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Enbridge claims Gov. Whitmer's Line 5 easement revocation does not hold up

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MACKINAW CITY — Enbridge says Gov. Grethen Whitmer “ignore(d) science and evidence” last year when calling for the shut-down of Line 5.

In a letter to the governor Tuesday, officials for the energy company argued against a Nov. 13 announce-

ment from the governor's office calling for the termination and revocation the 1953 easement between Michigan and Enbridge's predecessor company, allowing the pipe to pass through Michigan waters.

According to that Nov. 13 action, repeated violations by Enbridge over the span of decades have constituted a breach of the “public trust doctrine.” Enbridge said they've been responsive to

reported safety issues with their pipelines, and that the federal Pipeline Safety Act allows for the continued operation of the dual petroleum pipeline beneath the Straits of Mackinac.

“Our dual lines in the Straits are safe and in full compliance with the federal pipeline safety standards that govern them,” said Vern Yu, Enbridge executive vice president and president, Liquids Pipelines.

State officials have asked Enbridge to shut down the pipeline by May.

The state has been embroiled in several conflicts regarding the 61-year-old petroleum line that runs through the Straits of Mackinac. Past legal actions have included challenges to the deal Enbridge struck with former Gov. Rick Snyder at the end of his term, which

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would have allowed the construction of a protective tunnel at the bottom of the Straits to house the pipeline.

Environmental groups, including local organization Tip of the Mitt Watershed Council in Petoskey, have long called for the pipeline to be shut down, citing concerns that an oil spill is inevitable, given the age of the infrastructure and the history of safety violations by the company.

"The state and Enbridge have a binding agreement under the 1953 Easement," said Jennifer McKay, policy director for the organization. "Enbridge failed to uphold the agreement and adhere to the required conditions since its inception. To now further disregard the governor and Michigan Department of Natural Resources revocation and termination order, which is based upon Enbridge's improper historic and current operation and maintenance of the pipeline, is both arbitrary and abhorrent. Enbridge claims to be a good neighbor and steward for the lakes, but their brazen disrespect for Michigan law proves otherwise."

The pipeline has sustained at least two anchor strikes in the past three years, and Enbridge has been found in multiple instances to have failed in its requirement to provide proper supports for the pipeline at least every 75 feet.

In its statement Tuesday, Enbridge claimed it is

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currently in compliance with regulations regarding the coating on the pipeline and anchor supports — two of the issues cited in the November action — and that their agreements with the state allow for a 90-day period to correct errors as they come up.

Newly elected state Rep. John Damoose (R-Harbor Springs), issued a press release Tuesday a few hours after Enbridge issued its announcement about its letter to the Governor, calling for the continued operation of Line 5, and construction of the tunnel agree to under the Snyder administration.

"Line 5 is too important to Northern Michigan to just abandon without a ready replacement," said Damoose. "The fuel it delivers to our communities is needed to heat homes, schools and workplaces. You can't simply shut down the pipeline and hope some immediate solution to heat Northern Michigan magically appears from nowhere."