



# SASKATCHEWAN ENVIRONMENTAL SOCIETY POSITION ON THE LINE 5 OIL PIPELINE DISPUTE

MAY 27, 2021

*The Line 5 oil pipeline carries up to 70% of Saskatchewan oil exports. It runs from Superior, Wisconsin through the state of Michigan to Sarnia Ontario. The pipeline route includes a seven-kilometre underwater crossing at the Straits of Mackinac, where Lake Huron and Lake Michigan connect. At this crossing, Line 5 transitions into two separate oil pipelines, which run parallel to each other across the Straits. The two pipelines sit just above the lakebed bottom on support structures.*

*The Line 5 oil pipeline is owned by Calgary-based Enbridge. Enbridge is currently in a legal dispute with the state of Michigan over continued operations of the oil pipeline. At the centre of the dispute is the state of the Line 5 crossing at the Straits of Mackinac.*

*The Government of Canada and the Government of Saskatchewan have to date sided with Enbridge in the legal dispute.*

*On May 27, 2021 the Saskatchewan Environmental Society Board of Directors adopted the following position on the Line 5 oil pipeline issue:*

The Saskatchewan Environmental Society recognizes that Enbridge's Line 5 oil pipeline serves an important role in Saskatchewan's and Canada's economy, and that its continued operation is in the interest of all Canadians, provided this can be done safely. A large portion of Saskatchewan's oil exports are transported through Line 5, and the provinces of Ontario and Quebec rely heavily on the Line 5 oil pipeline for their energy security.

However, the Saskatchewan Environmental Society is also deeply concerned that as the owner and operator of Line 5, Enbridge, a Canadian company, has a record of non-compliance with its Easement Agreement with the State of Michigan. This non-compliance stretched over many years, thereby increasing the danger that the 68-year-old oil pipeline poses to the Straits of Mackinac in Michigan and to the Great Lakes. (The Straits of Mackinac connect Lake Michigan and Lake Huron, feature outstanding biodiversity and are an important source of drinking water.) For example, Enbridge failed to ensure that its support structures for the underwater sections of its oil pipelines across the Straits of Mackinac were sufficiently close together to protect the integrity of the pipeline over the long term. The State of Michigan easement issued to Enbridge calls for these support structures to be no less than 75 feet apart, yet until recently Enbridge sometimes left them 150 feet apart or more. Enbridge also failed to properly maintain the Line 5 oil pipeline. For example, it failed



for many years to apply a multi-layered protective coating on the sections of the Line 5 pipeline that cross the Straits of Mackinac, another condition of its Easement Agreement. Enbridge's failure to take these necessary steps for significant periods of time will have inevitably weakened the oil pipeline, making it more vulnerable to the possibility of a catastrophic spill in the Straits of Mackinac, where currents are exceptionally powerful. Adding to the concerns of Michigan residents, the Line 5 oil pipeline has had several other spills along its route, although fortunately none have yet occurred in the ecologically sensitive Straits of Mackinac.

In the past three years, Enbridge has taken some corrective actions in regard to fulfilling its obligations under its Easement Agreement with the State of Michigan. However, during this time Enbridge contractors also inadvertently damaged the oil pipeline during their operations. Whether the Easement Agreement between the State of Michigan and Enbridge is currently being violated by Enbridge is a matter of dispute between the Governor of Michigan and Enbridge, and the matter is currently before the courts. (Enbridge claims it is now fulfilling its obligations.) What cannot be disputed, however, is that Enbridge's safety record in the state of Michigan has been a shoddy one, and this should be of concern to all Canadians. In addition to the shortcomings surrounding the Line 5 oil pipeline, Michigan also suffered serious environmental damage from a 2010 oil spill on another Enbridge oil pipeline – known as Line 6B. That Enbridge spill released approximately 3.3 million litres of oil into Michigan's environment, and contaminated 35 miles of the Kalamazoo River. The spill took over four years to clean up and constitutes one of the worst inland oil spills in United States history.

To date, the primary role of the governments of Saskatchewan, Alberta and Canada on the matter of the Line 5 oil pipeline, has been to argue that the pipeline must remain open. The Government of Canada has made legal filings to this effect. The Government of Canada has also warned the United States that if necessary it will invoke a 1977 treaty between Canada and the United States that was designed to prevent "uninterrupted transmission by pipeline" of petroleum passing through each side's territory.

The Saskatchewan Environmental Society takes the view that a far more balanced approach is needed by the Governments of Saskatchewan, Alberta and Canada. Instead of simply siding with Enbridge, all three governments should begin by recognizing that the Governor of Michigan and its residents have legitimate reasons to be concerned about Enbridge's safety record, and have every reason to be concerned that an oil spill in Michigan's Straits of Mackinac would have disastrous consequences for the Great Lakes.

In that context, the governments of Saskatchewan, Alberta and Canada should not simply be asking for Line 5 to remain open, but should simultaneously be pressing Enbridge to greatly improve its attention to pipeline safety in the state of Michigan and to adopt a more co-operative attitude in its dealings with the State of Michigan. Enbridge should be asked by



the governments of Canada, Saskatchewan and Alberta to ensure it is in full compliance with every element of its Easement Agreement with the State of Michigan. Any issues of non-compliance identified by the State of Michigan or through a court-ordered mediation process currently underway, should be promptly corrected by Enbridge.

In addition, subject to all necessary environmental approvals, Enbridge should be asked by the Government of Canada to move forward as quickly as possible with constructing its proposed tunnel underneath the Straits of Mackinac that would house a new segment of the Line 5 oil pipeline, allowing the two existing segments of the line that sit near the bottom of the lakebed to be shut down. This would eliminate the risk of the pipeline being ruptured by boat anchors or by the exceptionally powerful currents in the Straits of Mackinac. The Michigan Department of Environment, Great Lakes and Energy has completed its review of the proposed Tunnel Project and has issued the necessary environmental permits. Permits from the Michigan Public Service Commission and the U.S. Army Corp of Engineers will also be required.