

Contrary to what Enbridge and outgoing Michigan Gov. Rick Snyder want us to think, their Line 5 oil tunnel agreement is NOT a done deal, nor a solution. Enbridge acknowledges the October 3 pact is merely “a commitment to explore the replacement of the Mackinac Straits section of Line 5 with a tunnel under the lakebed that *could* [emphasis added] contain a new pipeline.” Meanwhile Enbridge’s decaying, 65-year-old oil pipelines would continue running indefinitely and threatening the open waters of the Great Lakes.

The Snyder-Enbridge agreement:

- 1. Increases Risk to the Great Lakes.** The Line 5 pipelines will continue to pump 23 million gallons of oil per day through the Straits of Mackinac during a decade of tunnel construction, if it’s ever built; adding minor safety measures won’t prevent a catastrophic spill.
- 2. Risks an Explosion and Oil Spill.** Proposing to combine a replacement Line 5 crude oil pipeline in a tunnel with natural gas and/or electric lines would increase the risk of an explosion and catastrophic oil spill from failed design, materials, or operation.
- 3. Attempts to Bypass the Law.** The agreement attempts to bypass Michigan’s public trust and environmental laws that protect the Great Lakes, seeking to exploit the 1950’s law that authorized the iconic Mackinac Bridge to support exploration of an oil tunnel.
- 4. Ties the Mackinac Bridge to Private Oil Tunnel.** Gov. Snyder’s pact risks the structural and fiscal integrity of the Mackinac Bridge by seeking to saddle the Mackinac Bridge Authority with owning the risky tunnel and leasing it for 99 years to Enbridge, which is notorious for major oil spills across Michigan and misleading state and federal regulators about Line 5’s condition in the Straits.
- 5. Assumes Risky Liability for 99 Years.** The Mackinac Bridge Authority will assume Enbridge’s liabilities and resultant oil spill or explosion damages on the legal cause of action for failure to oversee and safely maintain the tunnel, regardless of the terms of any proposed lease agreement with Enbridge. The MBA is not a traditional government agency protected by the governmental immunity doctrine. Even if the Governor attempts to grant immunity via lame duck legislation, the MBA would be engaged in a proprietary function in its 99-year lease with Enbridge and retain liability for any negligent oversight.
- 6. Lacks Full Oil Spill Insurance.** The pact caps Enbridge’s financial responsibility to \$1.88 billion, the low end of the estimated range of up to \$6.3 billion in likely economic and environmental impact damages from a Line 5 oil spill. Also, the capped coverage is not adjusted for inflation over the next 10 years, and general liability policies often contain pollution exclusions that do not cover clean-up costs, restoration costs, and associated natural resource damages.
- 7. Uses Oil Tunnel as a Trojan Horse to Privatize the Mackinac Straits and Mackinac Bridge.** The ultimate goal of Gov. Snyder and Enbridge is to rid Michigan of its perpetual environmental duties by creating a public-private tunnel agreement that has the effect of privatizing the Mackinac Straits, and potentially the Mackinac Bridge itself, benefiting a private foreign oil pipeline company.