



Protecting the Common Waters of the Great Lakes Basin  
Through Public Trust Solutions

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**Task Force Pipeline Report Lays Solid Foundation but Needs Transparent Public Process, Timeline, and Enforcement Measures to Keep Great Lakes Safe**

LANSING – This morning Attorney General Bill Schuette and DEQ Director Dan Wyant released the long-awaited Michigan Petroleum Pipeline Task Force report, outlining specific recommendations to address the significant risks surrounding a Canadian pipeline company’s controversial twin pipelines (known as “Line 5” or the Straits Pipelines). The Task Force report establishes a framework to determine whether the transport of oil through the pipelines under the 5-mile long Straits segment is prudent or justified, especially when it appears other pipelines or routes could deliver the oil to markets without endangering the Great Lakes and the public and private uses that depend on them.

Four of the 13 recommendations are directed at the 62-year-old Straits Pipelines:

- 1) prevent the transportation of heavy crude oil through the Straits Pipelines;
- 2) require an independent risk analysis and adequate financial assurance for the Straits Pipelines;
- 3) require an independent analysis of alternatives to the existing Straits Pipelines; and
- 4) obtain additional information from Enbridge on personnel, products transported, inspections, and repairs.

FLOW – a Great Lakes policy and research center located in Traverse City – credits the Task Force for seriously considering and incorporating many public interest recommendations like the need for an independent alternatives analysis. However, the report lacks a timeline for implementation of the recommendations, enforcement measures under public trust law, and a clear process on conducting the independent alternatives analysis. Further, there are no interim measures to keep the Great Lakes safe while the state continues to gather information. FLOW urges Attorney General Schuette and Director Wyant to implement these additional recommendations and establish a transparent public process for evaluation under the Great Lakes Submerged Lands Act.

“The report is promising and surprisingly frank, recognizing the state’s legal authority and duty under the 1953 Easement and public trust law. However, it doesn’t recognize the urgency of the situation in the Straits,” said Liz Kirkwood, Executive Director of FLOW, “Allowing the oil to continue flowing while awaiting further information is simply unacceptable given the ongoing risk and magnitude of harm to the Great Lakes.” FLOW expert Ed Timm observed, “Line 5 becomes more hazardous with each passing day.”

The 62-year old pipeline is owned and operated by Enbridge under a 1953 Easement that reserved ownership and the public’s rights in the Great Lakes to the State of Michigan. Enbridge ships liquid

natural gas and oil through Line 5, and its use is limited by what a reasonably prudent person would do to protect public safety, public property, and private property from harm.

According to FLOW expert Rick Kane, “there is an “end-of-life” for the Line 5 Straits Crossing that can be established by proper planning and implementation. An alternatives assessment with an aggressive time schedule is needed to protect the Great Lakes from an unplanned incident such as those that have occurred with other aging pipelines.” The Enbridge Line 5 pipelines push nearly 23 million gallons of oil and natural gas liquids a day through the Straits of Mackinac, which the company uses as a shortcut for its Line 5 route from Superior, Wis., to Sarnia, Ontario. A July 2014 study by the University of Michigan called the Straits “the [worst possible place](#) for an oil spill in the Great Lakes” and [depicted the prospect of a plume from a million-gallon oil spill](#) in the Straits stretching for 85 miles – from Lake Michigan’s Beaver Island to Mackinac Island to Rogers City down the Lake Huron shore.

FLOW and partner organizations, including National Wildlife Federation, Michigan Environmental Council, and *Oil & Water Don’t Mix Coalition* have submitted reports and made presentations to the Task Force during the last year. FLOW’s [expert report](#) released in April 2015 identified grave structural concerns related to corrosion, welding and coating failures, and invasive quagga mussel impacts weakening the steel pipelines. “Emergency measures are needed, and they are needed now.” said FLOW expert Gary Street.

“Attorney General Schuette, Director Wyant, and the Task Force should be commended for their hard work on the report and the direction of these recommendations,” said Jim Olson, Founder and President of FLOW. “Our state officials are legally recognized trustees who have a solemn duty to protect the Great Lakes from harm. If our leaders quickly and prudently implement these recommendations, it should put an end to the transport of oil in the Straits because the risk is unacceptable to the citizens and well-being of Michigan. At the moment, there are absolutely no executive orders, letters to Enbridge, or even suggestions for procedures, notices, and decisions to implement the Task Force recommendations. The Attorney General, Director DEQ, and state officials must establish immediately a procedure, with public participation, transparency, and accountability under rule of law and the public trust in the Great Lakes. Failure to do so, would be a clear violation of their public trust responsibilities. We urge them to implement a timely, fair, and meaningful process to bring these recommendations on Line 5 and Enbridge.”

Over the last year, FLOW has elevated the State of Michigan’s leading role in addressing these petroleum pipelines that were built on state-owned bottomlands under a 1953 easement held in public trust ([see FLOW’s July 1, 2014 letter to the State](#)). The State has changed its position and accepted that they as trustees of the Great Lakes have jurisdiction over these pipelines in addition to the federal pipeline agency, PHMSA (Pipeline Hazardous Materials Safety Administration). Without the State of Michigan’s express authorization under the 1953 Easement and public trust law, Enbridge’s predecessor, Lake Head Pipe Line Company, could never have built these pipelines on the bottomland of the Straits of Mackinac. As trustee, the State of Michigan must ensure the interests of the public by protecting the waters for citizens’ use and enjoyment in perpetuity.

“Extraordinary measures for management, communication, continuous monitoring, inspections, and emergency response are typical actions regulators take and industry expects when faced with major environmental and economic risks like Line 5,” said Kane.

**For more information, visit the FLOW website:**

- [www.FlowforWater.org](http://www.FlowforWater.org)
- [www.FlowforWater.org/programs/enbridge-line-5-pipelines-in-the-straits-of-mackinac](http://www.FlowforWater.org/programs/enbridge-line-5-pipelines-in-the-straits-of-mackinac)

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