Line 5 Contested Case Hearing

In November 2024, the Wisconsin Department of Natural Resources issued permits and other regulatory approvals that Enbridge Energy needs in order to build a new 41-mile segment of its Line 5 oil pipeline in northern Wisconsin. In response, pipeline opponents filed a petition for a contested case hearing challenging the permits. The contested case hearing will begin on August 12 and is expected to last until early October.

Who is challenging the permits?

- Midwest Environmental Advocates (on behalf of Sierra Club Wisconsin, the League of Women Voters of Wisconsin and 350 Wisconsin)
- Clean Wisconsin
- Bad River Band of Lake Superior Chippewa

Why are the permits being challenged?

We are taking legal action to block the permits because the project would cause significant long-term harm to the wetlands and waterways that would be impacted by pipeline construction.

What permits are being challenged?

Permits and other regulatory approvals issued by the Wisconsin DNR are being challenged. They include:

- a waterway crossing and wetland fill permit
- a decision to convey coverage under the department's General Permit for Construction Site Storm Water Discharge
- a determination that the project will meet State of Wisconsin water quality standards

What is a contested case hearing?

A contested case hearing is similar to a court trial and is conducted by the Division of Hearings and Appeals. An administrative law judge runs the hearing much like a judge runs a trial. The parties can make opening statements, present evidence, call witnesses and make closing arguments.

Can members of the public participate?

Yes. Members of the public may observe the hearing in person. The hearing will also be available by video and telephone.

In addition, any member of the public may testify. Public testimony may be given in person on August 12 in Ashland and on September 3 in Madison. Members of the public who choose to testify are open to cross-examination by Enbridge attorneys. See the next page for details.

Learn more about this case at https://midwestadvocates.org/line-5.

Midwest Environmental Advocates · LWV League of Women Voters of Wisconsin · Sierra Club Wisconsin Chapter · 350 Wisconsin

Threats to water resources

During construction

Enbridge plans to use a construction method known as horizontal directional drilling (HDD) to tunnel beneath numerous wetlands and waterways in northern Wisconsin. The use of HDD during the construction of Line 3 in Minnesota resulted in dozens of frac outs. Frac outs occur when drilling fluids escape from boreholes, causing the fluids to come to the surface and contaminate the surrounding environment. The use of HDD during Line 3 construction also caused three large aquifer breaches and the discharge of more than 250 million gallons of groundwater. As a result, Enbridge faced criminal charges and was forced to pay millions of dollars in fines.

After construction

The reroute would allow Enbridge to continue operating the pipeline in environmentally sensitive areas like the Kakagon Sloughs, the largest wetland complex on Lake Superior. The new pipeline segment would cross the Bad River and Tyler Forks River just upstream of the iconic Brownstone Falls. In the event of a spill, the powerful waterfall would act as a chute, carrying the toxic oil downstream faster than humans could respond.

Contested Case Hearing Schedule

Ashland location: Northwood Technical College Conference Center, 2100 Beaser Avenue
Madison location: Hill Farms State Office Building, Room S149, 4822 Madison Yards Way
Note: Proceedings begin each day at 9:00 a.m.

WHEN	WHERE	WHAT
Aug 12	Ashland	Opening statements & public testimony
Sept 3-12	Madison	MEA (on behalf of the League of Women Voters of Wisconsin, Sierra Club Wisconsin and 350 Wisconsin) and Clean Wisconsin present their case
Sept 15-19	Ashland	Bad River Band of Lake Superior Chippewa presents its case
Sept 22-26	Madison	Enbridge presents its case
Sept 29-Oct 3	Madison	Wisconsin Department of Natural Resources presents its case