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**THE SENATE
STATE OF MICHIGAN**

May 13, 2020

Michigan Public Service Commission
7109 W. Saginaw Highway
Lansing, MI 48917

RE: Case No. U-20763

Dear MPSC,

I am writing to express my opposition to Enbridge Energy's Line 5 Replacement Segment Project and their request for a declaratory ruling that their application does not need to proceed through the approval process. MPSC needs to uphold their duty to Michigan citizens and deny this request because it lacks legal standing and threatens to have a harmful impact on our state.

First and foremost, I vigorously disagree with Enbridge Energy's claim that they already have the authority to construct the replacement segment for the Line 5 pipeline. This Commission first granted Enbridge Energy's predecessor, Lakehead Pipeline Co., the right to build Line 5 in 1953. It is ridiculous to claim that the work they are currently proposing is covered in an application from 67 years ago.

Contrary to how their PR specialists frame it, the Replacement Segment Project is a huge undertaking that involves replacing four miles of two 20" pipelines with one 30" pipeline and encasing it within a newly constructed tunnel under the Straits of Mackinac. This scope of work was not included in their original 1953 pipeline approval, which specifically allowed for a 10-mile-long, 20-inch-diameter twin pipe across the bottom of the Straits. Enbridge Energy is attempting to circumvent the Commission's approval process by falsely claiming that this is a simple maintenance request on an existing pipeline. On the contrary, this is quite obviously a new project. MPSC's Rules of Practice and Procedure, Rule 447 states that a company must file an application and obtain approval if it "wants to construct facilities to transport crude oil or petroleum products." Under Rule 447, Enbridge Energy therefore must apply for approval to construct this new section of pipeline.

In addition, the Commission approved Line 5 in 1953 "over the route as hereinbefore described." It did not approve Enbridge Energy to reroute the pipeline. Any relocation, therefore needs to be thoroughly examined.

Enbridge Energy is also trying to evade the approval process by separating their plans to build a tunnel to encompass the replacement pipeline. Less than two years ago, Enbridge prepared a report that analyzed options for replacing the pipes under the Straits of Mackinac. One of the options that Enbridge agreed to analyze further was a tunnel, which was recommended to further protect the pipeline. At that time, Enbridge presented that they were pursuing this tunnel option and it was clear to all involved that government approval and permits were required for it. In fact, the report clearly states that the Commission would serve as a regulator for the tunnel they intended to build. Now, Enbridge is contradicting themselves by claiming that “the Project does not include the tunnel itself” despite the fact that they repeatedly discuss the tunnel. Simply put, Enbridge Energy needs new approval for this replacement pipe and tunnel, which are clearly part of the same project.

Furthermore, this Commission is required under the Michigan Environmental Protection Act (MEPA) to consider the environmental impact that projects such as this one will have on our state. Specifically, MEPA states:

In administrative, licensing, or other proceedings, and in any judicial review of such a proceeding, the alleged pollution, impairment, or destruction of the air, water, or other natural resources, or the public trust in these resources, shall be determined, and conduct shall not be authorized or approved that has or is likely to have such an effect if there is a feasible and prudent alternative consistent with the reasonable requirements of the public health, safety, and welfare.

This project proposes numerous threats to our Great Lakes. First, it threatens the drinking supply for five million Michigan residents. It is also dangerous to many of our aquatic ecosystems. The pipeline passes through one of the most productive fisheries in the Great Lakes. If damage to the pipeline occurred, it would impact tribal treaty rights, commercial fishing, habitat, and recreational fishing, boating, and swimming. It also could negatively affect several endangered plant species such as Houghton’s Goldenrod and the Dwarf Lake Iris.

Line 5 also advances climate change and threatens energy security. MPSC needs to plan for an energy secure future with renewable energy sources. They should not be supporting new infrastructure for fossil fuel. This is directly in conflict with many municipalities working with EGLE's 2030 program to reduce greenhouse gas emissions to zero by 2030. EGLE’s program relies on electrifying the grid with renewables and eliminating gas for residential purposes such as heating, cooking, and other large appliances. Tunnelling will take a decade or more to complete. By 2030, many communities are aiming to eliminate fossil fuels. This ruling would counter these productive goals.

These concerns are all in addition to the many documented oil leaks this pipeline has had across its length over recent decades. According to University of Michigan scientists, the Straits of Mackinac would constitute “the worst possible place for an oil spill in the Great Lakes.” A spill in this location could impact over 700 miles of Lakes Michigan and Huron coastline. This would have a detrimental effect on our environment, our drinking water and our tourism industry. We simply cannot have another Kalamazoo River disaster on our hands. MPSC needs to do their job as required by the MEPA and hold an appropriate approval hearing on this project.

I would like to emphasize again that I am legally and morally opposed to Line 5, Enbridge Energy's Replacement Segment Project and specifically their request for a declaratory ruling. I strongly encourage your office to reject this request.

Regards,

A handwritten signature in black ink, appearing to read "Jeff Irwin", with a stylized flourish at the end.

State Senator Jeff Irwin
District 18