

United States Senate

April 19, 2016

The Honorable Rick Snyder
Office of the Governor
P.O. Box 30013
Lansing, MI 48909

Attorney General Bill Schuette
G. Mennen Williams Building, 7th Floor
525 West Ottawa Street
P.O. Box 30212
Lansing, MI 48909

Interim Director Keith Creagh
Michigan Department of Environmental Quality
525 West Allegan Street
P.O. Box 30473
Lansing, MI 48909

Interim Director Bill Moritz
Michigan Department of Natural Resources
Executive Division
P.O. Box 30028
Lansing, MI 48909

Dear Governor Snyder, Attorney General Schuette, Director Creagh, and Director Moritz:

One of the most pressing items before the State of Michigan is to help prevent a catastrophic oil spill into the Great Lakes, especially from Enbridge's Line 5 petroleum pipelines that run across the Straits of Mackinac. We must reduce or eliminate the threat of spills of hazardous liquids of all kinds while identifying ways to meet the energy demands of Michigan and the nation. I understand that the Michigan Petroleum Pipeline Task Force is implementing recommendations in order to accomplish these goals. However, every day that passes without a timeline for a final decision is another day with a 63-year-old oil pipeline at the bottom of the Great Lakes that poses a hazard to the people of Michigan. I strongly urge you to complete an independent risk analysis and a route alternatives assessment of Line 5 as soon as possible, as well as demand that Enbridge immediately address any demonstrated or potential violations of state law, especially the 1953 "Straits of Mackinac Pipe Line Easement."

I have a number of concerns about the potential impacts of an oil spill at the Straits of Mackinac and the adequacy of current response capabilities. Recently, the University of Michigan's Water Center released modeling that illustrates the dire consequences of a number of spill scenarios. They found that over 700 miles of Great Lakes coastline is potentially vulnerable to a spill from Line 5, depending on the size of the spill and the weather conditions. The project also concluded that there is an 80-90% probability that oil would hit the shores of Mackinac Island within 9-12 hours. While the Straits of Mackinac has been called "the worst possible place for a spill" in the Great Lakes because of powerful and rapidly changing currents, a failure of Line 5 would also be disastrous for other sensitive areas on land and at waterway crossings. One example is a long stretch of pipe in the Upper Peninsula, where a worst-case discharge scenario into a tributary could reach Lake Michigan.

As a member of the Senate Commerce, Science and Transportation Committee, which oversees U.S. Coast Guard operations, I have spoken with numerous Coast Guard officials and outside experts about oil spill response in unique bodies of water like the Great Lakes. While the U.S. Coast Guard is focused on spill response readiness in the region, they have acknowledged the inadequacy of current response methods, especially under certain conditions such as high waves and ice cover.

Finally, I believe it is critical to verify that Line 5 is in compliance with all state and federal laws. As acknowledged in the Michigan Petroleum Pipeline Task Force report, the State's 1953 Easement allows Enbridge to use the bottomlands of the Great Lakes, where the twin pipelines sit today. There are very real concerns about past, current, and potential breaches of this easement agreement, ranging from violation of the maximum span of unsupported pipe to violation of pipeline dimension requirements, such as wall thickness and exterior protections. It is essential to establish the legal compliance status of Line 5 and address any outstanding violations.

The importance of the Great Lakes to Michigan's economy, environment and way of life cannot be overstated, and we must weigh the benefits and costs of each and every alternative with that in mind. We can meet our energy needs while reducing the risk of catastrophe for current and future generations. I urge you to move with the utmost speed and urgency to complete a transparent analysis of the Straits pipelines, including an independent review of pipeline conditions and a comprehensive alternatives assessment. In doing so, please establish whether or not the current pipeline status is in violation of state law. I stand ready to assist in this effort.

Sincerely,

A handwritten signature in blue ink, reading "Gary C. Peters". The signature is fluid and cursive, with the first name "Gary" being more prominent and the last name "Peters" following in a similar style.

Gary C. Peters
United States Senator