

PIPELINE

UPDATE

Friends of SEHN,

We've learned the hard way that many environmental struggles last a very long time. After the cameras have turned to other media stories and new issues arise, environmentalists are left suing, petitioning, carrying out direct actions, and monitoring damage. So many public health and environmental issues are long-term problems—we have to play the long-game.

A case in point: pipelines. Pipelines carry fossil fuels and threaten drinking water and, obviously, increase the likelihood of climate chaos. We try to block the pipeline from receiving permits and being granted eminent domain. But, under this current political regime, most pipelines are being approved. That means we have to monitor construction for violations of the law, bring legal challenges and be vigilant for leaks and spills. We have to have emergency response plans and make sure post-construction permit terms (like insurance) are in place.

We at SEHN are committed to helping coalitions and groups with these long, on-going struggles by sharing with them our scientific and technical support. I wanted to take this opportunity to tell you of a couple of on-going efforts to protect water, soil, climate and future generations. While they are no longer in the public eye, they are demanding fortitude and skill from activists—these are the places we bring SEHN's particular expertise to bear.

The well-known pipeline, Dakota Access is one of those long-term, thorny issues. Our long-awaited day in court finally happened September 12th, 2018 when the [Iowa Supreme Court heard the environmentalists and landowners' challenge](#) to the state permit given to Dakota Access for its crude oil pipeline. You may remember the large Indigenous resistance of water protectors at Standing Rock in 2016 that tried to block Dakota Access (DAPL) from crossing the Missouri River just north of the Standing Rock Sioux tribe's reservation.

You wouldn't be alone if you thought Dakota Access was a done deal since it is up and running with crude oil flowing through it. In fact, the lawyers for DAPL made that exact argument in the Supreme Court and essentially said the Court should throw out the case. However, in rebuke, a

justice replied that if they *did* declare the case moot, just because the pipeline was already established, we would never have justice for illegal acts.

We aren't giving up yet and neither are water protectors across the country. Dakota Access was proposed when national attention was focused on a neighboring struggle, the Keystone XL pipeline. In fact, when Iowans began working to block Dakota Access in 2014, reporters and the public confused Dakota Access with [Keystone XL](#) which had been in the works since 2008.

The irony is that Keystone XL has reared its ugly head yet again. The state department reversed Obama's decision to deny the necessary permit and is allowing it to proceed. While there are still legal challenges in the works, primarily in Nebraska, water protectors are continuing to resist across the length of the unfinished pipeline.

Another pipeline that threatens the Heartland is Enbridge Line 3's tar sand pipeline slated to cross Minnesota. It just received Minnesota's approval.

Pipeline struggles are long and hard and they are proliferating at a shocking rate.

What all these pipelines have in common are active grassroots resistance from both landowners and environmentalists. Coalitions form to block the permits in the first place. If the permits are approved, those coalitions work to get the most stringent and protective provisions in place. For instance, in part due to SEHN's intervention in the DAPL permit on behalf of future generations, Iowa required that Dakota Access get a bond, irrevocable parental guarantees from the parent companies (in this case Energy Transfer Partners and others), and 25 million dollars in insurance.

But what has also emerged is that regulators wash their hands of the pipeline once they grant the permit and then let the corporation run roughshod over the land and people during construction. These projects are so huge and so much money is thrown around that the corporations think that they can break their contracts with the landowners and violate the terms of their permits as long as the lawyers following behind have a big enough checkbook. A recent example is Bayou Bridge pipeline bringing in the bulldozers onto private land and beginning construction in Louisiana even before it had the equivalent of eminent domain on that land. That construction was stopped only through fierce direct action and legal intervention. Bayou Bridge is the tail end of the pipeline that begins as Dakota Access. It is also owned by Energy Transfer Partners.

This is where the grassroots coalitions have been especially vigilant and relentless—monitoring construction and bringing legal action before either the regulators or the courts as well as alerting the media to the violations. SEHN has helped several coalitions develop handbooks and guidance for watchdogging the pipeline construction process. On several occasions based

on these handbooks, activists have been able to shut down construction and force the pipeline corporations to comply with the law.

Along with environmental violations of the law during construction, many of these pipelines are constructed by itinerant men on construction crews. They are housed in what are called man camps. Along with large groups of transient men comes an [increase in sex trafficking](#) of women and children. This threat was raised in the Minnesota's Environmental Impact Statement of Enbridge Line 3 which is slated to bring tar sands across the wild rice beds of the Ojibwe. Now, not only to water protectors have to watch out for the destruction of the Earth but they have to safe-guard women and children. This is a tall order.

Even after pipelines are constructed and all the legal challenges have been exhausted environmentalists and community members monitor them for leaks and spills. A large percentage of pipeline breaches are caught by the public.

What can be done about this? As we saw in the 2016 election, voting matters. President Obama stopped both Keystone XL and Dakota Access. President Trump gave the green light to both. We need to make it much more difficult to use eminent domain for fossil fuel corporations' private gain. Divesting, both personally and our institutions, of stocks in these companies and [preventing banks from loaning money](#) to them will go a long way toward stopping their proliferation. And we need to ramp up enforcement of laws and pull permits when these corporations violate the terms of their permits.

All of the pipelines mentioned above, even Dakota Access, will require dedicated attention from the environmental community for a very long time. Even though the Iowa Supreme Court heard the Dakota Access case in September, the Court won't reach a decision for many months.

We are in this for the long haul. Are you with us?

Carolyn Raffensperger
Executive Director