Nessel: Shut Down Pipeline

Michigan attorney general files

motion over Line 5 utility tunnel

Decommissioning

A court calling for Line 5 to be the Upper Peninsula's only public utility pipeline. It also provides natural gas to Wisconsin and northern Michigan. The action, which Nessel

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from the Straits on an expedited basis, but Enbridge walked away from negotiations and instead filed a lawsuit against the state. Once that occurred, there was no need for further delay.

Prior to the Enbridge lawsuit, Whitmer and Enbridge were reportedly in talks toward a compromise on the controversial tunnel deal, which was struck last year under the Snyder administration, although Nessel maintained a fairly hardline stance. Even before Enbridge's lawsuit, Nessel vowed to file a lawsuit against the company if they failed to reach a deal by the end of this month.

Some — including the governor herself — have characterized Enbridge's initial lawsuit as evidence that Enbridge "walked away" from those ongoing negotiations. Statements from the company still claim that Enbridge officials "remain open to discussions with the governor," and that they "hope we can reach an agreement outside of court."

A statement from Whitmer on Thursday similarly claims that she "remains willing to talk with Enbridge," and that she "never viewed litigation as the best solution to this problem."

But her office went on to say that Whitmer's "commitment to stopping the flow of oil through the Great Lakes as soon as possible — and Enbridge's decision to sue the governor rather than negotiate — will at some point require her to take legal action, as well."

Toward that end, on Thursday, the governor directed the Department of Natural Resources to "begin a comprehensive review of Enbridge's compliance with the 1953 Easement, and other factors affecting its validity," according to the statement from her office.

According to a statement from Enbridge, the company will need time to fully evaluate the filing, but: "We are disappointed the state chose not to accept our offer to advance talks on the Straits tunnel, a project that would make a safe pipeline even safer. The State also ignored our offer to suspend litigation and jointly appoint an independent, Michigan-based moderator to help facilitate the discussions. We also committed to making additional safety enhancements to the current line."

Those closely familiar with the issues surrounding Enbridge and Line 5 have long postulated that the longstanding debate would likely make its way to the courts before any resolution is reached.

Jennifer McKay, policy director for Tip of the Mitt Watershed Council, said such cases "can extend for years, especially if subject to appeals. But, hopefully, today's action begins the process of decommissioning Line 5."

Tip of the Mitt has long called for the complete decommissioning of Line 5.

"We applaud Attorney General Nessel for standing up for the citizens of Michigan. Her suit against Enbridge on behalf of the people of Michigan is a step towards finally protecting the Great Lakes from the risk of an oil spill," McKay said. "The waters and shoreline areas of Lakes Michigan and Huron, including those surrounding and adjacent to the Mackinac Straits contain abundant natural resources that are of great ecological and economic value. It is clear to all parties that Line 5 cannot remain in the Straits in its current form. With Enbridge walking away from negotiations and suing the Governor, the Attorney General wisely chose to take the necessary legal action to decommission Line 5."