In response to safety concerns about the dual pipelines in the Straits of Mackinac, Enbridge has proposed building a risky underground pipeline tunnel. That project needs approval by:

- **Michigan Department of Environment, Great Lakes, and Energy (EGLE):** The agency granted a permit in January 2021, which Bay Mills Indian Community challenged. The case is on hold until Enbridge corrects its measurement of impacted wetlands.

- **Michigan Public Service Commission (MPSC):** The three-member panel began receiving testimony about the tunnel project in 2020, and re-opened the record in July 2022 after a pipeline safety expert warned about the serious risk of an explosion in the tunnel. A decision is expected soon.

- **US Army Corps of Engineers (USACE):** After receiving more than 17,000 public comments, USACE plans to release a draft federal review of the tunnel’s environmental and archeological impacts in spring 2025.

The Straits of Mackinac are a treaty-protected site of deep spiritual and cultural meaning for Anishinaabe peoples. All twelve of Michigan’s federally recognized Tribes have passed resolutions calling to decommission Line 5.
THE TRESPASS + PUBLIC NUISANCE LAWSUIT

About 12 miles of the Line 5 pipeline cross the reservation of the Bad River Band of Lake Superior Chippewa. In 2019, the Band sued Enbridge in federal court to shut down and remove Line 5 from their reservation.

U.S. District Judge Conley ruled in September 2022 that Enbridge has been illegally trespassing and profiting at the Band’s expense since the pipeline’s easements expired in 2013.

In spring of 2023, rapid riverbank erosion brought the pipeline within 11 feet of the Bad River current, prompting the Band to ask the judge for an emergency shutdown to prevent an oil spill. The court ruled in June that Line 5 constitutes a public nuisance and ordered Enbridge to shut down the pipeline within the Band’s sovereign lands in three years. The court also ordered Enbridge to pay the Band $5.1 million - a fraction of the $2 billion profit unlawfully accrued - and to adopt a more conservative shutdown and purge plan for its remaining time on the reservation. Both parties are now appealing the decision in the 7th Circuit Court of Appeals.

THE RE-RUTE PROJECT

Enbridge wants to re-route Line 5 by building 41 miles of replacement pipeline around and upstream of the Bad River Band reservation, crossing the same sensitive watershed and the Band’s treaty-protected territory. The Band is opposing the project and participating in state and federal reviews. The re-route project needs approval from:

- **Wisconsin Department of Natural Resources (WDNR):** The agency released a draft environmental review in December 2021 that received over 30,000 public comments, including from the EPA.

- **US Army Corps of Engineers (USACE):** The project is under review for potential archeological and environmental impacts, which the EPA has called “substantial and unacceptable.”

ADDITIONAL RESOURCES

Bay Mills Enbridge information portal
Bad River Band Line 5 issues
Stop Line 5
NARF

Line 5 crosses areas where Tribes reserved rights to hunt, fish, and gather in treaties with the United States.

Image source: Wisconsin State Journal