

Senators Bieda, Warren, Ananich, Hertel and Hopgood offered the following resolution:

Senate Resolution No. 119.

A resolution to urge the Governor and Attorney General to exercise their authority to terminate the 1953 easement and shut down Enbridge Energy Line 5 under the Straits of Mackinac.

Whereas, The Enbridge Energy Line 5 pipeline under the Great Lakes is 62 years old, carries nearly 23 million gallons of light crude oil and natural gas liquids each day, and is within a few miles of the Mackinac Bridge and Mackinac Island, two of Michigan's most recognizable landmarks; and

Whereas, The original agreement with the state of Michigan called for a maximum flow of 300,000 barrels per day, but has since been raised to 540,000 barrels per day, well above the intended amount when originally built; and

Whereas, Corrosion is the No. 1 reason that pipelines fail. Between 1996 and 2013, Enbridge's entire system of pipelines had 1,244 reportable spills, leaks, and releases. A University of Michigan study indicates the Straits of Mackinac are the "worst possible place" for an oil spill in the Great Lakes; and

Whereas, The United States Coast Guard testified before Congress in 2015 that the Coast Guard would be unable to respond effectively to an open water oil spill in the Great Lakes and that no plan exists for how to recover oil from a leak during the winter when the lake is covered in ice; and

Whereas, The Great Lakes provide immeasurable value to Michigan and are deeply rooted in the state's culture, heritage, and economy. The state's water resources are vital for agriculture, fishing, irrigation, drinking water, electric generation, mining, manufacturing, and wildlife. The state has more than 3,200 miles of freshwater coastline. Leveraging this important natural resource and ensuring its long-term sustainability are critical to prosperity in Michigan; and

Whereas, An oil spill in the Straits of Mackinac would have catastrophic results for the environment and economy in Michigan and would devastate fisheries in the Great Lakes, including the tribal fishing grounds of five federally recognized tribes. Communities that rely on the Great Lakes for their drinking water would be negatively affected. A significant spill could result in serious economic consequences for the entire state, as 1 in 5 Michigan jobs are connected to the Great Lakes and other water resources; and

Whereas, Enbridge's easement with the state of Michigan states that Enbridge "shall 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 insufficient anchoring, the advanced age of the pipeline, the lack of midstream shutoff valves, and insufficient emergency response plans, Enbridge is not operating the pipeline in accordance with the due care of a reasonably prudent person for the safety and welfare of all public and private property; and

Whereas, Enbridge was found in 2014 to be in violation of its 1953 easement with the state of Michigan for their anchor spacing requirements; and

Whereas, Enbridge's easement with Michigan requires a liability bond of \$1,000,000 and a surety bond of \$100,000, amounts that are woefully outdated and ineffective in the event of a catastrophic spill. According to the Michigan Petroleum Pipeline Task Force Report, Enbridge has yet to document that it is in compliance with the easement requirement to cover all damages and losses; and

Whereas, The Governor and Attorney General have a perpetual and continuing duty to protect sources of drinking water, fishing, swimming, navigation, commerce, recreation, and ecological values; and

Whereas, The Attorney General stated on July 14, 2015, that the pipeline's days were numbered and that the state would be unlikely to approve a pipeline of this nature if it were proposed today; and

Whereas, The Enbridge Energy Line 5 pipeline is a threat to our public waters, and the Governor and Attorney General have an obligation to take action to ensure that the pipeline does not rupture and create an environmental and economic disaster; now, therefore, be it

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

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