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Patrick S. Shea

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DIRE STRAITS: A TALE OF TWO TREATIES

By

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Bachelor of Science: Natural Resources, Northland College, Ashland, WI, 2019

Professional Paper

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## ABSTRACT

When I arrived in Northern Michigan last May, I came equipped with the pre-reporting I needed to follow this story. I moved to the area just as the Governor Gretchen Whitmer's deadline to shut down Line 5 approached. But more than seven months later, the 68-year-old pipeline still carries 540,000 barrels of crude oil through a waterway hydrologists' have deemed "the worst possible place for an oil spill in the Great Lakes."

Enbridge Line 5 in the Straits of Mackinac is more than just another contentious pipeline. This dispute is brewing at the intersection of state and federal jurisdiction. It highlights present energy needs and how they conflict with political promises of decarbonization. And at the very center of the issue is the tension between two treaties: one with our international allies to the north, and the other with sovereign tribal nations.

Constructing a longform audio story about an unresolved and ever-changing news story has been a real challenge. I found myself restructuring this script every few weeks as the legal tug-of-war dragged on. I will continue to make those revisions as Interlochen Public Radio seeks to air this work as part of a mini-series for its environmental podcast, *Points North*.

The following story kickstarted my career as an audio journalist. This graduate program taught me how to report, cut and mix audio and—perhaps most importantly—how to write a pitch. From there, I began following this issue as a freelance reporter. That unexpectedly led to a full-time position as an environmental reporter with Interlochen Public Radio.

None of this would have been possible if I hadn't dug into this developing story as a graduate student. Part two of this project has already been aired and published, which shows how this master's program can propel determined students into their professional work.

While I'm proud of this project, I don't see it as finished work. I see it as the backdrop to a story that will only grow more important in the coming years.

## Dire Straits: A Tale of Two Treaties

### {FADE IN AMBI}

On a rainy Labor Day weekend, a cluster of kayaks, canoes and paddle boards drifts out into choppy water. If the sun was out, they'd be in the shadow of the Mackinac Bridge, linking Michigan's Upper and Lower Peninsulas.

### {PADDLER CHATTER}

Just west of these boats, under one hundred feet of water, are two 20-inch pipes.

For almost 70 years, they've carried crude oil and natural gas liquids four miles across the Straits of Mackinac. It's one small leg of a 645-mile journey from northern Wisconsin, to southern Ontario.

Some of that product ends up as propane, burned in stoves and heaters across the Upper Great Lakes. Some becomes jet fuel at airports in Toronto, Toledo or Detroit. Most bypasses Michigan on its way to Canadian refineries and petrochemical plants.

### {RAISE AMBI}

The hundred-some paddlers here today want the twin pipelines shut down. They're getting ready to raise two sets of aluminum poles, strung together with fishing nets.

*{“we need some people alongside us to help with this sign...”}*

And strewn across the nets, in bold red letters:  
“shut down line 5” and “water is life.”

### {CHEERS, CHANTS}

These demonstrators call this annual event the “Pipe Out Paddle Up Floatilla.” They've been gathering here at the Straits every Labor Day weekend for the past eleven years. But this time is different.

**{NEWSCLIP: “Off the top tonight, big news: Gov Whitmer taking legal action to shut down the aging and infamous Line 5”}**

On November 13, 2020, Michigan Gov. Gretchen Whitmer terminated the state's easement with Enbridge - a Canadian Energy company. That easement allowed for Line 5 to cross the bottom of the Straits back in 1953. The Governor's order gave the company six months to stop the flow of oil.

And as that deadline approached, tensions were high on both sides of the Great Lakes.

**“Ontario and Quebec get nearly half their oil from Line 5. Then there’s the impact on Canada’s busiest airport. Toronto’s Pearson international. It gets ALL of its jet fuel from Line 5.”**

**{HOLD NEWSCAST UNDER}**

This newscast from the Canadian Broadcasting Corporation aired May 6th, 2021.

**“...Gas prices could really skyrocket, and so could the cost of heating your home ... And yet here we are, seemingly in the eleventh hour ....”**

**{Fade out music}**

**{May 13th Ambi fade in, hold under}**

May 13th, 2021. Deadline day. A crowd three-hundred strong marches towards the Enbridge pumping station at McGulpin Point, on the south side of the Straits. The front of the line carries the flags of Michigan’s twelve federally recognized tribes.

**{“elders in front” ... “every step is a prayer”}**

When they arrive at the station’s gates they form a circle, blocking the road.

**{“fill in this area to the right...” “everybody come circle around if you can ...” }**

On the microphone is Sean McBrearty. He’s the legislative and policy director for Clean Water Action, an environmental nonprofit.

**McBrearty: “Welcome everybody. I want to read the eviction notice that we just posted on Enbridge’s door here. {Cheers} Notice of eviction, Enbridge Line 5 pipeline, Straits of Mackinac: pursuant to the notice of revocation and termination of easement of Nov. 13, 2020....concerned citizens of Michigan direct Enbridge, a foreign oil company, to immediately abandon operating Line 5 pipelines in the Straits of Mackinac.” {Cheers}**

The company's response? “No.”

**{MUSIC HARD IN: “The River” by Marlin Ledin}**

It’s been more than seven months since the Governor’s deadline, and Line 5 is still in the water. It moves 540,000 barrels of liquid fuels per day to—and through—the Upper Great Lakes. Enbridge hasn’t complied with the shutdown order, calling it an overreach of state power. That’s why the company had Michigan’s lawsuit removed to federal court, where Enbridge attorneys also filed a countersuit of their own.

And then it took a full year for a judge to decide where the case *really* belongs.

Michigan says it's the state's responsibility to protect its public resources, like the waters of the Great Lakes. According to the state, that means Line 5 should be dealt with internally. But last month, Judge Janet Neff disagreed.

She broadened the scope of this dispute. She granted Canada an opportunity to file a brief on a treaty with the U.S. That treaty was signed in 1977, in the midst of an energy crisis. It's supposed to guarantee the uninterrupted flow of hydrocarbons across the border.

Meanwhile, Enbridge is moving forward with plans to dig a tunnel encasing a new section of pipeline one hundred feet beneath the lakebed. That would move Line 5 out of the water, and avoid a disruption to Canada's oil supply.

The underground tunnel could also house fiber optic and electric cables, increasing the resiliency of Northern Michigan's grid. It's said to be a \$500 million dollar project, and Enbridge plans to pay for it in full.

And the thing is, that project has already been approved. Michigan's former Governor Rick Snyder signed off on the tunnel in 2018, at the same time that Whitmer was campaigning on a Line 5 shutdown.

Like so many other contested pipelines, this one, too, has been used as a political football. And in turn, it's become a hot button topic. It probably bounced around at Thanksgiving tables this year, from Ann Arbor to Marquette.

Line 5 has bisected Michigan, just like its route does on the map.

### **{VOXPOP 1:00}**

There are two alternate realities in the Straits of Mackinac right now. In one, Enbridge is a few permits away from breaking ground on the Great Lakes Tunnel. And in the other, Line 5 is on its last leg, with a court ordered shutdown on the horizon.

In one, a treaty with Canada will ensure the continued supply to the region. In the other, older treaties with the tribes of Michigan will protect the Great Lakes from a catastrophic oil spill.

In one world, a shutdown means a cold winter ahead. And in the other, it's the beginning of an energy overhaul.

Line 5 was on the minds of many Michiganders this Labor Day during the Mackinac Bridge walk. As the iconic bridge was closed to traffic, 20,000 people participated in this 63-year-old tradition. One of those people was Tim Trelfa.

**TIM TRELF: “I’m more concerned there will be a spill if we *don’t* build the tunnel..”**

Tim lives in Presque Isle, just east of where the Straits open up into Lake Huron.

**“For us, it’s propane. For where we live. We live and breathe propane. I mean we gotta have it...”**

Line 5 supplies around 65 percent of the region's propane. In the Upper Peninsula, that’s how 1 in 5 families heat their home. And even though it could be shipped by truck or rail... not everyone likes that tradeoff.

**“Imagine how many semis, tankers are gonna be coming across the bridge, and the danger with that. It’s nuts, it’s absolutely crazy.”**

Enbridge estimates it would take more than 2,000 trucks moving through Michigan every day to match Line 5’s supply. And there’s already a nationwide shortage of truck drivers.

**Trelfa: “I think there’s more danger of a spill on the road ... I mean I’m so pro-tunnel. We gotta have it.”**

While Tim’s most concerned about trucks, Canadians are even more wary of the 800 rail cars per day that could follow a shutdown... And for good reason.

In 2013, a train carrying crude oil derailed in Lac Megantic, Quebec. It caused an explosion that obliterated half of the downtown area, killed 47 people, and blackened the Chaudiere River.

Pipelines have proven to be the safest way to transport oil and natural gas. But opponents of Line 5 say that *any* risk of a spill directly *in* the Great Lakes is unacceptable.

**{SHORT INTERLUDE}  
{STRAITS AMBI}**

If you’ve never been to the Straits of Mackinac, here’s a little bit about this place.

The waterway is only about four miles across, but it’s at the heart of what some would consider the world’s largest lake. By a longshot.

Lakes Michigan and Huron have different names, sure. But hydrologically, they’re inseparable.

More than 45 thousand square miles of blue. The source of drinking water for more than 15 million people. The volume of water that moves through the Straits each day is 10 times greater than what passes over Niagara Falls.

## **{ANGRY WAVE AMBI}**

And because of these strong currents, experts in hydrodynamics have called it the worst possible place for an oil spill in the Great Lakes. They've run simulations showing 400 miles of impacted shoreline in certain spill scenarios. That's more than the entire gulf coast of Texas.

A lot of people have their eyes on this situation in the Straits. But John Paul Schieding is literally watching over it.

**{Schieding:} "You drive up there and It's like What?! What the hell is goin' on down here?! You're right in my damn swimming hole! It's like holy sh\*t look at that giant crane! You know what I mean? I see em parked all over down there all the time, it's like what are you doing? Who gave you the permit? Your mind starts to spin as to the reality of what's going on."**

John Paul's home is perched on a bluff outside the small town of St. Ignace, a half mile from the Straits' northern shore.

It's a humble house on a noisy highway, but the view is breathtaking.

**"Alright, I live here, okay? And everyday I look out and think, GOD, DO I REALLY LIVE HERE? God bless America..."**

On a sunny September day, I meet John Paul in his backyard, where you can *almost* not hear the traffic. In the distance, a 1,000-foot freighter chugs eastward, chasing tiny waves through the royal blue channel. We sit down on folding chairs and dig into a couple pasties.

**"Here's some ketchup if you want -- feel free to dunk away on that baby. I eat the hell out of ketchup."**

Patrick: **"Are these from Susie's?"**

**"Yeah, haven't had one in years but she's my friend."**

As we eat, we can see the pumping station on the opposite shore. That's where Line 5 climbs back out of the water after its controversial trek across the Straits of Mackinac.

John wants to see the pipeline shut down. But he's not exactly anti-oil.

**"I love fuel. Don't get me wrong, I'm a motorhead. I love jet skis snow machines, big trucks, four wheelers, I love all that sh\*t."**



**“Now, if you took spaghetti and threw it on the United States of America, that would pretty much describe where the pipelines are in this country, ok? They’re ALL OVER THE PLACE.”**

There are more than two-and-a-half million miles of pipeline buried beneath American soil. But to John, Line 5 is more than just spaghetti.

**“I don’t agree with any pipeline that goes anywhere near the Great Lakes. The one in the Straits of Mackinac is NOT .... NECESSARY.”**

From his backyard, he obsessively watches the Straits, night and day. He’s outspokenly distrustful of Enbridge, and he sees any movement on the water as suspect.

**“I was up once during the night to pee. And all during the night there was a barge with a crane up with light’s on over there. You see what I mean? I live here, and I am constantly wondering, WTF? What are they doing in the middle of the night that can’t be done in the day? All of this stuff starts to wear on your mind. I do a lot of mental gymnastics to try to stay cool about this.”**

Those cranes he’s seeing, all that construction down at the water... that isn’t Enbridge. It’s the American Transmission Company, repairing electric cables that were severed by a ship’s anchor in April of 2018.

But that doesn’t make John Paul rest any easier. Because that’s the exact same anchor that struck Line 5.

And he sees how many ships pass through here. He knows it could happen again.

**“If that happens, everybody dies. Everything stops, the world comes to a screeching halt. Because now you can’t ship, drink travel or do sh\*t around here for 15 or 20 years.”**

What’s at stake for John Paul and other like-minded locals is the serenity of this freshwater oasis. And more importantly, the ability to hunt, fish and gather here. John Paul is a member of the Sault Ste Marie Tribe of Chippewa Indians. What he wants most of all is for his treaty rights to be finally acknowledged in this dispute.

**{If you don’t stop what’s happening now and let the Native Americans come to the table... You understand? It shouldn’t be the American government telling the Native American governments what they can and can’t do. They don’t represent us, we should be equal at the table.}**

When the young United States went on a treaty spree in the 18th and 19th centuries, the constitution really did call these agreements with sovereign, tribal nations the “supreme law of the land.” But through the years, those treaties have been seemingly disregarded by state and federal governments.

### **{JANNAN CORNSTALK}**

**“Even with the easement, we were not consulted about what was going to happen here.”**

Jannan Cornstalk is a member of the Little Traverse Bay Bands of Odawa Indians, whose reservation is about 30 miles south of the Straits. We talked outside of the pumping station at McGulpin point, where she was setting up for that eviction notice march you heard earlier.

**“When we do things like this, you can see, yeah I’m a live living person. I live here. I have a family. These are our homelands, this is a real concern for us.”**

Janaan says the tribes of Michigan were never made aware that Line 5 was being laid across water in the first place, back in 1953.

**“They didn’t consult with the tribes. At all. From the beginning they have not. If we have a government-to-government relationship, we want to be at the table at the very beginning. And we never have been.”**

For Janaan, this is an issue of sovereignty. A struggle to retroactively apply treaty rights that were either forgotten or brushed aside seven decades ago. And now, she says it’s not enough to just sit down and talk about it. It’s too late for that.

**“That oil is going to devastate this area. You could put 5 billion dollars towards trying to clean it; it will never be the same again. This is non-negotiable. This water is non-negotiable.”**

That word - “non-negotiable” - is the exact word used by Canada’s Minister of Natural Resources to describe the continued operation of Line 5.

And Prime Minister Justin Trudeau agrees. There’s more consensus on this issue in Canada.

In the U.S., 16 attorneys general have backed Michigan in its lawsuit against Enbridge. All of them represent states with Democratic governors.

Those party lines get blurred, though, the closer you get to the Straits.

### **MAC CITY AMBI**

At the very top of the mitten sits a true tourist trap: Mackinaw City.

The main drag is a circle drive lined with gift shops, boutiques, ice cream stands and the like. At the peak of the summer, you’ll be hard-pressed to find a parking spot and might end up driving the loop over and over.

If the Upper Peninsula is road trip heaven, then think of Mackinaw City ... as purgatory.

This town of only 800 residents has at least 40 motels and eleven fudge shops. Yes, fudge shops. It's a big draw for Northern Michigan.

And no matter how some year-round residents feel about the annual flock of fudgies, tourism fuels the local economy. And the main reason they come to Mackinaw City (besides the fudge) is because it's a short boat ride away from Mackinac Island.

**{Shepler}**

**"I don't want to sit here and sound cocky or verbose, but Mackinac Island is the crown jewel of Michigan's tourism industry."**

Chris Shepler is the 3rd generation president of Shepler's Ferry: schlepping tourists and their wallets to the island since 1945.

**{Shepler} {FADE IN MAC ISLAND AMBI}**

**"It's quiet, the clip clop of the horses is really the only thing you hear other than bicycles maybe shifting gears. And that's pretty special in today's time. That's really the lure of Mackinac Island, is that experience."**

There are no cars allowed on this historic hamlet in the Straits, where there's a summer home for the sitting governor. There are also cedar forests, pristine beaches, a historic fort, a five star hotel and thirteen fudge shops.

Chris sees Line 5 as a threat to the island's charm, and to the future of his family's ferrying legacy.

**{Chris}**

**"Where I'm coming from is where Chris Shepler sits. And I'm a conservative republican, I'm pro business. Obviously we're putting diesel in our boats, I'm pro oil."**

But, like Gretchen Whitmer, he says the risk of a spill in the Straits of Mackinac is one he can accept.

**"It would devastate our business, and all the tentacles our business reaches out to. Vending machines, banks that we borrow from, cleaning supplies, toilet paper, all that ancillary stuff we purchase. Not to mention the 195 employees, they rely on this company to put food on their table. And they rely on me to push all the right buttons to make sure that this company's making money ...."**

**"If there was an oil spill, I don't know if ... I mean we got through covid. It wasn't easy. 16 months ago I was like, are we gonna live to see another day? We lived through that. I don't think we can have another ... pandemic slash oil spill... just**

**another setback like that. I don't think this company can handle back to backers. That's a large concern of mine."**

Patrick: **How often do you find yourself thinking ab ---**

Chris: **Every day. Every day. EVERY day.**

Even though a spill is on the forefront of his mind, Chris keeps a lid on it at work.

**{DOCK AMBI}**

**"I'm not gonna put (a sign) out in front of our gateway that says "no oil in our straits" or "shut down Line 5." I feel that when a guest comes to us, they're going on vacation. They're going to a place where they can get away from exactly what we're talking about: the politicizing of issues."**

When you're in the business of pleasantries, you don't want to ruffle a Michigander's feathers.

Back across the water, John Paul is a little less reserved.

**{Schieding}**

**"The people that are for that pipeline, 'build the tunnel,' we know everything you know and everything we know also. And you only know what you know. And you're not listening to what we know. And we know all that you know and all that we know, and that's how come we know that your knows are lies. On tops of lies."**

He says he's so worried about a spill in these waters, he can hardly sleep some nights. The stress he feels is palpable. And at times, it turns quickly to anger.

JOHN: **"You wanna talk about sacred? I'll tell you sacred. I'll kill a man if he tries to corrupt this."**

He's pointing out towards the Straits.

**"That's bad. That's bad when you push a good, Godly man to want to kill a man to defend something this sacred to him. My God is sacred to me, but this right here is mother earth, given to me by him. And I believe that I have to defend it for my brothers and my sisters and my children, so -- look there goes a pileated woodpecker, actually two of 'em... and there's a monarch. I've seen em roost over in that cedar..."**

I don't actually think John Paul will hurt anybody. But he *is* on high alert. He's watching every movement in these waters, with curiosity and boundless speculation.

**"Someday they're going to try and dig another pipeline in here, they just haven't told anybody yet. They'll still be moving the shells at that time, it'll all be tied up in**

**court while they march their second pipeline in here. Because they're not thinking about what's happening right now. They're thinking about what's going to happen in the future. Right now they're moving two pipelines across Minnesota. And here people don't really realize that! Yeah, 'we're gonna put a tunnel through there,' yeah but they're also gonna put another pipeline in there! Why not? They already mowed through all the f\*Sckin indians in Minnesota! And they were fighting!"**

**"They're gonna come and pump another God-blessed pipeline here right in that easement. The new one's gonna carry the oil and the old one will suck the water. Like a big drain tube at the bottom of the Straits of Mackinac...."**

All suspicion aside, what John wants most of all is for his rights as a tribal member to be acknowledged and affirmed. He wants to see a fundamental change in the governance of the Great Lakes.

**"For the healing of this nation, the truth really needs to be admitted. It needs to be publicly reconciled, there needs to be a sovereign sharing of the resources, governance and leadership of these lands. Between the Native American peoples and the U.S. and Canadian Governments."**

But he sees his role as more of a watchman, a lookout. He knows his strengths, and his quick-tempered nature isn't lost on him.

**"When I find myself getting so worked up that maybe I shouldn't speak publicly that way ... when I realize it's not good for everybody to hear me get that way, I'm learning to back down. Ease myself back down. That this is not life and death."**

**"What I dream in my vision-dreams is for me to be at the table with someone who can speak ... less passionately ... the words I have to say."**

Whitney Gravelle might be that someone.

**{Gravelle}**

**"Line 5 is like three-dimensional chess."**

She's the tribal chairwoman for the Bay Mills Indian Community, which is tucked behind a small peninsula, along a waterway that's hard to define.

**{Over there, that's all Canada ... and if you follow that way you'll hit the twin Saults, and that way is Whitefish Bay...}**

It's right where Lake Superior feeds into the St. Mary's River, which winds its way south into Lakes Michigan and Huron: All part of the Great Lakes' gradual descent to the St. Lawrence Seaway.

Bay Mills only has around 1,700 tribal members. But as chairwoman, Whitney is taking on a company with 130 billion dollars in assets.

**“A lot of people ask me, ‘what’s going on with Line 5? Why don’t you see people chaining themselves to a pipeline?’ The reality is, we’re contending with a different kind of battle.”**

As the tribe’s former attorney, she challenged former Gov. Rick Snyder’s approval of the tunnel project. As head of the tribal council, she passed a resolution banishing Enbridge from the tribe’s ceded territory. She’s pressing regulatory agencies to adopt tribal consultation policies, as required by Michigan law. She’s working to turn back the clock on Line 5, and address the fact that consultation never happened in the first place.

And most recently, she drafted a letter to President Biden on behalf of all 12 of Michigan’s tribal nations. The letter urged him to honor the 1836 treaty with tribes, and not to be swayed by the treaty with Canada.

**{Gravelle}**

**“When our ancestors signed those, they were exchanges. In exchange for this land and water, this right would continue to exist forever. That’s a living exchange. The State of Michigan still exists, they still have that land and water. If you harm or eliminate that treaty right, are you going to give back your land and water? Everyone would say that’s ridiculous. But to indigenous people, to tribal nations, that’s what those treaties mean. It’s a living document that our people still rely on every single day.”**

The territory ceded in the 1836 Treaty of Washington includes most of Northern Michigan. But for the Odawa, Ojibwe and Potawatomi tribes in the state, the Straits of Mackinac have a special significance. It’s where the world began.

**{Whitney tells “turtle island” origin story. “Mackinac” = “Great Turtle.”}**

Whitney grew up hearing that story while fishing. A practice that means so much more to her people than just putting food on the table.

**“I often like to describe treaty rights as a relationship. Not just the right to fish, the right to sing with fish, to play with fish, to talk with fish. What it really means is every act of going out and fishing ... preparation ... there are conversations, stories and teachings that are told from generation to generation when you’re in the act of fishing.**

**It boils down to, this is who we are as people, this is how we live our way of life, and this is how we understand our purpose here on earth.”**

**BOB LEHTO: “I think the tunnel protects treaty rights. Specifically, fishing rights in the Straits.”**

Like Whitney Gravelle, Bob Lehto grew up less than an hour's drive away from the Straits of Mackinac. Like John Paul Schieding, he's a member of the Sault Ste Marie Tribe of Chippewa Indians. He's also the regional operations manager for Enbridge.

**“So yeah, I’m troubled with the position that the political leadership in my tribe has taken.”**

We're talking on the top floor of the company's new information center in downtown St. Ignace.

You can hear construction from downstairs, where displays about the Great Lakes Tunnel are days away from being open to the public.

**“By taking the pipes off the lakebed and putting them in a tunnel, we decrease the risk of an anchor strike to zero. There is no more risk anymore.”**

And Lehto says that in the meantime, there's too many people relying on Line 5 to responsibly shut it down.

**“It’s such a big question: can we stop the drip? I would argue that Line 5 is absolutely critical, not only to Michigan but to the surrounding region. So, the tunnel is just the most obvious and prudent step to ensuring the safe delivery of energy now and into the future.”**

Line 5 has crossed the Straits for nearly seven decades, without a single leak or spill. And according to Bob Lehto, Enbridge has already spent more than 100 million dollars towards the tunnel's design and preparation.

But the tunnel is still just talk. And some suspect .... that's all it ever was.

**{Music fade in}**

Next time on Points North: Is there light ... at the end of the Great Lakes Tunnel?

Part 2:

*Great Lakes Tunnel: Displayed and Delayed* (Aired on Interlochen Public Radio 11/19/21.)

Below is the written web post version:

Two doors down from Murdick's Fudge in St. Ignace, Enbridge's new information center occupies an old storefront.

"It's really just a space for the community to come in and get their questions answered about Enbridge," said Emma Cook, a senior community engagement analyst for the company.

The walls are lined with displays, including photographs from Line 5's construction in 1953, and geologic maps of the Straits of Mackinac.

But most of the displays aren't about the past. They're about the future.

On one wall, a mural depicts the inside of the Great Lakes Tunnel. On the floor, a red circle about 20 feet in diameter shows the actual width of the tunnel's design. It would cross the straits more than 100 feet beneath the lakebed, and encase a new four mile section of Line 5.

"It really makes you feel like you're in the tunnel here," said Cook. "I think it gives people a good perspective."

But not everyone shares the perspective that the tunnel is a solution. The project—approved in 2018 by former Governor Rick Snyder—is still in the planning stages.

But it's become almost as controversial as dual pipelines it might replace.

"This almost 70-year-old pipeline must be shut down," said John Welsh, one of many who spoke at a public hearing about the project in St. Ignace last month.

"Enbridge will never build this tunnel," Welsh said.

He's not alone in thinking that. Some environmentalists see the tunnel project as a time-buying strategy, to keep the old pipelines running.

"The way that this has played out makes it crystal clear that this corporation does not have the best interest of the Great Lakes in mind," said Beth Wallace with the National Wildlife Federation, adding that a lack of transparency from Enbridge calls the company's intentions into question.

Since the early summer, environmental groups like hers have been trying to get their hands on Enbridge's request for proposals (RFP.)



The document outlines the construction of the tunnel and includes key information about the project, including estimated timelines and environmental impacts. Once approved by the Mackinac Straits Corridor Authority, Enbridge can begin receiving bids from contractors to build the tunnel.

Enbridge submitted its RFP to the Michigan Department of Transportation for approval. But MDOT said it was shown the documents on a private server, and that Enbridge had not yet made the document available for downloading.

When the Mackinac Straits Corridor Authority met last month with the RFP approval on the agenda, it still wasn't accessible to the public.

Wallace said that if the company intended to build the tunnel as soon as possible, they would go the extra mile to keep the public in the loop.

"I see every sign that Enbridge's main game, at this epic point, is delay," Wallace said.

Bob Lehto is the regional operations manager for Enbridge. He's heard this theory before.

"It's frustrating because I hear that too, that this is some sort of smokeshow," Lehto said. "I don't know in what other way we can commit to it."

The company has paid for the tunnels design, done geologic surveys, purchased land on both sides of the Straits, and opened its information center earlier this month.

"We've spent 100 million dollars already," Lehto said. "What more proof do people want and need?"

What some want is more transparency.

After multiple Freedom of Information Act requests to see Enbridge's RFP were denied, the National Wildlife Federation sued the state. Evidently, MDOT was able to make the document publicly accessible late last week.

The RFP doesn't confirm the theory of the tunnel as a "smokeshow," like Bob Lehto keeps hearing. But it does confirm that Line 5 won't be housed in a tunnel until at least 2028. That's four years later than the timeline Enbridge gave when the project was approved.

Opponents say that ending Line 5's threat to the Great Lakes can't wait seven years. And supporters don't want the project delayed either.

"We could be getting more done to protect the environment and human health," said Mark Griffin, president of the Michigan Petroleum Association.

Griffin is also a member of Great Lakes Michigan Jobs, a coalition of labor unions and industry workers advocating for the tunnel project. He doesn't accredit the delayed timeline to Enbridge, but to layers of bureaucracy and opposition from environmentalists.

"Their negativism is actually continuing to endanger the Great Lakes," Griffin said.

The US Army Corps of Engineers is still drafting an Environmental Impact Statement for the project, which could take years. Opponents of Line 5 feel the company is dragging its feet. And ongoing litigation between Michigan and Enbridge was—until recently—at a standstill.

On Tuesday, District Judge Janet Neff denied Michigan's motion to keep the case in state court, and granted the Government of Canada's motion to file an amicus brief on a 1977 treaty with the U.S.

Canada invoked the treaty last month, which has a clause guaranteeing the uninterrupted flow of pipelines across the border. Serving in the Senate that ratified it was one Joe Biden of Delaware.

Leaders from Michigan's twelve federally recognized tribes signed a letter to now-President Biden, highlighting another treaty between nations that predates the energy crisis of the 1970s.

The 1836 Treaty of Washington guarantees the tribes' rights to hunt, fish and harvest food in their ceded territories: rights that tribal leaders say are endangered by Line 5.

Meanwhile, the two 20-inch pipes continue to move crude oil and natural gas liquids to and through the Upper Great Lakes.

(On-air Q&A / two-way follows.)