



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF NATURAL RESOURCES  
LANSING



DANIEL EICHINGER  
DIRECTOR

January 13, 2020

Mr. Vern Yu  
Executive Vice President and President, Liquids Pipelines  
Enbridge Inc.  
200, Fifth Avenue Place  
425 - 1st Street SW  
Calgary, Alberta  
Canada T2P 3L8

Re: 1953 Straits of Mackinac Pipeline Easement

Dear Mr. Yu:

The Michigan Department of Natural Resources (DNR) is reviewing the 1953 Straits of Mackinac Pipe Line Easement granted by the Michigan Conservation Commission to Lakehead Pipe Line Company to determine past and present compliance by Enbridge, Inc., its affiliates, subsidiaries and predecessor companies (hereinafter "Enbridge"). In furtherance of and to facilitate this review, I am writing to request that Enbridge provide the information and documents identified in Attachment A. To facilitate review, please provide responses individually for each numbered request. Please provide the requested information within 30 days of the date of this letter.

If you have any questions regarding this letter and the information and documents requested, please contact Steve Chester at (517) 483-4933. Thank you for your prompt attention to these matters.

Sincerely,

Daniel Eichinger, Director  
Michigan Department of Natural Resources

cc: Mark Totten, Chief Legal Counsel, Executive Office of the Governor  
Steve Chester, Special Assistant Attorney General

Attachment A  
(January 13, 2020 DNR Letter to Enbridge)

**Requests for Information and Documents to Enbridge  
Regarding the 1953 Easement and Related Matters**

**Introduction**

The Department of Natural Resources (DNR) is reviewing the 1953 Easement granted by the Michigan Conservation Commission to Lakehead Pipe Line Company. In furtherance of and to facilitate this review, the following Requests for Information and Documents are submitted to Enbridge, as defined below and as corporate successor to Lakehead Pipe Line Company.

**Definitions**

The words, terms and phrases identified below shall have the following meaning for purposes of these Requests for Information and Documents:

- A. "1953 Easement" means the document entitled "Straits of Mackinac Pipe Line Easement Conservation Commission of the State of Michigan to Lakehead Pipe Line Company, Inc." executed April 23, 1953, and as amended May 15, 1953.
- B. "Enbridge" means Enbridge, Inc.; Enbridge Energy, Limited Partnership; Enbridge Energy Company, Inc. (formerly known as Lakehead Pipe Line Company, Inc.); Enbridge Energy Partners, L.P.; and any related subsidiaries, successors and assigns.
- C. "Lakehead" means Lakehead Pipe Line Company, Inc., now known as Enbridge Energy Company, Inc., the recipient of the 1953 Easement.
- D. "Line 5" means the Enbridge light crude and natural gas liquids pipeline that extends from Superior, Wisconsin, through the Upper Peninsula of Michigan to the Lower Peninsula of Michigan and then across the U.S. Canada international boundary to Sarnia, Ontario, Canada.
- E. "State of Michigan" or "State" means the State of Michigan and the Department of Natural Resources ("DNR"), and its predecessor the Conservation Commission, and the Department of Environment, Great Lakes, and Energy ("EGLE") and its predecessor the Department of Environmental Quality ("DEQ").
- F. "Straits Pipelines" means the two parallel 20 inch diameter pipelines, each 4.09 miles long, constructed and placed in the Straits in 1953 and which continue to be located and operated as part of Enbridge's Line 5 operations.
- G. "Straits of Mackinac" or "Straits" means that segment of water between the Upper and Lower Peninsulas of Michigan that connects Lake Michigan and Lake Huron.

- H. "Document(s)" is to be interpreted in the broadest sense, and means any written, recorded or graphic matter, whether produced, reproduced or stored on paper, cards, tape, film, electronic facsimile, email, computer storage devices or any other medium. It includes, without limitation, letters, emails, memoranda (whether internal or external), drafts, notes, work papers, printed forms, logs, voicemail messages, recordings, books, forms (whether official or unofficial), publications, press releases, guidelines, position papers, manuals, instructions, minutes, summaries or abstracts, reports, files, transcripts, bulletins, charts, photographs, studies, analyses, evaluations, diagrams, and all other written, recorded or graphic matter of whatever kind or description, or copies or reproduction thereof.
- I. "Information" is to be interpreted in the broadest sense, and means any knowledge, facts, data, details, figures or evidence, whether in the form of a document or in any other form or format.

### Requests

#### Pipeline Spans and Lengths

1. For the period of time beginning with operation of Line 5 in 1953 to the present, provide information and documents that identify, explain, confirm, describe, document, or otherwise discuss any and all inspections, investigations, assessments or evaluations of pipeline spans or lengths in the Straits Pipelines.
2. For the period of time beginning with operation of Line 5 in 1953 and extending through Calendar Year 2000, provide information and documents that identify, explain, confirm, describe, document, or otherwise discuss pipeline spans or lengths exceeding 75 feet in length for the Straits Pipelines. Include, without limitation, information and documents regarding the date(s) on which the Straits Pipelines were inspected and pipeline spans or lengths exceeding 75 feet were identified, the means or method of inspection, the number and location of pipeline spans or lengths exceeding 75 feet, the date(s) measures or actions were taken in response to spans or lengths exceeding 75 feet, and the measure(s) or action(s) taken.
3. For the period of time beginning with Calendar Year 2001 to the present, provide information and documents that identify, explain, confirm, describe, document, or otherwise discuss pipeline spans or lengths exceeding 75 feet in length for the Straits Pipelines. Include, without limitation, information and documents regarding the date(s) on which the Straits Pipelines were inspected and pipeline spans or lengths exceeding 75 feet were identified, the means or method of inspection, the number of pipeline spans or lengths exceeding 75 feet, the date(s) measures or actions were taken in response to spans or lengths exceeding 75 feet, and the measure(s) or action(s) taken.
4. In responding to Requests 1 through 3 above, provide information and documents that identify, describe, confirm or document any written, verbal or other communication with

the State of Michigan regarding pipeline spans or lengths, the date of each communication, the means or method of each communication, the person(s) making the communication, and the person(s) to whom the communication was made.

“Communication” includes, without limitation, any notice, letter, text message, email, voicemail or other means of contact.

### Pipeline Coatings and Wraps

5. For the period of time beginning with operation of Line 5 in 1953 to the present, provide information and documents that identify, explain, confirm, describe, document, or otherwise discuss any and all inspections, investigations, assessments or evaluations made of the pipe coating or wrap (described in Paragraph A(9) of the 1953 Easement as “asphalt primer coat, by inner wrap and outer wrap composed of glass fiber fabric material and one inch by four inch (1” by 4”) slats”) for the Straits Pipelines.
6. For the period of time beginning with operation of Line 5 in 1953 and extending through Calendar Year 2000, provide information and documents that identify, explain, confirm, describe, document, or otherwise discuss damage (including, without limitation, “holidays” or areas of exposed metal, dents, delamination, disbondment, and corrosion) to the pipe coating or wrap for the Straits Pipelines. Include, without limitation, information and documents regarding the date(s) on which the Straits Pipelines were inspected and damage to the pipe coating or wrap was discovered, the means or method of inspection, the number and location of each area of damage to the pipe coating or wrap, the date(s) measures or actions were taken in response to damage to the pipe coating or wrap, and the measure(s) or action(s) taken.
7. For the period of time beginning with Calendar Year 2001 to the present, provide information and documents that identify, explain, confirm, describe, document, or otherwise discuss damage (including, without limitation, “holidays” or areas of exposed metal, dents, delamination, disbondment, and corrosion) to the pipe coating or wrap for the Straits Pipelines. Include, without limitation, information and documents regarding the date(s) on which the Straits Pipelines were inspected and damage to the pipe coating or wrap was discovered, the means or method of inspection, the number and location of each area of damage to the pipe coating or wrap, the date(s) measures or actions were taken in response to damage to the pipe coating or wrap, and the measure(s) or action(s) taken.
8. In responding to Requests 5 through 7 above, provide information and documents that identify, describe, confirm or document any written, verbal or other communication with the State of Michigan regarding damage (including, without limitation, “holidays” or areas of exposed metal, dents, delamination, disbondment, and corrosion) to the pipe coating or wrap for the Straits Pipelines, the date of each communication, the means or method of each communication, the person(s) making the communication, and the person(s) to whom the communication was made. “Communication” includes, without limitation, any notice, letter, text message, email, voicemail or other means of contact.

## Line 5 Leaks, Breaks, Spills, and Releases

9. For the period of time beginning with operation of Line 5 in 1953 to the present, provide information and documents that identify, explain, confirm, describe, document, or otherwise discuss any and all leaks, breaks, spills or releases of oil, natural gas liquids or any other material or substance conveyed through Line 5. Include, without limitation, information and documents regarding the date(s) on which the leak, break, spill or release occurred, how the leak, break, spill or release was discovered, the location of each leak, break, spill or release, the amount of oil or other substance involved in the leak, break, spill or release, the date(s) measures or actions were taken in response to the leak, break, spill or release, and the measure(s) or action(s) taken.
10. In responding to Request 9 above, provide information and documents that identify, describe, confirm or document any written, verbal or other communication with the State of Michigan regarding the leak, break, spill or release, the date of each communication, the means or method of each communication, the person(s) making the communication, and the person(s) to whom the communication was made. "Communication" includes, without limitation, any notice, letter, text message, email, voicemail or other means of contact.

## 140 Ft Pipeline Span Corrective Action Criterion<sup>1</sup>

11. Provide information and documents that identify, confirm, explain, describe, document, or otherwise discuss the consideration, development, adoption or establishment by Enbridge of a 140 ft pipeline span for the Straits Pipelines. Include, without limitation, information and documents regarding when Enbridge first considered, developed or established the 140 ft pipeline span, the date(s) on which Enbridge applied or took action consistent with the 140 ft pipeline span, the date(s) Enbridge applied or took action consistent with the 140 ft pipeline span rather than apply or take action consistent with the 75 feet pipeline span requirement of the 1953 Easement, the date(s) measures or actions were taken in reliance with the 140 ft pipeline span, and the measure(s) or action(s) taken.
12. In responding to Request 11 above, provide information and documents that identify, describe, confirm or document any written, verbal or other communication with the State of Michigan regarding Enbridge's consideration, development, or establishment of a 140 ft pipeline span, the date of each communication, the means or method of each communication, the person(s) making the communication, and the person(s) to whom the communication was made. "Communication" includes, without limitation, any notice, letter, text message, email, voicemail or other means of contact.

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<sup>1</sup> See "Assessment of Span Exposures on the 20-inch Petroleum Pipelines Crossing the Straits of Mackinac," Kiefner and Associates, Inc. (October 12, 2016) (p. 2), which includes the statement: "[a] span of 140 ft was established by Enbridge as a criterion for taking corrective action."

### Curvature of Pipe

13. For the period of time beginning with operation of Line 5 in 1953 to the present, provide information and documents that identify, explain, confirm, describe, document, or otherwise discuss the curvature of any section of pipe of the Straits Pipelines. Include, without limitation, information and documents regarding the date(s) on which the Straits Pipelines were inspected and the curvature of any section of pipe was less than 2,050 feet radius (described in Paragraph A(4) of the 1953 Easement), the means or method of inspection, the number and location(s) of any section of pipe with a curvature less than 2,050 feet radius, the date(s) measures or actions were taken in response to curvature of less than 2,050 feet radius, and the measure(s) or action(s) taken.
14. In responding to Request 13 above, provide information and documents that identify, describe, confirm or document any written, verbal or other communication with the State of Michigan regarding the curvature of any section of pipe of the Straits Pipelines, the date of each communication, the means or method of each communication, the person(s) making the communication, and the person(s) to whom the communication was made. "Communication" includes, without limitation, any notice, letter, text message, email, voicemail or other means of contact.

### Anchor Strikes or Deployments, and Hits/Strikes by Any Other Objects

15. For the period of time beginning with operation of Line 5 in 1953 to the present, provide information and documents that identify, confirm, explain, describe, document, or otherwise discuss any and all anchor strikes or deployments, or hits or strikes by any other object, which have occurred, impacted or otherwise affected the Straits Pipelines. Include, without limitation, information and documents regarding how each anchor strike or deployment, or hit or strike by any other object, was discovered, the date(s) and time(s) it was discovered, the location on the Straits Pipelines, and all measures and actions taken regarding or in response to the anchor strike or deployment, or hit or strike by any other object.
16. In responding to Request 15 above, provide information and documents that identify, describe, confirm or document any written, verbal or other communication with the State of Michigan regarding each anchor strike or deployment, or hit or strike by any other object, the date of each communication, the means or method of each communication, the person(s) making the communication, and the person(s) to whom the communication was made. "Communication" includes, without limitation, any notice, letter, text message, email, voicemail or other means of contact.
17. In addition to information and documents provided in response to Requests 15 and 16 above, provide any additional information and documents that identify, explain, confirm, describe, document, or otherwise discuss any and all anchor strikes or deployments, or hits or strikes by any other objects, that have occurred, impacted or otherwise affected pipelines, gas lines, electric transmission lines, telephone or broadband lines or cables, or other utility lines or cables located in the Straits of Mackinac.

## Miscellaneous

18. In addition to information and documents provided in response to Questions 1 through 17 above, for the period of time beginning with operation of Line 5 in 1953 to the present, provide any additional information and documents that identify, explain, confirm, describe, document, or otherwise discuss any and all inspections, investigations, assessments or evaluations of the Straits Pipelines.
19. In addition to information and documents provided in response to Questions 1 through 18 above, for the period of time beginning with operation of Line 5 in 1953 to the present, provide any additional information and documents that identify, explain, confirm, describe, document, or otherwise discuss any and all inspections, investigations, assessments or evaluations of Line 5.
20. In responding to Requests 18 and 19 above, provide information and documents that identify, describe, confirm or document any written, verbal or other communication with the State of Michigan regarding inspections, investigations, assessments or evaluations of Line 5 or the Straits Pipelines, the date of each communication, the means or method of each communication, the person(s) making the communication, and the person(s) to whom the communication was made. "Communication" includes, without limitation, any notice, letter, text message, email, voicemail or other means of contact.