

# QVEA BACKGROUND AND POSITION PAPER ON LINE-3:

February 7, 2017

Presented to QVEA's Feb. 8, 2017 monthly meeting for discussion and amendment.

## 1. What is the Line-3 Pipeline:

Enbridge's Line-3 pipeline was approved by the National Energy Board (NEB) in April, 2016 and approved by the federal cabinet on Nov. 29, 2016. This \$7.5 billion-dollar pipeline, Enbridge's bigger ever, and part of its Mainline system, will stretch 1,600 KM from Hardisty, Alberta to Superior Wisconsin, on the edge of the Great Lakes. It is not a "replacement" pipeline as Enbridge claims but a new and much larger pipeline to get more crude and bitumen to the refineries in Texas and the Gulf of Mexico. Calling it a replacement pipeline, however, allowed the company to bypass the U.S. permitting process that stalled the Keystone XL under Obama.

The company says it will carry 760,000 barrels of toxic bitumen a day, but its application to the Minnesota utility suggests it will be even higher, as much as 915,000 barrels a day (b/d). **This is a big pipeline, with bigger capacity than even the Keystone XL (830,000 b/d) and much bigger than Enbridge's now defunct Northern gateway pipeline (525,000 b/d).**

Line-3 will follow some of the original route built in 1968, however it will create a totally new route through Minnesota's vulnerable grasslands and waterways. Much of this is through traditional indigenous territory. **The old pipeline will be decommissioned and then abandoned underground. It is telling that Enbridge says it can't remove safely remove the old pipeline because of its proximity to several other pipelines. What does this suggest about future dangers?**

**Line-3 will create from 19 to 26 mega-tonnes (MT) of GHG's upstream, from tar-sands extraction, each year, potentially for a 50 to 60-year lifespan.<sup>1</sup> Much more carbon will be emitted when the bitumen is refined and used elsewhere.**

Line-3 goes right through southern Saskatchewan, from Kerrobert, to near Regina's Harbour Landing, and through the Qu'Appelle Watershed to the Manitoba border. Old Line-3 has already had a rupture near Pilot Butte in 1999, spilling 20,000 barrels of heavy oil.

Enbridge's promotion of Line-3 has been called a "campaign of disinformation". It is not a replacement pipeline and its capacity will be much greater than the company has implied. Enbridge will not be required to dismantle the old pipeline to protect the environment. The total emissions resulting from the extraction and exported bitumen will be far greater than is being publicly admitted. There has not been full transparency in its dealings with First Nations or the broader Saskatchewan public. So far Line-3 has mostly slipped under the radar.

**Decision # 1: QVEA will initiate a public education campaign so that Saskatchewan people can become more aware about Line-3.**

## 2. Impacts on Saskatchewan Environment:

Line-3 passes through parts of Alberta, Manitoba and Wisconsin, but it goes completely across Saskatchewan as well as Minnesota. Ninety percent of the pipeline goes across private

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<sup>1</sup> Council of Canadians.

land. The pipeline will go across vulnerable moist mixed grasslands. It will go through community pastures and other crown land which protects several endangered species. It will pass through four river basins and sixteen water courses, all which support fish and wildlife habitats.<sup>2</sup> **It will cross the South Saskatchewan River south of Outlook and the Qu'Appelle Valley near Bethune, where the plan is to drill under the Qu'Appelle River.**<sup>3</sup>

**The pipeline goes through Ochapowace traditional territory, which, along with Keeseekoose, George Gordon and Pasqua First Nations has already expressed concerns about Line-3 impacts.** Pasqua First Nations has expressed concern about the downstream impact on the Qu'Appelle Watershed. The QVEA shares these concerns. Other First Nations, such as Piapot, Muscowpetung and Standing Buffalo are also downstream.

Saskatchewan is already facing threats to its waterways from oil pipelines. The Husky Oil spill in the summer of 2016 contaminated the North Saskatchewan River. This 250,000 litre spill left major cities and some First Nations communities, some 80,000 people, without domestic water supply. The spill threatened recreation and treaty rights all along the river. Then in January of 2017 there has been another large oil spill, estimated at 200,000 litres, this time on Ocean Man First Nations near Stoughton. For days, the province couldn't even say what company was involved, though it seems it was a Tundra Corporation line. **The province was previously warned about the inadequacies of its pipeline monitoring and regulatory process and, in spite of the Privacy Commissionaire's request, has not been willing to release its report on the Husky spill to the public.**

**Decision # 2: The QVEA calls on the Province to release this report and any other report on oil spills in Saskatchewan.**

### **3. Leadership from the Treaty Alliance:**

An ever-growing Treaty Alliance of First Nations is calling for a ban of bitumen-carrying pipelines on traditional territory. This includes the Line-3 as well as Trans-Mountain, Keystone and Energy East pipelines, all which come from Alberta's tar-sands. **To date, 120 Chiefs from Canada and the U.S. have endorsed the Treaty Alliance.** Important leadership is coming from all across the continent: from Mohawk Chief Serge Simon and from Ojibway activist Winona La Duke from Minnesota, where the Centre for Environmental Advocacy is also involved.

A signing ceremony for the Treaty Alliance was held on Nov. 29, 2016 by the *Assembly of Manitoba Chiefs* (AMC). The *British Columbia Union of Chiefs* was present, as was David Suzuki as a special guest. It is important to know whether there was any representation or communications from the FSIN or any of Saskatchewan's First Nations. **What is the present position of Saskatchewan First Nations on Line-3? Are any Saskatchewan Chiefs or First Nations planning to join the Treaty Alliance, and support a ban on bitumen pipelines going across their traditional territory? What is the position of Treaty 4 Chiefs<sup>4</sup>? Do any**

<sup>2</sup> The replacement pipeline route within Saskatchewan crosses 14 named watercourses (*i.e.*, the South Saskatchewan and Qu'Appelle rivers, and Eagle, MacDonald, Iskwoa, High Hill, Cottonwood, Wascana, Manybone, Vipond, Montgomery, Little Pipestone and Stony creeks, and Chapleau Lakes), 10 irrigation canals, and numerous unnamed tributaries and drainage ditches.

<sup>3</sup> The company says it will have 26 valves by waterways for quick shut-down. This shows that they expect accidents near waterways.

<sup>4</sup> Their spokesperson is Sakimay Chief Lynne Acoose.

**want revenue-sharing?** Have any Saskatchewan First Nations signed an agreement with Enbridge over Line-3. If so, what was this for? Was it for consultation? Enbridge claims it has talked to 150 groups. Who were they? Was the general public allowed into any sessions? Enbridge claims it has an engagement Agreement with Pasqua First Nations and Pasqua may have proposed a Round Table with groups in the Lower Qu'Appelle.<sup>5</sup> If so, has anything come out of this process?

### **Decision # 3: The QVEA endorses the Treaty Alliance that is opposing all bitumen-carrying pipelines in Canada.**

#### **4. Consultation Is Not Consent:**

The new federal government has endorsed the UN Declaration on Indigenous Rights, which requires “free, prior and informed” consent before resource extraction projects proceed. The UN Declaration requires much more than the meagre “consultation” carried out by NEB. The Truth and Reconciliation Commission (TRC) also calls for much more than consultation.

**Neither the NEB nor the federal government ever received indigenous consent or a broad social license to approve Line-3.<sup>6</sup>** The Federal Minister of Natural Resources has stated that he recognizes the government’s duty to consult and to be willing to make accommodations, but this is not the same as free, prior and informed consent. **Manitoba’s Chiefs, with support from the Public Interest Law Centre, are therefore challenging Line-3 in the Federal Court. Their concern is the impacts on the grasslands, watersheds and on treaty rights.**

### **Decision # 4: The QVEA supports “free, prior and informed consent” as the standard for involvement of Indigenous parties in decision-making about the Line-3 pipeline.**

#### **5. Policing Protest:**

The federal government promised to reform Bill C-51 which was passed by the previous Harper government. Grand Chief of the *Assembly of First Nations* (AFN), Perry Bellegarde, along with many human rights and environmental lawyers, have noted that **Bill C-51 blurs the lines between peaceful protest, civil disobedience and criminal activity, which would have serious implications for those opposing pipelines. Is the new federal government going to alter Bill C-51 and oversee the RCMP to ensure that democratic and treaty rights are protected?**

Just how is the federal government going to interpret and enforce the rule of law as the Treaty Alliance and environmental organizations expand their vital work for climate justice? It is not

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<sup>5</sup> Natural resources Canada says that Enbridge has \$27 million in engagements agreements and has set aside another \$21.6 million for an indigenous environmental committee. Just what exactly does this mean?

<sup>6</sup> There were only 78 presentations in the NEB review. These could be analyzed to see how many simply supported the economic activity without raising the larger questions, including about water.

encouraging that the RCMP has been keeping a file on indigenous environmental activists.<sup>7</sup> What they call *Project Sitka* claims to “*identify the small minority of individuals who have been known to utilize unlawful tactics*”. Their 2015 report says that they narrowed down the 313 individuals they identified to 89 unnamed persons. They say that the events most attended were “*opposing natural resource developments particularly pipeline and shale gas expansion...*” They conclude that the “*overall nature of protest...is passive*” and that there is “*little national cohesion, structure or leadership*”, which shows that they are monitoring and documenting activism across Canada in a systematic way.

Their report lists a wide range of what they call subject-affiliated organizations, which includes Idle No More, Indigenous Environmental Network, American Indian Movement, and the Warrior Publication that posted their surveillance report. The Treaty Alliance is probably now also on this list. The scope of organizations that the RCMP is monitoring in this regards is very wide; it includes the Council of Canadians, the Ontario Coalition Against Poverty and many other mainstream civil society organizations. They say there is “*no apparent linked criminality*” which shows the mindset that is involved.

Protests against bitumen-carrying pipelines are bound to increase as part of the urgently needed conversion to a low-carbon economy. The RCMP’s Project Sitka acknowledges that indigenous Canadians have “*unique constitutional rights*” such as claims on land and that “*aboriginal public order events therefore are distinctive, and thus require a distinct policing response.*” It seems that this distinct response includes infiltrating and monitoring indigenous environmental activists and “*subject affiliated organizations*” that are working in unison to protect the land and waterways. **The QVEA strongly opposes the RCMP infiltrating and monitoring indigenous or environmental organizations.**

## **Decision # 5: The QVEA strongly opposes the RCMP or other policing or security bodies monitoring indigenous or environmental organizations that are working to prevent catastrophic climate changes in Canada.**

### **6. Lessons from Standing Rock:**

There are important lessons to learn from Standing Rock. It was very encouraging that AFN’s recent national gathering unanimously supported the Standing Rock camp and its resistance to the Dakota Access pipeline. But, what will all the AFN Chiefs do about bitumen pipelines that threaten their own land and waterways? Furthermore, while the Standing Rock protests “won” a tactical victory, with the company failing to get a USACE<sup>8</sup> permit, Donald Trump simply reversed this position on his 4<sup>th</sup> day in office. He has also overruled Obama’s blocking of **the Keystone XL pipeline, which will pass through the southwest corner of Saskatchewan and pump even more toxic bitumen from Alberta and across the U.S. to its southern coast.**

The Alberta and Canadian governments argue that getting bitumen to the world market is crucial to short-term economic growth. But to do this they are willing to support building pipelines that will endanger land and water not only in Canada but across the U.S. The new Line-3 will go through vulnerable grasslands and waterways in Minnesota. **In Nebraska, the Keystone XL pipeline will cross a massive aquifer that provides water to people in five U.S. states.** Indigenous and other Americans who are fighting to protect their land and water are asking why this bitumen isn’t being exported from Canada’s coast. The protests at Standing

<sup>7</sup> Serious Criminality Associated to Large Public Order Events with National Implications, Project Sitka, 2015/03/16. Report posted at Warrior Publications.

<sup>8</sup> U.S. Army Corp of Engineers.

Rock have made us all more aware that there is going to have to be a continental-wide struggle to achieve a sustainable future.

Furthermore, the Standing Rock struggle added momentum to the fossil-fuel disinvestment movement. It revealed that several Canadian banks (Bank of Nova Scotia, TD and RBC) were involved in the Dakota Pipeline. The QVEA needs to find out which banks are involved in financing Line-3. At present, it looks like all of Canada's five big banks are involved. Together, in 2015, RBC Capital Markets, BMO, CIBC, Scotiabank and TD bought \$7.4 million in Enbridge stocks.<sup>9</sup>

## **Decision # 6: The QVEA will include in its Action Plan findings from its research on the banks backing Line-3.**

### **7. Net Exported Emissions Ignored:**

Building more pipelines guarantees that there will be more investment in bitumen extraction and with this a greatly increased overall carbon footprint. The extraction process, the production of steel, the pipeline construction, refining and tanker transportation all have massive carbon footprints. Add to this the emissions from the actual burning of the fossil fuels.

We simply can't extract all the fossil fuels that have been located and avert catastrophic climate change. The levels of carbon in the atmosphere and ocean and rising global temperatures are already in the danger zone. There is no realistic alternative other than to quickly move toward renewables and leave most of the fossil fuels in the ground. It is totally unrealistic to expect other sectors to make the massive carbon emission cuts required to compensate for growing emissions from the expanding tar-sands. If Line-3 and Keystone XL, as well as the Trans-Mountain pipeline in B.C. all go ahead, we will be undermining the objectives of the Paris Climate Agreement.

Furthermore, there are serious loopholes in the Paris Agreement made in December 2015. A major loophole perfectly fits countries like Canada that "*have committed to reducing emissions within their borders but not to reducing carbon that is extracted and burned elsewhere*". Simply put, there is "*no limit or sanctions on the supply of fossil fuels being brought to market by producing countries...only emissions from getting fossil fuels out of the ground and to the border are counted.*"<sup>10</sup>

Natural Resources Canada says that Line-3 "*fits within Canada's climate plan to 2030*" and that the GHGs are "*within Alberta's 100 megatonne (MT) cap*".<sup>11</sup> **However, Alberta and Canada are not taking any responsibility for the carbon emissions that will go into the biosphere from its bitumen once it crosses the 49<sup>th</sup> parallel in the Line-3 or Keystone pipeline. The Alberta, Saskatchewan and Canadian governments are not being transparent about this.**

Nor are many of the candidates for leadership in the Canadian or Alberta Conservative parties. They continue to say that because Canada is responsible for less than 2% of global emissions that the tarsands are not an issue. They too ignore the exported emissions.

Net exported emissions have surged in large part due to the expansion of the tar-sands; according to the Jan. 25<sup>th</sup> *Behind the Numbers*, they are up five- fold since 2000. This is clearly

<sup>9</sup> Canadian Press, CTV News, March 1, 2016.

<sup>10</sup> Canada cannot have it both ways on climate and fossil fuel expansion, *Behind the Numbers*, Jan. 25, 2017.

<sup>11</sup> Line 3 Replacement, Natural Resources Canada, 2016.

contrary to the spirit of the Paris Agreement and undermines its stated goal of keeping global temperature from rising over 1.5 to 2 degrees centigrade.

## **Decision # 7: QVEA joins other climate justice groups in calling for complete and honest calculations of emissions from all extracted including exported carbon.**

### **8. Pipelines are not environmentally safe:**

It is simply not the case, as both the oil industry and pro-pipeline governments continually say, that pipelines are safe or safer than pipelines. With railway accidents, the spillage of oil is relatively low. Conversely, **with pipeline accidents, the volumes of oil and the environmental and water degradation is usually much greater.**<sup>12</sup>

There is a lot of public disinformation about pipeline and rail safety. **The Lac Megantic disaster did not involve tar-sand bitumen, but crude oil from the Bakken reserves.**<sup>13</sup> Unlike bitumen, which is near solid until diluents are added, Bakken oil is highly flammable. Had it been bitumen in those rail cars there might have been fewer or no deaths at all. Anyway, this horrible industrial-rail disaster had more to do with the cutting of rail safety measures by the Harper government.

**The bitumen that has been liquefied by natural gas so that it will flow in the pipelines (the dilbit) is what makes it so environmentally toxic and also flammable.** Its acidic nature and the high pressure needed to move the dense material also add to the risks of pipeline failures. Because of its weight, bitumen can also sink to the bottom of waterways, making clean-up more difficult and near impossible.<sup>14</sup>

As seen all across the continent, including, now, along the North Saskatchewan River and, most recently, at Ocean Man First Nations, the proliferation of pipelines increases the chances of spills, which will continue to degrade waterways and habitats. The more bitumen-carrying pipelines that are built, the greater the risk to present and future generations. The sane thing is to reduce the risks from both pipeline and railway transportation, **by shifting the energy system and economy towards renewables.**

## **Decision # 8: The QVEA believes that the billions being spent on bitumen-carrying pipelines should be redirected to help build the infrastructure for a low-carbon economy.**

### **9. Moving to Renewables:**

Any lasting alliance between First Nations and environmental groups on both sides of the border will have to be based on averting climate change by expanding renewable energy and protecting land, water and treaty rights. It is encouraging that, according to Chris Henderson of Lomos Energy, **200 First Nations in Canada already have made some kind of commitment**

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<sup>12</sup> Get more sources

<sup>13</sup> Reference from Bosin

<sup>14</sup> Need to look at Canadian government funded study that says dilbit doesn't sink in fresh water unless there are high temperatures and "weathering". Financial Post, June 28, 2016.

to “clean energy”. Cowessess First Nations has installed an 800 Kw capacity wind turbine and is among the first to include lithium battery backup to stabilize electrical supply and target it for peak load.<sup>15</sup> The *First Nations Power Authority* in Saskatchewan is looking at several renewable energy projects, including hydro power in the north.

The protection of the land, water and the right to fish and harvest rice and other wild crops is fundamental to moving towards a sustainable society. The move to renewables is also a way to protect sustainable food sources. The QVEA will continue to work with the local Indigenous Waterkeepers group and make contact with the Ksiskatchewan Water Alliance Network that was formed in the aftermath of the Husky spill.

**Decision # 9: The QVEA will work in solidarity with First Nations that are embracing the challenges of climate justice by moving towards renewable energy.**

## 10. Cumulative ecological Impacts:

The real costs of bitumen pipelines must be our major concern. Averting the catastrophic scenarios of the climate crisis has to take precedence over fossil-fuel corporate profits, and short-term jobs and growth based on expanding pipelines and increasing tar-sand extraction and carbon emissions.

It would be a horrible precedent if Enbridge was to get away with abandoning its old Line 3, rather than having to decommission and recycle the materials. **Think of the long-term ecological mess that the oil and gas industry would leave in the Qu’Appelle Watershed and throughout the continent, with all its pipelines, fracking wells, toxic waste water and tailings ponds!** Opposition to Line-3 and support for a renewable-Green economy need to be placed in this bigger, cumulative-impact picture.

The Treaty Alliance is leading the way. However, Indigenous communities should not be expected to make special sacrifices by rejecting short-term jobs tied to building bitumen pipelines. We all must make the needed transition to safe, renewable energy. A Green, sustainable energy system and economy will provide many more opportunities for us all, indigenous and settler alike. **Global investments in renewables have outpaced those in fossil fuels every year since 2010. Renewables were the only sector not hit by the global recession in 2008.** The economic case for conversion to sustainable energy continues to get stronger.

Premier Wall brags about the 2,000 short-term construction jobs that he estimates will come from building the 530 KM, Alberta and Saskatchewan part, of the Trans-Canada Keystone XL pipeline. Enbridge estimates 7,000 construction jobs in total for its Line-3 pipeline. The provincial government also thinks that Regina’s, Russian-owned Evraz plant, which has been stockpiling pipeline, will be kept busy producing more steel for these bitumen-carrying pipelines.

But, let’s be realistic; far more and far more stable jobs would come from renewable energy. More stable, long-term employment would come from producing steel for wind towers, which would be locally installed and maintained. And, unlike pipelines such as the abandoned Line-3, which will be left in the ground, wind turbines can easily be recycled for future technology, which further reduces the overall carbon footprint. Furthermore, the labour intensive solar energy revolution is on the way.

We all have to stand up to protect habitats and watersheds. An alliance between Indigenous and settler communities will not only enhance Reconciliation but build solidarity to move together towards a more sustainable society.

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<sup>15</sup> Wind and Storage Demonstration on a First Nations Community, website, Natural Resources.

**Decision # 10: The QVEA needs to emphasize the cumulative ecological impacts of Line-3 and the fossil-fuel industry.**

Note: This is not a final version; further research and fact-checking will occur. QVEA Working Group on Line-3: Dan Bellegarde, Mike Bray, Lorna Evans, Jim Harding, Randy Lebell, Florence Pearpoint.

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