Day one: Whitmer challenges Straits Tunnel Authority

LANSING — Within her first 24 hours in office, Gov. Gretchen Whitmer took aim at the web of agreements between Michigan’s former administration and energy company Enbridge.

In a memorandum sent Tuesday to Dana Nessel, the new Attorney General, Whitmer questioned the legality of the Straits Corridor Authority, a new body set up by Gov. Rick Snyder and Republican legislators just before their terms ended last year. That body was appointed with the intention of securing a new utility tunnel beneath the Straits of Mackinac which would house the Line 5 petroleum pipeline and other utility lines.

Once signed, the bill which created the Straits Tunnel Authority became Public Act 359. Nessel said issuing a legal opinion on the matter will be “a top priority” for her office.

“Resolving any legal uncertainty regarding PA 359, the Mackinac Straits Corridor Authority and action taken by the authority is necessary to assure that we can take all action necessary to protect the Great Lakes, protect our drinking water and protect Michigan jobs,” Whitmer said in a press release Wednesday. “I pledged to take action on the Line 5 pipeline on day one as governor, and I am holding true to that campaign promise.”

Michigan environmental advocacy groups — which generally supported Whitmer’s campaign rhetoric of shutting Line 5 down — widely applauded the action.

“This is hopefully the first step towards the timely de-commissioning of Line 5,” Jennifer McKay, Policy Director for Tip of the Mitt Watershed Council, said in a prepared statement. “And we look forward to working with the new administration to ensure oil and natural gas liquid transportation in Michigan is done in a manner that protects public health and safety and the state’s economy and natural resources.”

As it currently sits, Line 5 runs across a wide stretch of the Upper and Lower Peninsulas on its way from Superior, Wisconsin to Sarnia, Ontario. It splits into dual pipelines beneath the Straits of Mackinac. According to agreements between Snyder and Enbridge, that stretch of line would be replaced with a new segment contained within the proposed tunnel.

McKay said Tip of the Mitt took issue with PA 359 “from day one,” specifically when it came to the rushed nature of last year’s lame duck session.

Legislators approved plans for the Corridor Authority within the last few weeks of December, after a failed attempt to place the proposed tunnel under the oversight of the Mackinac Bridge Authority.

Then, within the span of a week, Snyder appointed members to the board, the board held its first meeting, and board members approved a series of agreements with Enbridge.

In a statement, Nessel said that entire process happened “without the care and caution one would expect for an issue that will have a monumental impact on our state.”

“Governor Whitmer has rightly — and immediately — raised important questions about the legality and statutory underpinnings of this act and my office is prepared to tackle her request for an opinion immediately,” Nessel said. “I encourage any interested or concerned party to forward a brief or legal memo on the issues raised by the opinion request.”

Nessel also warned “those who stand to benefit” from Public Act 359 — chiefly Enbridge — not to move forward with Line 5-related plans until the matter is resolved.

In a statement, Ryan Duffy, spokesman for Enbridge, said the company looks forward to working with Whitmer and Nessel on making their infrastructure more safe.

“We believe there is an opportunity to work on these important issues together,” he said. “Enbridge also believes that the time is right to build for the future. This tunnel project would make a safe pipeline even safer and reflects Enbridge’s steadfast commitment to protecting the Great Lakes while safely meeting Michigan’s energy needs.”

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