

Senators Warren, Hopgood, Jones, Hertel, Conyers, Bieda, Knezek and Gregory offered the following resolution:

Senate Resolution No. 56.

A resolution to urge the Governor and Attorney General to exercise their authority as guardians of the public trust to terminate the 1953 easement and shut down the Enbridge Energy Line 5 pipelines on the bottomlands of the Straits of Mackinac.

Whereas, The Great Lakes are crucial to Michigan's economy, ecology, and identity. Our state's freshwater resources are vital to agriculture, fishing, manufacturing, tourism, wildlife, and drinking water. One in five Michigan jobs are directly connected to our water resources; and

Whereas, An oil spill in the Straits of Mackinac would be devastating for our state. The United States Coast Guard testified before Congress in 2015 that the Coast Guard would not be able to respond effectively to a leak in the Great Lakes, particularly if a leak occurred under ice cover. Modeling conducted in 2016 by University of Michigan hydrodynamics researchers determined that a rupture of Line 5 would likely contaminate at least 700 miles of coastline; and

Whereas, The Enbridge Energy Line 5 pipeline under the Straits of Mackinac is 64 years old, and transports nearly 23 million gallons of light crude oil and natural gas liquids daily through an ecologically vulnerable area; and

Whereas, The state of Michigan holds the bottomlands of the Great Lakes in inalienable public trust and in 1953 granted Enbridge an easement to operate Line 5 under the Straits. The terms of the easement require that Enbridge "follow the usual, necessary and proper procedures for the type of operation involved, and at all times shall exercise the due care of a reasonably prudent person for the safety and welfare of all persons and all public and private property"; and

Whereas, Because of the age of the pipeline, the buildup of biota, the lack of adequate emergency response plans, and the fact that hydrocarbon flows are 80 percent above the original specifications, Enbridge is not operating Line 5 with due care; and

Whereas, Enbridge is in longstanding material breach of specific structural conditions of the easement; and

Whereas, The easement requires the pipeline be not less than 0.812 inches thick, but some areas are up to 41 percent thinner than required due to milling defects in the original construction. Additionally, areas of corrosion eroding up to 26 percent of the pipeline thickness were detected in 2013; and

Whereas, The easement requires supportive anchors at least every 75 feet, but inspections as early as 1979 have repeatedly found unsupported spans exceeding this length as erosion washes out areas previously supported on the lake bottom. Most recently, unsupported spans were revealed in the summer of 2016 despite assurances from Enbridge in 2014 that the problem would not recur. Inadequate support puts cumulative stress on the pipeline and its welds over the long term; and

Whereas, The easement requires the pipeline be protected by an anticorrosion coating. A work plan submitted by Enbridge to the U.S. Environmental Protection Agency in 2016 indicates at least 19 areas of apparent delamination of this coating; and

Whereas, The easement requires Enbridge post a liability bond of at least \$1 million and a surety bond of \$100,000, amounts that do not even approach the likely cost of cleanup given that Enbridge's spill in the Kalamazoo River cost over \$1.2 billion. According to the Michigan Petroleum Pipeline Task Force Report, Enbridge has yet to document that it is in compliance with even this minimal requirement; and

Whereas, The Governor and Attorney General have a duty to protect the people and economy of Michigan and to ensure the public trust in the Great Lakes; and

Whereas, Further study and delay are unnecessary and hazardous because it is already evident that Enbridge's material breaches of the easement present an unacceptable risk of catastrophe

that cannot be remedied in the 90-day period provided in the easement agreement; now, therefore, be it

Resolved by the Senate, That we urge the Governor and Attorney General to exercise their authority immediately to terminate the 1953 easement and shut down the Enbridge Energy Line 5 pipelines on the bottomlands of the Straits of Mackinac; and be it further

Resolved, That copies of this resolution be transmitted to the Governor and Attorney General.