



TAKE ACTION: Now Is Our Best Chance to Shut Down 'Line 5' and Restore the Rule of Law

2020 is the year of reckoning for the risky Enbridge 'Line 5' oil pipelines in the Great Lakes and a Straits of Mackinac oil tunnel proposed to replace them.

Significant rulings are expected this year in dueling lawsuits between the State of Michigan and Canada's Enbridge, owner of the 67-year-old Line 5 oil pipelines [risking the Great Lakes](#), drinking water for millions of people, *Pure Michigan* [jobs](#), tribal fishing rights, and a way of life.

FLOW and many other [groups, governments, tribes, and businesses](#), have long called for shutting down the dual Line 5 pipelines, which pump up to 23 million gallons of oil and natural gas liquids a day through the Straits of Mackinac. FLOW research shows that Line 5 serves demand mostly in Canada, and viable [alternatives](#) exist to deliver propane to Michigan and oil to regional refineries. Gov. Gretchen Whitmer formed an [Upper Peninsula Energy Task Force](#) to identify energy supply options.



Progress is expected this year in the case [filed](#) by Attorney General Dana Nessel, who [sued](#) June 27, 2019, in Ingham County Circuit Court to revoke the [1953 easement](#) conditionally authorizing Enbridge to operate Line 5 in the Straits of Mackinac. Nessel's lawsuit – which is [supported by attorneys general](#) in Wisconsin, Minnesota, and California – alleges that Enbridge's continued operation of the Straits pipelines is a common law public nuisance and violates the Public Trust Doctrine and the Michigan Environmental Protection Act, based on potential pollution, impairment, and destruction of the water and other natural resources.

Gov. Gretchen Whitmer also on June 27 sought to defend the Great Lakes and the public's rights by ordering the Michigan Department of Natural Resources (DNR) to review compliance by Enbridge with the Line 5 easement. To assist the state, FLOW compiled and submitted [this list of easement violations](#), which includes the recent revelation that Enbridge and its subsidiaries [lack adequate liability insurance](#) for a potentially catastrophic oil spill. The DNR also [recently requested extensive Line 5 records](#) from Enbridge. As the state's top leader and public trustee, the governor has the express legal authority to revoke the easement to start decommissioning the dual pipelines to protect the Great Lakes.

Enbridge sued the State of Michigan on June 6, 2019, to [resuscitate a 'Line 5' oil tunnel deal](#) and law rushed through in 2018 at the Snyder administration's end. The pact aims to allow Enbridge to build a tunnel under the Straits for its oil pipeline to operate another 99 years, risking the Great Lakes and undermining Gov. Whitmer's fight on climate change. A.G. Nessel in late March declared the tunnel law [unconstitutional](#), and after Enbridge sued, FLOW and the City of Mackinac Island filed [legal arguments](#) supporting the state. While lower courts [upheld the law](#), the state is appealing to the Michigan Supreme Court.

Enbridge wants the right to bore a tunnel in the next 5-10 years for the dual Line 5 oil pipelines through State of Michigan public trust bottomlands under the Straits, where Lake Michigan meets Lake Huron. Enbridge has not requested or obtained legal authorization to bore through the public trust soils beneath the Straits required by public trust law and the Great Lakes Submerged Lands Act. Enbridge also wants to [keep pumping](#) petroleum products through risky Line 5 during tunnel feasibility studies and construction. Enbridge's recent [drill-rig accident](#) while taking rock and soil samples in the Straits shows the risk of operating below the Straits and trusting Enbridge.

The City of Mackinac Island, Grand Traverse Band of Ottawa and Chippewa Indians, and the Straits of Mackinac Alliance citizen's group also have filed a [contested case](#) challenging Enbridge's claim that installing hundreds of anchor supports to shore up the decaying Line 5 is mere maintenance, rather than a [major redesign](#) suspending three miles of pipeline in the water and requiring an application and alternatives analysis under the [Great Lakes Submerged Lands Act](#) and public trust law that apply to the soils and waters of the Great Lakes. Line 5-related lawsuits against the [U.S. Coast Guard](#) and [Enbridge in Wisconsin](#) also continue.

Take Action to Shut Down 'Line 5' – You Can Make a Difference

The movement to shut down Line 5 in the Straits of Mackinac and stop the proposed Enbridge oil tunnel is powered by people willing to stand up and speak out for applying the rule of law to protect the Great Lakes, drinking water, and the Pure Michigan tourist economy.

Please take action today to protect what you love for generations to come! Here's how:

- **Call Michigan Gov. Gretchen Whitmer at 517-373-3400** and urge her to direct the state Department of Environment, Great Lakes, and Energy (EGLE) and state Department of Natural Resources to join the Line 5 lawsuit filed by Attorney General Dana Nessel, applying the full legal authority of the State of Michigan.
- [Donate to the Straits of Mackinac Alliance](#) citizen group in support of its contested case against Line 5 and its failing design. Call Gov. Gretchen Whitmer at 517-373-3400, EGLE Director Liesl Clark at 517-284-6700, and DNR Director Daniel Eichinger at 517-284-6367 to demand Enbridge apply for authorization.
- **Contact your lawmakers.** Look up contact info for your [state representative here](#) & [state senator here](#).
- **Write a letter to the editor of your local newspaper.** It's important to share your view publicly.
- [Sign up for FLOW's e-newsletter](#) for the latest update on Line 5 and other threats to the Great Lakes.
- [Donate to FLOW](#) to help us continue to make the legal, scientific, and common sense case for shutting down Line 5 to protect the Great Lakes and the drinking water supply for half of all Michiganders.

Suggested Message to draw from when contacting the governor, lawmakers, and local newspaper:

- **Now is the time to restore the rule of law and end Line 5's high risk** of an oil spill to the [Great Lakes](#), drinking water, public health, tribal fishing, businesses, public and private property, and [Michigan's](#) and the [region's economy](#).
- **The State of Michigan should revoke the Line 5 easement** it granted and evict Enbridge from the public waters and bottomlands of the Straits of Mackinac.
- **Digging an oil tunnel under the Straits for the next 5-10 years is not a solution**, and fails to address Line 5's immediate threat to the Great Lakes and the risk posed by the pipeline's more than 400 stream and river crossings in the Upper and Lower Peninsulas. Enbridge's proposal to allow electrical lines and other infrastructure to occupy the proposed oil pipeline tunnel is a [bad idea](#) that poses an [explosion risk](#).

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