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Sault Tribe supports state's request Enbridge covers all costs of a Line 5 spill

SAULT STE. MARIE, Mich. — In a July 17 letter to Enbridge, the Michigan DNR requested Enbridge cover all damages and losses due to Line 5 spills. Presently, Enbridge has only signed an agreement as a subsidiary, which does not have the resources to cover the costs of a catastrophic spill.

Sault Tribe Chairperson Aaron Payment said, “I am pleased that Governor Whitmer and Attorney General Nessel have taken this first step to hold Enbridge accountable. The next step is to lead in changing the self-regulatory status of an oil pipe that threatens our natural resources. Our retained treaty rights are meaningless if our fish populations are eradicated.”

The DNR wants Enbridge Energy Company Inc. to “enter into a written agreement with the state of Michigan to provide financial assurances to cover all damages and losses caused to property or individuals due to operation of the Line 5 dual pipelines through the Straits of Mackinac,” according to a DNR press release.

DNR Director Dan Eichinger said in the release, “As recent events have reminded us, we must get these pipelines that transport crude oil out of the Great Lakes as soon as possible. In the meantime, Enbridge must provide full financial assurance to the people of Michigan that the company will meet its obligations in the event there is a spill or some other disastrous damage to the Great Lakes.”

The 1953 easement allowing placement of the Line 5 requires Enbridge to compensate the state of Michigan for all damages and losses caused by the operation of the pipelines and provide insurance and liability coverage. But under former Gov. Rick Snyder, Enbridge signed an agreement to fulfill that requirement only as a subsidiary of Enbridge Inc. The subsidiary does not have sufficient resources to cover the costs of a spill.

Sault Tribe Chairperson Payment said, “Six years ago, during monthly tribal leader calls with former Governor Snyder’s office, the Sault Tribe called for Line 5 to carry liability insurance covering the full cost of a spill, rather than hiding behind legal proceedings that took up to 8 years for the Line 6 spill at the Kalamzoo River to be reconciled. During formal consultation and in testimony in front of the Pipeline Safety Advisory Board, the tribe again called for the full \$1.8 billion liability insurance that a spill would cause.”

On June 25, Ingham County Circuit Court Judge James S. Jamo granted Attorney General Dana Nessel’s motion for a temporary restraining order requiring Enbridge Energy to cease all transport operations of its Line 5 twin pipelines.

Payment said the tribes have a sacred relationship with the environment, but “protecting and maintaining Pure Michigan is not an Indian or environmentalist issue, it is broadly supported by a strong majority of Michiganders,” Payment said.

“In poll after poll, the support for shutting down Line 5 is strong. Tribes maintain a legal treaty right over our resources. The state has a legal responsibility to co-manage the resource, as the Supreme Court has long recognized and most recently reinforced,” Payment added.

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