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Wisconsin Environmental Groups Take Legal Action After DNR Issues Permits for Controversial Line 5 Pipeline Project

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Madison, WI—Today, Midwest Environmental Advocates (MEA) filed [a petition for a contested case hearing](#) challenging regulatory approvals issued by the Wisconsin Department of Natural Resources (DNR) for Enbridge Energy's plan to build a new 41-mile segment of its Line 5 oil pipeline near the Bad River Reservation in northern Wisconsin.

MEA, a nonprofit environmental law firm representing Sierra Club, the League of Women Voters of Wisconsin and 350 Wisconsin, filed the petition jointly with Clean Wisconsin.

The 71-year-old pipeline currently cuts across the heart of the Bad River Reservation, where it has been trespassing on Tribal land for more than a decade. In 2019, the Bad River Band of Lake Superior Chippewa filed a lawsuit in federal court to force its removal. Rather than shut down the aging pipeline, Enbridge applied for permits to build a new 41-mile section of pipeline around the perimeter of the Reservation that would allow the continued operation of the pipeline within the Bad River watershed.

The groups are challenging the DNR's decision to issue [a wetland fill and waterway crossing permit](#) for the project and its decision to convey coverage under the department's [General Permit for Construction Site Storm Water Discharge](#). In addition, they are challenging [a determination that the project will meet State of Wisconsin water quality standards](#)

The petition alleges that DNR could not lawfully approve the reroute project because Enbridge failed to show that its plans will minimize harm to the waterbodies and wetlands that will be impacted by pipeline construction. For example, Enbridge has not identified exactly which waterway crossings would require blasting through bedrock, nor did they provide basic, site-specific information about the topography, hydrology and geology of potential blasting sites.

The petition also alleges that Enbridge's construction and restoration plans consistently understate the environmental damage the project will cause and overstate the company's ability to repair the damage. For example, the harmful impacts associated with clearing forested wetlands are mischaracterized as "temporary" when it would take multiple decades for vegetation to re-grow to pre-construction conditions. Moreover, impacts to wetlands would not be confined to the construction right of way, as Enbridge claims, given the extent of the construction activities and the interconnected nature of the wetland complexes the reroute would cross.

Rob Lee, Staff Attorney for Midwest Environmental Advocates, said, “Enbridge did not provide enough information in its permit application to allow DNR to lawfully issue permits for this dangerous and destructive construction project. Enbridge proposes to dredge and blast its way along a route that stretches for more than 40 miles, crossing nearly 200 waterbodies and impacting more than 100 acres of wetlands. Given the risks associated with a project of this scale and the potential for significant environmental harm, we believe Enbridge should not be allowed to move forward with the reroute.”

Elizabeth Ward, Chapter Director of Sierra Club - Wisconsin Chapter said, “On behalf of our 18,000 members across Wisconsin, we look forward to working with our partners to ensure that Enbridge is never again allowed to show the kind of disregard for environmental regulations they did during Line 3 construction in Minnesota.”

Emily Park, co-Executive Director of 350 Wisconsin, said, “350 Wisconsin is dedicated to stopping destructive fossil fuel projects such as Enbridge Line 5 that endanger our natural resources, our health and our climate. Instead of building infrastructure that facilitates more carbon emissions, we should be investing in renewable energy, sustainable transportation, and technologies that will help transition to a clean energy future.”

Debra Cronmiller, Executive Director of League of Women Voters of Wisconsin, said, “Enbridge’s construction plan is inconsistent with the League of Women Voters’ commitment to protecting the ecologically sensitive terrain, reducing greenhouse gas emissions, advancing renewable energy and supporting Tribal sovereignty and treaty rights.”