



To: Michigan Department of Environmental Quality,
Michigan Agency for Energy,
Michigan Department of Natural Resources,
Michigan Governor,
Michigan Attorney General,
and Michigan Pipeline Safety Advisory Board:

The **Upper Peninsula Environmental Coalition**, representing hundreds of U.P. and other Michigan citizens, wish to convey our position on the Line 5 Alternatives Analysis.

Enbridge's Line 5 is a 645-mile, 30-inch-diameter pipeline that travels through Michigan's Upper and Lower Peninsulas, originating in Superior, Wisconsin, and terminating in Sarnia, Ontario, Canada. As it travels under the Straits of Mackinac, Line 5 splits into two 20-inch-diameter, parallel pipelines that are buried onshore and taper off deep underwater, crossing the Straits west of the Mackinac Bridge for a distance of 4.5 miles.

Line 5 has spilled at least 1.13 million gallons of oil in 29 incidents since 1968 – including several in the U.P. http://www.mlive.com/news/index.ssf/2017/04/enbridge_line_5_spill_history.html

We are writing to submit official comment in response to the State of Michigan's Line 5 final alternatives analysis dated October 26 and released on November 20. UPEC is deeply disappointed in this final analysis. A draft alternatives report released in June was riddled with errors and omissions, and the final report contains most of the same failures.

This report fails to meet its overall purpose of “providing the State of Michigan and other interested parties with an independent, comprehensive analysis of alternatives to the existing Straits Pipelines, and the extent to which each alternative promotes the public health, safety, and welfare and protects the public trust resources of the Great Lakes.”

It lacks credibility because its author is Dynamic Risk, a firm with ties to Enbridge, the Canadian energy transport company that owns Line 5. Even worse, it absurdly underestimates the impact of a spill and ignores a viable alternative to Line 5 – use of existing infrastructure. An independent expert review in December 2015 documented the practicality of this alternative.

Decommissioning Line 5 in the Straits of Mackinac is the only alternative that will prevent an oil spill with catastrophic consequences for the Great Lakes and the State of Michigan. Moreover, this final alternative report affirms that decommissioning is a feasible option with zero risks to the Great Lakes and minimal economic impacts to Michigan.

It is time for the state to reject the flawed study, exercise its affirmative legal duty as public trustee of the Great Lakes and bottomlands, and shut down Line 5. The state should use that authority to revoke the 1953 easement agreement that Enbridge has consistently violated.

The risk of a spill is too great to allow Line 5 to continue to operate in the Great Lakes. Our state government should not put the Great Lakes, our economy, health, drinking water, fisheries, and

way of life at risk from a catastrophic oil spill any longer. In fact, on November 16, the Coast Guard Coast commandant testified again to Congress that his agency is not prepared to clean up a large-scale pipeline oil spill in the Great Lakes.

UPEC urges you to act as public trustees of our waters and bottomlands, enforce the easement in light of Enbridge's ongoing violations, and begin the process of decommissioning Line 5 in the Straits of Mackinac to protect the Great Lakes from a catastrophic oil spill. The State of Michigan has a legal duty to take this enforcement action. Enbridge's ongoing violations cannot be remedied. It is time for the state to act decisively and with urgency.

Specifically, the draft report on alternatives to Line 5 in the Mackinac Straits:

1. Fails to follow the recommendations and standards outlined in the Michigan Petroleum Pipeline Task Force Report, which resulted from a process created by the governor and co-chaired by the attorney general, and therefore cannot be used by the State of Michigan "in making decisions about the future of the Straits Pipelines."
2. Neglects to provide the state with an independent, fair analysis of the alternatives to Line 5 as required by the Task Force Report. This final report remains biased toward allowing Line 5 to continue to operate and/or allowing Enbridge to build new oil infrastructure in the Straits of Mackinac and further expand its operations. That bias grows out of past, and potentially future, business relationships between Enbridge and the report's authors.
3. Fails to analyze existing pipeline infrastructure as an alternative to Line 5 in the Straits, which the state required Dynamic Risk to analyze, and leaving it out conflicts with Task Force recommendation 3 (b). It is unacceptable that the contractor eliminated this alternative without any analysis. The 1953 easement granted with strict conditions by the state to Enbridge does not guarantee transport of 540,000 barrels per day (bpd) of oil and natural gas liquids. In fact, the 1953 MPSC Order states 300,000 bpd, which means Enbridge is currently operating Line 5 at 80 percent over design capacity.
4. Fails to analyze new evidence disclosed by Enbridge affecting the pipeline's integrity, including external corrosion, 48 bare metal spots caused by the installation of screw anchors, compromised cathodic protection, and historic excessive pipeline spans greater than the 75-foot limit (including a 286-foot span that was unsupported for years), as required by the legal operating agreement with the State of Michigan. Dynamic Risk's rationale, in part, is that "it would be inappropriate to speculate on any of the above aspects of the coating condition."
5. Fails to consider tribal sovereign treaty rights and feedback on the basis that Dynamic Risk was not a party to tribal and state consultations, which is an unacceptable dismissal of input by a key stakeholder.

6. Grossly underestimates the total economic spill costs at between \$147 million and \$310 million, when Enbridge's cleanup costs of its 2010 Line 6B pipeline oil spill along a 40-mile stretch of the Kalamazoo River cost more than \$1.2 billion.
7. Overestimates an impact to propane supply, greatly exceeding what independent experts have determined would be necessary to provide the Upper Peninsula's Rapid River facility with an alternative supply. The flawed report finds that up to 35 railcars per week or 15 truckloads per day would be necessary, while another study found it would take only one railcar or 3 - 4 truckloads per day to replace the Line 5 propane supply to the U.P.
8. "It is time for the state to reject the flawed study, exercise its affirmative legal duty as public trustee of the Great Lakes and bottomlands, and shut down Line 5. The state should use that authority to revoke the 1953 easement agreement that Enbridge has consistently violated."

Signed:

Upper Peninsula Environmental Coalition Board

Horst Schmidt – President

David Allen – Vice President

Jon Saari – Treasurer

David Aho – Board

Steve Garski – Board

Kathleen Heideman – Board

Connie Julien - Board

Maggie Scheffer – Board

Nancy Warren – Board

Evan Zimmerman - Board

Upper Peninsula Environmental Coalition

P.O. Box 673

Houghton, MI 49931

upenvironment.org