

# Line 3 Investor Brief

## 1. BACKGROUND<sup>1</sup>

The original Line 3 pipeline was built in 1961 and put into operation in 1968.<sup>2</sup> It was a 1,097 mile long pipeline which measured 34 inches in diameter and when operating at full capacity, carried 760,000 barrels of oil per day from Alberta, Canada to Superior, Wisconsin. After decades of use, the pipeline was badly deteriorating and was reduced to running at half capacity. The deterioration was a result of the corrosion of the pipeline's steel, with over 900 structural anomalies identified.<sup>3</sup> Enbridge has experienced over 800 spills in the last 15 years.<sup>4</sup> In fact, the original Line 3 is also the source of the largest inland oil spill in United States history with the 1.7 million-gallon spill in Grand Rapids, Minnesota in 1991.<sup>5</sup>

On July 20, 2016 following decades of environmental and ecological damage resulting from Line 3 spills and leaks, the Federal Government issued a consent decree through the Department of Justice and the Environmental Protection Agency.<sup>6</sup> The consent decree set down the terms of a settlement agreement reached between Enbridge and the Federal Government, which required Enbridge to take the original Line 3 pipeline out of service and to replace it with a new pipeline as expeditiously as practicable.<sup>7</sup> Following the issuance of the consent decree, Enbridge moved forward with permitting the new Line 3 and these efforts were met with resistance by a host of challengers.

The ecological and environmental harms from Line 3 oil spills and leaks fall most acutely on the Indigenous Peoples whose lands the pipeline crosses. Knowing this, the Anishinaabe<sup>8</sup> and Indigenous-led organizations like Honor the Earth and Giniw Collective, have opposed all stages of the Line 3 replacement project. Tribal governments and environmental organizations have challenged the Final Environmental Impact Survey (FEIS) conducted in connection with the project; Indigenous water protectors and allies vigorously protested at construction sites along the project line during construction; and tribal governments have litigated against the project in state and federal courts, with pending litigation in the White Earth Nation Tribal Court on the rights of nature, a novel case. Efforts to halt the Project resulted in years of costly delays, but even amidst pending litigation, the new Line 3 pipeline was constructed and became operational in October 2021. However, the risks presented by operating the replacement pipeline and pipeline abandonment persist; and, accordingly, so does the opposition to Line 3.

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<sup>1</sup> This brief was prepared by First Peoples Worldwide in cooperation with members of the Investors & Indigenous Peoples Working Group; content was updated on March 29, 2022.

<sup>2</sup> *Line 3 Replacement Project Summary*, Enbridge [https://www.enbridge.com/-/media/Enb/Documents/Projects/Line%203/ProjectHandouts/ENB\\_Line3\\_Public\\_Affairs\\_ProjectSummary.pdf](https://www.enbridge.com/-/media/Enb/Documents/Projects/Line%203/ProjectHandouts/ENB_Line3_Public_Affairs_ProjectSummary.pdf) (last visited Dec. 10, 2021)

<sup>3</sup> Marina Manoukian, *What's Really Going on With the Line 3 Pipeline*, Grunge (Aug. 20, 2021) <https://www.grunge.com/493052/whats-really-going-on-with-the-line-3-pipeline/> (last visited Dec. 10, 2021)

<sup>4</sup> *Enbridge Line 3 Fact Sheet*, Honor the Earth [https://www.honorearth.org/line\\_3\\_factsheet](https://www.honorearth.org/line_3_factsheet) (last visited Dec. 10, 2021)

<sup>5</sup> Dan Kraker, Kirsti Marone, *30 years later, echoes of largest inland oil spill remain in Line 3 fight*, Oil and Water: The Line 3 Debate, MPRNews (Mar. 3, 2021) <https://www.mprnews.org/story/2021/03/03/30-years-ago-grand-rapids-oil-spill> (last visited Dec. 13, 2021)

<sup>6</sup> *What Does the Consent Decree from the Federal Government to Replace Line 3 Mean?* Minnesotans for Line 3 <https://www.minnesotansforline3.com/consentdecree/> (last visited Dec. 10, 2021)

<sup>7</sup> *Id.*

<sup>8</sup> The "Anishinaabe" are a group of culturally related Indigenous Peoples located around the Great Lakes region of the United States and Canada. The term includes the Ojibwe bands of East Lake, Leech Lake, Sandy Lake, Mille Lacs, and White Earth in addition to the Red Lake Band of Chippewa Indians. Individual tribe names and the group-term Anishinaabe are often used interchangeably.

## **2. CURRENT STATUS OF THE PIPELINE**

On October 1st, 2021 the replacement pipeline became operational,<sup>9</sup> and has been renamed “Line 93.”<sup>10</sup> The original 34-inch pipeline was replaced along the same route with an entirely new 36-inch pipeline. The original pipeline with its structural defects has been abandoned underground, filled with inert gas and sealed.<sup>11</sup> Due to vague and inadequate federal regulations governing pipeline abandonment, the burden of protecting the public and the environment from abandonment risks falls to the states (see below section 3.4).<sup>12</sup> Without any clear regulatory precedent requiring Enbridge to remove the pipeline and remedy the environmental damage caused in its operation,<sup>13</sup> the Anishinaabe and local landowners will shoulder the economic; cultural; and environmental costs presented by an abandoned pipeline laying beneath their lands.<sup>14</sup>

## **3. REASONS FOR CONTINUED OPPOSITION**

Opposition has been led by Indigenous Peoples, Indigenous-led organizations, and many allies including local citizens, environmental, and grassroots organizations to oppose the pipeline. The coalesced opposition to the mine organized efforts to raise public awareness about the detrimental impacts of its route through reservations and treaty territory.<sup>15</sup> Although oil is flowing through the pipeline, the risks presented by the operation of the replacement pipeline and abandonment will continue for as long as the pipeline is in the ground. As such, it is for the following reasons that the Anishinaabe, Honor the Earth, and Giniw Collective advocate for the establishment of an abandonment trust fund for the replacement pipeline, for the Army Corps of Engineers to suspend or revoke the replacement project’s Clean Water Act permit, and for divestment of all future oil sands projects.

### **3.1 Risk to cultural property.**

Pipelines threaten to irreparably and negatively alter the continuity of Anishinaabe culture by threatening the availability and/or adequacy of the water needed to grow wild rice. The Anishinaabe have created legal protections for *manoomin* (wild rice) which is the center of numerous Anishinaabe cultural practices. The White Earth Band of Ojibwe has specifically recognized the “Rights of Manoomin” by passing a Tribal Resolution which attaches legal protections to wild rice itself.<sup>16</sup> Furthermore, the right to collect wild rice is a right articulated in treaty language which was signed by numerous Ojibwe bands; including the East Lake, Leech Lake, Mille Lacs, Sandy Lake, and White Earth bands.<sup>17</sup> The Anishinaabe have exercised these

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<sup>9</sup> Mary Annette Pember, *Line 3 Opposition Lives on, Clean-up Begins*, Indian Country Today (Oct. 21, 2021) <https://indiancountrytoday.com/news/line-3-opposition-lives-on-clean-up-begins> (last visited Dec. 10, 2021)

<sup>10</sup> Id.

<sup>11</sup> *Line 3 and the Pipeline System*, Sierra Club - North Star Chapter <https://www.sierraclub.org/sites/www.sierraclub.org/files/sce/north-star-chapter/pdf/Line3FactSheet.pdf> (last visited Dec. 10, 2021)

<sup>12</sup> Id.

<sup>13</sup> *Minnesota Department of Commerce Energy Environmental Review and Analysis, Final Environmental Impact Statement - Line 3 Project*, Ch. 8, PPL-15-137/CN-14-916 (Feb 12, 2018) [https://mn.gov/eera/web/project-file?legacyPath=/opt/documents/34079/4.DEIS\\_Line\\_3\\_Chapters\\_8.pdf](https://mn.gov/eera/web/project-file?legacyPath=/opt/documents/34079/4.DEIS_Line_3_Chapters_8.pdf) (last visited Dec. 10, 2021)

<sup>14</sup> *Line 3 Fact Sheet*, [https://www.honorearth.org/line\\_3\\_factsheet](https://www.honorearth.org/line_3_factsheet) (last visited Dec. 10, 2021)

<sup>15</sup> *Intro, StopLine3* <https://www.stopline3.org/#intro> (last visited Dec. 10, 2021); see also, *No More Fossil Fuels in the Great Lakes - Stop Line 3, Honor the Earth* <https://www.honorearth.org> (last visited Dec. 13, 2021)

<sup>16</sup> *Rights of Manoomin*, White Earth Band Reservation Bus. Cmte, T. Res. 001-019-009 (2018) <https://static1.squarespace.com/static/58a3c10abebafb5c4b3293ac/t/5c3c0bfe352f53368c1449bf/1547492352265/White+Earth+Rights+of+Manoomin+Resolution+and+Ordinance+combined.pdf> (last visited Dec. 13, 2021)

<sup>17</sup> Andrew B. Stone, *Treaty of Washington - 1855*, MNOpedia, Minnesota Historical Society <https://www.mnopedia.org/event/treaty-washington-1855> (last visited Dec. 13, 2021); see also, Michael Chosa, *On this day: 1855 Treaty Signed between the United States and Ojibwe Bands*, Leech Lake News (Mar. 12, 2020) <https://www.leechlakeneews.com/2018/02/22/day-1855-treaty-signed-united-states-ojibwe-bands/> (last visited Jan. 5)

treaty and regulatory rights by protecting, planting, reseeding and harvesting wild rice.<sup>18</sup> According to the Anishinaabe themselves, wild rice is a sacred food.<sup>19</sup> Without it, the culture of the Anishinaabe will die.<sup>20</sup>

### 3.2. Risk to water and wildlife.

The Line 3 pipeline has suffered from over 900 structural integrity problems.<sup>21</sup> Since its construction, the original pipeline has ruptured and spilled hundreds of times, and had been reduced to running at half pressure.<sup>22</sup> The construction, use, and abandonment of the Line 3 pipeline systems threatens to negatively impact: land; wildlife; surface waters; groundwater; wetlands; and endangered species such as wild rice for years to come.<sup>23</sup> For instance, during construction of the replacement pipeline, Enbridge pierced a groundwater aquifer in Minnesota which led to the uncontained breach of millions of gallons of water and a regulatory fine of \$3.3 million dollars.<sup>24</sup> A subsequent investigation by the Minnesota Department of Natural Resources (DNR) reported two additional piercings for a combined groundwater flow of nearly 300 million gallons;<sup>25</sup> the most serious breach occurred near the Fond du Lac Band of Lake Superior Chippewa Reservation.

### 3.3. Risk to the safety of Water Protectors.

Enbridge's Public Safety Escrow account dispensed millions of dollars to state law enforcement agencies to police Water Protectors at protests along the construction line of the replacement pipeline and at various government buildings in Minnesota.<sup>26</sup> There were nearly 900 arrests, citations, and charges levied against Water Protectors, both Indigenous and non-Indigenous.<sup>27</sup> Increased arrests were accompanied with increased surveillance of water protectors and greater militarization of the police in the local area.<sup>28</sup> Pain compliance, less than lethal weapons, solitary confinement in jail, and disproportional citations<sup>29</sup> were all tactics used to repress protests.<sup>30</sup> Winona LaDuke and Tara Houska, Indigenous Water Protectors and the leaders of Honor the Earth and Giniw Collective respectively, had both been arrested at protests and were successful in getting a Temporary Restraining Order (TRO) granted against the Hubbard County Sheriff's Department, ordering the police to cease blocking access to water protector camps and to curtail harassment and surveillance activities on and near the

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<sup>18</sup> Lynn Sue Mizner, *Enbridge's Line 3 is Putting Wild Rice at Risk - and Water Protectors are Taking a Stand*, StopLine3 (May 18, 2021) <https://www.stopline3.org/news/2021/5/19/enbridges-line-3-is-putting-wild-rice-at-risk-and-indigenous-water-protectors-are-taking-a-stand> (last visited March 28, 2022)

<sup>19</sup> Id.

<sup>20</sup> Id.

<sup>21</sup> *Line 3 FactSheet*, [https://www.honorearth.org/line\\_3\\_factsheet](https://www.honorearth.org/line_3_factsheet)

<sup>22</sup> Id.

<sup>23</sup> *Issues*, <https://www.stopline3.org/issues>

<sup>24</sup> Kirsti Marone, *Enbridge ordered to pay \$3.3 million for an aquifer breach*, Oil and Water - The Line 3 Debate, MPRNews (Sept. 16, 2021) <https://www.mprnews.org/story/2021/09/16/enbridge-ordered-to-pay-33-million-for-aquifer-breach> (last visited March 28, 2022)

<sup>25</sup> Jennifer Bjorhus, *Enbridge crews punctured three aquifers during Line 3 oil pipeline construction, DNR says*, Star Tribune (March 21, 2022) <https://www.startribune.com/enbridge-crews-punctured-three-aquifers-during-line-3-oil-pipeline-construction-dnr-says/600158140> (last visited March 28, 2022)

<sup>26</sup> Mike Hughlett, *Enbridge-funded state account has paid over \$4.8M for Line 3 policing costs*, Star Tribune (Jan. 12, 2022) <https://www.startribune.com/enbridge-funded-state-account-has-paid-over-4-5m-for-line-3-policing-costs/600135174> (last visited March 28, 2022)

<sup>27</sup> Sofia Andrade, *An Indigenous Leader on Why She Still Needs to Protest Pipelines, Even Under Biden*, News and Politics, Slate (July 28, 2021) <https://slate.com/news-and-politics/2021/07/line-3-protest-pipeline-biden.html> (last visited March 28, 2022); see also, Kirsti Marone, *Criminal cases against Line 3 protesters stress rural Minnesota legal system*, Oil and Water: The Line 3 Debate, MPRNews (Sept. 23, 2021)

<https://www.mprnews.org/story/2021/09/23/criminal-cases-against-line-3-protesters-stress-rural-minnesota-legal-system> (last visited March 28, 2022)

<sup>28</sup> Aileen Brown, *Minnesota Law Enforcement Shared Intelligence on Protest Organizers With Pipeline Company*, Policing the Pipeline: Part 13, The Intercept (Aug. 27, 2021) <https://theintercept.com/2021/08/27/enbridge-line-3-pipeline-police-training-intelligence/> (last visited March 28, 2022)

<sup>29</sup> "Disproportional citation" refers to charges levied against an arrested individual which are punitively, reputationally, and monetarily more severe than the charges typically associated with the infraction that leads to a given arrest.

<sup>30</sup> Tara Houska, *Earth to Us: A Letter from a Jailed Line 3 Water Protector*, Vogue (Sept. 30, 2021)

<https://www.vogue.com/article/letter-from-a-jailed-line-3-water-protector> (last visited March 28, 2022)

camps.<sup>31</sup> While the protests against Line 3 have largely subsided, the legal consequences faced by detained Water Protectors will linger on and could discourage similar protests from future projects through the region.

### 3.4. Abandonment of the pipeline.

The regulatory responsibility for pipeline abandonment falls to the states, and the State of Minnesota lacks clear abandonment guidelines or definitions for intrastate crude oil pipelines. This lack of guidance creates risks for both the abandoned original Line 3 and the future abandonment of the replacement Line 3. Enbridge currently offers landowners affected by the abandoned pipeline two options: deactivate in place, or removal.<sup>32</sup> The “removal” option is only valid through 2025, after which point the costs of removal and cleanup will fall to individual third parties.<sup>33</sup> Furthermore, while Enbridge originally planned for the replacement pipeline to operate until 2051, the growing uncertainty over the future of fossil fuels has led Enbridge to cut the economic life span of its Upper Midwest pipeline system by a decade.<sup>34</sup> The Minnesota Public Utilities Commission, as part of its approval of the Line 3 project, mandated a decommissioning fund for the pipeline's eventual demise.<sup>35</sup> However the fund has not been established, and it is unclear how much money Enbridge will be asked to allocate to the fund.<sup>36</sup> As with the original Line 3, the risks associated with the early abandonment of the replacement Line 3 pipeline fall on Indigenous Peoples and landowners. Honor the Earth has responded by petitioning the Minnesota Public Utilities commission to create the emergency abandonment fund.<sup>37</sup> Honor the Earth's filing hopes to protect Minnesota private landowners and state and local governments from having to pay the cost of abandoning the new Line 3, which the Department of Commerce estimated could exceed \$1.5 billion.<sup>38</sup>

### 3.5. No Federal Environmental Impact Study.

There was no federal review of the Line 3 replacement project.<sup>39</sup> A federal review provides a comprehensive study of the impacts of a major project like Line 3, particularly on the environment and affected communities. The environmental impact study (“EIS”) which accompanied Line 3 was conducted by the state of Minnesota, and therefore Honor the Earth continues to call on the Biden Administration to order a more cumulative Federal EIS<sup>40</sup> and in the meantime for the Army Corps of Engineers to revoke or suspend and review the Clean

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<sup>31</sup> MPR News Staff, *Judge issues restraining order against Minnesota sheriff in ongoing dispute with Line 3 protesters*, Oil and Water: The Line 3 Debate (July 25, 2021) <https://www.mprnews.org/story/2021/07/25/judge-issues-restraining-order-minnesota-sheriff-dispute-line-3-protesters> (last visited March 28, 2022)

<sup>32</sup> *Line 3 Deactivation*, Minnesota Projects, Enbridge <https://www.enbridge.com/projects-and-infrastructure/public-awareness/minnesota-projects/line-3-deactivation> (last visited March 28, 2022)

<sup>33</sup> *Line 3 Landowner Choice Removal Option*, Line 3 Deactivation, Minnesota Projects, Enbridge [https://www.enbridge.com/~media/Enb/Documents/Projects/Line%203/FS\\_Line3\\_LO\\_choice\\_removal\\_option.pdf](https://www.enbridge.com/~media/Enb/Documents/Projects/Line%203/FS_Line3_LO_choice_removal_option.pdf) (last visited March 28, 2022)

<sup>34</sup> Mike Hughlett, *Enbridge Says Aggressive Climate Policies Shortening Life of its Pipelines*, Stop Line 3, (Dec. 5, 2021) <https://www.stopline3.org/news/shortening-life-scrib-120521> (last visited March 28, 2022)

<sup>35</sup> *Id.*

<sup>36</sup> *Id.*

<sup>37</sup> *Honor the Earth Petitions the PUC to Open a New Docket to Establish a Pipeline Abandonment Trust Fund*, Stop Line 3 (Dec. 1, 2021) <https://www.stopline3.org/news/pucpetition-trustfund-docket> (last visited March 28, 2022)

<sup>38</sup> *Petition to Open Docket for Line 3 Replacement Project Abandonment Fund*, OAH 65-2500-32764, MPUC PL-9/CN-14-916, Minn. P.U.C. (Dec. 1, 2021) <https://www.edockets.state.mn.us/EFiling/edockets/searchDocuments.do?method=showPoup&documentId={D0A8777D-0000-C31C-9C9D-6B3BF70B620E}&documentTitle=202112-180324-01> (last visited March 28, 2022)

<sup>39</sup> *Line 3 Pipeline Replacement*, Docket No. PPL-15-137, Minnesota Department of Commerce <https://mn.gov/commerce/energyfacilities/line3/> (last visited March 28, 2022)

<sup>40</sup> Jennifer K. Falcon, *Indigenous Leaders Pressure Biden to Stop Line 3 During Minnesota Visit*, Indigenous Environmental Network, Commondreams.org (Nov. 30, 2021) <https://www.commondreams.org/newswire/2021/11/30/indigenous-leaders-pressure-biden-stop-line-3-during-minnesota-visit> (last visited March 28, 2022)

Water Act permit issued to the replacement project<sup>41</sup> - an issue which is being litigated in Federal District Court.<sup>42</sup>

### **3.6. Risk to the preservation of sovereign rights.**

The Anishinaabe once occupied a land base between the United States and Canada estimated to be millions of acres.<sup>43</sup> Now, the Anishinaabe occupy a land-base of ceded and unceded territory in Minnesota, Michigan, and Wisconsin. There was consistent disregard for obtaining the international standard of free, prior, and informed consent (FPIC) of the Anishinaabe and a systemic failure to engage them in the decision-making and consultation process of replacing the pipeline.<sup>44</sup> Throughout the planning and permitting process of Line 3, federal and state agencies ignored the Anishinaabe's requests for engagement in assessing the project which poses grave and imminent threats to their vital cultural, spiritual, and physical resources.<sup>45</sup> This blatant omission to adequately engage with the Anishinaabe is a serious violation of not only their right to give free, prior, and informed consent, but also of their status as a self-determined and sovereign peoples.

In light of the above facts, the United Nations Committee on the Elimination of Racial Discrimination ("CERD") published a letter to the U.S. Government requesting that the U.S. and the State of Minnesota respond to the allegations of rights violations.<sup>46</sup> Uniquely the letter requests that the U.S. Government provide information on how it: guarantees the right to consultation and to free, prior, and informed consent; prevents adverse impacts of the pipeline on the Anishinaabe and their culture, health, and environment; guarantees the right to an effective remedy to these rights violations; prevents violence against Indigenous women and excessive force against protestors; and respects the rights of the Anishinaabe peoples under the treaties to which the United States is a party.<sup>47</sup>

## **4. WHAT INVESTORS NEED TO KNOW**

### **4.1. Who is behind the project?**

Enbridge Energy Partners, LLC is a Canadian corporation which operates transnational crude oil and liquid pipelines. Enbridge has a history of safety violations and environmental damage; of note, when Line 3 ruptured in Grand Rapids, Minnesota in 1991, the pipeline spilled 1.7 million gallons of crude oil in what became the largest inland oil spill in United States history.<sup>48</sup> Nineteen years later, another Enbridge pipeline (Line 6B) burst and spilled up to a million gallons of crude oil into a tributary of the Kalamazoo River in Michigan.<sup>49</sup> By 2014, the cleanup costs for the Kalamazoo Spill had risen to \$1.21 billion.<sup>50</sup>

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<sup>41</sup> Id.

<sup>42</sup> *Friends of the Headwaters v. United States Army Corps of Engineers*, No. 1:21-cv-00189-CKK, (D.D.C. Feb. 15, 2021)

<sup>43</sup> Karl S. Hele, *Anishinaabe*, The Canadian Encyclopedia (July 16, 2020) <https://www.thecanadianencyclopedia.ca/en/article/anishinaabe> (last visited March 28, 2022)

<sup>44</sup> *Issues: An Unfair Process*, Stop Line 3 <https://www.stopline3.org/issues/#process> (last visited March 28, 2022)

<sup>45</sup> Id.

<sup>46</sup> *Letter to His Excellency Mr. Benjamin Moeling*, CERD/EWUJAP/104<sup>th</sup> session/2021/CS/ks (Aug. 25, 2021)

[https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/USA/INT\\_CERD\\_ALE\\_USA\\_9448\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/USA/INT_CERD_ALE_USA_9448_E.pdf) (last visited March 28, 2022)

<sup>47</sup> Id.

<sup>48</sup> Dan Kraker, Kirsti Marone, *30 years later, echoes of largest inland oil spill remain in Line 3 fight*, Oil and Water: The Line 3 Debate, MPRNews (Mar. 3, 2021) <https://www.mprnews.org/story/2021/03/03/30-years-ago-grand-rapids-oil-spill> (last visited March 28, 2022)

<sup>49</sup> *Oil Spill*, Kalamazoo River Watershed Council <https://kalamazooriver.org/learn/what-are-the-problems/oil-spill-2/> (last visited March 28, 2022)

<sup>50</sup> *Kalamazoo River Oil Spill*, Sabin Center for Climate Change Law, Columbia Law School (May 19, 2015)

<https://climate.law.columbia.edu/content/kalamazoo-river-oil-spill> (last visited March 28, 2022)

## 4.2. Enbridge's social responsibility commitments fail to meet industry standards.

The International Petroleum Industry Environmental Conservation Association (“IPIECA”) – an oil and gas industry association for environmental and social issues – has developed an FPIC toolkit for its members, allowing them to understand the business and human rights case for incorporating FPIC into best practices.<sup>51</sup> Enbridge is not a member of IPIECA,<sup>52</sup> nor does the corporation acknowledge FPIC in the Human Rights component of its Corporate Social Responsibility commitments.<sup>53</sup> As such, Enbridge's social responsibility commitments fall well below industry standards. In 2018, Enbridge released a discussion paper titled: “Indigenous Rights and Relationships in North American Energy Infrastructure.”<sup>54</sup> In that same year, First Peoples Worldwide published a comment to Enbridge's paper, arguing that although Enbridge has strong general commitments to Indigenous Peoples, these commitments lack the necessary specificity to guide the corporation towards a meaningful working relationship with Indigenous Peoples.<sup>55</sup>

## 4.3. Line 3 has become a flashpoint in the broader fight for climate change advocacy.

The Anishinaabe are supported by prominent individuals as well organizations, Minnesota government officials, and coalitions representing broad public support for efforts to stop the Line 3 pipeline.<sup>56</sup> Furthermore, coverage of the Line 3 protests appeared on national news and in foreign publications, such as *The Guardian*.<sup>57</sup> Due to the environmental and ecological threats faced by the Anishinaabe and breadth and depth of the accompanying media coverage, the resistance to Line 3 merged into the global conversation around climate change and fossil fuels.<sup>58</sup>

## 4.4. Enbridge's oil sands network has limited economic life

In December 2021, Enbridge informed government regulators that it's network of oil sands pipelines has only 19 years left of economic life.<sup>59</sup> Enbridge insists that Line 3 can operate while the Mainline System does not, but Line 3 relies on oil sand supply from upstream Enbridge systems and transports that supply to downstream systems.<sup>60</sup> This issue underscores the risk involved in the continued funding of oil sands projects.

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<sup>51</sup> *Free, Prior, and Informed Consent (FPIC) Toolbox*, IPIECA (Dec. 2018)

<https://www.ipieca.org/resources/good-practice/free-prior-and-informed-consent-fpic-toolbox/> (last visited March 28, 2022)

<sup>52</sup> *Membership*, IPIECA <https://www.ipieca.org/membership/> (last visited March 28, 2022)

<sup>53</sup> *Enbridge Inc., Corporate Social Responsibility Policy*, Enbridge (Oct. 2020)

<https://www.enbridge.com/~media/Enb/Documents/CSR/Policies/csr-policy.pdf?la=en> (last visited March 28, 2022); see also, *Our Statement on Business Conduct*, Enbridge (Dec. 2020)

[https://www.enbridge.com/~media/Enb/Documents/Governance/CG\\_Statement\\_on\\_Business\\_Conduct\\_EN.pdf?la=en](https://www.enbridge.com/~media/Enb/Documents/Governance/CG_Statement_on_Business_Conduct_EN.pdf?la=en) (last visited March 28, 2022)

<sup>54</sup> *Discussion Paper: Indigenous Rights and Relationships in North American Energy Infrastructure*, Enbridge (June 2018)

[https://www.enbridge.com/~media/Enb/Documents/CSR/Reports/Enbridge\\_Discussion\\_Paper\\_Indigenous\\_Rights\\_Relationships.pdf](https://www.enbridge.com/~media/Enb/Documents/CSR/Reports/Enbridge_Discussion_Paper_Indigenous_Rights_Relationships.pdf) (last visited March 28, 2022)

<sup>55</sup> *Comments on the Discussion Paper from Enbridge: “Indigenous Rights and Relationships in North American Energy Infrastructure”*, First Peoples Worldwide (Dec. 2018)

[https://www.colorado.edu/program/fpw/sites/default/files/attached-files/enbridge\\_discussion\\_paper\\_fpiep\\_comments\\_for\\_website\\_final.pdf](https://www.colorado.edu/program/fpw/sites/default/files/attached-files/enbridge_discussion_paper_fpiep_comments_for_website_final.pdf) (last visited March 28, 2022)

<sup>56</sup> *Take Action: Sign this Statement of Opposition to Line 3*, Stop Line 3 <https://www.stopline3.org/take-action> (last visited March 28, 2022)

<sup>57</sup> Michael Sainato, *Protesters against Line 3 tar sands pipeline face arrests and rubber bullets*, Environmental Activism, The Guardian (Aug. 10, 2021) <https://www.theguardian.com/environment/2021/aug/10/protesters-line-3-minnesota-oil-gas-pipeline> (last visited March 28, 2022) see also; Tara Houska, *‘It’s cultural genocide’: inside the fight to stop a pipeline on tribal lands*, The Guardian (Feb. 19, 2021)

<https://www.theguardian.com/us-news/2021/feb/19/line-3-pipeline-ojibwe-tribal-lands> (last visited March 28, 2022)

<sup>58</sup> *Stop Line 3: What are the Risks?*, MN350 <https://mn350.org/campaigns/stop-line-3/stop-line-3-what-are-the-risks/> (last visited March 28, 2022)

<sup>59</sup> Julia Rock, *What is ‘Disaster Capitalism’? Giant Oil Company Cashes in on Climate Crisis*, The Daily Poster, Newsweek (Dec. 17, 2021)

<https://www.newsweek.com/what-disaster-capitalism-giant-oil-company-cashes-climate-crisis-1660405> (last visited March 28, 2022)

<sup>60</sup> *Id.*