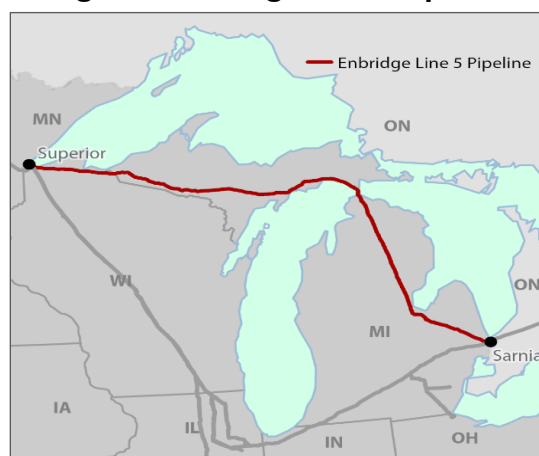


# Line 5 Pipeline: Replacement/Tunnel Project

Updated July 16, 2024

The Line 5 Pipeline is a 30-inch diameter, 645-mile pipeline owned by [Enbridge](#) carrying up to 540,000 barrels per day of crude oil and natural gas liquids from Superior, WI, to Sarnia, Ontario (**Figure 1**). A key segment of Line 5 is an underwater crossing at the Straits of Mackinac—between Michigan’s upper and lower peninsulas—where it runs for approximately four miles across the lakebed. This crossing has been an environmental concern due to the risk of a “worst case” oil spill into the Great Lakes.

**Figure 1. Enbridge Line 5 Pipeline**



**Source:** CRS using data from Platts, and Esri Data & Maps.

Under the terms of various state agreements, Enbridge plans to replace this pipeline segment with a new one constructed through a tunnel beneath the lakebed—which requires federal approval. However, for different reasons, the State of Michigan and a federal court have ordered Line 5 to shut down. Whether the pipeline should continue operating is the subject of litigation, federal oversight, and a U.S.-Canada treaty dispute.

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## Michigan Easement Challenges

Line 5 was constructed in 1953 as part of a [pipeline system](#) linking oil fields in Alberta, Canada, to refinery markets in the Great Lakes region. At the time, Michigan granted Enbridge's predecessor—Lakehead Pipe Line Company—an [easement](#) to cross the Straits of Mackinac. In October 2018, Michigan and Enbridge entered an [agreement](#) whereby Enbridge would construct a tunnel under the straits and replace the existing Line 5 segment with a new segment through the tunnel. The agreement was followed by a December 11, 2018, [state statute](#) creating the Mackinac Straits Corridor Authority, which subsequently authorized [assignment of easement rights](#) for tunnel construction.

On June 27, 2019, the Michigan Attorney General [filed a complaint](#) in state court seeking to shut down Line 5 as a “public nuisance” that was “likely to cause pollution.” On November 13, 2020, under a new gubernatorial administration, state officials [notified Enbridge](#) that the 1953 easement was being revoked, requiring the Line 5 segment across the straits to cease operating by May 2021. On November 24, 2020, Enbridge [filed a challenge](#) in federal court to the state's jurisdiction, which resulted in the litigation being moved to federal court. Most recently, on June 17, 2024, a U.S. district court [remanded](#) the state's case back to state court. The pipeline remains in operation as litigation continues.

## Army Corps Tunnel Permit

In April 2020, prior to the revocation of the easement, Enbridge [filed a joint application](#) with the U.S. Army Corps of Engineers (Corps) and the Michigan Department of Environment, Great Lakes, and Energy (EGLE) to build the tunnel for the proposed Line 5 pipeline crossing. The Corps has permitting authority over the proposed tunnel pursuant to Section 404 of the Clean Water Act ([33 U.S.C. §1344](#)), under which the Corps permits activities that may discharge dredge or fill material into waters of the United States, and Section 10 of the Rivers and Harbors Act of 1899 ([33 U.S.C. §403](#)), under which the Corps permits structures and work in or affecting navigable waters.

In carrying out its authorities, the Corps must consider the environmental impacts of its proposed actions (e.g., issuing a tunnel permit) pursuant to the National Environmental Policy Act (NEPA; [42 U.S.C. §§4321 et seq.](#)) among other statutory requirements. On June 23, 2021, the Corps [announced](#) that it would be preparing an Environmental Impact Statement (EIS), to “ensure all potential impacts and reasonable alternatives ... are thoroughly analyzed.” On June 28, 2023, the Corps [stated](#) that its environmental review would be “limited to the proposed crossing of the Straits of Mackinac, including the construction activities associated with the crossing.” Some [advocates](#) have expressed concerns about the greenhouse gas emissions associated with the fossil fuels passing through the pipeline. The agency stated that “these factors are not within the Corps' scope of analysis.” According to its [NEPA timeline](#), the Corps anticipates publishing a draft EIS for the tunnel project in Spring 2025.

On January 29, 2021, EGLE [announced](#) that it had approved Enbridge's application for permits required to build the tunnel. EGLE stated that the existing pipeline “violates the Public Trust Doctrine and poses an unacceptable risk to the Great Lakes,” but nevertheless concluded that the proposed project could comply with state environmental laws. On December 1, 2023, the Michigan Public Service Commission [approved the siting application](#) for the tunnel, concluding that “without the pipeline's operation, suppliers would need to use higher-risk and costlier alternative fuel supply sources and transportation for Michigan customers.”

## U.S.-Canada Pipeline Treaty

The Canadian government has ardently supported the continued operation of Line 5. Canada has sought to intervene through [public statements](#) and [court filings](#), citing a 1977 pipeline [treaty](#) with the United States that, among other provisions, prohibits a “public authority in the territory of either” from instituting “any measures ... which are intended to, or which would have the effect of, impeding, diverting, redirecting or interfering with in any way the transmission of hydrocarbon in transit.” On October 4, 2021, Canada [announced](#) that it was formally invoking the dispute settlement provision of the treaty regarding Line 5.

On November 9, 2021, the White House Principal Deputy Press Secretary [stated](#) that “both the U.S. and Canada will engage constructively” in Line 5 negotiations and that shutting down the existing pipeline “is something that we’re not going to do.” Details about the ongoing treaty dispute resolution process have not been publicly released.

Litigation unrelated to the tunnel project complicates matters. On September 7, 2022, a U.S. district court [ruled](#) that a segment of Line 5 was trespassing on tribal lands in Wisconsin. On June 16, 2023, the court [ordered](#) Enbridge to reroute Line 5 around the tribal land—or shut it down—within three years. Enbridge has begun the process for the reroute but has expressed concerns about securing the necessary permits in time to meet the three-year deadline. Both the tribe and Enbridge have appealed the ruling to the U.S. Court of Appeals for the 7<sup>th</sup> Circuit.

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