

INDIAN LAW RESOURCE CENTER

CENTRO DE RECURSOS JURÍDICOS PARA LOS PUEBLOS INDÍGENAS

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Indian Law Resource Center Statement on Michigan's Approval of Enbridge Pipeline Permits

Helena, Montana - July 17, 2026 - The Indian Law Resource Center is deeply disturbed by Michigan Governor Gretchen Whitmer's choice to approve Enbridge's permit to replace the oil pipeline in the Straits of Mackinac. This decision of the Michigan Department of Environment, Great Lakes, and Energy (EGLE) will directly harm the lands and well-being of Indigenous citizens of Governor Whitmer's own state. Transnational pipelines represent one of the most violent forms of extraction experienced by Indian country, and this pipeline, Line 5, is a clear example. Line 5, owned by Enbridge Energy Inc., is a 645-mile dual pipeline that carries oil and natural gas through the Straits of Mackinac from Superior, Wisconsin, to Sarnia, Canada.

The Straits of Mackinac are the heart of Turtle Island, where the Anishinaabe creation story teaches that North America was formed. These lands and waters are vital resources protected by many treaties with Anishinaabe tribes in the region. The Anishinaabe continue to be in kinship with their non-human relatives at this site, including the water. Water is an especially sacred relative. It is the lifeblood of the earth, the people, and the animals. Anishinaabekwe (Anishinaabe women), in particular, have a special relationship to water, as both are givers of life. Piercing the heart of Turtle Island with a dangerous and destructive pipeline is a profoundly violent affront to the culture, well-being, and sovereignty of the Anishinaabe tribes, who are the original people of the Great Lakes

region. Crude oil should never have been allowed to run through this sacred place, nor should it continue to do so.

Every society has a creation story. Our people, Anishinaabe people, have our own creation story as well. And for that creation story, it takes place in the Straits of Mackinac, where the dual pipelines run. We call that the heart of Turtle Island because it's the heart of where North America was created in that creation story. So, for Bay Mills, for a lot of Indigenous people and tribal nations, that is the sacred place. If I were to try to call it something that Western society might be familiar with, you would think of the Garden of Eden as a comparison. That's the sacredness that place holds. That's our relationship with that land, the water, why we got involved in the Line 5 fight. And Line 5 has already spilled a lot of oil in its lifetime, and we're trying to prevent the catastrophic damage from even a reality of ever happening.¹

- Whitney Gravelle, J.D. (Bay Mills Indian Community President)

It is also a plain violation of Anishinaabe Treaty rights. Line 5 crosses land and water that is protected by numerous treaties, and in Michigan this specifically includes the 1836 Treaty of Washington.²

This decision by EGLE and the State of Michigan ignores years of leadership from Bay Mills Indian Community and Three Fires Tribal Nations that have repeatedly warned about the dangers of Line 5. Once again, Indigenous voices—those who have protected these waters since long before Michigan was even a state—have been pushed aside in favor of corporate interests. As an Anishinaabekwe who calls Michigan and Lake Superior my home, I vehemently reject the notion that the Great Lakes are merely a resource to be extracted or used as a current for the Black Snake. They are sacred waters, the foundation of our identity, our responsibilities, and our future.

I have had the gift of being taught that to be cultural is to be deeply political people. Our cultures have survived precisely because our Nations have resisted every state-backed attempt to erase us. Every act of defending our lands and waters is an affirmation that we remain distinct sovereign Nations, carrying forward our own

¹ Christen Corcoran, *Treaties Indigenous Land and Resource Rights in the Great Lakes and Enbridge's Line 5 Pipeline: Interview with Whitney Gravelle*, GLOB. LAND ALL. (last accessed July 16, 2026), <https://www.globallandalliance.org/articles/treaties-indigenous-land-and-resource-rights-in-the-great-lakes-and-enbridges-line-5-pipeline-interview-with-whitney-gravelle>.

² *Enbridge's Line 5 Pipeline (Bay Mills Indian Community)*, NARF (last accessed July 17, 2026), <https://narf.org/cases/enbridges-line-5-pipeline/>.

laws, responsibilities, and ways of understanding the world despite centuries of policies intended to violently supplant our ways of being. Our continued existence is itself an act of resistance.

Protecting the Great Lakes is not simply an environmental issue—it is an assertion of our sovereignty, our treaty rights, and our inherent responsibility to future generations. We stand with Whitney Gravelle, with Bay Mills Indian Community, and Tribal Nations across the Great Lakes in their combined efforts to defend these waters because they are not commodities, they are our relatives. No decision can diminish that responsibility, and no pipeline will define our future.

- Caroline LaPorte, J.D. (immediate descendant and Trial Court Judge of the Little River Band of Ottawa Indians, Sault Ste. Marie Tribe of Chippewa Indians enrolled citizen, and staff attorney at the Indian Law Resource Center)

While the Canadian and Michigan state governments continue to approve oil pipeline projects, the climate crisis manifests throughout Indigenous territories with intensified heat waves, droughts, and wildfires—often first impacting Tribal Nations and Treaty territories. The burning of fossil fuels that are transported by Enbridge’s pipelines directly contributes to this rapidly intensifying crisis. According to the Canadian Wildland Fire Information System, over 900 active wildfires are burning across Canada as of today, the vast majority of which are uncontrolled.³ Within the last 24 hours, a large cluster of fires burning through Ontario destroyed homes and prompted evacuations of at least seven First Nation communities.⁴ These fires are also producing dangerous plumes of smoke, leading to poor air quality levels across Toronto, the Great Lakes region, and New York. Wildfires are also burning through northern Minnesota within the 1854 Treaty of LaPointe ceded area, which includes the Grand Portage, Bois Forte, and Fond du Lac Tribal Nations. The U.S. Forest Service estimates that 15 active wildfires have burned down nearly 35,000 acres of forestland in the Boundary Waters area.⁵ Evacuation efforts are still underway.⁶

The state of Michigan’s decision to issue permits for the Line 5 tunnel in the Straits of Mackinac places additional grave environmental risks on Indigenous communities in the region. Many of these communities have already dealt with the catastrophic impacts of Enbridge’s past oil spills. EGLE officials responsible for reissuing the permits conceded that the project will have “adverse

³ Canadian Wildland Fire Information System, GOV’T OF CANADA (July 17, 2026), <https://cwfis.cfs.nrcan.gc.ca/en/>.

⁴ The Canadian Press, *Northern Ontario Fires Prompt Large-Scale Evacuations, Destroy Homes in First Nation*, APTNNews (July 16, 2026), <https://www.aptnnews.ca/national-news/northern-ontario-fires-prompt-large-scale-evacuations-destroy-homes-in-first-nation/>.

⁵ Samantha Fischer, *Fires See “Significant” Growth in Northern Minnesota, Canada, Prompting International Relief Efforts*, KARE11 (July 15, 2026), <https://www.kare11.com/article/news/local/wildfire/fires-see-significant-growth-in-northern-minnesota-canada-prompting-international-relief-efforts/89-cf8349e4-3298-48f0-8a3e-1a70a77bf271>.

⁶ *Id.*

effects on known historic and cultural resources, including [the] destruction and/or removal” of resources significant to the Anishinaabe.⁷ Enbridge’s record of disastrous oil spills in Michigan and routine negligence should be a cause of concern to state agencies. In 2010, Enbridge was responsible for the largest inland oil spill in U.S. history. The rupture in Line 6B, which leaked 20,082 barrels of crude oil into the Kalamazoo River watershed, went undetected for at least 17 hours.⁸ Pertinently, information from the Pipeline Hazardous Materials Safety Administration shows that Line 5 has at least 29 recorded oil spills as of 2017, 2,400 identified defects as of 2011, and that Enbridge has inspected less than 12% of said defects.⁹

And yet, after 16 months of review, EGLE and Department of Natural Resources officials, ignoring the known risks, reissued permits allowing tunnel construction under the Straits of Mackinac pursuant to Part 303 and 324 of the Natural Resources and Environmental Protection Act.¹⁰ According to the agency, EGLE’s review of the project included a public information session, a public hearing monthly consultation with Tribal Nation.¹¹ Despite decades-long opposition from Tribal Nations, EGLE concluded that “public and private need for the proposed activity outweighed *other* public interest criteria.”¹² The department also concluded that the proposed tunnel construction and mitigation plans complied with regulatory requirements.¹³ The department, however, has not published information about the proposed mitigation measures¹⁴ and is accused of ignoring thousands of public comments.¹⁵ The permit reissuance includes a Clean Water Act certification necessary for project approval by the U.S. Army Corps of Engineers.¹⁶ Since the Corps relaxed and accelerated its permit review procedure in 2025 to facilitate the Trump

⁷ *Draft Permit for Countersignature*, EGLE, 11 (July 15, 2026), <https://www.michigan.gov/egle/-/media/Project/Websites/egle/Documents/Multi-Division/Line-5/2026/2026-07-15-EGLE-Line5-Permit-Countersignature.pdf>.

⁸ Dept. of Justice, *United States, Enbridge Reach \$177 Million Settlement After 2010 Oil Spills in Michigan and Illinois*, ARCHIVES DOJ (Feb. 6, 2025), <https://www.justice.gov/archives/opa/pr/united-states-enbridge-reach-177-million-settlement-after-2010-oil-spills-michigan-and-illinois>.

⁹ *Enbridge Safety Record*, OIL & WATER DON’T MIX (last accessed July 16, 2026), https://www.oilandwaterdontmix.org/enbridge_safety_record; Drew YoungeDyke, *Line 5 Oil Pipeline System Spanning Michigan Has Had 29 Known Spills, Nearly Doubling the Number Previously Believed to Have Occurred*, NAT’L WILDLIFE FED’N (Apr. 24, 2017), <https://www.nwf.org/Latest-News/Press-Releases/2017/4-24-17-Line-5-Oil-Pipeline-System-Spanning-Michigan-Has-Had-29-Known-Spills>.

¹⁰ Kelly House, *State Issues Line 5 Permits Despite Conceding its ‘Significant Impacts’*, MICH. BRIDGE (July 15, 2026), <https://bridgemi.com/michigan-environment-watch/state-issues-line-5-permits-despite-conceding-its-significant-impacts/>.

¹¹ *EGLE Reissues Resource Permit for Proposed Mackinac Straits Tunnel*, DEP’T ENV’T, GREAT LAKES, & ENERGY (July 15, 2026), <https://www.michigan.gov/egle/newsroom/press-releases/2026/07/15/egle-reissues-resource-permit-for-proposed-mackinac-straits-tunnel>.

¹² *Id.* (emphasis added).

¹³ *Id.*

¹⁴ House, *supra* note 10.

¹⁵ Tracy Samilton & Vivian La, *State Agencies Issue Permits for Line 5 Tunnel Under Straits of Mackinac; Other Permits Sit in Queue*, MICH. PUBLIC NPR (July 15, 2026), <https://www.michiganpublic.org/environment-climate-change/2026-07-15/state-agencies-issue-permits-for-line-5-tunnel-under-straits-of-mackinac-other-permits-sit-in-queue>.

¹⁶ House, *supra* note 10.

administration's "Unleashing American Energy," the Corps is expected to approve the project in the coming days.¹⁷

The Indian Law Resource Center condemns Governor Whitmer and EGLE's disregard for the Treaty rights of Indigenous peoples in her state; their decisions that exacerbate the ongoing climate crisis; and their abject failure to safeguard the welfare of the state's Indigenous citizens.

*Enbridge has spilled oil, committed safety violations, trespassed on lands, shattered ecosystems, pierced aquifers, violated our laws, and repeatedly shown contempt for tribal sovereignty. They have left devastation in their wake, and now they're being rewarded with responsibility over one of the most precious and sacred resources in our state. The Great Lakes are not safe in their hands. This decision is a deep betrayal of our Great Lake State, and we will confront it immediately, fiercely, and without hesitation.*¹⁸

- Whitney Gravelle (President Bay Mills Indian Community)

The Anishinaabekwe leading this opposition have vowed to continue utilizing their strengths as political leaders in their Nations, as water protectors, and as attorneys, and the Indian Law Resource Center stands united in solidarity with these leaders.

¹⁷ Exec. Order No. 14,154 90, Fed. Reg. 8,353 (Jan. 29, 2025); House, *supra* note 10.

¹⁸ Timna Axel, *Tribes React as Michigan Approves Line 5 Tunnel Permits*, EARTHJUSTICE (July 15, 2026), <https://earthjustice.org/press/2026/tribes-react-as-michigan-approves-line-5-tunnel-permits>.