

**A Resolution Set Forth by the Michigan Pipeline Safety Advisory Board
Regarding the Agreement Between the State of Michigan and Enbridge Energy, Limited
Partnership and Enbridge Energy Company, Inc. (November 27, 2017)**

Revise “Sustained Adverse Weather Conditions”

WHEREAS the Michigan Pipeline Safety Advisory Board (MPSAB) was created by Governor Snyder’s Executive Order 2015-14;

WHEREAS the MPSAB was established to advise and assist in the implementation of matters relating to hazardous liquid and gas pipeline safety, routing, construction, operation and maintenance, and provide recommendations for statutory, contractual, or procedural changes to improve the safety of pipelines in this state;

WHEREAS on November 27, 2017, the Governor for the State of Michigan entered into an Agreement Between the State of Michigan and Enbridge Energy, Limited Partnership and Enbridge Energy Company, Inc. (“the Agreement”);

WHEREAS the Agreement is a contract intended to improve the safety of Enbridge’s pipelines within the State that requires improved practices for pipeline safety and emergency response at the Straits, the St. Clair River and throughout the State of Michigan;

WHEREAS the Agreement provides the State may propose amendments to the Agreement and Enbridge agrees to consult in good faith in an effort to reach an agreement on any proposed amendment;

WHEREAS Section I.C of the Agreement provides that Enbridge will temporarily shut-down the operation the Dual Pipelines while “Sustained Adverse Weather Conditions” remain in the effect in the Straits, and “Sustained Adverse Weather Conditions” are defined in the Appendix as “conditions in which median wave heights in the Straits of Mackinac over a continuous 60-minute period are greater than 8 feet based on ‘Near-real Time Data’ or in its absence ‘Modeled Data’”;

WHEREAS the current definition of “Sustained Adverse Weather Conditions” is inadequate to protect the public health, safety, and welfare and the unique ecological and natural resources of the Straits Crossing in the event of a release of petroleum from Line 5 because it does not correlate with conditions in the Straits that would prevent or significantly impair containment and recovery of spilled oil using current emergency response capabilities in the Straits of Mackinac based upon available equipment and resources; and

WHEREAS there are many maritime conditions that would prevent or significantly impair the effective containment and recovery of spilled oil or exacerbate the spread of spilled oil, including wave height, wind, ice cover, and surface and subsurface currents.

NOW, THEREFORE, BE IT RESOLVED, that the State immediately propose an amendment to modify the definition of “Sustained Adverse Weather Conditions” to “conditions in which median wave heights in the Straits of Mackinac over a continuous 60-minute period are greater than 3 feet based on ‘Near-real Time Data’ or in its absence ‘Modeled Data,’” because the current emergency response equipment cannot effectively respond to oil spills in waves greater than such conditions;

AND, LET IT BE FURTHER RESOLVED, that the State, in conjunction with federal, state, local and tribal agencies responsible for spill response in the Straits of Mackinac and the Oil Spill Response Organizations (OSROs) presently retained to perform response actions, shall promptly identify spilled oil removal sea state capabilities for current emergency response equipment as well as operational limitations associated with other maritime conditions including but not limited to wind speed, ice cover, and currents;

AND, LET IT BE FURTHER RESOLVED, that the State, in consultation with the MPSAB, shall propose an additional amendment to the Agreement to replace the definition of “Sustained Adverse Weather Conditions” with a new term “Significant Adverse Maritime Conditions” defined to include all maritime conditions based upon the identified sea state capabilities and operational limitations of watercraft and equipment that would prevent or significantly impair the effective containment and recovery of spilled oil or significantly exacerbate the spread of spilled oil;

AND, LET IT BE FURTHER RESOLVED, that the MPSAB calls upon Governor Rick Snyder to ensure full transparency by including consultation with the MPSAB with regard to future agreements or amendments to agreements with Enbridge.