



STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

GRETCHEN WHITMER
GOVERNOR

GARLIN GILCHRIST II
LT. GOVERNOR

May 15, 2019

Admiral Karl Schultz
United States Coast Guard
Douglas A. Munro Coast Guard HQ Bldg.
2700 Martin Luther King Jr. Ave. SE
Washington, DC 20020

Dear Admiral Schultz,

The Great Lakes are one of our nation's most precious natural resources. As you are aware, utility infrastructure runs along the bottomlands of the Straits of Mackinac, including a four-mile stretch of dual pipelines operated by Enbridge Energy Company as part of its Line 5 oil pipeline. One of the greatest threats to the Great Lakes is an anchor striking these dual pipelines, rupturing them and causing catastrophic harm to the surrounding environment and all who depend on it. This threat is only heightened by the fact that, due to erosion of the land on which these dual pipelines originally lay, considerable portions of the pipelines are now largely suspended above the surface of the bottomlands of the Straits, and therefore all the more susceptible to being hit or hooked by a passing anchor.

The reality and immediacy of this threat was made clear in April 2018 when an anchor, dragged unawares by a vessel, struck and damaged the dual pipelines as well as other utility infrastructure within the Straits. In response, the Department of Natural Resources issued an emergency rule temporarily creating a restricted anchor and vessel equipment zone in the Straits. The United States Coast Guard subsequently created a permanent Regulated Navigation Area. These measures were an important first step, but did not address the core threat exemplified by the April 2018 incident: an inadvertent anchor strike.

This unacceptable risk remains so long as the dual pipelines continue operation. I have consistently stated my commitment to shutting down these pipelines through the Straits as soon as possible. Regardless of the means to reach that goal, the pipelines will continue to operate through the Straits for some period until I can shut them down. Consistent with my obligation to protect and preserve the Great Lakes, I have therefore ordered the Michigan Department of Natural Resources to exercise its regulatory authority under Part 801, Marine Safety, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, and promulgate emergency rules requiring specified vessels to verify that their anchors and other equipment are secured immediately prior to passing through the Straits.

See enclosed letter to Director Dan Eichinger, Michigan Department of Natural Resources (May 15, 2019). Given the risk to public health, safety, and welfare at issue, I also directed the Department to issue these rules on an emergency basis under MCL 24.248.

The Department's regulatory authority in this area, however, is not complete. See, e.g., MCL 324.80105 (excluding certain vessels from the scope of the Department's authority under Part 801). I therefore request that the United States Coast Guard promulgate regulations applying these or comparable safety measures as comprehensively as possible to vessels passing through the Straits.

Thank you for your assistance and shared commitment to the protection and preservation of our Great Lakes.

Sincerely,



Gretchen Whitmer
Governor of the State of Michigan

Enclosure

c: U.S. Coast Guard Rear Admiral Joanna Nunan, Commander, Ninth District, USCG