

**Austin Lowes,  
Chairman  
Sault Ste. Marie Tribe of Chippewa Indians**

**Testimony**

**For  
Consultation Between  
The Tribal Nations  
And  
Michigan Public Service Commission (MPSC)**

**Regarding**

**Enbridge Line 5 Application**

My name is Austin Lowes. As the elected Chairman of the Sault Ste. Marie Tribe of Chippewa Indians (“the Tribe”), I am submitting testimony on behalf of the Tribe. This Testimony is in response to the Michigan Public Service Commission (MPSC) request for comment regarding the reopened record in Enbridge’s pending application for authority to replace and relocate the Straits segment of Line 5 into a tunnel beneath the lakebed.

The Straits of Mackinac are inherently sacred. This is not a designation Anishinaabe makes of sacredness as one does in a Western, European, or Christian context of designating something sacred. For Anishinaabe, it is a recognition of a being or space's inherent sacredness in its own right. The creation of Anishinaabe in this location is not what makes it sacred, it enhances and supports a site's sacred nature, but creation happened there because there is something special about the space in its own right. We are acknowledging its sacredness and not a designation, not a declaration, but a recognition of a sacred property of a place. As such a place, spiritual beings—human and non-human—are drawn to be there. The multiple layers of sacred beings and objects are evidence of their sacredness.

As such a place, this space has been occupied since time immemorial by Gete-Anishinaabe (the old ones), whose stories and experiences are reflected in the stories and experiences of Nanaboozhoo. Moreover, because of its spiritual and historical role in the formation of the Anishinaabe, it is crucial to the ethnogenesis of the Anishinaabe from our immemorial Ancestors through the Contact and Historical eras to the present day.

The impact of the continued operations and proposed actions to continue the operation of Enbridge's Line 5 violates traditional cultural values about how people should treat the environment that we live in. There is a shared stewardship responsibility—the cultural and environmental protection of the Straits. Co-stewardship and joint management of the Straits were established for natural resources and should be extended to considerations for cultural resources.

The threshold requirement for reporting oil leakage and spills create a condition wherein the routine leakage, including seepage, endangers the traditional cultural landscape daily. This oil

does not disappear; it dissipates to other areas to be ingested by the land, plants, and animals within the waters and along the shoreline. The accumulative effect of oil seeping will continue to present itself. With an oil spill, there is no option for cultural restitution. It is destroyed with no options for mitigation.

The state is beholden to the cultural restitution and protection ensured under federal laws. As such, it is vested in protecting any and all cultural resources. These laws protect not just the Anishinaabe cultural value of the Straits but the cultural values of all people in this region of Michigan. These laws include the Abandoned Shipwreck Act of 1987, the Antiquities Act of 1906, the Archaeological Resources Protect Act of 1979, the Historic Sites Act of 1935, the National Historic Preservation Act, and the Native American Graves Protection and Repatriation Act.

Although the National Historic Preservation Act Section 106 is underway, it is limited in its scope as defined by a law established 23 years before tribal consultation was legally mandated. The regulations are specific. The scope is limited to the immediate area of potential impact. Some of Enbridge's plans within the Straits do not fall under the review of the United States Army Corps of Engineers. This project's elements fall onto state concerns for historic preservation that are left to state and local government to adjudicate. Michigan is responsible for considering the entirety of the project and its far-reaching impacts on the environmental and cultural landscape. The Environmental Impact Statement is limited in its scope in its ability to consider all potential impacts. The long-term impact to environmental and cultural sites is the responsibility of the states and tribes to determine, which Michigan defines in its 2020 – 2025 Michigan Statewide Historic Preservation Plan<sup>1</sup>. Michigan's Preservation Plan identifies "Michigan's Most Threatened Resources (Arnold & Dams, 2020, p. 54)," which includes (1) Underrepresented Communities Resources and (3) Traditional Cultural Properties. Under this same plan, the Michigan State Historic Preservation Office has 5 goals. Protecting the Straits falls under three goals: Goal 3, Increase diversity in historic preservation; Goal 4, Build stronger partnerships; and Goal 5, Maximize communication.

As stated in (Arnold & Dams, 2020, p. 18) the Preservation Plan, Michigan recognizing its stewardship role in protecting cultural resources accomplishes the following that is mutually beneficial to the social, cultural, and economic vitality of the Straits of Mackinac:

GOAL 3: Increase diversity in historic preservation.

1. Increase diversity in Michigan's National Register of Historic Places nominations.

GOAL 4: Build stronger partnerships.

1. Partner with stakeholder institutions and local community organizations to work towards implementing the state plan's goals and objectives and to increase awareness of historic preservation at all levels.

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<sup>1</sup> [https://www.miplace.org/4a73d5/globalassets/documents/shpo/shpo\\_5-year\\_plan\\_2020-25\\_final.pdf](https://www.miplace.org/4a73d5/globalassets/documents/shpo/shpo_5-year_plan_2020-25_final.pdf)

2. Work to introduce legislation to require the review of state-funded projects.
3. Build and strengthen relationships between stakeholders to engage the public and bring relevancy to historic resources.
4. Connect to and reach a broader audience through cultural heritage tourism programs and expand the use of new technologies and social media formats.

GOAL 5: Maximize communication.

1. Develop a statewide historic preservation marketing plan.
2. Increase the historic preservation presence on social media.
3. Develop historic contexts that engage a new audience through storytelling.
4. Use historic resource survey and designation of sites associated with under documented areas and underrepresented communities to reach a broader audience.
5. Highlight the connection between historic preservation and environmental sustainability.

Preserving the Straits is not only culturally and environmentally significant but also crucial to the economic stability of all communities along the Straits. Tourism thrives because we have a healthy and viable cultural landscape that includes a diverse population's historical and environmental values. The responsibility for the life of the Great Lakes is the responsibility of the tribes and Michigan together.

**Conclusion:**

In conclusion, thank you for giving my Tribe the opportunity to comment. If you have any questions or need additional information, please do not hesitate to contact me or the Sault Ste. Marie Tribe of Chippewa Indians Legislative Director, Mike McCoy at [MMcCoy@saulttribe.net](mailto:MMcCoy@saulttribe.net) As always, my Tribe looks forward to working in partnership with the federal government.