

Advocates, critics react to judge's decision in Line 5 case

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Environmental and tribal advocates say they're weighing next steps after a judge upheld a DNR permit for Enbridge's Line 5 pipeline reroute, while supporters say they're ready to get to work on the project.

John Petoskey, senior associate attorney for the law firm Earthjustice, argues Wisconsin Administrative Law Judge Angela Chaput Foy's decision "ignores strong evidence" that the agency broke the law in approving the reroute.

"Enbridge's project threatens permanent damage to the Band's treaty-protected water, plants, and medicines, all for the enrichment of a foreign oil pipeline company," he said Friday in a statement. "The Band will continue to fight to protect their interests and halt construction."

Meanwhile, Wisconsin Building Trades Council Executive Director Emily Pritzkow notes 700 union workers are set to begin building "the safest and best-built section of pipeline" in the country after months of hearings on the reroute and Friday's decision.

"For five years, Wisconsin's skilled trades workers have stood ready while this critical infrastructure project completed a rigorous approval process," she said in a statement. "Today, that wait ends."

The company's planned reroute of a section of its Line 5 pipeline was challenged by the Bad River Band of Lake Superior Chippewa, represented by Earthjustice, along with Clean Wisconsin and Midwest Environmental Advocates on behalf of Sierra Club, 350 Wisconsin and the League of Women Voters of Wisconsin.

They argued the state Department of Natural Resources violated state environmental laws in approving the permit, according to the advocates. The band has also separately [challenged](#) a U.S. Army Corps permit for the project.

The dispute comes after the Bad River Band in 2019 filed a lawsuit claiming

Enbridge had trespassed on reservation land in northern Wisconsin, and the company then [proposed](#) building a 41-mile section of the existing Line 5 pipeline going around the reservation.

The pipeline reroute is backed by the Wisconsin Building Trades Council, the Wisconsin Pipe Trades Association, the Wisconsin Farm Bureau Federation, Wisconsin Manufacturers & Commerce and dozens of other groups, according to the council. Advocates recently issued [statements](#) of support for the reroute during testimony on the challenge in Ashland.

In a statement Friday, Dairy Business Association Executive Director Chad Zuleger said Line 5 is “critical” to ensuring propane access for Wisconsin farmers.

“We are grateful the permitting process has come to a close and are confident the construction will be done safely and in keeping with our state’s strict environmental protection standard,” he said.

But Elizabeth Ward, the director of the Sierra Club’s Wisconsin chapter, argues the decision by the administrative law judge “doesn’t change the fact that Line 5 must be shut down” to protect the Great Lakes and climate.

See the [decision](#).