan Environmental Council, FLOW, and over 60 other NGOs and Local Governments

- OWDM has carried out a very effective campaign to bring awareness to the public, mobilize support across media, keep pressure on governments
Tribes Play a Key Role in Protesting and Bringing Awareness of the Dangers of the Aging Pipeline
PSAB Reports on Risk and Alternatives

Then

Governor Does a Backroom Deal with Enbridge

• Alternatives Analysis Report completed by Dynamic Risk, Inc. looked at all alternatives to move oil including through existing pipelines.

• One alternative reported was a tunnel beneath the straits.

• Original Risk Analysis was rejected by State of Michigan delaying the report until December 2018.

• In Consultation with all the Tribes of Michigan, the State announced that the Governor had made a deal with Enbridge for a tunnel.
Issues With Line 5 in the Straits

- 1953 Easement: Unsupported pipe not to exceed 75 feet
- 1953 Engineering Report: No circumstances should unsupported pipe exceed 140 feet
- Documents show Line 5 had 17 spans exceeding 75 feet and three exceeding the 140 feet. Longest was 160 feet.
- Structural damage concerns because of easement violations
Enbridge Proposes to “Shore Up” violations by Installing +/- 228 Screw Anchors

- Anchors inserted into Kalamazoo Consent Decree by DOJ and EPA to strong objections by CORA

- CORA Tribes consult with Army Corps 3 separate times and demand an EIS through NEPA process but Army Corps approves all of Enbridge permits

- Grand Traverse Band and Mackinac Straits Alliance file an Administrative Law Appeal with Michigan challenging these permits.

- Anchor supports change engineering of pipelines by raising them above the bed of the lake, stressing the metal and making them vulnerable to anchor strikes.
April 1, 2018 Anchor Strikes Line 5!

• Barge drags anchor along bottom from Lake Huron to Chicago

• Anchor severs electrical lines and dents oil pipeline however Enbridge again, delays reporting this information

• State regulators repeatedly say that an anchor strike is the “Worst Case Scenario” however after this anchor strike the Snyder Administration proposes “band-aid” solution by banning anchoring in the Straits.
Enbridge Continues to Push for Tunnel

- Lame Duck Snyder Administration pushes bills through Legislature in December 2018.

- CORA opposed to tunnel in Resolution.

- In March and April of 2020 Enbridge chose to submit construction applications for a tunnel despite the state being in a lockdown due to the COVID-19 pandemic.

- EGLE returned Enbridge’s permits as administratively incomplete however Michigan Public Service Commission (MPSC) is taking comments from the public until May 13, 2020.
Line 5 crosses 27 streams and rivers that flow into Chequamegon Bay.
Spill: February 15, 2012

Arenac County

840 Gallons Spilled

Line 5 Shutdown for Two Days

Groundwater Contaminated

400 Tons Contaminated Soil

No Safety Alarms Went Off

Pipeline Inspected Year Before

“The ductile tear was most likely induced during the cold expansion of the pipe joint during manufacture or during the initial hydrotest of the line following construction in 1953.”

--David Stafford, Manager, Enbridge US Pipeline Compliance, 10/10/2013
Send your comment to the MPSC now

https://www.oilandwaterdontmix.org/submit_mpsc_comment