

Wisconsin Jobs and Energy Coalition: ICYMI: Wisconsin administrative law judge says opponents of Line 5 relocation did not provide evidence and were “unpersuasive”

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Madison, Wis - On February 13, Wisconsin Administrative Law Judge Angela Chaput Foy issued a decision upholding permits granted by the Wisconsin Department of Natural Resources that allow for construction of the Line 5 segment relocation project in northwestern Wisconsin. The DNR issued the permits in November of 2024 after an over four-year review of the application originally submitted in 2020 by Enbridge, the owner of Line 5.

In an effort to move away from rhetoric and instead focus on facts, the Wisconsin Jobs & Energy Coalition is releasing regular excerpts from Foy’s decision to help assure Wisconsinites that they can have confidence in the relocation project.

Foy’s 52-page ruling came after a months-long contested case process initiated by Line 5 opponents challenging the permits. Project opponents were given the opportunity through testimony and legal briefs to question the conclusions made, and the process used, by the DNR in issuing the permits. Foy’s decision made clear the permits issued by the DNR for the Line 5 relocation will meet Wisconsin’s strict environmental requirements.

One of the key passages from Foy’s decision is:

“The Band further contends that the permitted activities generally fail to

meet the “public interest” standard under Wis. Stat. Chapter 30...This argument is unpersuasive (emphasis added). First, while it introduces broad environmental concerns and claims... it is not tied to the specific issues identified for hearing... Second, the Band’s argument is not based on specific evidence. The Petitioners have not provided evidence (emphasis added)...countering the evidence presented by the Department of their assessment of what was in the public’s interest.” ALJ Ruling Page 32

Line 5 is unique because it not only moves crude oil that is refined into transportation fuels, but it also transports natural gas liquids that are made into propane. In fact, a public comment submitted to the DNR by major propane supplier Plains Midstream [sent a critical warning](#) that a rejection of the Line 5 relocation project would likely send Wisconsin into a propane state of emergency, leading to supply shortages and massive price increases.

During the Wisconsin DNR’s permitting process, over two dozen of Wisconsin’s leading organizations representing farmers, small businesses, labor unions and papermakers submitted comments in favor of the relocation project. Those groups included the Wisconsin Corn Growers Association, Wisconsin Propane Gas Association, Wisconsin Building Trades Council, Wisconsin Counties Association, Wisconsin Electric Cooperative Association, Wisconsin Farm Bureau Federation, Wisconsin Independent Businesses, Wisconsin Industrial Energy Group, Wisconsin Laborers’ District Council, Wisconsin Manufacturers and Commerce, Wisconsin Paper Council, Wisconsin Petroleum Marketers & Convenience Store Association, Wisconsin Pipe Trades, Wisconsin Restaurant Association, Wisconsin Soybean Association, Cooperative Network, Dairy Business Association, Great Lakes Timber Professionals Association, Building Trades Council of South Central Wisconsin, Construction Business Group, International Union of Operating Engineers Local 139, Midwest Food Products Association, North Central States Regional Council of Carpenters, Northern Wisconsin Building and Construction Trades Council and Teamsters Local 346. In fact, [an analysis](#) of public records found that Wisconsinites supported the Line 5 relocation project by a 2-to-1 margin during the DNR comment period in 2022.