



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

September 5, 2017

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U.S. Environmental Protection Agency
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Environment and Climate Change Canada
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RE: DRAFT 2017 LAKE HURON LAKEWIDE ACTION AND MANAGEMENT PLAN

On behalf of FLOW, I am submitting comments regarding the draft 2017 Lakewide Action and Management Plan (LAMP) for Lake Huron. For Love of Water ("FLOW") is a Michigan nonprofit corporation dedicated to researching, evaluating and providing sound law, science, and policy to protect the waters of Michigan and the Great Lakes, their bottomlands, aquatic resources, and the public trust in these lands, waters, and their protected public trust uses.

We are concerned about the LAMP's failure to address a major threat to the waters and ecosystem of Lake Huron: the Enbridge Corporation's Line 5 pipelines traversing 4.6 miles on the bottomlands of the Straits of Mackinac. Approximately 23 million gallons of crude oil and natural gas liquids flow through Line 5 per day.

These 64-year-old pipelines convey petroleum products including crude oil and natural gas liquids. The pipeline was designed for a 50-year life. Line 5 has failed 29 times since 1968, spilling at least 1.13 million gallons of oil.

A rupture in the Straits of Mackinac would be catastrophic. It would threaten the drinking water supply for up to five million Michigan residents, severely damage commercial and tribal fisheries and cause significant damage to the biota of Lake Huron generally. The ecological and economic harm would persist for many years.

University of Michigan studies call the Straits of Mackinac the "worst possible place" for a Great Lakes oil spill, which could pollute up to 720 miles of shoreline along Lake Michigan and Lake Huron. Enbridge's data reveal that sections of Line 5 in the Mackinac Straits are cracked and dented, and a segment on land near the Straits has lost 26% of its original wall thickness. Under the best conditions, only 30% of an oil spill would be recovered.

The previous drafts of the Lake Huron LAMP adequately described this risk. We are puzzled by its removal from this draft. Annex 2 (B) (2) of the 2012 Great Lakes Water Quality Agreement requires to “assemble, assess and report on existing scientific information concerning the state of the waters of each Great Lake including current and future potential threats to water quality” in LAMPs. Certainly, Line 5 rates as a future potential threat, indeed an imminent one. We urge its inclusion in the final LAMP.

We are also concerned that the LAMP fails to address in a meaningful way the problem of excess nutrients that foster “episodic summer [harmful algal] blooms that occur in Saginaw Bay, Sturgeon Bay and Deep Bay (Georgian Bay), and parts of the North Channel where farming occurs.” The LAMP further notes that “Eutrophication or undesirable algae” are a Beneficial Use Impairment in the Saginaw Bay Area of Concern. The LAMP attributes the excess nutrients in large measure to agricultural sources such as confined animal feeding operations, row-cropping, and improper management and application of animal waste and fertilizer.

Rather than propose actions that could significantly reduce phosphorus loadings from agriculture, the LAMP calls for more of what hasn’t worked: voluntary agricultural BMPs under the Saginaw Bay Watershed Regional Conservation Partnership Program within high-priority watersheds and in Ontario, monitoring and engagement with landowners and the public. Regulatory approaches are also needed. At a minimum, the State of Michigan should enact and enforce a prohibition on the application of animal waste and agricultural fertilizer on frozen, snow-covered and saturated ground.

Finally, we wish to express our appreciation for the opportunity to comment. We note that it took several years after the 2012 Agreement came into effect for governments to establish their outreach and engagement mechanisms for the public and affected communities. We are glad a higher priority is now being placed on public engagement in LAMPs.

Sincerely,

A handwritten signature in cursive script that reads "Liz Kirkwood".

Liz Kirkwood
Executive Director