



Protecting the Common Waters of the Great Lakes Basin  
Through Public Trust Solutions

August 21, 2019

*Submitted in person for inclusion in the minutes and public record to the:*

Grand Traverse County Board of Commissioners  
Governmental Center, 400 Boardman Ave.  
Traverse City, MI 49684

**Thank you, Chairman Hentschel,** and fellow members of the Grand Traverse County Board of Commissioners.

**I am Kelly Thayer, Deputy Director of FLOW (For Love of Water), 153 1/2 E. Front Street, Traverse City.** FLOW is a Great Lakes law and policy center working to protect our public trust waters across the Great Lakes basin.

**I have come here this morning to urge you to consider the facts and reject the resolution** backing Enbridge's proposed Line 5 oil tunnel under the Straits of Mackinac.

**Since 2013, FLOW and our team of lawyers,** scientists, engineers, and an international risk expert have studied the growing threat from Line 5 in the Straits and, more recently, the proposed Line 5 oil tunnel.

**Together we have documented the risk from Line 5** to the Great Lakes and drinking water, to Indian tribes and local communities, to the steel industry and the Pure Michigan economy – and ultimately to our way of life.

**In March, Michigan Attorney General Dana Nessel** found that the oil tunnel law approved late last year was unconstitutional.

**In early June, Enbridge sued the State of Michigan** to uphold the tunnel legislation. And in late June, the State of Michigan sued Enbridge to revoke the 1953 easement that conditionally authorized Enbridge to pump oil through the twin pipelines in the Straits.

**It is vital to understand that with a “yes” vote today for the oil tunnel resolution, you would effectively be interfering in ongoing litigation** between Enbridge and the State of Michigan. In addition, there are at least four other active lawsuits against Enbridge and Line 5. Why entangle Grand Traverse County in these legal fights on Enbridge's behalf?

**By casting a “yes” vote, you also would be taking sides with a Canadian company with a terrible track record** of Line 5 oils spills across the Upper and Lower Peninsulas, and from Line 6B into the Kalamazoo River.

**Perhaps learning about Enbridge's tarnished record** is why the very first line of the August 7 resolution you considered says, “WHEREAS, Enbridge's Line 5 has been operating safely and reliably *in Michigan* for more than 65 years.” And today's resolution is watered down to say, “WHEREAS, Enbridge's Line 5 has been operating safely and reliably *in the Straits of Mackinaw* [sic] for more than 66 years.” [Emphases added]

**Did you know that the proposed oil tunnel and the law being tested in court** would give away public money and

priceless natural resources to a foreign company?

**Under the terms, the State of Michigan would give Enbridge** sole occupancy for 99 years of Great Lakes public trust waters and bottomlands and spend at least \$4.5 million of taxpayer money for oversight of the tunnel project.

**The state would commit more taxpayer money for a legal defense fund for Enbridge**, and let Enbridge avoid tens of millions of dollars in taxes over the project's life by giving the state ownership of the 4.5-mile tunnel portion of a 645-mile long private, Canadian oil pipeline. Do you support giving public resources away to Enbridge, a multibillion-dollar company that is spending heavily right now on a public relations and lobbying campaign to win approval from state and local officials?

**Enbridge's proposal to dig an oil tunnel under the Straits for the next 5-10 years is a delay tactic, not a solution.** It fails to address Line 5's immediate threat to the Great Lakes and the risk posed by the pipeline's more than 400 stream and river crossings in the Upper and Lower Peninsulas. Enbridge's proposal to allow electrical lines and other infrastructure to occupy the proposed oil pipeline tunnel is a bad idea that poses an explosion risk.

**Line 5 serves mostly Canada's energy needs, and alternatives can meet Michigan's needs.** FLOW research shows that our oil and propane needs can be met through other, existing pipelines and rail and truck alternatives. And Gov. Whitmer has formed an Upper Peninsula Energy Task Force to identify energy supply options. The system can adjust with smart planning.

**Climate change and related impacts to the Great Lakes would worsen** from an oil tunnel under the Straits transporting fossil fuels for the next 99 years.

**Please ask yourselves: Why would the Grand Traverse County Board** support an oil tunnel proposal that would give away taxpayer money and Great Lakes public trust resources to a Canadian company suing the State of Michigan after spilling more than 2 million gallons of oil across our lands and waters?

**The oil tunnel proposal that diverts attention from the real problem** – the bent, cracked, and encrusted, 66-year old oil pipelines in the Straits.

**For these reasons, and many more, we call on the Grand Traverse County Board of Commissioner to reject** the resolution supporting a Line 5 oil tunnel in the Great Lakes.

**Thank you for your time and consideration.**

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