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Environment

Lives Yes, Pipelines No!

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Thousands of marchers braved frigid temperatures and took to the streets of Montréal, Quebec on Saturday, December 10, 2022 in an Indigenous-led march outside the COP 15 Conference on Biodiversity.

They came to demand strong agreements to protect land, water and all who depend on them for life. Among them were several contingents of water protectors working to shut down Enbridge tar sands pipelines that have destroyed land and water across Canada and throughout the Great Lakes region of the United States.

The Interprovincial Pipe Line Company was founded in 1949 and built its first pipeline moving crude oil from Regina, Canada south across the border to Superior, Wisconsin. The company was renamed Enbridge in 1998, and in 2017 completed a merger with Spectra Energy, making it the largest energy infrastructure company in North America.

Enbridge operates over 17,000 miles of crude oil and liquids pipelines and has a stake in more than 193,000 miles of natural gas and natural gas liquids (NGL) pipelines. Based in Calgary, Alberta, Enbridge has more than half of its oil pipelines — 9299 miles — in the United States with 8510 miles in Canada. They produce for export, with large terminals in Texas and others on the east and west coasts of Canada.

Enbridge's expected profits for 2022 top \$15 billion, with \$7 billion paid out in investor dividends. The company continues to attract massive investments: \$3.8 billion in 2022 and over \$10 billion expected for 2024.

Enbridge owns the main pipelines out of the infamous Alberta Tar Sands, and is also involved in transporting oil from fields in North Dakota, and Texas, as well as fracked gas in Colorado and Oklahoma. It owns a significant portion of the Dakota Access Pipeline.

Spills and “Replacement”

The construction of pipelines destroys surface and groundwater, sensitive wetlands and culturally significant lands. And all pipelines spill. In the 16 years between 2002 and 2018, Enbridge pipelines spilled 307 times releasing 2.8 million gallons of oil and toxic fluids.

The largest of these spills was in 2010 when Line 6b seeped over one million gallons of tar sands oil and dilbit into the Kala-mazoo River. The still incomplete cleanup has exceeded \$1 billion.

Enbridge has been “replacing” aging infrastructure in the Lakehead System, built 70 years ago, which includes pipelines originating in Alberta and moving through Saskatchewan, Manitoba, Northern Minnesota, Wisconsin, Michigan and back into Canada in Ontario and Quebec. In reality these are brand new pipelines, the construction of which has produced enormous damage affecting the homelands of indigenous peoples.

Great Grandmother Mary Lyons of the Leech Lake Band of Lake Superior Chippewa traveled to Montréal to deliver a \$266 billion invoice to Enbridge for damages to the lands, people and water of northern Minnesota in 2020 and 2021 for the construction of Line 3. The day after the march she went to the Enbridge terminal in an industrial area in Montréal with water protectors from Michigan, Wisconsin, New York and Minnesota to deliver the invoice and hold a

press conference.

While Enbridge calls its pipelines by different names — Lines 3, 93, 5 and 9 — they are in effect one single pipeline carrying tar sands oil and the chemicals that dilute it from Alberta to Montréal, crossing through the United States along the way.

Construction of the Line 3 “replacement” project in northern Minnesota was rushed through in 2020 and 2021, causing massive damage to water and land:

“Permit violations are in the dozens and shoddy construction practices have left a wake of destruction through Minnesota’s most pristine waters, wetlands and wild rice beds. The fact that an aquifer could be breached in January 2021, go unnoticed by regulators for months, and not be repaired until January 2022 shows there has been a complete breakdown of our state’s environmental protections and regulatory system.”

In order to get this new pipeline (now called Line 93) built, Enbridge paid over \$8.5 million to local law enforcement agencies to arrest and forcefully remove water protectors from areas in the vicinity of construction activities that were harming aquifers and destroying sensitive wetlands:

“The Minnesota Public Utilities Commission approved this outlandish system that allowed law enforcement agencies to bill Enbridge for any Line 3-related costs. Line 3 critics felt the system biased law enforcement in favor of Enbridge. Law enforcement agencies could bill for routine patrols of Enbridge work sites even if there was no protests going on, or even people present. Law enforcement fell hard on Native American water protectors.”

Over 1000 arrests were made, and while most of the charges have since been dismissed, there are still over 100 people awaiting trial.

Regulatory Capture

Enbridge has written the book on regulatory capture, whereby corporations control the entities that are supposed to be regulating and overseeing their activities. This happened at all levels of state government in Minnesota regarding Line 3 in the permitting process, in the reporting of polluting incidents and accountability for them, in law enforcement and in the courts.

In Wisconsin they were able to get a law passed that makes it a felony to trespass specifically on pipeline easements. This may be put to the test soon as they are proposing to “reroute” Line 5 for 44 miles around the Bad River Reservation, which lies on the shore of Lake Superior and encompasses 40% of the lake’s wetlands, including many acres of sacred wild rice beds.

The existing pipeline is operating illegally in Bad River territory now, its lease having run out in 2013. Bad River took Enbridge to court, and a federal judge has ruled that Enbridge has been trespassing for nine years. The case is ongoing as the judge decides on damages and on how the pipeline should be removed.

The Wisconsin DNR is now working on an Environmental Impact Statement for the proposed new pipeline, and the U.S. Army Corps of Engineers is conducting an Environmental Assessment as the proposed pipeline will cut through many navigable waterways.

In Michigan, Line 5 crosses under the Straits of Mackinaw, potentially threatening three great lakes: Michigan, Huron and Superior. In 2021 Michigan Governor Whitmer ordered Enbridge to stop operating the pipeline due to the hazard it poses to the waters, but Enbridge has ignored that order.

Apologists for Enbridge in the Canadian government have claimed that a 1977 treaty between the United States and Canada supersedes any authority a U.S. governor may have over their pipelines. That issue is also being adjudicated by state and federal courts, amidst disputes about which have jurisdiction.

But a multi-billion dollar corporation can afford all these court battles, so long as its oil — and profits — continue to flow.

Water protectors are building solidarity across the colonial borders of the United States and Canada to shut down the pipelines. During a teach-in on December 11 activists and researchers from Quebec, Ontario, Michigan, Wisconsin and Minnesota shared information and experiences and began to build a cross-border organizing project.

At this moment, Line 5 is the part of the Black Snake that is under active legal challenges and regulatory review. We need President Biden to revoke the permits that allow Enbridge's pipelines to enter the United States, and the Army Corps of Engineers not to permit any new construction.

We need states to stand up for their water and their people and to hold Enbridge accountable for the damages they've created, and overturn the felony trespass and protest laws. We need Justin Trudeau and his ministers to stop shilling for this multinational corporation. But most of all, we need Enbridge to get their pipelines out of the ground.

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