



Oil & Water Don't Mix
Keep Oil Out of the Great Lakes

Challenging Enbridge's "Line 5" Oil Pipelines in the Straits of Mackinac

WHO: More than a dozen environmental groups, businesses, Tribes, and communities – and thousands of citizens – support the Oil & Water Don't Mix campaign's goal to protect the Great Lakes from a catastrophic oil spill. The campaign is questioning why the State of Michigan has not applied state public trust law to regulate Enbridge's 61-year-old "Line 5" pipelines lying on state bottomlands in state waters at the Straits of Mackinac. The pipelines push nearly 23 million gallons of oil every day through the Straits, which is the very heart of the Great Lakes where Lake Michigan and Lake Huron meet and separate the Upper and Lower Peninsulas. Line 5 is owned by Canadian-based Enbridge, North America's largest oil pipeline owner and operator.

WHAT: The Oil & Water Don't Mix campaign contends that the state is long overdue under Michigan law – the Great Lakes Submerged Lands Act – in conducting an open public process to evaluate the likely risks and impacts to not only the Great Lakes waters and ecosystem, but also the affected communities, in the event of an oil spill. This public process, in turn, would address the question of whether the Enbridge oil pipelines in the Straits warrant greater regulation, repair, replacement, or removal. The campaign is calling on Gov. Rick Snyder to immediately assert his legal authority as state trustee.

WHEN: Michigan in 1953 granted Enbridge an easement to lay the oil pipelines on the state-owned bottomlands of the Straits. The state retains the right to terminate the easement and order the pipelines removed if Enbridge fails to meet all stated conditions. Enbridge in 2014 admitted to violating the easement by not installing the required anchoring structures every 75 feet along the pipelines.

WHERE: At the Straits, about two miles west of the Mackinac Bridge, Enbridge's 30-inch diameter Line 5 splits into two 20-inch diameter oil pipelines – each a little larger around than a basketball hoop – that lie roughly 1,000 feet apart along the bottom. The pipelines reach depths of 270 feet in powerful currents that periodically reverse direction and sometimes wash out portions of the lake bed where it supports the pipelines. The twin oil pipelines continue for about four miles before reaching the shore in Mackinaw City and recombining to be a single 30-inch pipeline again.

A SERIES OF SPILLS: Enbridge's 645-mile Line 5 pipeline starts at a pipeline junction in Superior, Wisconsin, that receives oil from Canada and North Dakota. Line 5 travels through the Upper Peninsula, including Crystal Falls, where Enbridge's pipeline leaked 220,000 gallons of oil into a marsh in 1999 and sparked an 8-acre fire. Since 1988, Enbridge has had 15 documented failures on Line 5, resulting in about 260,000 gallons of oil leaking from their pipeline – with several of those breaks happening near the Straits. After crossing through the Straits, Line 5 then traverses the Lower Peninsula's Inland Waterway and Au Sable River and eventually crosses under the St. Clair River near Port Huron, some 50 miles upstream from metropolitan Detroit's drinking water intakes, to connect to a refinery in Sarnia, Ontario. Enbridge's heavy tar sands pipeline ("Line 6B") that failed along the Kalamazoo River also crosses the St. Clair River and connects to Sarnia.

WHY THERE'S A GROWING SENSE OF URGENCY:

- **After Enbridge caused the largest inland oil spill in American history in 2010 –** when a burst pipeline dumped more than 1 million gallons of heavy tar sands oil into the Kalamazoo River watershed – and exceeded \$1 billion in cleanup costs – many residents, officials, and public-interest groups turned their attention and concern to Enbridge's pipelines in the Straits of Mackinac, a scenic and ecologically sensitive area with formidable currents moving volumes of water more than 10 times greater than the flow over Niagara Falls.
- **In 2013, Enbridge upgraded pumps along Line 5 and increased the oil flow under the Straits** by 10 percent or 2.1 million gallons per day. That year, the Oil & Water Don't Mix campaign held a summertime rally at the Straits to raise public awareness about Line 5.

- **In June 2014, Enbridge disclosed that it was in violation of the state easement** by not installing the required anchoring structures every 75 feet along the oil pipelines, and sought a “maintenance” permit from the state to install the anchors on state-owned bottomlands.
- **On July 1, a total of 17 conservation, water, environmental, and tribal organizations sent a letter** to Michigan Gov. Snyder, the Attorney General, and the Department of Environmental Quality director, urging immediate state action to regulate Enbridge’s Line 5 pipelines under the Great Lakes Submerged Lands Act.
- **In early July, a University of Michigan study depicted how devastating a spill of one million gallons of oil** – the amount contained in the Straits pipelines at any given time – would be for the Great Lakes, wildlife, and communities. The U of M animation showed oil could surround popular tourist destinations like Mackinac Island, spreading a plume for 85 miles from Lake Michigan’s Beaver Island to Lake Huron’s Rogers City.
- **On July 24, the state Attorney General’s office formally concurred with Enbridge’s June disclosure that it was in violation** of the state easement by not installing the required anchoring structures every 75 feet along the oil pipelines. Neither Enbridge nor the state indicated how long Enbridge had been out of compliance with the 1953 easement’s requirements.
- **On September 4, the state’s oil spill cleanup chief told a crowd of leaders and local residents** at a public forum at Mackinac Island City Hall that there would be no visible cleanup activity by the state in the first hours or perhaps even the first days after a Straits oil spill, as response crews and equipment arrive from other parts of the country. If the Straits freeze over, as they did in the winter of 2013-14, cleanup would be far more challenging, he explained.
- **On September 18, the Mackinac Island Community Foundation** sent a letter to Gov. Snyder expressing concern that the state “has not been paying close attention” to the Straits pipelines and requesting that the governor determine the lifespan of the pipelines and types of oil being transported. The letter cited a recent U.S. Coast Guard report revealing it cannot effectively respond to a heavy oil spill in the Great Lakes – the very oil type that Enbridge is still cleaning up four years after its million-gallon spill into the Kalamazoo River.
- **On September 25, the mayor of the City of Mackinac Island wrote Gov. Snyder expressing “deep concern”** over the submerged Enbridge oil pipelines and asserting that a “spill of almost any size would surround the Island in oil, shut down all ferry service, and leave residents without a viable drinking water supply for an indefinite period of time.”
- **To date, Gov. Snyder’s response has been to form a task force in June to study oil pipelines across the state**, including Enbridge’s Line 5 in the Straits, over the next year or so – a process that is closed to the public and ignores the urgency of Line 5’s threat to the Straits of Mackinac. The governor and his administration claim that regulation of Line 5 is primarily a federal issue. In fact, the state holds the easement as owner of the waters and the bottomlands on which Line 5 is laid, and the state holds these Great Lakes waters and bottomlands in public trust for the public’s use and enjoyment.

FOR MORE INFORMATION:

- **Visit** the Oil & Water Don’t Mix campaign website at www.OilandWaterDontMix.org.
- **Sign** the citizen petition to the Governor’s office www.oilandwaterdontmix.org/sign_on_letterwww.OilandWaterDontMix.org/sign_on_letter
- **Contact:**
 - Liz Kirkwood, Executive Director, FLOW, 231-944-1568; liz@flowforwater.org; www.FLOWforWater.org.
 - Jim Lively, Program Director, Michigan Land Use Institute, 231-360-7222; jim@mlui.org; www.mlui.org.
- **View** the University of Michigan animation of the predicted impacts of an oil spill at the Straits from the Line 5 pipelines: www.youtube.com/watch?v=t_0AsAAHpcs
- **Watch** underwater footage of the pipelines below the Straits: www.youtube.com/watch?v=qCMfDDcyRb0 (runs from 3:06-4:30).
- **See** the TV commercial airing across Northern Michigan: www.OilandWaterDontMix.org.