

The Contentious Politics of Mega Oil Sands Pipeline Projects

by

Amy Alexandra Janzwood

A thesis submitted in conformity with the requirements
for the degree of Doctor of Philosophy

Department of Political Science
University of Toronto

© Copyright by Amy Janzwood 2021

The Contentious Politics of Mega Oil Sands Pipeline Projects

Amy Janzwood

Doctor of Philosophy

Department of Political Science

University of Toronto

2021

Abstract

While the vast majority of oil pipeline projects in Canada have been successfully built, several mega oil sands pipelines within and passing through Canada have been cancelled or significantly delayed. In recent years, oil sands pipelines have received intense scrutiny from a variety of actors. While there has been significant contestation in response to a wave of pipeline proposals, scholars have not yet understood the linkages between social movements and the outcomes of pipeline projects. I identify the causal influence of social movement campaigns, what I call *campaign coalitions*, against new mega oil sands pipelines. Considering the power and momentum of the oil and gas industry in the early-2000s, this movement's success in frustrating pipeline development has been truly remarkable.

I first use qualitative comparative analysis (QCA) to understand combinations of causal conditions that co-occur across cases of proposed new oil pipelines and pipeline expansions. The findings from the QCA lead me to focus on campaign coalitions, which involve sustained cooperation and communication between resisting groups. I then use in-depth case studies of contested proposed mega oil sands pipeline proposals—the Northern Gateway Pipelines and Trans Mountain Expansion Project—to understand the strategies the anti-pipeline coalitions employed to influence project outcomes and the conditions that produced the project outcomes. I argue that campaign coalitions strongly shaped the project outcomes in both cases. In the NGP case, the alignment of the political and legal opportunities, with the 2015 election and a federal court of appeal ruling, resulted in the project's cancellation. In the TMEP case, sustained opposition, in combination with a powerful new political ally with the 2017 provincial election in British Columbia created multiple, mutually reinforcing risks that made the project unviable for Kinder Morgan.

In understanding the influence of campaign coalitions, I contribute to public policy and social movement scholarship in three ways. First, I refine our understanding of the processes and conditions that facilitate campaign coalition formation. Second, I identify important linkages between the processes of coalition building and mechanisms of influence. Third, I identify how coalition strategies and conditions interact to influence pipeline outcomes.

Acknowledgments

As the late Gord Downie said, “it’s been a long time running,” and I have been indebted to many throughout this process.

My co-supervisors, Steven Bernstein and Kate Neville, provided close reading and insightful comments on many chapter drafts. Their thoughtful observations significantly improved the dissertation and helped refine my arguments. Even before I entered the Ph.D. program, Steven was a constant source of prescient advice and patiently helped make me a better writer. Kate entered my life at a pivotal moment during the Ph.D., and I don’t know if I would have persevered through the proposal phase without her support. Her brilliance and generosity continue to inspire awe. My work has benefited enormously from her expertise in contentious energy politics.

My committee member Stefan Renckens provided incisive comments, particularly around research design; I have learned much from working with him. Andrea Olive graciously agreed to be my internal examiner and provided incredibly expeditious and generative comments. I owe an intellectual debt to George Hoberg for first writing about oil sands pipeline politics and encouraging my pursuit of this topic. It was an honour to have him as my external examiner.

I am deeply grateful to my interviewees for sharing their time, experiences, and expertise. To those named at the back of this dissertation and those who wished not to be named, I hope I have done justice to the complex dynamics of mega oil sands pipelines. I am indebted to the tireless efforts of journalists, whose work made this subject much easier to research. This includes those I interviewed and others—Markham Hislop and Martin Lukacs—who enthusiastically discussed energy politics with me.

I wish to thank Graeme Auld, Monica Gattinger, Sean Kheraj, David Tindall, and Glen Toner for our conversations while I completed my fieldwork. During my fieldwork, I also audited the Corporate Mapping Project Summer Institute at the University of Victoria; while there, I felt remarkably fortunate to share space with academics and activists concerned about our energy systems. Sincere thanks to my good friends Erynne Gilpin and Rhiannon Moore, who hosted me in Victoria and Vancouver respectively and are hugely inspiring in their own right.

Jennifer Winter at the School of Public Policy generously arranged my stay while I conducted interviews in Calgary, and my office mate, Akram Khayatzadeh-Mahani, made me feel so welcome. Many individuals at the School of Public Policy and the University of Calgary shared their expertise, some of whom I interviewed, and others—Kristen van de Biezenbos, Kent Fellows,

Robert Mansell, Martin Olszynski, Bob Skinner, Fenner Stewart, and Trevor Tombe—also offered valuable insights.

Great minds have surrounded me in the department of Political Science at the University of Toronto. Matthew Hoffmann and Steven Bernstein provided a truly wonderful research environment at the Environmental Governance Lab (EGL) at the Munk School and countless opportunities to research and write about environmental politics. Retaj Ramadan helped transcribe my final interviews with the same ultra-competence she approaches her work at the EGL. I benefited greatly from exchanges with Jessica Green about both EGL and dissertation research. My Ph.D. experience was all the richer because of fellow EGL colleagues Brianna Botchwey, Eve Bourgeois, Emma Lecavalier, Nathan Lemphers, and Heather Millar. I greatly appreciated Brianna's wry humour and regular check-ins; Eve gamely helped with my bad French; Emma made trips to Utrecht and Durham infinitely better; Nathan generously shared his policy work insights; and Heather was somehow always there when I needed her sage advice, intellect, or assurance.

I am thankful for the Indigenous Politics and Political Economy reading groups, and the Public Policy Workshop for providing venues to receive feedback in my early thinking and writing. A special thanks to those who read an early draft of Chapter 1 and offered astute comments: Minh Do, Charles Dumais, and Daniel Sherwin. My colleagues Gözde Böcü, Anika Ganness, Kirstyn Hevey, Alix Jansen, Sara Lee, Alexis Lerner, Reut Marciano, Kristen Pue, Takumi Shibaïke, and Jason VandenBeukel made preparing for my comprehensive exams and attending conference receptions immensely more enjoyable. Fatima Al-Dhaïher, Julie Richardson, and Aliina Vaisanen supplied amity and hospitality the many nights I stayed in Toronto.

I lived in Kitchener-Waterloo for most of my time in the PhD, and the Balsillie School of International Affairs (BSIA) became a second institutional home. I am grateful to Tiffany Bradley for arranging office space and welcoming me back to BSIA. I couldn't have imagined a more wonderful group of colleagues in Maïssaa Almustafa, Clay Dasilva, Ousmane Aly Diallo, Cynthia Leal Garza, Caleb Lauer, Scott Morton Ninomiya, Allison Petrozziello, Jinelle Piereder, Tahnee Prior, Diana Thomaz, Anastasia Ufimtseva, and Tracey Wagner-Rizvi.

Busra Hacıoglu, Johanna Wilkes, and Alina Shams made the early days of the COVID-19 pandemic considerably easier. Janetta McKenzie at the University of Waterloo kindly allowed me to nerd out about regulatory politics. Lucy Hinton, Caitlin Scott, and Phoebe Stephens were stellar virtual writing partners while working from home during the pandemic. It was a joy to have Justine Salam as my accountability partner in the final weeks of writing.

Cambridge University Press allowed me to reproduce a version of Chapter 2 here, published by Oxford University Press in the *Canadian Journal of Political Science* in 2020 (available at doi:10.1017/S0008423920000190). I owe a debt of gratitude to the three anonymous reviewers for their close reading and comments, which greatly improved the article. Andrew Biro, Alexander Haus, Heather Millar, and Yixian Sun provided feedback on earlier drafts, and Christoph Niessen good-naturedly answered my QCA questions.

I am ever grateful for the financial support from the Social Science and Humanities Research Council of Canada's Joseph Armand Bombardier Canada Graduate Scholarship, the Ontario Graduate Scholarship, and the University of Toronto's Faculty of Arts and Science, Department of Political Science, School of Graduate Studies, and the School of the Environment.Carolynn Branton and Lou Tentsos helped me navigate the formidable university bureaucracy and, for that, I am truly grateful.

I have been incredibly fortunate to have superb mentorship over the years. I extend heartfelt thanks to Jennifer Clapp, Erin Hannah, and Jacquetta Newman. I also wish to thank Angela Carter, Peter Dauvergne, Kathryn Harrison, Kyla Tienhaara, and Sarah Martin for energizing conversations and exemplifying the sort of scholar I hope to become.

My dearest friend Laura Trabucco bolstered my spirits with her steadfast belief in me and her good humour. It was a privilege to have another dear friend, Alexander Carey, copy-edit almost all of my chapter drafts. Alexander was assiduous, and his wit added some much-needed levity. My good friends Kevin Daly, Jon Dunning, Katelynn Feeney, Erica Goss, Matt Davidson, Katarina Ilić, Patricia Mockler, Nigel Moore, Annie Paish, Anastasia Pasche, Michelle McDonnell, Adam Riese, Kaitlin Van Herk, Eric Wood, and Scott Weersink have patiently supported me and tolerated perhaps too much talk about pipelines.

My parents, Marion and Alan Wood, provided endless support and imparted a workhorse ethic that came in handy these final months. My grandmother, Carolyn Wood, continues to demonstrate a remarkable perspective on life and adversity, which I hope to emulate. My sister, Rebecca, worked on my bibliography when my citation software failed. My uncle, Donald McColl, reminded me “the perfect is the enemy of the good” at exactly the right time I needed to hear it. My in-laws supplied me with love and good food while I wrote the concluding chapter in Winnipeg. Lastly, my dear husband, Scott Janzwood, has shown astounding patience, gentleness, and support. I will forever appreciate your silliness, delightfulness, and intellectual curiosity.

Table of Contents

Acknowledgments	iv
Table of Contents	vii
List of Tables	x
List of Figures	xi
List of Abbreviations	xii
List of Appendices	xiv
List of Tables and Figures in Appendices	xv
CHAPTER ONE: Introduction	1
1.1 Stalled oil sands pipeline development	3
1.2 Existing explanations	7
1.2.1 Political economy and petro-state politics	7
1.2.2 Project economics and viability	8
1.2.3 Public policy	9
1.2.4 Contentious politics	10
1.2.5 Summary	10
1.3 Arguments	11
1.4 Contributions	13
1.5 Research design and methods	15
1.5.1 Qualitative comparative analysis case selection	15
1.5.2 In-depth case analysis	16
1.5.3 Data collection	18
1.6 Plan for the dissertation	21
CHAPTER TWO: Explaining variation in oil sands pipeline projects	24
2.1 Outcome condition	24
2.2 Causal conditions	27
2.2.1 Commercial support condition	27
2.2.2 Long distance	28
2.2.3 Legal risk	29
2.2.4 Major regulatory barrier	30
2.2.5 Social mobilization	30
2.3 Analysis of necessary and sufficient conditions	33
2.4 Robustness checks	36
2.5 Discussion	40
2.6 Conclusion	42
CHAPTER THREE: Explaining coalition influence—building a theoretical framework	44
3.1 Campaign coalitions: defining the unit of analysis	45
3.2 Limitations of existing approaches to understanding coalition influence	49
3.3 Understanding coalition formation	52
3.3.1 Political opportunities	53
3.3.2 Problem formulation	54
3.3.3 Social context	55
3.3.4 Resources	57
3.3.5 Indigenous-settler alliances	58
3.3.6 From coalition formation to influence	60
3.4 Strategies, mechanisms, and contexts for coalition influence	63
3.4.1 Regulatory engagement	63
3.4.2 Political access	65

3.4.3 Protest.....	66
3.4.4 Legal challenges.....	69
3.4.5 Shareholder engagement.....	70
3.5 Towards a theoretical framework.....	73
3.5.1 The role of sequencing and timing.....	73
3.5.2 Relationships between strategies.....	75
3.5.3 Multiple strategies and coalition influence.....	76
3.5.4 Model of campaign coalition influence.....	78
3.5 Conclusion.....	79
CHAPTER FOUR: Transnational advocacy against the tar sands.....	81
4.1 Building the Tar Sands Campaign.....	84
4.1.1 Campaign impact and relevance for anti-pipeline campaigns.....	89
4.2 Building the campaign coalition against Keystone XL.....	91
4.2.1 Campaign impact and relevance for the NGP campaign.....	95
4.3 Conclusion.....	99
CHAPTER FIVE: The campaign coalitions against the Northern Gateway and Trans Mountain Expansion project proposals.....	101
5.1 The campaign coalition against the NGP.....	104
5.1.1 Problem formulation.....	113
5.1.2 Indigenous-settler alliances.....	116
5.1.3 Social context and organizational resources.....	118
5.1.4 Lessons and legacies from forestry campaigns.....	120
5.1.5 Early political allies.....	126
5.1.6 Summary and early influence.....	128
5.2 The campaign coalition against the TMEP.....	130
5.2.1 Political opportunities and problem formulation.....	135
5.2.2 Indigenous-settler alliances.....	138
5.2.3 Social context and organizational resources.....	139
5.2.4 Relationship with the NGP campaign coalition and early political influence.....	141
5.2.5 Summary.....	144
5.3 Conclusion.....	145
CHAPTER SIX: The Northern Gateway Pipelines project review.....	148
6.1 Regulatory process overview.....	149
6.2 Public participation in the Joint Review Panel.....	150
6.2.1 Regulatory and policy context.....	152
6.3 The government’s reaction: labelling environmental groups “radicals”.....	155
6.3.1 The campaign coalition’s response: projecting strength and unity.....	157
6.4 Omnibus legislation and regulatory reform.....	159
6.4.1 The remote and proximate causes of regulatory reform.....	161
6.4.2 The campaign coalition responds to the “war on nature and democracy”.....	165
6.5 Auditing adversaries.....	166
6.5.1 The campaign coalition responds to the “war against the sector”.....	168
6.6 Influence on the NGP proposal.....	170
6.6.1 Targeting Enbridge.....	171
6.6.2 Enbridge’s reputational risk.....	174
6.6.3 Political context and the JRP decision.....	177
6.7 Conclusion.....	178
CHAPTER SEVEN: The Trans Mountain Expansion Project review.....	182
7.1 The NEB review.....	182

7.2 The NEB’s “credibility crisis”: the campaign coalition responds	187
7.2.1 Impact on the campaign coalition	195
7.3 The federal government responds	197
7.3.1 The “omission panel” and its impact on the TMEP	200
7.4 Conclusion	203
CHAPTER EIGHT: The outcome of the Northern Gateway Pipelines project	207
8.1 Opposition in advance of the federal government’s decision	208
8.1.2 The campaign coalition’s strategic shift.....	210
8.2 Legal challenges.....	213
8.2.1 The Duty to Consult as a legal opportunity.....	216
8.2.2 Consultation processes.....	219
8.3 The end of Northern Gateway	223
8.4 Alternative explanation? Commercial and financial context and viability	229
8.5 Conclusion	231
CHAPTER NINE: The outcome of the Trans Mountain Expansion Project	234
9.1 Trudeau’s TMEP approval.....	234
9.1.1 The policy pathway to the TMEP	235
9.1.2 The political pathway to the TMEP.....	237
9.1.3 Campaign coalition response	240
9.2 Legal challenges.....	242
9.2.1 Consultation processes.....	244
9.2.2 The campaign coalition leverages legal risk	246
9.3 Corporate vulnerability and Kinder Morgan’s final investment decision	247
9.3.1 Disruption begins.....	252
9.3.2 Project delays mount	255
9.3.3 Bitumen regulations, blockades, and the inter-provincial dispute.....	256
9.4 Kinder Morgan’s ultimatum.....	261
9.4.1 Kinder Morgan’s 2018 AGM: “a rare upset”	262
9.4.2 Final thoughts.....	264
9.5 Conclusion	267
CHAPTER TEN: Conclusion	270
10.1 Summary	270
10.2 Theoretical contributions	274
10.2.1 Campaign coalition formation	275
10.2.2 Linking coalition formation and influence.....	277
10.2.3 Strategies, mechanisms, and conditions	279
10.2.4 Multiple strategies and coalition influence.....	281
10.3 Beyond the NGP and TMEP: conditions for coalition influence	283
10.3.1 New linear infrastructure and early opposition.....	283
10.3.2 Weathering political adversaries and gaining political allies	284
10.3.3 Leveraging regulatory engagement and project delays.....	285
10.4 Avenues for future research.....	286
10.5 Broader implications	287
10.5.1 Approving mega energy infrastructure	287
10.5.2 The future of mega oil sands pipelines.....	289
10.5.3 Indigenous-led pipeline resistance.....	291
10.5.4 Supply-side campaigns	292
Works Cited	295
Appendices.....	358

List of Tables

Table 1: Project outcomes.....	25
Table 2: Concepts, measures, and calibration	31
Table 3: Raw data.....	32
Table 4: Necessary conditions	34
Table 5: Intermediate solution for BUILT' outcome	35
Table 6: Energy East data table	37
Table 7: Summary of expectations for successful coalition formation	60
Table 8: Summary of expected linkages between coalition formation and influence	62
Table 9: Summary of strategies, mechanisms, and contexts	72
Table 10: Strategies, sequencing, and timing	74
Table 11: Relationships between strategies.....	76

List of Figures

Figure 1: Snapshot of select oil sands pipelines and proposals (NEB, 2020)	6
Figure 2: NGP and TMEP timeline overview	18
Figure 3: Model of campaign coalition influence	78
Figure 4: Key KXL events in relation to NGP and TMEP	99
Figure 5: Proposed route of the NGP project (Natural Resources Canada, 2017)	103
Figure 6: Proposed route of the TMEP (NEB, 2016c: 2)	103
Figure 7: Map of Carrier Sekani Tribal Council territory and proposed NGP (CSTC, 2006a: 12) ..	105
Figure 8: Map of Coastal First Nations communities (Coast Funds, 2020)	110
Figure 9: NGP campaign coalition and network overview	113
Figure 10: Map of Voluntary Tanker Exclusion Zone (Transport Canada, 2017)	114
Figure 11: Tsleil-Waututh Nation Consultation boundary (TWN, 2016)	131
Figure 12: TMEP campaign coalition and network overview	135
Figure 13: JRP process for the NGP	152
Figure 14: NEB review for the TMEP	185
Figure 15: Map of Secwepemcul'ecw showing proposed TMEP route (INET, 2017)	254

List of Abbreviations

ACF	advocacy coalition framework
AEP	Aboriginal Equity Partners
AGM	Annual General Meeting
ATIP	Access to Information and Privacy
BC	British Columbia
BROKE	Burnaby Residents Opposing Kinder Morgan Expansion
CAPP	Canadian Association of Petroleum Producers
CDEV	Canada Development Investment Corporation
CEAA	Canadian Environmental Assessment Agency
CEI	Corporate Ethics International
CEO	Chief Executive Officer
CEPA	Canadian Energy and Pipeline Association
CFN	Coastal First Nations
CFN-GBI	Coastal First Nations-Great Bear Initiative
CSIS	Canadian Security Intelligence Service
CSTC	Carrier Sekani Tribal Council
ENGO	environmental non-governmental organization
ESG	environmental, social, and governance
FCA	Federal Court of Appeal
FOWS	Friends of Wild Salmon
GBR	Great Bear Rainforest
GIC	Governor in Council
IBA	Impact benefit agreement
IEN	Indigenous Environmental Network
IPO	initial public offering
JRP	Joint Review Panel
KMI	Kinder Morgan Inc.
KML	Kinder Morgan Canada Limited
KXL	Keystone XL
L3R	Line 3 Replacement
LNG	Liquefied Natural Gas
LOS	Living Oceans Society
LTO	Leave to Open
MP	Member of Parliament
NDP	New Democratic Party
NEB	National Energy Board
NGO	non-governmental organization
NGP	Northern Gateway Pipelines

NRCan	Natural Resources Canada
NRDC	National Resources Defense Council
NTSB	National Transportation Safety Board
OPP	Oceans Protection Plan
PIPE-UP	Pro-Information, Pro-Environment, United People
QCA	Qualitative Comparative Analysis
RCMP	Royal Canadian Mountain Police
SMO	social movement organization
TMEP	Trans Mountain Expansion Project
TSSN	Tar Sands Solution Network
TWN	Tsleil-Waututh Nation
UBCIC	Union of British Columbia Indian Chiefs
UBCM	Union of British Columbia Municipalities
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
WCEL	West Coast Environmental Law
WWF	World Wildlife Fund
YDA	Yinka Dene Alliance

List of Appendices

Appendix A: Case descriptions.....	358
Appendix B: Significant dates in the regulatory processes for the NGP and TMEP.....	363
Appendix C: ATIP documents.....	366
Appendix D: Interview participants	367
Appendix E: Interview guides	370
Appendix F: Supplemental information for the analysis of necessary and sufficient conditions	371

List of Tables and Figures in Appendices

A1: Summary of interview participants by sector or organization.....	367
A2: Necessary conditions for BUILT outcome.....	371
A3: Necessary conditions for ~BUILT	371
A4: Truth table for BUILT	371
A5: Parsimonious solution for BUILT.....	372
A6: Intermediate solution for BUILT	372
A7: Truth table for ~BUILT	373
A8: Complex solution for ~BUILT	373
A9: Parsimonious solution for ~BUILT	373
A10: Intermediate solution for ~BUILT	374
A11: Sufficiency plot for BUILT	374
A12: Sufficiency plot for ~BUILT	374

CHAPTER ONE: Introduction

In 2006, TransCanada proposed its largest oil pipeline, the Keystone, to transport heavy oil from the Athabasca oil sands in Alberta to refineries in the U.S. Midwest. The 3,456 km original Keystone pipeline was approved and built without delay and went into service in mid-2010.¹ A year later, another major pipeline company, Kinder Morgan, began constructing the Anchor Loop Project that would carve its way through Alberta's Jasper National Park and British Columbia's Mount Robson Provincial Park to increase the existing Trans Mountain pipeline's capacity. The relatively short, 160 km pipeline received virtually no opposition. Industry representatives often reflect on these projects as they puzzle over how things have changed so dramatically over the last decade.

Soon after Keystone was in-service, TransCanada hatched a plan to provide the oil sands with a more direct route to the Gulf coast—what former CEO of TransCanada Corporation Hal Kvisle called his biggest business mistake (Kvisle, 2019). It was the most ambitious mega oil sands pipeline in recent memory.² Over a decade later, the future of that project, Keystone XL, still remains uncertain. And Kinder Morgan's next scheme—the Trans Mountain Expansion Project—significantly more ambitious than the Anchor Loop, would double the pipeline (and triple its capacity). The new pipeline would cross dozens of Indigenous lands and major urban centres in British Columbia—a project other major pipeline companies shied away from.³ Although construction is underway, it took the Canadian federal government purchasing the existing pipeline and the heavily contested proposal.

These events illustrate how significantly and rapidly pipeline development has changed in Canada in the last ten years. Pipelines in Canada have had a long and occasionally tenuous history since development began in the 1950s. However, oil pipeline infrastructure enjoyed a fairly low profile in the first few years of Alberta's oil sands boom in the early-2000s until around 2010. During this short period, several oil pipelines were quickly built to keep pace with the growing

¹ The Canadian portion of the project involved converting 864 km of gas pipeline to oil and constructing 371 km of new pipeline. The U.S. portion of the project required approximately 2,219 km of new pipeline construction.

² Industry workers coined the term tar sands to describe bituminous sands from northern Alberta. Bitumen is a heavy petroleum product, which must be separated from sand, water and clay before use. After environmental NGOs and other critics used the term tar sands derisively, the Alberta government and industry campaigned for oil sands to describe what is “finally derived from bitumen” (Nikiforuk, 2010: 12). Throughout the dissertation, I use the term ‘tar sands’ when actors I cite use it; I use ‘oil sands’ the same way.

³ TransCanada had an opportunity to purchase the Trans Mountain pipeline in 2007; Kvisle (2019) said the pipeline presented too much risk by virtue of its proximity to major urban centres in the Lower Mainland of British Columbia. Kinder Morgan ultimately acquired the system.

supply and demand for heavy oil. These included relatively little-known infrastructure like the original Keystone pipeline, the Alberta Clipper Expansion, and the Anchor Loop. These projects were proposed by industry giants like Enbridge (which owns the longest crude oil pipeline network in the world), TransCanada, and Kinder Morgan. Although some projects attracted legal challenges and the occasional protest, proponents viewed the regulatory process as largely efficient and predictable. This changed with two new proposed projects, the Keystone XL and Northern Gateway, which filed their applications with the National Energy Board in 2009 and 2010.

Beginning with the Keystone XL (KXL) and Northern Gateway Pipelines (NGP) project, a broad coalition of actors—including Indigenous nations and communities,⁴ environmental non-governmental organizations (ENGOs), and even sub-national and national governments—have opposed proposed oil sands pipelines. Oil sands pipelines have attracted significant concern for “locking in” oil sands expansion and the resultant greenhouse gas emissions. Groups have also expressed concern for the risk of oil spills, the threat to species at risk, the infringement of legal rights, and harm to local livelihoods. At the centre of the contestation around these pipelines are questions around consultation and accommodation with Indigenous peoples, how planned costs and benefits are distributed, how risks and conflicting interests are weighed, and how these matters are ultimately decided. In other words, what scholars would call issues of distributive and procedural justice.

While the vast majority of oil pipeline projects in Canada have been successfully built, several mega oil sands projects within and passing through Canada have been cancelled or significantly delayed. This dissertation explains why several recent mega oil pipeline proposals have been cancelled or significantly delayed. I use a multi-methods approach, first explaining variation in 18 oil sands pipeline projects using qualitative comparative analysis (QCA). I use a systematic cross-case analysis of several proposed pipeline projects to provide insight into the changing politics of oil

⁴ Borrowing Michelle Daigle’s (2016: 260) definition, the term Indigenous identifies “descendants of nations that occupied the land of what is now known as Canada before the arrival of European colonizers, settlers, and state powers.” Indigenous can also refer to peoples internationally (*ibid.*: 260). In Canada, the term can include references to First Nations, Inuit and Métis groups. Most relevant here is the term First Nation which can refer to “a band, a reserve-based community, or a larger tribal grouping” (UBC, 2009). First Nations persons are registered under the Indian Act, which was initially introduced in 1876 to assimilate First Nations into Canadian settler society (Henderson, 2006). Métis refers to “a collective of cultures and ethnic identities that resulted from unions between Aboriginal and European people in what is now Canada” (UBC, 2009). I, like Chelsea Vowel (2016: 10), use the term Aboriginal only within its legal context meaning the “constitutional rights of Aboriginal peoples and the relationship between Aboriginal peoples and the Crown” (JFK Law, 2016). In several cases, I refer to Indigenous groups in the United States by using the term Native Tribes. I am as specific as possible when referring to Indigenous peoples and groups, referring to the name of the Indigenous nation or community where possible.

sands pipelines. The outcome condition—what other scholars would call the dependent variable⁵—is whether a project is successfully completed.

I complement this ‘first-order’ analysis with in-depth case analysis of two contested proposed mega oil sands projects: the Northern Gateway Pipelines project and the Trans Mountain Expansion Project (TMEP).⁶ Both projects proposed to transport heavy oil through British Columbia to access export markets and increase the production of the oil sands. Both involve competing and powerful sets of interests. The NGP was cancelled by the majority Liberal federal government after a judicial review revoked the project’s certificate, and the TMEP was purchased by the same government after Trans Mountain threatened to abandon it. In both cases, a broad-based and diverse coalition of actors formed, evolved into a social movement, and used an effective combination of strategies that both leveraged an increasingly amenable legal and political environment while also influencing and hastening those changes. This dissertation reveals how coalitions of actors interacted with shifting targets—the regulator, state, and corporate proponent—to influence these project outcomes. These coalitions have used a wide range of ‘insider’ and ‘outsider’ strategies, including intervening in the regulatory process, working with politicians, organizing protests, erecting blockades, engaging with investors, and launching legal challenges. Considering the power and momentum of the oil and gas industry in the early-2000s, their influence has been truly remarkable. This dissertation helps explain why. In short, I argue that variation in pipeline outcomes can be explained—at least in part—by the influence of social movement coalitions.

1.1 Stalled oil sands pipeline development

The development of North America’s expansive network of oil pipelines began in the 1950s. Today, several oil transmission pipelines⁷ connect Canada and the United States, including TransCanada’s Keystone Pipeline System and Enbridge’s Mainline System. Beginning in the mid-2000s, the oil industry proposed a series of mega pipelines to transport heavy oil from the Alberta oil sands to export markets. Canada’s federal energy regulator, the National Energy Board (NEB), regulates

⁵ Scholars who use QCA use the terms condition and outcome rather than the independent and dependent variables (Schneider and Wagemann, 2012: 55).

⁶ Although the Trans Mountain Expansion Project is often referred to as the TMX, I use TMEP because that is how Kinder Morgan refers to the project in its regulatory filings.

⁷ Transmission pipelines transport their products from their gathering systems to refining, processing, or storage facilities.

transmission pipelines that cross provincial or international borders.⁸ Since 2015, no federally regulated oil sands pipelines have been completed. In this section, I summarize the wave of oil sands pipeline proposals in the mid-2000s to show that pipeline development has become stalled in the last decade. I also briefly review existing or potential explanations for this phenomenon.

I begin by providing a short overview of the regulatory process for proposed mega oil sands pipelines in Canada. These proposals face a lengthy regulatory process, led by the NEB, culminating in a decision.⁹ The NEB, designed in 1959, is an arms-length, quasi-judicial body that makes independent decisions based on the “public interest.” Provincial governments also participate in the regulatory process and may also conduct their own environmental assessment of the project. After the NEB approves the project, the federal government must fulfill its Duty to Consult with affected Indigenous nations and communities. I will describe this process in more detail later, but, in short, the Crown has a legal obligation to consult affected Indigenous groups about projects or decisions that may adversely affect their rights recognized in section 35 of the Constitution. During this process, the federal government must address matters that do not get resolved in the regulatory process; namely, the project’s impacts on Aboriginal rights and title. The government can then make a final decision about the project.

Most of Canada’s oil exports come from Alberta’s oil sands. In the early-2000s, optimism for the expansion of the industry was high. Production of heavy oil was rising steeply due to a confluence of favourable economic circumstances, technological innovation, and state support (Urquhart, 2018). In 2008, the Canadian Association of Petroleum Producer’s (CAPP) projected crude oil production to increase from 2.8 million barrels per day in 2007 to over 5 million barrels per day in 2020 (CAPP, 2008: 2).¹⁰

The United States is, by far, Canada’s biggest customer for oil exports. Since the mid-1980s, the U.S. has persistently sought to increase their access to Canadian oil. This was achieved in part by the 1989 Canada-United States Free Trade Agreement and the 1994 North American Free Trade Agreement. Canada’s oil exports to the United States have increased steadily over the last four decades, with a dramatic rise since 2010. In 2014, Canada’s oil exports surpassed those from the

⁸ The federal government renamed the NEB the Canada Energy Regulator (CER) in August 2019. I refer to the NEB here.

⁹ In some instances, Joint Review Panels (JRP) (between the NEB and the Canadian Environmental Assessment Agency) have reviewed mega linear infrastructure projects; however, since the JRP for the NGP, the NEB has been the focal institution for reviewing federally regulated linear infrastructure projects.

¹⁰ In CAPP’s “Pipeline Planning Case.” The “Moderate Growth Case” projected production to increase to 4.5 million b/d in 2020 (CAPP, 2008: 2).

entire Organization of the Petroleum Exporting Countries (OPEC) (U.S. Energy Information Administration, 2019a, 2019b).¹¹ Despite the U.S. shale oil boom, which began in the early 2000s and has boosted domestic oil production, over 80 percent of oil produced in Canada continues to be exported to the United States (Natural Resources Canada, 2017). In short, supply and demand forecasts have been used by pipeline proponents to justify efforts to expand pipeline capacity.

The vast majority of oil from the oil sands is transported to Illinois and the surrounding region (where there is significant storage capacity), before moving to the Gulf coast (Lucas and Thompson, 2016). In Canada in the last decade, the oil and gas industry have tried to build pipelines to ocean ports on the Atlantic and Pacific coasts, what the industry refers to as “tidewater,” to expand and diversify their markets.

2006 was a landmark year for oil pipeline development in North America. That year, TransCanada proposed the Base Keystone, and Enbridge applied for the first in a series of expansions to its mainline system to supply markets in the U.S. Midwest. Also in 2006, Kinder Morgan Canada,¹² which had recently acquired the Trans Mountain pipeline that supplies terminals in British Columbia and refineries in Washington state, submitted an application to the NEB for the Anchor Loop expansion.

TransCanada and Enbridge submitted applications for the KXL and NGP to the NEB in 2009 and 2010, respectively. Both projects would lay new pipe where none had previously existed and sought access to tidewater—NGP to the coast of northern British Columbia and the KXL to the Gulf coast.¹³ In 2012, Kinder Morgan announced a second expansion to the Trans Mountain project: the TMEP. By this time, Keystone XL was delayed and facing growing opposition. TransCanada conceived of the Energy East project as a contingency to KXL to carry diluted bitumen from Alberta to New Brunswick (McConaghy, 2017). The latest oil pipeline application to the NEB was submitted in November 2014 to replace Enbridge’s Line 3 pipeline (which had been in operation since 1968) and increase its capacity to supply markets in the U.S. midwest and eastern Canada. The Line 3 Replacement (L3R) Program was born out of Enbridge’s frustration with delays with the U.S. Department of State’s approval of a capacity expansion project for an existing line, the Alberta Clipper (Coburn, 2014).

¹¹ See Table 3.3c Petroleum Trade: Imports from OPEC Countries and Table 3.3c Imports from Non-OPEC Countries.

¹² A subsidiary of a Texas-based energy infrastructure company Kinder Morgan which owns the largest network of gas pipelines in the US.

¹³ In 2011 and 2012, Enbridge proposed two more pipeline projects, the Bakken Pipeline Project and the Edmonton to Hardisty Pipeline Project (case descriptions in Appendix A).

In total, there have been 19 projects proposed to the NEB since 2006 to either construct a new oil transmission pipeline or expand the capacity of an existing line (Figure 1). These projects all received either approval or a recommendation from the NEB, although one—the Energy East project—was cancelled by the proponent before the NEB made a recommendation.¹⁴ Of the projects approved by the NEB, 14 are currently in service, one was cancelled (NGP), and three have been significantly delayed and have not yet been built (KXL, TMEP, and L3R). TMEP (now owned by the federal government) began construction on the pipe in the summer of 2020. At the time of writing, neither KXL nor L3R have started construction in the United States. L3R is facing delays in the Minnesotan regulatory process and could begin construction as early as 2021. The KXL continues to face legal hurdles, and President-elect Joe Biden has committed to stopping the project. This situation is surprising for several reasons. Below I explain why.

Figure 1: Snapshot of select oil sands pipelines and proposals (NEB, 2020)¹⁵



¹⁴ I refer to projects that both received approval or recommendation for approval from the NEB. Prior to 2012, the NEB had de facto authority to approve or reject a project. In 2012, changes to the NEB Act gave Cabinet the final decision-making authority for new pipeline projects.

¹⁵ The dotted lines indicate proposed projects, and the solid lines indicate existing projects. This is the most up to date map provided by the federal government. The map includes only a subsection of current oil transmission lines in North America (for example, it does not include the Alberta Clipper). It does not reflect proposed projects after mid-2014, including the Line 3 Replacement.

1.2 Existing explanations

I draw on four literatures—petro-states, project economics, public policy, and social movements—to highlight what existing scholarship leaves unexplained about stalled pipeline development.

1.2.1 Political economy and petro-state politics

Canada has long been dependent on resource extraction—particularly mining, fishing, and forestry—often driven by foreign investment (Carter, 2020; Pineault, 2018: 130; Bowles and MacPhail, 2018). As political scientist Angela Carter writes, in the mid-2000s, Canada “careened back to extreme staples dependence, this time based on oil” (Carter, 2020: 6). This was due to a confluence of factors: Alberta’s growing capacity for oil production, increasing global oil prices, and the 2006 election of the federal Conservative government, which promoted oil development (*ibid.*: 7). It is well-argued that Alberta is a petro-state, highly dependent on oil (Adkin, 2016). The province’s oil and gas exports tend to fluctuate around two-thirds of its total exports (Carter, 2020: 21).¹⁶ This dependence has shaped Alberta’s economy, regulatory, and democratic institutions (Adkin, 2016; Carter, 2020). Despite a change in government in 2015, the incoming provincial New Democratic Party (NDP) government strongly supported the development of oil sands pipelines.

As sociologist Éric Pineault argues, tar sands development has had profound implications for Alberta and Canada’s political economy (Pineault, 2018: 130). The impact of oil sands development on the Canadian economy and political system has four key dimensions. First, pipeline companies are important economic and political actors. They are well-resourced and are often supported by industry associations that lobby on their behalf (Graham et al., 2019). Industry actors also contribute to election campaigns and other political activities to garner political support for their projects, including pipelines (Graham et al., 2017). It is thus puzzling that despite this support, oil sands pipeline development has stalled in recent years.

Second, federal and provincial governments have become dependent on “the partial capture of resource rents” in the form of royalty and tax revenue (Pineault, 2018: 131). These contributions depend on both the tax or royalty regime and the industry’s growth; in the last decade, these revenues have dropped sharply.¹⁷ There remains a strong relationship between the Alberta and

¹⁶ According to Statistics Canada, between 2005 to 2015, the oil and gas sector contributed just under a quarter of Alberta’s total GDP (Carter, 2020: 26).

¹⁷ In 2008, the Canadian federal government received \$2.76 billion in revenue and \$520 million in 2017 (Duffin, 2019). In Alberta, the provincial government collected \$12.18 billion in royalties in 2008-9 and \$2.37 billion in 2017 (the latter was for its 30 largest oil sands projects) (Alberta Government, 2012; Wilt, 2018).

federal government with overlap between provincial and national policy goals. This helps explain strong policy and financial support for pipelines from these governments. For example, Robert Neubauer and Shane Gunster (2019: 2-3) use the NGP case to show how the fossil fuel industry and its allies have framed the oil sands and pipelines around national identity.

Third, capital from oil development is “deeply embedded in the financial assets held by institutional investors and banks” (Pineault, 2018: 131). Kylie Benton-Connell and D.T. Cochrane (2020: 33) suggest the “strong positive correlation between the profits of Canadian banks and commodity prices” is evidence of these entanglements. This might explain why companies can fund projects facing significant risks. Given this confluence of state, corporate, and capital power, we would not expect projects to face significant delays or even cancellation.

And lastly, we might expect Canada, as a highly dependent country on the oil and gas sector, to have strong regulatory institutions designed to reduce transaction costs and increase predictability for project approval. While this might explain why projects are approved in Canada (indeed, it very unusual for the NEB to reject a project), it does not explain why they are not built.

1.2.2 Project economics and viability

Many argue that pipeline projects succeed or fail based on their economics. Oil prices are a general barometer for the industry’s health. Since late-2014, the oil sands have faced significant economic challenges brought by the crash in world oil prices. Capital investment has dropped sharply, and the Alberta Energy Regulator significantly downgraded production forecasts (Heyes et al., 2018: 243).¹⁸ However, all four active projects that have not (yet) been built (TMEP, NGP, KXL, L3R) appear to have some degree of commercial support, such as contracts or financing arrangements with companies that ship oil on the pipeline. This is not to deny that oil sands economics have influenced negotiations between producers and pipeline companies. However, the economics were mitigated by the need for new transportation capacity. As projects have been delayed or cancelled, the industry has become increasingly desperate for new capacity. By the end of 2017, “the largest export pipeline systems”—Keystone, Enbridge Mainline and Trans Mountain—were oversubscribed (Heyes et al., 2018: 247). However, economist Andrew Leach (2019) suggested that if all four major proposed

¹⁸ In 2014, the Alberta Energy Regulator (AER) projected bitumen production would grow from 2.1 million barrels per day in 2013 to 4.1 million barrels per day by 2023 (AER, 2014: 10). In 2018, the AER predicted that by 2023, production would reach 3.6 million barrels per day (from its current production of 2.8 million barrels per day) (AER, 2018: 1; Heyes et al., 2016: 243).

projects were built (Energy East, NGP, TMEP, KXL), there would be significant excess pipeline capacity after 2020.

New transmission pipelines can be considered a type of “megaproject”—a large-scale, complex venture that typically costs \$1 billion or more (Flyvbjerg, 2017: 2). Megaprojects involve many actors, often with conflicting interests, which can create uncertainty for a project (Mok et al., 2015). In the oil and gas sector, megaprojects often face delays and cost overruns (EY, 2014), which is consistent with Bent Flyvbjerg’s “iron law” of megaprojects: “over budget, over time, under benefits, over and over again” (Flyvbjerg, 2017: 12; see also, Flyvbjerg, 2011). While consistently true, Flyvbjerg’s law does not explain why some projects are delayed but not others or why these projects are increasingly difficult to build.

1.2.3 Public policy¹⁹

In an analysis of five major pipeline proposals in Canada (KXL, NGP, TMEP, Energy East, and the Line 9B Reversal), public policy scholar George Hoberg (2013) identifies several variables that influence the level of “political risk” associated with pipeline projects.²⁰ The three variables from the framework that are most relevant to explaining pipeline outcomes are: (1) opposition actor access to veto points, (2) the absence of existing infrastructure, and (3) the salience of concentrated environmental risks. These variables make the project more (or less) vulnerable to resistance.²¹

In terms of salience, Hoberg’s framework does not explain how particular risks become salient and influence the project. In terms of infrastructure requirements, only a few recent pipelines (such as KXL and NGP) required new infrastructure. In contrast, the L3R and TMEP rely on existing infrastructure. Typically, projects that require new infrastructure face significant hurdles and

¹⁹ I focus here on public policy scholarship (i.e., the work of Hoberg) that has attempted to explain the outcomes of pipelines. Public policy scholars have studied other elements of pipeline politics; for example, Jill Yordy and colleagues use insights from the public policy literature to study frames used by natural gas pipeline proponents and opponents in the U.S. (Yordy et al., 2019); Timothy Gravelle and Erick Lachapelle (2015) study how factors, attitudes, and proximity shape perceptions of Americans towards the Keystone XL pipeline; and Dawei Liu and colleagues use the multiple streams framework to understand why China decided to construct the Myanmar-China gas pipeline (Liu et al., 2017).

²⁰ At the time that Hoberg was writing, three projects were in the application stage (the KXL, NGP and Line 9B), one was proposed (the TMEP), and one was in the conceptual stage (the Energy East project). Hoberg’s analysis suggests the NGP and the TMEP projects faced the greatest number of political risks, and the Line 9B and Energy East projects faced the fewest political risks, with KXL in between. Hoberg’s analytical framework is intended to describe political risk, not predict or explain proposal or project outcomes. However, there have been some unexpected outcomes, including the cancellation of the Energy East project, President Obama’s rejection of the KXL project, and the federal government’s purchase of the TMEP project.

²¹ Hoberg (2013) also suggests that the geographical separation of risks and benefits matters. As all federally regulated oil sands pipelines projects have this characteristic by definition (spanning multiple provinces by definition and multiple communities and Indigenous nations), I do not find this analytically helpful in explaining pipeline outcomes.

thus are harder to build. Hoberg's account leaves unexplained why new infrastructure creates more project risk. It is also more surprising that projects that take advantage of existing infrastructure have not been built. And lastly, in terms of veto points, the outcomes of the NGP and TMEP projects are particularly surprising given they are within a single country where federally regulated pipelines are a matter of federal jurisdiction. While provinces do not have a veto per se, they are important actors in both cases; using Hoberg's political risk analysis, it is unclear the conditions under which these potential veto points become activated and influence project outcomes.

1.2.4 Contentious politics

Social movement scholars have sought to understand the consequences of collective action against a range of targets, including energy infrastructure. Sociology scholars Doug McAdam and Hilary Boudet (2012) study movement outcomes in 20 non-linear energy infrastructure projects (15 liquefied natural gas terminals, two nuclear projects, one wind farm, one hydroelectric project, and one cogeneration project). Using QCA, they find that mobilization is a necessary but not sufficient condition to explain which projects get built.²² They combine several measures of collective action in their measure of mobilization, including the number of legal challenges, protest events, letters, and public meetings. Linear infrastructure projects cross multiple communities, cities, and jurisdictions, which increases the potential for mobilization. Thus, it is likely that mobilization is also an important explanatory variable in understanding oil sands pipeline outcomes. However, this insight has yet to be tested. Given the unique features of linear infrastructure and the regulatory context for pipelines in North America, we need to know the mechanisms and conditions under which collective action tactics influence pipeline outcomes, which my dissertation does.

1.2.5 Summary

From a political economy perspective, where Canada—and Alberta in particular—can be understood as a “petro-state,” or where oil revenues have shaped Canada's economy, it is surprising that several pipelines have been significantly delayed or cancelled. From a project economics perspective, it is unclear why more recent mega oil sands pipeline projects have faced a substantially more difficult socio-political and legal context. The public policy scholarship provides a set of insights, including the observation that new linear infrastructure faces greater political risk, although

²² A condition is considered to be necessary if the outcome cannot occur in the condition's absence. A sufficient condition means that whenever that condition is present, the outcome is present as well.

the reasons why are underdeveloped. Finally, the social movement scholarship suggests that collective action plays an important role in understanding energy infrastructure. However, this has yet to be tested in the context of oil sands pipelines.

As I will describe in Chapter 2, I draw on the existing explanations or relevant bodies of literature presented above to develop conditions to understand what causal conditions exist in cases of oil sands pipeline proposals. In my in-depth cases, I will build on Hoberg's insights about the risks of linear greenfield infrastructure projects and the role of issue salience, though I develop a theoretical framework drawing on broader public policy and social movement literatures.

1.3 Arguments

To understand why some pipelines have become significantly delayed or cancelled, I must first understand why others have been successfully built. I employ qualitative comparative analysis to help explain variation in the outcomes of mega oil sands pipelines proposed in Alberta, Canada, to access foreign markets. I identify combinations of causal conditions that co-occur across cases of proposed new oil pipelines and pipeline expansions that were proposed to the NEB, between 2006 and 2014 (n=18) (Appendix A contains case descriptions). I do this to understand the conditions that projects that have been successfully built share and those that have been significantly delayed or cancelled share.²³ I begin with the premise that understanding the outcomes of pipeline proposals is not additive but conjunctural; in other words, a combination of causes produces an outcome.

The QCA offers limited insight into *how* the particular condition causally links it to the outcome. The QCA provides important high-level conditions, but the question remains: what specific properties and dynamics associated with individual conditions—and interactions *between* conditions—that link them to the outcomes? To answer this question, I conduct a fine-grained analysis of two cases in the QCA: the NGP and the TMEP. I argue the key factors revealed by the QCA—protests, legal challenges, and regulatory barriers—are endogenous to the creation of *campaign coalitions* opposed to pipelines.

The pipeline campaigns I study in the NGP and TMEP cases are best described as “campaign coalitions,” which require high levels of involvement from members and are intended to last beyond a single event (Tarrow, 2005). To explore the impact of campaign coalitions, we first need to understand how they formed. I develop a theoretical framework to understand the processes

²³ For the purpose of the QCA, I develop a scale of project outcomes. More generally, I speak about stalled pipeline development as the collective impact of several cases where projects were significantly delay or cancelled.

and dynamics that lead to campaign coalition formation, the linkages between coalition formation and influence, and the strategies, mechanisms, and conditions that coalitions use to exert influence. In the remaining chapters, I build an argument that variation in pipeline outcomes can be explained—at least in part—by the influence of campaign coalitions.

The origins of opposition to oil sands pipelines is rooted in the broader opposition to the oil sands. In the mid-2000s, NGOs and Indigenous groups were increasingly concerned about the impacts of rapid oil sands expansion. Given the closed political opportunities at the provincial and federal level, they joined up and sought the support of U.S. foundations to launch the Tar Sands Campaign (TSC) in 2008. The TSC advocated supply-side climate policy, which seeks to decrease global emissions by constraining the supply of fossil fuels (Piggot, 2017; see, for example, Rainforest Action Network et al., 2017). The TSC identified both KXL and NGP as key chokepoints in fossil fuel energy systems. Understanding why oil sands pipelines have seen such a significant increase in opposition requires seeing them not as independent cases but as part of larger assemblages of actors in oil and gas politics. Opposition to both the NGP and TMEP was generated independent of the Tar Sands Campaign, though resources and support flowed from the networked campaign.

I then explain how the campaign coalitions engaged in the regulatory processes for the NGP and the TMEP. Both projects received NEB approval, though this was not the end of resistance. I argue that campaign coalitions strongly shaped the project outcomes in both the NGP and TMEP cases. Enbridge's NGP remained moribund for several years before a Federal Court of Appeal challenge revoked the project's approval in 2016. This court decision provided the federal government with an opportunity to cancel the project. The TMEP also faced strong opposition and numerous legal cases, despite being approved by the same federal government in 2016. In April 2018, Kinder Morgan put the project on hold, citing "unquantifiable risk" (Kinder Morgan Canada Limited, 2018). In an extraordinary step, the federal government bought the project that summer.

Despite limited influence on the regulator's decision to recommend these projects, these coalitions were successful. I suggest this was because they were broad-based and linked pipelines to salient issues, formed early in the project's planning phase, adapted to changing (political, regulatory, legal, and corporate) contexts, gained the support of political allies, and employed multiple strategies with mutually reinforcing mechanisms of influence. While not all of these coalitions' strategies were successful or had their intended consequences, sustained opposition, and a confluence of specific conditions allowed the campaign coalitions to influence both project outcomes. In the NGP case, the alignment of the political and legal opportunities, with the 2015 election and a federal court of

appeal ruling, resulted in the project's cancellation. In the TMEP case, sustained opposition, in combination with a powerful new political ally with the 2017 provincial election in British Columbia, created multiple, mutually reinforcing risks that made the project unviable for Kinder Morgan.

Through these cases, I highlight several core strategies and conditions that likely apply to other contested mega oil sands pipeline project outcomes. As I describe in Chapter 4, anti-oil sands campaigns in North America are connected through resources and personnel, making it more likely that the strategies I identify are used beyond the NGP and TMEP cases. However, without further in-depth case analysis, the generalizability of these claims should be taken with some caution.

1.4 Contributions

There is a growing body of literature about resistance to mega oil sands and transportation projects. More generally, scholars have critiqued pipelines and fossil fuel infrastructure for perpetuating settler colonial systems and denying or even criminalizing Indigenous assertions of sovereignty (e.g., Crosby and Monaghan, 2018; LaDuke and Cowen, 2020; Spice, 2018; Whyte 2019). Scholars writing about resistance to the NGP or the TMEP have examined specific actors or instances of collective action. In the NGP project, Paul Bowles and Fiona MacPhail (2017) explain the Douglas Channel Watch's role in the successful plebiscite in Kitimat in 2014. In the TMEP, Deborah Curran and colleagues (Curran et al., 2020) detail the experience of the Tsleil-Waututh Nation in asserting their jurisdiction in resisting the expansion (see also Clogg et al., 2016). Scholars have also unpacked the encounter between Indigenous peoples and the regulatory process for the NGP project (McCreary and Milligan, 2014; Wood and Rossiter, 2017). Recently, Hoberg (2018) has examined several constitutional conflicts drawing examples from the Line 9, Energy East, Northern Gateway, and Trans Mountain Expansion projects.

While this scholarship has improved our knowledge of specific actors and collective actions and the constraints they face, this scholarship does not explain the influence of resistance on pipeline outcomes. Without a focus on causes or influence, we cannot understand the precise contribution of these movements or when they might succeed or fail. My contribution aims to identify the “causal force of movements” (McAdam and Boudet, 2012: 103).²⁴ I contribute to the literature on resistance to mega oil sands pipelines by identifying the impacts of socio-political and legal dynamics—and the intersection of these elements—that have emerged around pipelines in the

²⁴ As I will explain in Chapter 3, although the unit of analysis is campaign coalitions, which are distinct from social movements, there is overlap between these phenomena; I thus draw on and contribute to the social movement literature.

last 15 years. By using a deep knowledge of cases to identify processes, conditions, and mechanisms that interact and explain outcomes, I can also provide insight into the larger question of why pipelines do not get built.

As scholar and activist researcher Aziz Choudry cautions, social movements often “defy neat categorization by frameworks employing a limited set of variables that objectify them rather than seeking to understand the processes and practices within them” (Choudry 2015: 50). In response, I situate my cases in a particular historical context and carefully describe socio-political processes that shape actors’ interactions. I analyze episodes of contention by identifying sequences of actions that are “explicitly linked” to each other (Kriesi et al., 2019). I use Abel Bojar and Hanspeter Kriesi’s (2020: 2) definition of a contentious episode, based on McAdam et al. (2001), as a “continuous stream of interactions regarding policy-specific proposals between the government and its challengers, involving also some other actors.” By sequentially reviewing key events, it is possible to identify patterns and explain dynamics otherwise overlooked. In doing so, I identify the strategies, mechanisms, and conditions that explain the conjunctural and contingent outcomes of mega infrastructure development conflicts.

Unlike most of the social movement literature on coalition formation, this study focuses on *outcomes* (exceptions are Dixon et al., 2013; Staggenborg, 2015). In doing so, I shed light on the complex interactions between social movement actors and their shifting targets. My main theoretical contributions are to the literatures on public policy and social movements on understanding the influence of campaign coalitions. My work can help understand the influence of campaigns or cases with (1) shifting and multiple targets of contestation and (2) campaigns that employ a combination of institutional and extra (or non)-institutional strategies. I make three main theoretical contributions. First, I refine our understanding of the processes and conditions that facilitate campaign coalition formation. Second, I identify important linkages between the processes of coalition building and strategies of influence. Third, I identify five sets of strategies—regulatory engagement, political access, protest and civil disobedience, legal challenges, and investor engagement—and the mechanisms and conditions that shape their influence. I identify how these strategies and conditions interact to influence pipeline outcomes. In doing so, I also identify mutually beneficial relationships between campaign coalition strategies and the role of sequencing and timing.

1.5 Research design and methods

Developed by Charles Ragin (1987), QCA is a method used to identify causal conditions that most often interact to produce an outcome (Fischer and Maggetti, 2017: 347). QCA can be usefully applied to cases where interactions between conditions and outcomes are not well understood. QCA is part of a broader set-theoretic approach that attempts to model causal relations of necessity and sufficiency (Schneider and Wagemann, 2012: 8). QCA has been used to explain a range of outcomes of policy processes (Fischer and Maggetti, 2017) and but has rarely been used in energy-related studies or in infrastructure studies (notable exceptions include Gerrits and Verweij, 2018; Schmid and Bornemann, 2019).

QCA is particularly well-suited to studying pipeline infrastructure because it can capture complex causation (Gerrits and Verweij, 2018) in several important ways. First, QCA is premised on the idea that a combination of conditions—rather than a single condition—interact to produce an outcome (Schneider and Wagemann, 2012: 78). Second, it can be used to model equifinality: cases where more than one pathway exists to an outcome. Third, it allows for the asymmetry of concepts and causal relationships: when the same conditions that explain the presence of an outcome do not necessarily also explain the absence of it.

QCA is well-suited to studying pipeline infrastructure because it is a case-based approach that allows for comparative analysis. Infrastructure studies are often either single cases that are rich in detail but do not contribute to patterns that determine outcomes of multiple infrastructure projects, or they are large-N studies that identify a pattern but lack the context and richness of case analysis needed to fully explain this trend (Gerrits and Verweij, 2018). QCA strikes a balance by combining insights from case analysis with some level of generalization (Rihoux et al., 2011: 12).

This analysis has two limitations, which I discuss in Chapter 2 about causal mechanisms and the role of time. I address these limitations in the subsequent chapters using in-depth case studies. Case studies provide an excellent complement to QCA (Schneider and Rohlfing, 2013). A comparison of typical cases provides insight into the causal mechanisms that link conditions to outcomes (*ibid.*). In-depth case analysis of the coalitions of actors opposed to mega oil sands pipelines helps explain why they have been cancelled or significantly delayed.

1.5.1 Qualitative comparative analysis case selection

Using QCA, I explore a broad range of cases, thus avoiding McAdam and Boudet's (2012: 102) critique that social movement scholars tend to study "only those exceedingly rare instances of

widespread and prolonged mobilization.” I selected cases for the QCA based on three criteria. First, the cases selected are either new oil transmission pipelines or expansions to oil pipelines that run in and through Canada.²⁵ Given the integration of Canada’s oil supply chain with the United States, just over half of the pipelines in this analysis cross the Canada-U.S. border. While the regulatory process is more decentralized for oil pipelines in the United States, pipelines both in and through Canada are owned by the same companies and have similar ownership structures. Most of the pipelines in this analysis carry primarily heavy crude oil produced in the Alberta oil sands.

Second, all projects are regulated by the NEB. I exclude the Energy East project because TransCanada cancelled the project before the NEB had made a decision.²⁶ To date, the only oil pipeline project that was cancelled after an NEB recommendation was the NGP.

Third, project proponents filed applications for these projects between 2006 and 2014. The period in this analysis captures the most recent wave of megaprojects and the emergence of organized opposition and heightened public attention. There have not been any proposals for new transmission oil pipeline projects filed after 2014.

1.5.2 In-depth case analysis

I select two cases for analysis: the NGP and TMEP. Enbridge, a major energy infrastructure company, proposed the Northern Gateway Pipelines project through northern British Columbia to reach the Pacific coast. The project consisted of two 1,178 km pipelines between Bruderheim, Alberta and Kitimat, British Columbia.²⁷ The project would deliver heavy oil from the oil sands to the west coast of the United States and new markets in the Asia-Pacific (Enbridge Inc., 2006). Enbridge started planning the NGP project in the late 1990s and officially announced the project in 2004 (Enbridge Northern Gateway LP, 2010). Due to the lack of commercial support, Enbridge put the project on hold in 2006 but revived it in 2008.

The second pipeline proposal to the west coast of Canada was an expansion of the existing Trans Mountain pipeline system. In 2010, Kinder Morgan started planning to twin the 1,147 km pipeline from Edmonton, Alberta to Burnaby, British Columbia, and publicly announced its plans

²⁵ I exclude terminal expansion projects from the analysis because they do not have the same characteristics as linear infrastructure projects. I also exclude segment replacement projects, as well as applications to deactivate or decommission projects.

²⁶ However, I include Energy East in the robustness checks.

²⁷ One pipeline would transport heavy oil, and a twin line would import condensate (which is necessary to dilute bitumen for transportation).

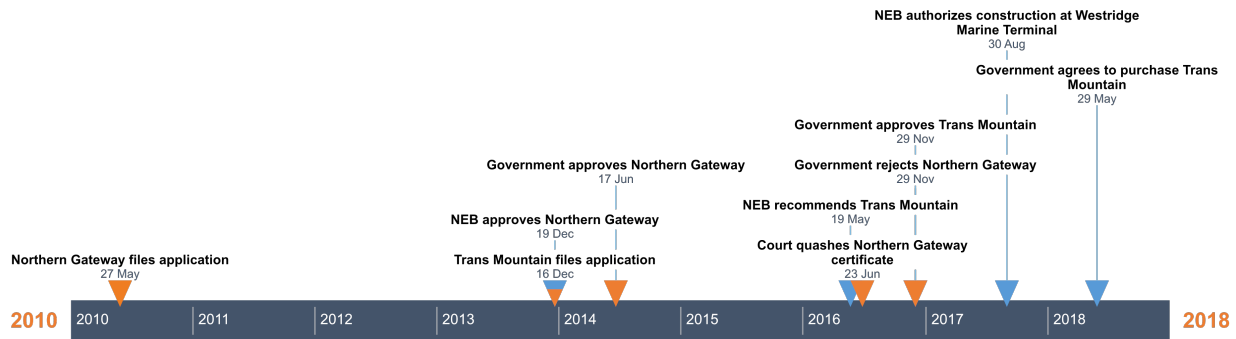
for the Trans Mountain Expansion Project (TMEP) in 2012 (Trans Mountain, 2019). Unlike KXL and NGP, it was designed to take advantage of existing pipeline infrastructure, twinning an over 60-year-old line and tripling the system's takeaway capacity. It too was met with intense and sustained opposition from a coalition of diverse actors.

Both projects were approved by the National Energy Board and by the federal government (Prime Minister Stephen Harper approved the NGP in 2014; Prime Minister Justin Trudeau approved the TMEP in 2016). Both projects sought to transport diluted bitumen from the oil sands through British Columbia to coastal waters. And both projects attracted significant opposition from a range of actors. As the TMEP progressed further in the regulatory process than the NGP, studying both projects sheds light on a wider set of strategies that campaign coalition actors employ to oppose project development. In short, by studying both cases, I can glean insights that I could not if I examined only one or the other. I use the in-depth cases to draw important parallels, showing that both projects were halted and delayed, through similar strategies, in spite of differing levels of government support. Thus, in some ways, the outcome of the TMEP is more surprising, which I discuss in Chapter 9.

The two projects I study in-depth had different outcomes (the NGP was cancelled and the TMEP was purchased by the federal government), but they are both cases of projects that have not been built successfully. As a result, I code both projects in the QCA as having similar outcomes (cancelled and facing a significant delay). In both cases there are clear outcomes or breakpoints for the analysis. The NGP was cancelled in 2016 and in 2018 the federal government purchased the Trans Mountain pipeline system because the proponent stopped funding the project. While we do not yet know whether the TMEP will ultimately be built, this case has a clear analytical breakpoint with the government's purchase of the project. Although the government bought the TMEP, I still consider the case a victory for the coalition because it became unviable for a private actor.

The timelines partially overlap for these cases as the NGP project entered the regulatory process several years before the TMEP. I include regulatory timelines for both projects in Appendix B; Figure 2 overviews key dates.

Figure 2: NGP and TMEP timeline overview



I use process tracing for the in-depth case analysis, a method used to examine intermediate steps to make inferences about how that process took place (Bennett and Checkel, 2014: 6). I use the literature to derive expectations about the *formation* of the coalition campaigns and develop a theory of campaign coalition *influence*. I use process tracing to reconstruct sequences of events over time (George and Bennett, 2005). This careful tracing revealed insights about processes and outcomes that would otherwise remain overlooked. I organize each chapter around “episodes” of contention to capture sequential and temporal relationships and interactions between actors (i.e., movement and countermovement dynamics). I identify causal mechanisms, connections between the results of actions from particular actors and key decisions, and the specific contexts and conditions that enabled them in the NGP and TMEP cases. In doing so, I refine our understanding of the strategies that coalitions use to influence their targets and the conditions under which these strategies are successful (or not).

1.5.3 Data collection

Process tracing requires collecting large amounts of data from various sources (Tansey, 2007). I draw on a range of publicly available primary documents—including campaign materials, regulatory filings, legal and policy documents, and existing secondary sources and scholarly accounts. I used a digital archive, the Wayback Machine, to view websites that have been removed.²⁸ I also draw heavily on documents that have been previously requested through the Canadian government’s Access to Information and Privacy (ATIP) request system. I cite these documents with ‘ATIP’, the last three digits of the request number, and the page number; Appendix C contains descriptions of these

²⁸ Available at <https://archive.org/web/>

documents. I also relied on reporting, particularly investigative reporting from *National Observer*, *Vancouver Observer*, and *The Globe and Mail*. I focus on organizations most central to the campaign coalition and systematically reviewed material, including press releases, reports and regulatory submissions. I selected these organizations based on a survey of campaign materials, media reports, interviews, and my knowledge of the cases.

I also conducted a series of elite interviews. I use these interviews to: (1) establish collectively shared beliefs by a particular group, (2) reconstruct a set of events, (3) gain insight into particular decisions, and (4) triangulate information gathered from other sources (Tansey, 2007). The primary value of interviews for this project is understanding actor perceptions of events and decisions around pipeline development. Interviewees may lack knowledge of other events and circumstances and filter events through their individual experiences, beliefs, and interests. Therefore, I use interview data as one of several data sources. I also sought evidence to support the factual claims they made—either from documents or by triangulating that information with other interviewees.

I conducted 58 interviews with six groups: (1) industry representatives, (2) NEB representatives, (3) government officials, (4) NGO representatives, (5) law firm representatives, and (6) those that did not fit into the above groups. Appendix D contains a list of interviewees. I interviewed seven individuals from the first group, including executives of pipeline companies and industry associations. In the second group, I interviewed eleven individuals who were present and former staff from the NEB. I interviewed nine individuals from the third group, primarily present and former staff of federal government ministries, agencies and offices including Natural Resources Canada, Environmental and Climate Change Canada, the Major Projects Management Office, Department of Finance Canada, and the former Canadian Environmental Assessment Agency. I interviewed fourteen representatives of non-governmental organizations, including environmental NGOs, and their legal representatives. I interviewed four representatives from legal firms, representing industry or Indigenous clients. The final group, comprised of thirteen individuals, included academics, consultants, journalists, and representatives of landowner associations and think tanks. I contacted relevant interviewees directly and used a snowball method to further identify participants. Given the political climate at the time of the interviews, some interviewees expressed heightened concern about information being used by political actors seeking to hinder their work, which limited my access.

The role of Indigenous organizations is critical in the explanation I present in this dissertation. While I interviewed representatives from multiple organizations representing

Indigenous clients in pipeline conflicts, environmental NGOs (ENGOS), and grassroots groups that allied with particular Indigenous organizations, I did not conduct interviews with leaders of Indigenous organizations. This was due to both access and practical considerations. Part of this dissertation's contribution is a descriptive and empirical account of the groups which were most active in resisting the NGP and TMEP proposals. The proponents were required to consult with over 80 and 120 Indigenous groups respectively (NEB, Volume II, 2013: 27; NEB, 2016: 32).²⁹ It was not until well-into fieldwork that I identified the organizations that would be the most relevant and appropriate to contact. I did not have pre-existing relationships with these groups, which made access more challenging.

Not interviewing Indigenous leaders leaves out an important set of actors and reduces my knowledge of internal coalition dynamics. To address this gap, in Chapter 5 on coalition formation, I draw on previous interviews with representatives of key Indigenous organizations, public statements, and speeches. These sources only apply to the particular Indigenous organization at that specific time, and I recognize the limitations of the inferences I can draw using this material. In Chapters 6 through 9, I explain how observable coalition actions influenced public (e.g., the NEB, the federal government) and private (e.g., Enbridge and Kinder Morgan) targets, and ultimately, project outcomes. The cases I present of influential pipeline opposition are based on public outcomes of different coalition strategies (e.g., protests, lawsuits, etc.), which can be assessed using a variety of public sources. While I use public statements and materials to gain insight into the role of particular Indigenous organizations, I recognize the limitations of not having direct access to these organizations in understanding their perceptions of particular events and dynamics.

I conducted 58 recorded interviews and had unofficial interviews with an additional 20 individuals. I conducted semi-structured interviews based on question guides prepared for each group of interviewees (Appendix E). For example, I asked actors involved in pipeline campaigns about their perceptions of the regulatory process and how it affected their work, and their perceptions of what events or actors shaped a particular project's outcome. Most but not all interviewees had direct experience with either the NGP or TMEP projects. I recorded, transcribed and coded a subset of the interviews, which I selected for their relevance to my cases. The interviews were coded in *MAXQDA2018*, largely using concepts from the social movement literature. Interviewees chose to either attribute comments with their name and position or be attributed by a

²⁹ 120 was the number of groups on Trans Mountain's final consultation list, plus "two non-land based B.C. Metis groups, 11 Aboriginal associations, councils and tribes" (see Appendix 9 in NEB, 2016).

general description of their role. Taken together, the data I collected through interviews, internal, and public documents—strongly support the arguments I build in the dissertation about the influence of campaign coalitions despite regulatory constraints and changing political contexts.

1.6 Plan for the dissertation

Chapter 2 uses QCA to identify combinations of causal conditions that co-occur across cases of proposed new oil pipelines and pipeline expansions. This chapter examines twelve oil pipelines, and six pipeline capacity expansion projects in and through Canada proposed to the NEB since 2006. I find that the increase in socio-political and legal conflict around oil sands pipelines in the last decade has had a significant impact on pipeline project outcomes. Key factors revealed by the QCA—protests, legal challenges, and regulatory barriers—are endogenous to the creation of campaign coalitions opposed to these pipelines. I then unpack these dynamics in two in-depth case studies of the NGP and TMEP, which are the focus of the remaining chapters.

Chapter 3 builds the theoretical framework that guides the presentation of empirical material in the subsequent chapters. I first describe the unit of analysis for the remaining chapters, campaign coalitions. Next, I summarize limits to existing approaches in social movement and public policy scholarship to understanding coalition influence. Despite these limits, social movement and public policy scholarship more generally offer important insights around coalition formation and influence, which I draw on to help build my theoretical framework. I develop a set of expectations for successful coalition formation and the linkages between coalition formation and influence. I then outline five core strategies that coalitions can employ—engaging in the regulatory process, gaining political access, organizing protests, launching legal challenges, and engaging with a company’s shareholders—and the mechanisms and conditions to influence both the regulatory process and, ultimately, pipeline outcomes. I develop some preliminary expectations about the role of timing and sequencing and relationships between strategies.

In Chapter 4, I explain how and why opposition to mega-oil sands pipelines in North America began. In Canada, in the early 2000s, both the Alberta and federal government supported the unlimited extraction of the oil sands in northeastern Alberta. Environmental organizations and affected Indigenous communities developed a transnational campaign to slow the expansion of the oil sands. The result, the Tar Sands Campaign, formed in 2008 and identified opposition new oil sands pipelines as one strategy to this end. At the time, pipeline companies proposed two mega oil sands pipelines: Keystone XL and the Northern Gateway Pipelines project. I explain how the KXL

campaign developed and briefly overview its influence and impact on the NGP campaign. This chapter also begins to identify some of the relevant dynamics and strategies that I explore in the NGP and TMEP cases.

Chapter 5 turns directly to the formation of those coalitions in my two in-depth cases, NGP and TMEP. In both cases, opposition emerged somewhat independently from the Tar Sands Campaign, through resources and support from the Tar Sands Campaign sustained and bolstered the coalitions. In doing so, I draw on the processes and conditions I outlined in Chapter 3—political opportunities, problem formulation, social context, organizational resources, and Indigenous-settler alliances. These are all necessary aspects of coalition formation. This chapter also provides important insight into the relationship between coalition formation and influence.

Chapters 6 and 7 then analyze the influence of campaign coalitions in the respective regulatory processes for the NGP and TMEP. Chapter 6 describes how the campaign coalition around the NGP sought to increase public participation in the project review. The Conservative federal government responded by denigrating NGOs with inflammatory public comments, increasing charity audits, and undertaking significant legislative reform. The government's approach inadvertently broadened and deepened the campaign coalition against Northern Gateway.

The policy changes introduced by the Conservative government had a significant impact on the regulatory context for the TMEP review. In Chapter 7, I describe how the NEB tried to contain the conflict around its review of the TMEP. The campaign coalition questioned the legitimacy of the NEB, calling it a 'captured regulator.' In 2015, newly elected Prime Minister Justin Trudeau took up this issue to restore credibility to the NEB. However, at the end of 2016, the government ultimately approved the project.

In Chapters 8 and 9, I explain the outcomes of the Northern Gateway and Trans Mountain Expansion projects and the influence of the campaign coalitions. I argue that campaign coalitions strongly shaped the project outcomes in both cases. In the NGP case, the alignment of the political and legal opportunities, with the 2015 election and a federal court of appeal ruling, resulted in the project's cancellation. I show how two of the campaign coalition's strategies—political access and legal challenges—strongly influenced this outcome.

In Chapter 9, I describe how the anti-TMEP campaign coalition shifted its target to the pipeline company, Kinder Morgan, after the project was approved. I discuss the roles of disruptive protests, legal challenges, political access, and investor engagement. I argue the interaction between these strategies was particularly important because it created multiple, mutually reinforcing sources

of risk for Kinder Morgan. I also emphasize two key conditions: Kinder Morgan's corporate vulnerability and the outcome of the 2017 provincial election in British Columbia. Sustained opposition, in combination with a powerful new political ally with the 2017 provincial election, contributed to mounting project costs and risks which made the project unviable for Kinder Morgan. However, it was the willingness of the federal and Alberta governments to financially support the project that allowed Kinder Morgan to successfully negotiate the project's sale to the federal government.

In the final chapter, I summarize the dissertation's arguments. In short, I argue that variation in pipeline outcomes can be explained—at least in part—by the influence of social movement coalitions. I also highlight key research findings and theoretical contributions and identify avenues for future research and broader implications.

CHAPTER TWO: Explaining variation in oil sands pipeline projects

In North America, oil pipelines are now often much more challenging to build due to a host of new socio-political and legal dynamics. Notably, several recent major oil sands pipeline projects within and passing through Canada have been cancelled or significantly delayed. Since 2015, no federally regulated oil sands pipelines have been completed. One oil pipeline project has been cancelled—the Northern Gateway Pipelines (NGP) project—and three projects have been significantly delayed: the Keystone XL Pipeline (KXL), Trans Mountain Expansion Project (TMEP) and the Line 3 Replacement Program (L3R). These three projects have been approved by the federal energy regulator but have not yet been built and face significant delays. This chapter thus asks: what characteristics of projects are necessary and sufficient to explain project outcomes?

This chapter examines 12 oil pipelines and six pipeline capacity expansion projects in and through Canada proposed to the National Energy Board (NEB) since 2006. Through qualitative comparative analysis (QCA), I identify sets of causal conditions that co-occur across cases. The pipeline projects were proposed to the federal regulator—the National Energy Board—between 2006 and 2014. This chapter proceeds as follows. I first describe the outcome condition and five causal conditions used in the analysis. I then present and discuss the results.

2.1 Outcome condition

Values in QCA can be both crisp and fuzzy, and this analysis uses both. For crisp sets, each condition is assigned either 0 (that is, full non-membership in a set) or 1 (that is, full membership in a set). Another type of QCA uses fuzzy sets, which are more appropriate for concepts in social sciences that have fuzzy boundaries and cannot confidently be expressed as a dichotomy (Schneider and Wagemann, 2012: 3). Fuzzy sets thus require additional anchor points, the number of which is determined by the granularity of concepts or data (Ragin, 2009: 91). Values are determined using theoretical knowledge, empirical insights and obvious empirical breaks in the data.

The outcome condition is whether a project is successfully completed or not (or not yet). A project that is in service is coded 1. Projects where construction is complete, but the regulator has not granted a Leave to Open (LTO), are coded 0.9. LTO is required when opening pipeline or section of a pipeline. Projects where construction has begun are coded 0.6. Projects where construction has begun but is currently stalled are coded 0.4, since these projects are more out than in of the built set. Projects that are stalled but where construction has not begun are coded 0.1.

Cases that score 0.1 and 0.4 also experience significant delays. Lastly, projects that are cancelled are coded 0. In this chapter, I refer to BUILT and ~BUILT outcomes, this means they are more in or out of the set (i.e., greater than 0.5 or less than 0.5). I thus also refer to ~BUILT outcomes as being significantly delayed or cancelled. Notably, there are no empirical cases in the dataset that are coded 0.6 or 0.9. Following Ragin (2009: Table 5.1), I use 0, 0.1, 0.4, 0.6, 0.9 and 1 for a six-value scale. Table 1 describes the project outcomes.³⁰

Of course, it is analytically preferable to be able to study the final outcome of a pipeline; that is, whether a project is built or not. Three projects have faced significant delays—KXL, TMEP, and the L3R—but may yet be built; thus I cannot capture in the QCA their final project outcomes.³¹ However, there is still value in understanding the conditions that have led to major delays for oil pipelines. Thus, while the QCA does not predict which of the three current oil sands pipeline projects—KXL, TMEP and L3R—will be built, it identifies the set of conditions they share. Several pipelines have significant delays that range from at least a year (in the cases of the L3R and TMEP projects) to several years (in the case of the KXL pipeline). Delays cause both “cost overruns and benefit shortfalls” (Flyvbjerg, 2017: 10). Delays introduce uncertainty about the future of the project because they can compromise its financial viability. This concern is particularly acute for privately owned pipelines, which is the norm in North America, with the recent exception of the Trans Mountain Pipeline System (Makholm, 2012; Nace et al., 2019).

Table 1: Project outcomes

Project name	Company	Application to NEB	Outcome³²
Trans Mountain Expansion Anchor Loop Project	Terasen Pipelines (Trans Mountain) Inc.	February 2006	In service (LTO granted in March 2008)
Southern Access Expansion Stage 1	Enbridge Pipelines Inc.	June 2006	In service (NEB approved in September 2006)

³⁰ This table was compiled using information from NEB documents available at <https://apps.cer-rec.gc.ca/REGDOCS/>

³¹ The outcome conditions were coded at the time of the analysis in the spring of 2020. Since that time, construction has begun on the TMEP. This does not undermine the value of the analysis as it captures the conditions that created the significant challenges for the project which resulted in the government purchasing it.

³² In the “Outcome” column, the first date at which the NEB provided such authorization to a project is used unless otherwise indicated. As it is likely that other LTO authorizations were subsequently granted the first LTO granted is thus a suitable proxy for a pipeline project to be assumed operational.

Keystone Pipeline	TransCanada Keystone Pipeline GP Ltd.	December 2006	In service (LTO authorization in May 2013)
Southern Access Expansion Stage 2	Enbridge Pipelines Inc.	December 2006	In service (NEB approved in January 2007)
Alida to Cromer Capacity Expansion Project	Enbridge Pipelines (Westspur) Inc.	January 2007	In service (LTO granted in March 2008)
Southern Lights Project	Enbridge Southern Lights GP	March 2007	In service (LTO granted in February 2009)
Alberta Clipper Expansion Project	Enbridge Pipelines Inc.	May 2007	In service (Leave to Open [LTO] granted in December 2009)
Line 4 Extension Project	Enbridge Pipelines Inc.	June 2007	In service (LTO granted in March 2009)
Keystone XL	TransCanada Keystone Pipeline GP Ltd.	February 2009	Significantly delayed (construction has not begun in the United States, at the time of writing)
(Enbridge) Northern Gateway Project	Northern Gateway Pipelines Limited Partnership	May 2010	Rejected (Governor in Council denied project in November 2016)
Bakken Pipeline Project	Enbridge Bakken Pipeline Company Inc.	January 2011	In service (LTO granted in January 2013)
Line 9 Reversal Phase I Project	Enbridge Pipelines Inc.	August 2011	In service (LTO granted in January 2014)
Alberta Clipper Capacity Expansion Project	Enbridge Pipelines Inc.	October 2012	In service (final Leave to Open [LTO] granted July 2014)
Line 9B Reversal and Line 9 Capacity Expansion Project	Enbridge Pipelines Inc.	November 2012	In service (LTO granted in June 2015)
Edmonton to Hardisty Pipeline Project	Enbridge Pipelines Inc.	December 2012	In service (LTO granted in March 2015)
Alberta Clipper Capacity Expansion Project Phase 2	Enbridge Pipelines Inc.	August 2013	In service (final Leave to Open [LTO] granted in June 2015)
Trans Mountain Expansion Project	Trans Mountain Pipeline Unlimited Liability Corporation (ULC) (Kinder Morgan Canada)	December 2013	Significantly delayed (construction on the pipeline has not begun, at the time of writing)
Line 3 Replacement Project	Enbridge Pipelines Inc.	November 2014	Significantly delayed (construction has not begun in the United States,

			at the time of writing); LTO granted by NEB for some sections of the project
--	--	--	--

2.2 Causal conditions

For a QCA with 18 cases, Axel Marx and Adrian Duşa recommend a maximum of five causal conditions (2011: 114). The five conditions are the presence (or absence) of: (1) a commercial support condition, (2) a long distance, new pipeline, (3) legal risk, (4) a major regulatory barrier, and (5) social mobilization. The expectation for all five causal conditions is that the absence of the condition is linked to a project being built without significant delay (that is, the BUILT outcome). In this section, I briefly describe each of the five causal conditions. Table 2, at the end of this second, summarizes the calibration decisions I made, and Table 3 contains the raw data.

I arrive at these conditions based on existing explanations or relevant bodies of literature presented in Chapter 1 (i.e., project economics, public policy, and social movements), and my knowledge of the cases. I briefly link the causal conditions to the literature I review in Chapter 1. The commercial support condition is based on an understanding of project viability. Legal challenges and protest events (mobilization) are based on the social movement literature (McAdam and Boudet, 2012). In terms of Hoberg’s (2013) analytical framework, I use a measure of “long distance” instead of existing infrastructure. This is because two projects—TMEP and L3R—were designed to take advantage of existing infrastructure but have been significantly delayed. I also develop a condition about a “major regulatory barrier” as an alternative to veto points, for reasons which I discuss in the conclusion. Another potential condition—per Hoberg (2013)—is the jurisdictional separation of risks and benefits. I argue this is not a necessary or sufficient condition because all transboundary pipelines involve this separation by being transboundary. However, it is plausible that in different projects this separation is more or less salient. Hoberg also suggests the salience of place-based, concentrated environmental risks increase the political risk of a project. I assume that this is not a condition on its own, but it may contribute to mobilization against a project, which I return to in my in-depth cases.

2.2.1 Commercial support condition

The first causal condition is whether a project is approved with a commercial support condition (CSC). When the NEB makes a decision about whether or not to recommend a pipeline, it takes into consideration, among other things, the ability of the proponent to finance the project and

whether the project has transportation agreements with shippers. For some projects, the NEB imposes a condition that the proponent must file its contracts with shippers before construction can begin to demonstrate that the project has sufficient commercial support.

In the Northern Gateway Pipelines and Trans Mountain Expansion Pipeline projects, the NEB required commercial support as a condition of both projects (Canada, 2014: 369; Canada, 2016: 447). As only two cases in the dataset belong in the set, the commercial support condition (CSC) has skewed membership. However, as it is the only condition that has skewed membership, it should not distort the results (Thomann and Maggetti, 2017: 17). According to Thomann et al., skewness is problematic if the vast majority of cases (>85 percent) in a set have membership above 0.5, or if the vast majority of cases have membership below 0.5 (Thomann et al., 2018: 589). I use XY plots, per Schneider and Wagemann, to detect skewedness (Schneider and Wagemann, 2012: 235).

2.2.2 Long distance

The second causal condition is whether a project requires more than 500 km of new pipeline—or, in other words, is a long distance (LD) pipeline. This condition captures the reality that these projects cross many properties and Indigenous territories and involve comparatively more actors, thus increasing the potential for opposition. The Canadian Energy Pipeline Association (CEPA) suggested that only projects that require 500 km of new right of way in Canada should be subject to a federal impact assessment (CEPA, 2018). While no proposed oil pipelines exceed this threshold (except the former Energy East pipeline), 500 km of *total distance* of new pipeline captures the reality that these projects cross many properties and Indigenous territories and involve comparatively more actors, thus increasing the potential for opposition. Long distance is also an indicator that a project is capital intensive—all projects in the dataset that require over 500 km of new pipeline also cost at least 2 billion CAD. This reflects, in part, the high costs of negotiating agreements with affected landowners and Indigenous nations. There is a clear break in the data where no pipelines are close to the 500 km threshold. Almost all pipeline projects in this set require more than 1000 km of new pipeline. A potential alternative condition could be the right of way, as an alternative measure to long distance. The expectation would be that projects that require more right of way face more difficulties because they are more resource-intensive and have greater mobilization potential. However, given the lack of publicly available documents about pipelines in the United States, this is

not possible. However, in general, pipelines that require 500 km of new construction generally require significant right of way.

2.2.3 Legal risk

The third causal condition is the amount of legal risk (LR) involved with the project. In rare cases, legal cases can revoke a project's certificate. They can also significantly delay a project and create risk and uncertainty about the project's outcome. Certain actors may have more or fewer opportunities for legal recourse. For example, in Canada, landowners have few legal rights, although they often bargain collectively to reach a settlement with the proponent. By contrast, the case law around the recognition of Aboriginal rights and treaty rights, which pertains to Indigenous peoples, has evolved relatively quickly, in large part due to contestation over linear energy infrastructure projects (Wright, 2018: 221).³³

To operationalize legal risk, I counted legal cases brought against either a government entity or the proponent. While the content of the legal challenge matters, it is much harder to operationalize given the factors that go into a court's decision, such as case law or jurisprudence, and it is very challenging to determine the level of legal risk based on the topic of the lawsuit. In Canada, legal challenges against pipelines are often brought to the same court, the Federal Court of Appeal, because they are challenging the decision of a federal regulatory process. In the United States, legal challenges are often brought at the state level given the state-by-state approval process; thus, coding cases by court is not helpful. I provide an explanation of the role of legal challenges in the in-depth case studies. The number of legal challenges is a reasonable proxy for legal risk because opponents tend to bring multiple cases; thus, the greater the number of cases, the greater uncertainty for the project and reputational risk for the company.

If a case had an outcome and was appealed, I considered it a separate legal case. If a case was deferred to another court, I did not consider it a separate legal case. Projects that do not have any legal challenges are coded 0. One legal challenge appears to have very little impact on a project, thus cases with only one legal case are coded 0.1. Projects that attracted between two and four legal cases were coded 0.4. Projects coded 0.4—Keystone, Southern Lights and Line 9B—had three legal challenges each, which did not appear to have a significant impact on the project timeline. Projects

³³ The phrase “Aboriginal rights and title” refers to section 35 of the Constitution Act, which gives constitutional protection to the “existing aboriginal and treaty rights of the [A]boriginal peoples of Canada” (McNeil, 1997). The body of common law that has developed around s.35 is in contrast to Indigenous law, which refers to the pre-existing systems of law that govern Indigenous communities (Borrows, 2002).

with between five and eight legal cases were coded 0.6, and projects with between nine and 14 cases were coded 0.9. I use the threshold of five legal to determine cases that are more in than out of the set because the Alberta Clipper Expansion project had legal challenges from a range of actors, on a range of issues, in several courts. It can be argued that because the legal challenges for the Alberta Clipper did not substantially delay the project, it is more out of the set than in. If this case is recoded to 0.4 (as I do for the robustness checks), the results change very little. I maintain the original coding because it is plausible that another project with five legal challenges creates delays and uncertainty. The L3R has, at the time of writing, nine legal challenges, some of which have delayed the regulatory process. There is a clear empirical break in the data where KXL, NGP, and TMEP all had around 15 to 20 legal challenges, and they are coded 1.

2.2.4 Major regulatory barrier

The fourth causal condition, major regulatory barrier (MRB), captures whether a project is required to redo part of the regulatory process. This can be because of a legal challenge, a government or regulatory decision to add additional project assessment, or a company's decision to change the pipeline's route. An MRB creates delays and thus increased costs, as well as increased uncertainty. Cases are coded 1 if there was more than one MRB, 0.67 if there was one regulatory barrier, and 0.33 if there were only minor delays in the regulatory process. Examples of minor delays include additional hydrostatic testing in the case of Line 9B or delays in the State Department's decision regarding the Alberta Clipper Capacity Expansion project (The Minnesota Court of Appeals, 2019). They are considered minor because when compared to a major regulatory barrier they do not create significant uncertainty about a project. For example, in the case of Line 9B, the NEB had already approved the project. And in the case of the Alberta Clipper Capacity Expansion project, the company believed the State Department would ultimately approve the project (The Canadian Press, 2014a). It is possible that some minor regulatory barriers were missed some projects with the BUILT outcome, but this does not affect the results of the analysis.

2.2.5 Social mobilization

The final condition measures whether there is social mobilization (SM) against the project. Scholars have applied concepts from the social movement literature to explain the increase in mobilization around energy infrastructure projects in the United States (see, for example, Cheon and Urpelainen, 2018; McAdam and Boudet, 2012). Although McAdam and Boudet (2012) do not look at pipelines,

their work suggests mobilization is an important causal condition in energy infrastructure projects. I use Mario Quaranta’s definition of protest events as “forms of civilian collective actions against some targets” (2017: 3). Campaigns opposing pipelines include a range of strategies such as public marches, interruption of public hearings and corporate meetings, and sometimes blockades. Protests were nonviolent but at times involved civil disobedience. Most directly, mobilization—when in the form of blockades—can delay construction. Mobilization can also raise the public profile of a project and apply pressure on politicians or increase risk for investors.

Cases with no protests were coded 0. Projects with between one and three protest events were coded a 0.1; only one case fit this code—the original Alberta Clipper Expansion. Cases with between six and 19 protests events were coded 0.6. I use six events as the threshold to determine cases that are more in than out of the set because the Alberta Clipper Capacity Expansion included a protest where 20 demonstrators were arrested (Taylor and Kerr, 2015). Protests with civil disobedience and arrests are more disruptive and attract media attention, and thus I include it in the set of social mobilization. There was a clear break in the data where NGP, TMEP and L3R all had between approximately 20 and 49 protest events—these were coded 0.9. KXL had the greatest number of protest events by a large margin, with several hundred events. For the KXL case, I drew on collected by 350.org, an environmental NGO (see 350.org, 2019). Events for all other cases were located using search terms in Internet searches and on organization websites. It is possible that the number of protest events for some cases is slightly lower than the number of events organized, depending on how much media attention protest events received. However, given the flexibility with how the thresholds are defined, it is very unlikely that a case is coded incorrectly.

Table 2: Concepts, measures, and calibration

Concept		Measure	Calibration
Outcome condition	BUILT	Outcome of a project	1 = Project in service 0.9 = Construction complete, awaiting Leave to Open 0.6 = Construction has begun 0.4 = Project is stalled (and significantly delayed) but construction had begun 0.1 = Project is stalled (and significantly delayed), and construction has not started 0 = Project cancelled

Causal condition	Commercial support concerns (CSC)	Whether a project requires commercial support as a condition of its approval	1 = Yes 0 = No
	Long Distance (LD)	Whether a project exceeds 500 km	1 = Yes 0 = No
	Legal risk (LR)	Amount of legal risk and conflict, represented by the number of cases brought against either the government or the proponent concerning the project	1 = 15 or more legal cases 0.9 = Between nine and 14 cases 0.6 = Between five and eight cases 0.4 = Between two and four cases 0.1 = 1 case 0 = No cases
	Major regulatory barrier (MRB)	Whether a project is required to redo part of the regulatory process (MRB)	1 = More than 1 MRB 0.67 = 1 MRB 0.33 = minor regulatory delay 0 = No regulatory barriers
	Social mobilization (SM)	Whether there is a social mobilization against the project, indicated by the number of protest events	1 = 50 or more protest events 0.9 = Between 20 and 49 events 0.6 = Between six and 19 events 0.4 = Between four and five events 0.1 = Between one and three events 0 = No events

Table 3: Raw data

Project	BUILT	CSC	LD	LR	MRB	SM
Alida to Cromer Capacity Expansion Project (ACCE)	1	0	0	0.1	0	0
Alberta Clipper Expansion Project	1	0	1	0.6	0	0.1
Alberta Clipper Capacity Expansion Project (AbCCE 1)	1	0	0	0	0	0
Alberta Clipper Capacity Expansion Project Phase 2 (AbCCE 2)	1	0	0	0.1	0.33	0.6
Bakken Pipeline Project	1	0	0	0	0	0
Edmonton to Hardisty Pipeline Project	1	0	0	0.1	0	0
Keystone Pipeline	1	0	1	0.4	0	0
Keystone XL (KXL)	0.1	0	1	1	1	1
Line 3 Replacement Project (L3R)	0.4	0	1	0.9	0.67	0.9
Line 4 Extension Project	1	0	0	0	0	0
Line 9 Reversal Phase I Project	1	0	0	0	0	0
Line 9B Reversal and Line 9 Capacity Expansion Project	1	0	0	0.4	0.33	0.6

Northern Gateway Pipelines (NGP) Project	0	1	1	1	0.67	0.9
Southern Access Expansion Stage 1	1	0	0	0	0	0
Southern Access Expansion Stage 2	1	0	0	0	0	0
Southern Lights Project	1	0	1	0.4	0	0
Trans Mountain Expansion Project (TMEP)	0.1	1	1	1	0.67	0.9
Trans Mountain Expansion Anchor Loop Project	1	0	0	0	0	0

2.3 Analysis of necessary and sufficient conditions³⁴

Necessary conditions are those that are a meaningful superset of the outcome. A condition or a configuration (i.e., a combination of conditions) is considered to be necessary if the outcome cannot occur in the condition's absence. Although there could be cases where the condition is present and the outcome is not, a necessary condition means that the condition is present in all cases of the outcome (Duşa 2019, 99). In other words, the condition (X) is necessary for Y but the condition (X) does not guarantee the outcome (Y). By contrast, a condition is sufficient when it is a meaningful subset of the outcome. Whenever the condition is present, the outcome is present as well (Schneider and Wagemann 2012, 57). There should be no case that has the condition but not the outcome. The concept also applies to a configuration of conditions.

In QCA, necessary and sufficient conditions must be analyzed separately, beginning with the former (Schneider and Wagemann, 2010: 404). To measure conditions of necessity, the causal condition must pass the consistency threshold of at least 0.9 (Schneider and Wagemann, 2012: 143). The absence of a major regulatory barrier is individually a necessary condition for the BUILT outcome. For projects that have not (yet) been built, the presence of social mobilization is individually a necessary individual condition for the ~BUILT outcome (the tilde symbol [~] represents the absence of the outcome). The results are summarized in Table 4. The negation (or absence) of a condition is denoted with lowercase letters. Table 4 includes two measures of necessity: consistency and coverage. Consistency measures the extent to which a condition (or combination of conditions) agrees in displaying the outcome, while coverage measures the empirical relevance of a condition (Ragin, 2006: 292). As indicated in Table 4, the consistency and coverage scores are consistent with those of necessary conditions.

³⁴ The analysis was conducted using Adrian Duşa's (2019) and Ioana-Elena Oana and Carsten Schneider's (2018) packages in R. Appendix D contains supplemental figures for the analysis of necessary and sufficient conditions.

Table 4: Necessary conditions

Outcome	Necessary condition	Consistency	Coverage
BUILT	mrb	0.943	0.961
~BUILT	SM	0.971	0.660

A truth table is at the core of QCA (Schneider and Wagemann, 2012: 413). The truth table lays out which combinations of conditions are sufficient for projects that are built. While the truth table rows contain configurations that are sufficient for the outcome, the solution directly produced by the truth table is unnecessarily complex. Instead, Boolean algebra is used to logically minimize the truth table and identify the minimal combination(s) of conditions that are sufficient to produce the outcome. A complete truth table contains all possible configurations, including those that have no empirical observations; these rows without empirical cases are called logical remainders. The presence of many logical remainders creates a problem known as limited diversity, which is not unique to QCA. Logical remainders are dealt with differently in the three types of QCA solutions: the conservative, intermediate and parsimonious solutions. The conservative solution does not make any assumptions about logical remainders. Thus, the truth table is minimized using only the rows that have empirical information (that is, cases) that match them. This solution is sometimes called the complex solution because of the number of conditions or configurations that are included. The parsimonious solution by contrast uses the logical remainder rows and makes assumptions about hypothetical cases in order to produce the simplest solution (that is, it includes the fewest conditions). The intermediate solution uses theory to produce easy assumptions or counterfactuals. In order to do so, the researcher provides directional expectations for each condition. The expectation specifies the presence of condition *X*—and not its absence—should appear in combinations of conditions generating outcome *Y*.

The results of all three solutions are included in Appendix F (Figures A6-12), but only the results of the intermediate solution are presented here. The directional expectations for all conditions for the intermediate solution are that their presence should be linked to the BUILT outcome. I made the following directional expectations:

1. The absence of a commercial support condition should be linked to a project being built without significant delay (that is, the BUILT outcome).

2. The absence of long distance should be linked to the BUILT outcome.
3. The absence of legal risk should be linked to the BUILT outcome.
4. The absence of a major regulatory barrier should be linked to the BUILT outcome.
5. The absence of social mobilization should be linked to the BUILT outcome.

The intermediate solution shows there are two pathways for a BUILT project (Table 4). The first is the absence of social mobilization and the absence of a major regulatory barrier and the absence of a commercial support condition. The second pathway, which has slightly lower coverage, is the absence of long distance and the absence of legal risk and the absence of a major regulatory barrier and the absence of a commercial support condition. Table 5 includes another indicator of sufficiency, the proportional reduction in inconsistency (PRI), which shows how much the configuration is exclusively a subset of the outcome. Last, the solutions for the absence of the outcome were produced. The directional expectations were the opposite of those aforementioned (for example, the presence of a social mobilization should be linked to projects not being built). The intermediate solution shows that the presence of long distance and legal risk and social mobilization and a major regulatory barrier is sufficient to produce the absence of the outcome: pipelines that are not (yet) built (Table 5). This pathway has low coverage because it covers only the NGP and TMEP projects.³⁵ The L3R and KXL projects are explained by the LD*LR*SM*MRB formula; in other words they share the same formula except the commercial support condition (meaning the NEB did not require them to have a commercial support condition).

Table 5: Intermediate solution for BUILT outcome

Causal pathway	Consistency	PRI	Raw coverage	Unique coverage	Cases covered
sm*mrB*csc	1.000	1.000	0.877	0.219	ACCE, AbCCE 1, Bakken Pipeline, Edmonton to Hardisty, Line 4 Ext, Line 9, Southern Access Exp 1, Southern Access Exp 2, TM Anchor Loop; Keystone Pipeline, Southern Lights; Alberta Clipper Exp
ld*lr*mrB*csc	1.000	1.000	0.690	0.032	ACCE, AbCCE 1, Bakken Pipeline, Edmonton to Hardisty, Line 4 Ext,

³⁵ For the analysis of sufficiency, coverage measures how much the outcome is explained by a causal condition (Duşa, 2019: 136).

					Line 9, Southern Access Exp 1, Southern Access Exp 2, TM Anchor Loop; AbCCE 2, Line 9B
Solution formula: sm*mrB*csc + ld*lr*mrB*csc → BUILT Solution consistency: 1.000 Solution coverage: 0.909					

*=and

=or

→ sufficient for

Lower case = absence of

Upper case = presence of

Table 5: Intermediate solution for ~BUILT outcome

Causal pathway	Consistency	PRI	Raw coverage	Unique coverage	Cases covered
LD*LR*SM*MRB*CSC	1.000	1.000	0.394	--	NGP, TMEP
LD*LR*SM*MRB*CSC → ~BUILT Solution consistency: 1.000 Solution coverage: 0.394					

2.4 Robustness checks

QCA requires some decisions to be made at the researcher's discretion (Schneider and Wagemann, 2012: 284). Robustness tests mitigate concerns about whether results would change substantively if different decisions were made by the researcher (ibid.: 284). There are five types of robustness checks; these concern (1) the frequency thresholds, (2) the inclusion thresholds, (3) the cases analyzed, (4) the conditions used, and (5) the calibration decisions (Ide, 2015). I, like Ide (2015), do not employ the first test given the number of cases. According to Ragin (2009: 105) a frequency threshold of 1 for 18 cases is reasonable, and a higher threshold is hard to justify. I conducted the other four types of tests, which I describe below.

The second test concerns the inclusion or consistency threshold. I use the recommended threshold for analysis of necessity, 0.9 (Thomann et al., 2018: 589). The threshold for the analysis of sufficiency is lower, at 0.75 (ibid.: 589; see also Schneider and Wagemann, 2012). I use an inclusion cut-off of 0.9 for the analysis of sufficiency for the BUILT outcome. Lowering the cut-off to 0.8 does not change the results. For the ~BUILT outcome, I lower the threshold to 0.8. If I use 0.9, the condition CSC is added to the intermediate solution, but it has weak coverage since it only covers the NGP and TMEP cases.

The third test involves adding or dropping a case(s). I have included all potential oil pipeline projects regulated by the NEB. I do not include the Energy East project because the NEB did not make a decision on the project, which makes it harder to compare to other projects. However, for the purposes of the robustness check, I include it here. The project was proposed by TransCanada to the NEB in October 2014. The project would transport 1.1 million barrels per day (b/d) of a range of crude products. The project consisted of 4,500 km of new and existing pipeline from Alberta and Saskatchewan to Québec and New Brunswick; the project would involve construction of 1,520 km of new pipeline and related facilities and the conversion of 3,000 km of the TransCanada Mainline from gas to oil (Canada, 2019). The project was withdrawn by the proponent in October 2017.

At the time of the project’s application, Energy East had long-term shipping commitments for 995,000 barrels per day (Energy East Pipeline Ltd., 2016). As there was no NEB decision, I cannot reasonably assign it a value for the CSC condition; however, for the purposes of this check, I will assign it a 0 (meaning that a commercial support condition was not required). It is worth noting that Andrew Leach (2017) argued that TransCanada cancelled the project in part so that it could allow shippers to re-commit to KXL. This argument is difficult to confirm given the private nature of contracts with shippers. However, some industry sources suggest the project was less economically viable than other existing proposals, including KXL (Hislop, 2017). The project required over 500 km of new pipeline, had six legal cases and several dozen protest events before the project was cancelled. Even though a decision had yet not been made on the project, legal risk and social mobilization were high, evidence of the amount of opposition the project faced. The project also faced a major regulatory barrier when the NEB panel recused itself in 2016 after concerns of a conflict of interest, which restarted the review process. Table 6 includes the data for the Energy East case. When the case is included in the analysis, the results change only slightly.³⁶ For the analysis of necessity for the ~BUILT outcome, legal risk becomes a necessary condition.

Table 6: Energy East data table

Project	BUILT	CSC	LD	LR	MRB	SM
Energy East	0	0	1	0.6	0.67	0.9

³⁶ I use the consistency cut-off of 0.75 per Thomann et al. (2018: 589).

If I include only projects that involve new pipeline construction, I exclude six cases—projects concerning the Line 9, Southern Access, and Alberta Clipper Capacity Expansion pipelines.³⁷ Notably, for the analysis of necessity for the BUILT outcome, the absence of social mobilization becomes an individually necessary condition. The analysis of sufficiency for BUILT is simpler with only one pathway for the intermediate solution: the absence of social mobilization *and* a major regulatory barrier *and* a commercial support condition. For the analysis of necessity for the ~BUILT outcome, legal risk becomes a necessary condition. However, with 12 cases, I can have a maximum of four conditions (Marx and Duşa, 2011: 114). This benchmark prevents the model from detecting patterns in arbitrary data. As all five conditions appear in the solutions of either the analysis of necessity or sufficiency, I cannot justifiably drop a condition. Since the case-to-condition ratio is problematic, it is not feasible to reduce the number of cases.

The fourth test involves adding or dropping a condition. If I add a binary condition about whether a project crosses an international border (IB)—with the expectation that the absence of an international border crossing should be linked to the presence of the BUILT outcome—the results do not change significantly. When analyzed as an individual condition, IB has the lowest parameters of fit. It appears in the analysis of necessity for the BUILT outcome where *either* IB or LR is necessary and *either* IB or SM is necessary. And it appears in the analysis of sufficiency for the ~BUILT outcome because both the KXL and L3R projects cross an international border. Having six conditions also exceeds Marx and Duşa’s (2011: 114) recommended threshold and so this condition can justifiably be dropped from the analysis.

If I use a condition that captures how capital intensive a project is, I get the same calibration results as when I use the long distance condition. Capital intensive projects are more challenging to finance and require adequate commercial support before a final investment decision is made. For a measure of capital intensity, I use a threshold of 2 billion CAD in total capital costs for the project (this includes project costs in both the United States and Canada, as indicated in initial application[s]). Projects that require over 500 km of new pipeline are estimated to cost at least 2 billion CAD at the time of their application.

Indigenous-led resistance is a crucial aspect to understanding opposition to pipelines. I did not operationalize Indigenous resistance as a separate condition because the main strategies that Indigenous groups use to oppose projects (i.e., legal challenges, and protests including rallies, camps

³⁷ I use the same calibration rules as the original dataset.

and blockades) are coalitions which I treat in the QCA. And other actors like ENGOs, municipalities, and labour unions, also brought legal challenges or organized or participated in protests. I could have developed a condition about the number of reserves or Indigenous territories instead of the length of the pipeline, but this would not be operationalizing resistance, just risk of mobilization.

A final test involves calibration. For each concept there is usually only small range where the threshold is plausible (Schneider and Wagemann, 2012: 26). The only conditions where the calibration could plausibly be changed are legal risk and social mobilization. For the legal risk condition there is one plausible alternative, which is to raise the threshold slightly. The only case where the coding would change substantially is the Alberta Clipper project, which had five legal cases. Despite several legal challenges, Enbridge did not wait for court decisions before proceeding with construction. The project went into service in April 2010, as expected by Enbridge (2011: 28). According to this logic, it is plausible to recode the Alberta Clipper Expansion so that it falls below the threshold (where it is more out of than in the set). I thus recode the Alberta Clipper to 0.4, and I also recode the L3R to 0.6 (from 0.9). The results change very little. For the analysis of necessity for BUILT, legal risk *or* long distance is a necessary condition. And for the analysis of sufficiency for BUILT, the intermediate solution, all the same conditions hold but in a slightly different configuration: $lr*sm*mrB*csc + ld*lr*mrB*csc \Rightarrow BUILT$ (compared to $sm*mrB*csc + ld*lr*mrB*csc \Rightarrow BUILT$).

Similarly, for social mobilization, it is plausible to raise the threshold to belong in the set.³⁸ In doing so, the absence of social mobilization becomes an individually necessary condition for the analysis of necessity for BUILT. The results for the analysis of sufficiency for the BUILT outcome yield only one pathway: the absence of social mobilization and a major regulatory barrier and a commercial support condition.³⁹ These results suggest that social mobilization plays an important role in shaping the outcome of a project, although detailed case studies are required to justify this

³⁸ The revised coding rules are as follows: 1 = 50 or more protest events; 0.67 = between 15 and 49 events; 0.33 = between one and 14 events; 0 = no events.

³⁹ The Alberta Clipper Capacity Expansion had six protest events, including one where 20 demonstrators were arrested (Taylor and Kerr, 2015). However, opposition was not as sustained and as significant as it was for KXL, TMEP, L3R and NGP projects. I can plausibly recode the Alberta Clipper Capacity Expansion to 0.4 so that it belongs more out than in of the set. The results do not change. However, if I expect that there is something categorically different about the scale and strength of opposition to the KXL, TMEP, L3R, and Northern Gateway projects, I also recode Line 9B, which had approximately ten protest events (including one where 19 demonstrators were arrested) so that it belongs more out than in of the set (Patterson, 2018).

alternate threshold theoretically, and to discern which mechanism (or mechanisms) explains why projects with a certain scale of social mobilization are particularly difficult to build.

2.5 Discussion

The logic of QCA reveals a dynamic that has not been captured in previous studies on oil sands pipelines: some conditions are on their own insufficient but are highly relevant in the presence or absence of others in explaining variation in the outcomes of proposed oil sands pipeline projects. For example, the QCA finds that the long distance condition, on its own, is not necessary in explaining project out-comes. However, long distance is part of the solution formulas in the analysis of sufficiency for both the BUILT and ~BUILT outcomes. And while social mobilization is a necessary condition in explaining ~BUILT projects, I—like McAdam and Boudet (2012: 130) in their study of 20 non-linear energy infrastructure projects in the U.S.—find that mobilization is not, on its own, a sufficient condition in determining whether a project is built. This chapter shows that the combination of mobilization with legal risk, long distance, and a major regulatory barrier is sufficient for explaining the outcomes of not (yet) built projects.

This analysis supports the claim in the social movements literature that mobilization matters in explaining the outcomes of contested energy infrastructure projects. Opposition to pipelines took off in the United States and Canada around the Keystone XL and Northern Gateway projects. An alliance of First Nations led resistance to the NGP project, alongside environmental NGOs. Resistance to KXL involved an unlikely coalition of farmers, climate activists and Native American tribes, amplified by environmental NGOs. Pipelines became an unexpected central focus for some environmental NGOs and the climate movement because they enabled the production of the oil sands and were strategically vulnerable as chokepoints in fossil fuel energy systems.

The findings of the QCA add nuance to a claim in the public policy literature that oil pipelines that take advantage of existing infrastructure reduce political risk (Hoberg, 2013). After the campaigns against NGP and KXL began, subsequent oil pipelines became much more difficult to build. While earlier proposals had high infrastructure needs that did not use existing pipeline infrastructure, later project applications including the L3R and TMEP projects proposed more modest routes that took advantage of existing infrastructure, either by twinning an existing pipeline or replacing an existing line. These projects attracted significant opposition. Even projects like the Alberta Clipper Capacity Expansion or Line 9B that did not require new pipeline infrastructure have attracted opposition, though not as much as the KXL, NGP, TMEP and L3R projects.

This analysis also complicates the idea of veto points (Hoberg, 2013). In rare instances, legal cases can revoke a project's certificate. These are a key contributor to major regulatory barriers, the absence of which is a necessary condition for BUILT projects. Legal challenges that revoke a project's certificate can be considered veto points. However, in the NGP and TMEP cases, it is the government's decision whether to redo part of the consultation process in order to move forward with the project.⁴⁰ In pipeline conflicts, there are very rarely permanent decision-making points around a project. This is because decisions and approvals may be reversed or revoked. Instead of veto points, I prefer "veto potential" as it reflects the complex nature of pipeline conflicts, related decision-making processes, and tensions between sites of authority. As I will illustrate in the in-depth cases, provinces, although they do not have a legal veto, can still influence pipeline outcomes under particular conditions.

Major regulatory barriers are not always tied to legal cases. In the case of KXL, there were several major regulatory barriers, the first of which was in 2011 when the U.S. State Department delayed its decision to study other potential routes that avoid the Sandhills region of Nebraska. While two pipeline projects in North America had "veto" decisions where leaders chose to reject the applications—Keystone XL and Northern Gateway—a long causal chain led to these decisions. In both cases, these decisions were made after sustained campaigns by a range of actors against the project.

Lastly, this analysis speaks to the importance of understanding project financing and commercial support for pipeline projects. Commercial support is necessary for construction to proceed. If a project attracts significant opposition and delays, project costs and uncertainty mount, which then have implications for commercial support. The confidential nature of commercial negotiations for oil pipelines makes these dynamics particularly challenging to understand. However, in both the TMEP and NGP cases, multiple intervenors expressed concerns about the financial viability of the projects. While the NGP project did not have long-term, firm transportation agreements, the TMEP did. However, given the importance of contracts to the NEB's assessment of the TMEP project, the NEB imposed a condition that required Trans Mountain to file its contracts with shippers before construction could begin. Both the NGP and TMEP projects are distinctive in that the NEB imposed a condition related to commercial support, and this causal condition appears in the intermediate solution formulas.

⁴⁰ In the NGP and TMEP cases, a federal court of appeal case required the government to redo the final phase of consultation with affected First Nations (the government took up this obligation only in the TMEP case).

There are two limitations of this analysis. First, QCA does not directly treat the dimension of time.⁴¹ Time matters in the study of pipeline politics in several ways. The sequence of events within and across cases matter. For example, the outcome of one project can affect the conditions of the others. Across cases, legal risk changes as groups gain knowledge and resources and learn from previous legal cases and also as case law develops. Opposition has become increasingly sophisticated—particularly legal and regulatory interventions—as opponents’ strategies evolve. As well, campaigns can gain and lose momentum over time. Second, QCA does not identify causal mechanisms or intermediate causes. I thus turn to detailed case studies and process tracing to uncover and examine such mechanisms. The QCA provides some guidance on where to look by identifying relevant causal conditions. However, there are important interrelations between key causal conditions, particularly between major regulatory barrier(s), social mobilization and legal risk.⁴² This means that a project that faces a major regulatory barrier is also likely to face opposition. Legal cases do not occur in a vacuum, and for projects that attract opposition, legal challenges are often a central part of the campaign or an actor’s strategy to either reduce the likelihood of the project being built or to increase their bargaining position during negotiations for benefits. In short, legal challenges and social mobilization are often strategies used by coalitions of actors opposing a project.

2.6 Conclusion

The politics of oil sands pipelines have changed significantly and rapidly in the last fifteen years. This chapter provides insight into these changes by conducting a systematic cross-case analysis. While the vast majority of oil pipeline projects have been successfully built, several mega oil sands projects have been cancelled or significantly delayed. Understanding this variation is important because it identifies new socio-political and legal dynamics. The QCA reveals that social mobilization and

⁴¹ It is possible to make each year of the case study its own case (e.g., Olive et al., 2012), which drastically increases the number of cases. I did not proceed with this approach for pragmatic reasons. Also, this approach only takes account of time in a particular way by using snapshots or windows of time (Furnari, 2018). An alternative method, temporal or sequential QCA, requires specifying the order of conditions in the analysis; however, this approach is not very compatible with fuzzy-set analysis, and it increases the problem of limited diversity (Caren and Panofsky, 2005: 166). Given the multiple aspects of temporality and the trade-offs and limitations of the aforementioned approaches, I chose instead to use process tracing in the in-depth cases.

⁴² There are interrelations between the legal risk and mobilization conditions and between the legal risk and major regulatory barrier conditions. In a regression analysis, multicollinearity is a significant concern and problem to be avoided. In contrast, QCA scholars expect some relationships between conditions (Thomas et al., 2014: 3). Removing co-related conditions violates the assumption in QCA about including all causally and theoretically relevant conditions. For the relative benefits and drawbacks of QCA and regression analysis, see Bernard Grofman and Carsten Schneider (2009) and Jason Seawright (2005).

major regulatory barrier(s) are particularly important in explaining variation in pipeline proposal outcomes. In particular, the presence of social mobilization is individually necessary for the not (or not yet) BUILT outcome, and the absence of a major regulatory barrier is individually necessary for the BUILT outcome. The analysis of sufficiency shows that the absence of a configuration of conditions—social mobilization, a major regulatory barrier (or barriers) and a commercial support condition—is one pathway for projects with the BUILT outcome. Projects with the not BUILT outcome are long distance pipelines that have attracted social mobilization and legal risk and face at least one major regulatory barrier. In short, the increase in socio-political and legal conflict around oil sands pipelines in the last decade has had a significant impact on pipeline project outcomes.

However, to answer my research question about why particular oil sands pipelines have been cancelled or significantly delayed, it is not enough to say that socio-political and legal conflict is strongly associated with these outcomes—the analytic challenge that remains is to determine how and why it matters. The QCA offers limited insight into *how* the particular condition causally links it to the outcome. The QCA provides important high-level conditions, but the question remains: what specific properties and dynamics associated with individual conditions—and interactions *between* conditions—that link them to the outcomes?

To answer this question, I conduct a fine-grained analysis of two of the typical cases for the “not (yet) built” outcome in the QCA: the NGP and the TMEP. Key factors revealed by the QCA—protests, legal challenges, and regulatory barriers—are either directly or indirectly endogenous to the creation of *campaign coalitions* opposed to these pipelines. Most directly, campaign coalitions organize protests. Similarly, actors in these coalitions launched legal challenges. And the outcomes of major regulatory barriers in the NGP and TMEP cases were the result of legal challenges that revoked the pipelines’ certificates. These linkages lead me to focus on campaign coalitions, which, by definition and design, require high levels of involvement from members and are intended to last beyond a single event (Tarrow, 2005). In Chapter 3, I develop the theoretical framework to understand how coalitions of actors developed campaigns to oppose mega oil sands infrastructure and the strategies, mechanisms and conditions and that affect their influence.

CHAPTER THREE: Explaining coalition influence—building a theoretical framework

To return to my core research question, I am interested in the strategies, mechanisms, and conditions that have largely halted mega oil sands pipeline development in the last decade. This is surprising given the rapid pace of oil sands development and the political alignment between industry and government preferences. This chapter builds on an insight provided by the QCA. The findings from the QCA lead me to focus on campaign coalitions, which involve sustained cooperation and communication between resisting groups opposed to particular pipelines. While there has been significant contestation in response to a wave of pipeline proposals, the linkages between contestation and pipeline project outcomes are poorly understood. This chapter tries to build a theoretical framework to understand how coalitions of actors developed campaigns to oppose mega oil sands infrastructure and the mechanisms and conditions that affect their influence.

Using insights from the interest group literature, we might not expect an anti-pipeline campaign coalition to have much success due to the alignment of powerful actors and their interests, and the structure and characteristics of the issue itself. The issue salience of pipelines in Canada has increased significantly in the last fifteen years, signalling competition between groups (cf. Mahoney, 2008: Chapter 10). In general, interest group literature puts forth that competition with other organizations limits policy success at the group level (Hojnacki et al., 2012: 387). There is a (whether real or perceived) high level of material resources at stake. Moreover, there is consistently a zero-sum competition between proponents and opponents about whether a pipeline is built. Christine Mahoney (2008: 206) argues that “fighting to bring about a change is more difficult than fighting for the status quo.” Frank Baumgartner and colleagues suggest this is because the status quo already reflects the interest of certain interest groups (Baumgartner et al., 2009: 24). Anti-pipeline campaigns face significant hurdles to influence. Yet, as I will illustrate, given the right conditions, these campaign coalitions have been highly successful in delaying and even cancelling mega oil sands pipelines.

In this chapter, I develop a theoretical framework to understand the influence of campaign coalitions. Understanding the ultimate impacts of campaign coalitions requires understanding multiple mechanisms and targets. Here, I draw on the contentious politics, private politics, and public policy literatures. To understand coalition influence, we must first understand coalition formation. Understanding coalition formation is necessary to understand how opposition is

organized and sustained. I then outline five core strategies that coalitions can employ—engaging in the regulatory process, gaining political access, organizing protests, launching legal challenges, and engaging with a company’s shareholders—and the mechanisms and conditions to influence both the regulatory process and, ultimately, pipeline outcomes. I develop some preliminary expectations about the role of timing and sequencing, relationships between strategies, and the relationship between multiple strategies and influence. In the final step, I use these expectations to develop a causal model of campaign coalition influence. Taken together, the theoretical expectations I outline in this chapter amount to a theoretical framework to study coalition influence in cases of contested energy infrastructure in Canada. I use the expectations I develop in this chapter to guide my analysis of the NGP and TMEP cases.

This chapter proceeds in four parts. In section 3.1, I first explain what I mean by campaign coalitions, the unit of analysis that underpins my analysis in subsequent chapters. Campaigns against oil sands pipelines often involve alliances, networks, coalitions, and social movements. Scholars have used these terms flexibly and interchangeably, and so did my interviewees. I define these overlapping concepts and outline what I understand to be the core characteristics of anti-pipeline campaign coalitions. Next, in section 3.2, I summarize limits to existing approaches in social movement and public policy scholarship to understanding coalition influence. Despite these limits, the social movement and public policy literatures more generally offer important insights, which I draw on to help build my theoretical framework. In section 3.3., I develop a set of expectations for successful coalition formation and the linkages between coalition formation and influence. In section 3.4, I outline five core strategies that coalitions can employ and the mechanisms and conditions to influence both the regulatory process and, ultimately, pipeline outcomes. In the final section, 3.5, I address the remaining gaps in the theoretical framework.

3.1 Campaign coalitions: defining the unit of analysis

Types of social movement coalitions vary widely. My unit of analysis is campaign coalitions because it allows me to pay attention to particular actors and organizations.⁴³ Sometimes these campaigns have led to social movements, which involve significant mobilization that persists over time. This occurred in both the NGP and TMEP cases. Social movements ebb and flow over time; thus, I choose campaign coalition as the unit of analysis because it refers to a core group of actors that

⁴³ It is also possible to adapt this term to understand the constellation of actors that support pipeline development including companies, industry associations, and governments.

engage in multiple institutional and extra-institutional strategies. Within the campaign coalition, actors choose to work together, but they do not always coordinate their actions with all coalition members. To be clear, some of the mechanisms of influence rely on attributes of social movements (e.g., protest and civil disobedience). I describe these dynamics in more detail in this section. First, I briefly describe how scholars define coalitions, and then I define campaign coalitions by drawing on how social movement scholars have used the term. I supplement these characteristics with a description of the core features of the coalitions I study.

According to the social movements literature, campaign coalitions have four core characteristics: they (1) require high levels of involvement and are intended to work together beyond a single event; (2) have clearly defined membership; and (3) are embedded in wider networks. I briefly discuss each in turn. First, I draw on political scientist Sidney Tarrow (2005: 167), who distinguishes types of transnational coalitions in terms of their level of involvement and duration. Tarrow suggests campaign coalitions are both long term and require a high level of involvement on the part of its members. I use the term campaign coalition to describe a type of coalition that forms around a specific purpose; by definition, this type of coalition intends to work together beyond a single event.

Second, campaign coalitions are formal coalitions with clearly defined membership. Coalitions are defined broadly as two or more groups united by a common purpose (e.g., Strøm and Nyblade, 2009). In other words, they are aligned in purpose but maintain their organizational autonomy. In social movements or social movement campaigns, coalitions occur when distinct groups agree to work together toward a common goal (McCammon and Moon, 2015: 327). Often, groups and individuals with different motivations agree to collaborate on a specific campaign. I echo Megan Brooker and David Meyer (2019: 262), who point out, in reality, membership in coalitions is often murky because organizations' commitments to a coalition vary over time, and groups often do not make public announcements about these changes. Internally, however, campaign coalition membership is well-defined, and members know who is in and out of the coalition.

Third, campaign coalitions are embedded in wider networks. Networks are sets of nodes composed of individuals or organizations connected by direct and indirect ties. Networks share information and resources (Lecy et al., 2010). Margaret Keck and Kathryn Sikkink (1998: 12), in their seminal work on transnational advocacy networks, suggest networks are primarily “communicative structures” for actors working on an issue. Networks are designed primarily to exchange information, while coalitions involve more concerted actions and specified common goals.

Networks describe connections that exist, while coalitions are entities that members actively enter into.⁴⁴ While coalitions are embedded in broader networks of actors who share interests, they “do not necessarily coordinate their strategies” (Meckling 2011: 7). Sometimes, organizations’ interests align with a movement, though the two do not have a formal relationship. Importantly, networks can act as “mobilizing structures” that help social movements form (McAdam et al., 1996: 141). Networks also provide sources of tactical innovation, learning, and resources (e.g., Wang and Soule, 2012).

I now turn to four additional features of the specific campaign coalitions I study. First, like some other social movements, anti-pipeline campaigns involve diverse and broad-based sets of actors. The literature often refers to these “challenging groups” as social movement organizations (SMOs) (Gamson, 1990).⁴⁵ Environmental NGOs, which work on issues broadly defined as environmental issues,⁴⁶ play a core leadership and organizational role in these campaigns. These organizations may be international, transnational, national, regional, or provincial. Some of these NGOs have charitable and tax exemption status, which means they can spend a delimited amount of resources on “political activities” (Council on Foundations, 2019). ENGOs, particularly those without charitable status, rely in part on political advocacy and thus share characteristics of traditional interest groups (cf. Bloodgood, 2011: 110).⁴⁷ Another core group of actors are Indigenous organizations; they may be either individual nations that have decided to oppose the project, or organizations or alliances of nations. Other potential coalition members include local grassroots groups, landowner groups, and labour unions. These coalitions (and movements) can also enjoy support from influential allies, including politicians or political parties at either the national or sub-

⁴⁴ Networks and coalitions have other distinctions (see for example Fox, 2010; Khagram et al., 2002). First, networks can have a range of direct and indirect ties, while coalitions tend to have only direct ties. Second, coalitions form around a specific goal (with short-term tactical goals and long-term strategic goals), whereas networks tend to have broader goals. Some networks may not have shared goals and might just be linked in a social space or set of relationships). Third, coalitions participate in joint actions for a particular strategic purpose, while networks generally do not.

⁴⁵ SMOs are organizations whose goals align “with the preferences of a social movement” and thus work to achieve them (McCarthy and Zald, 1977: 1218). SMOs can range from grassroots community organizations to more professionalized NGOs. I acknowledge the term SMO, but I do not use it unless referring to literature that uses the term. In the empirical chapters, I refer to actors specifically and identify their role in the coalition.

⁴⁶ NGOs are not-for-profit organizations that operate autonomously from the government. They take several legal forms, depending on the country’s laws and practices in which they are based. Non-profit organizations are a much broader category in the literature that includes political parties. So, I do not use it here; however, NGOs more commonly identify with this term (as opposed to the term NGO).

⁴⁷ I, like Éric Montpetit (2014: 330), understand interest groups (also known as pressure groups or advocacy groups) broadly to encompass “all civil society organizations that are involved in policy-making processes.” The term interest group can refer to a wide range of organizations, including trade associations, corporations, labour unions, and some NGOs.

national level. These are formal coalitions, but contra to Brooker and Meyer (2019: 256), these coalitions do not have “a centralized coordinating organization.” Coalition members collaborated in some circumstances and not in others, and rarely did all members participate in any one action or strategy. Most notably, Indigenous organizations exercised their autonomy over their decision-making and strategies. Nonetheless, actors united in a common purpose: to oppose these proposals.

Second, coalition membership varies across different pipeline campaigns, but there is also overlap in the membership. The oil and pipeline industries are continuously planning new projects and ways to deliver resources to market. The campaigns I explore in the dissertation comprise a core coalition of actors in Canada and the United States; these campaigns formed against expanding oil sands production. As companies proposed new infrastructure projects, new actors joined and formed unique coalitions to oppose them. While there are unique coalitions of actors in each coalition against a particular pipeline, there some membership overlaps across campaign coalitions. Coalition membership still varies by pipeline because of who is directly affected by the project. Resources, expertise, and tactics may flow between campaigns.

Third, the primary locus of organization and action I study is domestic, although there are relevant transnational dimensions. Robert Keohane and Joseph Nye (1971: 333-334) define “transnational interactions” as any interaction across borders involving one or more non-state actors. The cases I study involve internationalization, in which domestic actors can “form coalitions that transcend their borders” (Tarrow, 2005: 25). Internationalization occurs when “policies within domestic jurisdiction face increased scrutiny, participation, or influence from transnational actors [and international institutions]” (Bernstein and Cashore, 2000: 72). While I do not use the terms transnational advocacy network (TAN) or transnational social movement to describe the anti-pipeline campaign coalitions I examine, there are still relevant transnational dimensions.⁴⁸ For example, key Canadian environmental campaigns have relied on funding from U.S. philanthropic foundations (Bernstein and Cashore, 2000; 2012). In Canada, activists and Indigenous groups are part of broader networks with organizations in the United States, and to a lesser extent Europe and globally. As Tarrow (2005: 29) argues, transnational activists are “rooted cosmopolitans,” tied to national contexts, but are engaged in transnational networks and can “shift their activities among

⁴⁸ TANs advocate primarily about issues related to international politics, like an international treaty or institution (Keck and Sikkink, 1999: 89). And according to Sanjeev Khagram and colleagues, a “truly transnational social movement,” involves organizations from three or more countries (Khagram. et al., 2002: 8). The coalition campaigns against the Northern Gateway Pipelines project and the Trans Mountain Expansion project do not fulfil the criteria of either. The Tar Sands Campaign (which I explore in Chapter 5), however, fits this definition because it has an affiliated campaign in the United Kingdom.

levels” to pursue their goals. Anti-pipeline activists and Indigenous groups have appealed to international treaties and institutions, particularly climate commitments, and international recognition of Indigenous rights.

Fourth, the coalitions I study became social movements. In the broadest sense, social movements are “continuous interactions between challengers and power holders” (Giugni et al., 1999: 257). Scholars have defined social movements variously. I draw on Snow et al. (2019: 5), who suggest that most definitions “are based on three or more of the following axes”:

- (1) collective or joint action;
- (2) change-oriented goals or claims;
- (3) some extra- or non-institutional collective action;
- (4) some degree of organization; and
- (5) some degree of temporal continuity.

These same characteristics also describe a social movement campaign, where actors mobilize others, seek out resources, and develop and implement strategies to achieve specific goals. Social movements and campaigns require a tactical repertoire (building on Charles Tilly’s [1978] concept of the “repertoire of contention”), or a set of strategies to persuade authorities to respond to their claims. In the case of pipeline campaigns, this manifests through institutional and non-institutional dynamics. Extra, or non-institutional, collective action tactics include marches, protests, and non-violent civil disobedience (e.g., blockades). These campaigns engage in a range of institutional forms of collective action; this includes participating in the regulatory process, lobbying, engaging with investors, or launching court challenges. These strategies are crucial to understand coalition influence (which I return to below).

3.2 Limitations of existing approaches to understanding coalition influence

At the most general level, coalitions develop strategies to exert influence and conditions determine impact. How ought we understand the outcomes of contested pipelines and the influence of campaign coalitions on these outcomes? Coalitions and networks are a central phenomenon of study in political science and sociology literatures on social movements, transnational advocacy networks (TANs), and advocacy coalitions. In this section, I first review two dominant approaches to understanding coalition influence—the political mediation approach in the social movement literature and the advocacy coalition framework in public policy literature—and I identify limitations to applying them to my cases.

In social movement literature, the outcomes, or the influence, of coalitions are less understood than their formation (Brooker and Meyer, 2019: 261; McCammon and Moon, 2015). The political mediation approach, developed by Edwin Amenta and colleagues, expressly tried to understand the political influence of movements; specifically, social security and redistributive programs in the United States (Amenta et al., 1992; 1994; 2005).⁴⁹ These scholars tend to understand political outcomes by examining how outside challengers interact with a changing set of political opportunities. The core insight of this approach is that movements are more likely to gain political influence if challenges are able to convince political allies to support their cause (Amenta et al., 2010: 298).

A popular theory of policy change, part of the advocacy coalition framework (ACF), views the policy process as a “competition between coalitions of actors who advocate beliefs about policy problems and solutions” (Kübler, 2001: 623; see also Sabatier and Jenkins-Smith, 1993; Sabatier, 1998). Advocacy coalitions, as used by public policy scholars in the ACF tradition, employ a looser concept of a coalition than I do. Paul Sabatier (1988: 133) defines advocacy coalitions as “a set of normative and causal beliefs” among actors that adopt institutional strategies to further policy objectives.⁵⁰ Thus, the range of cooperation amongst actors in advocacy coalitions varies significantly. The ACF explains policy change as a result of either policy-oriented learning (where a coalition adapts its belief system to pursue its goals) or due to events outside of the policy subsystem, which shift the distribution of power of actors (Kübler, 2001: 624-5).

These existing approaches to understanding coalition influence help explain challenges against single targets or changes within a specific policy subsystem.⁵¹ They have limited explanatory power when understanding campaigns or cases with (1) shifting and multiple targets of contestation and (2) campaigns that employ a combination of institutional and extra (or non)-institutional strategies. As a result, these approaches do not identify relevant mechanisms and conditions for influence in contested energy infrastructure projects.

⁴⁹ In the social movement literature, political opportunities literature emerged to explain why mobilization arises, not its consequences (Amenta et al., 2005).

⁵⁰ Similar to advocacy coalitions, campaign coalitions are composed of beliefs, strategies, and resources.

⁵¹ There are three other reasons I do not draw on the ACF. First, unlike ACF scholars, my starting point is not a policy problem and I am not seeking to explain policy change. Rather, my research focus begins with a set of interrelated project proposals, facilitated by economic conditions and federal and provincial support. Interestingly, the policy problem became getting resources to market, as pipelines faced delays and cancellations. Second, pipeline campaigns also involve multiple policy and issue areas both within and outside of the regulatory system. And third, the ACF also does not explain why coalitions form (Pralle 2006: 79; Ingold et al., 2017).

Regarding the first limitation, anti-pipeline campaigns involve multiple targets where important players—governments, regulatory agencies, and corporations—make relevant decisions at different points in time. There are multiple centres where these players make decisions, which include the federal government regulator, sub-national governments, courts, and the pipeline company itself. Neither the ACF nor the political mediation approach captures the range of institutional targets of campaign coalitions. Most of the literature on social movement targets has focused on states. However, there is a growing body of literature, known as the private politics literature, where firms are the target of challengers (de Bakker et al., 2013: 576). Sarah Soule argues that scholars can apply insights about the outcomes of movements against state targets to corporate ones (Soule, 2009). While this helps understand when pipeline campaigns shift to focus on the corporate target, the social movement literature more generally cannot explain the shifting targets of pipeline campaigns and the interaction between these decision-making authorities.

Regarding the second limitation, pipeline opponents employ multiple ‘insider’ strategies that use institutional means of collective action. Insider strategies include lobbying, lawsuits, petitions, and press releases. ‘Outsider’ strategies involve extra-institutional collective action. Outsider strategies include sit-ins, marches, and civil disobedience. While sometimes the division between insider and outsider strategies becomes blurred, the distinction is oft used in the contentious and private politics literatures (e.g., Amenta et al., 2019; Colli and Adriaensen, 2020). In both the social movement and ACF, there are blind spots to understanding campaigns that employ both sets of strategies. ACF literature often pays little attention to specific strategies that coalitions employ. The private politics literature seldom looks at the impact of both institutional and extra-institutional tactics together. Instead, this literature has focused on the role of extra-institutional tactics like boycotts (exceptions include Eesley and Lenox, 2006). A recent exception is Colli and Adriaensen (2020), who develop a framework to explain when civil society organizations target the state (public actors) and when they target companies (private actors). This literature cannot explain how institutional and non-institutional tactics interact and create risk and uncertainty for a proponent. Social movement scholars have only recently begun to seriously consider the range of dynamics between actors and institutional politics. As David Pettinicchio (2017: 168) writes, “there is a renewed called for a more specific set of institutional and actor-centred factors that facilitate or constrain social movement efforts.” In short, the institutional strategies (such as regulatory interventions and legal challenges) that campaign actors use are less well understood.

Third, these literatures provide limited guidance about the mechanisms and conditions I should expect to find. The interactions I outline have different types of causal connections than those typically described in policy-subsystems, which often imply unidirectional causal impacts. For example, campaign coalitions are constrained by the regulatory process but also influence the process itself. Although social movement scholars have studied the influence of movements on political outcomes, the political opportunities literature has been critiqued—for example, by David Meyer and Debra Minkoff (2004)—for relying on very broad conditions. In the social movements literature more generally, the policy process is often treated as “a black box within the state, which movements may occasionally shake and upset into action” (Meyer, 2005: 3). Our understanding of the impact of social movements on regulatory processes is even more limited. The private politics literature does suggest a range of conditions for influence (including corporate vulnerability to disruptive protest, which I draw on). Still, it does not consider how the state shapes political opportunities for movements, aside from the national regulatory context (cf. Soule, 2009).

In terms of mechanisms, the key mechanism of influence in the political mediation approach hinges on having the support of political allies. Usually, this means bureaucrats (Amenta et al., 2019). While this is a helpful insight, it only provides one mechanism of influence. Public policy literature, more generally, underspecifies the mechanisms by which social movements have influence (Meyer, 2005: 3). In short, while the social movements literature provides some useful theoretical tools to understand social movement influence, the conditions are generally very broad and do not capture the range of mechanisms that I expect to find in campaigns that employ multiple strategies against multiple targets. However, the social movement and public policy literatures more generally offer important insights, which I draw on to help build my theoretical framework.

3.3 Understanding coalition formation

Organizations may compete for public attention and membership, particularly if they do similar work, but they often have strong material and non-material incentives to collaborate. In recent years, social movement literature has sought to elucidate why social movement coalitions form. In general, this literature identifies fairly well-established conditions and processes that explain how actors form social movement coalitions (e.g., McCammon and Van Dyke, 2010; Brooker and Meyer, 2019). I describe four sets of conditions using insights from this literature: political opportunities, problem formulation, social context, and campaign coalition resources. I expect all of these to be necessary for successful coalition formation. Although I draw primarily on the social movement literature, I

also add insights from the public policy, international relations, NGO politics, and transnational activism literatures. These literatures add insights to the sections on social context (which includes a discussion of shared ties but also intra-network relations) and organizational resources. I also add a section on Indigenous-settler alliances, a core part of the campaigns I study, which draws on aspects of social context, framing processes, and the presence of resources. Table 7, at the end of this section, summarizes these expectations and outlines the evidence I expect to find in support of them. As I am interested in understanding not just coalition formation but also coalition influence, I conclude this section with a discussion of key linkages between these processes and dynamics.

3.3.1 Political opportunities

Doug McAdam (1982: 2) developed a concept of “political opportunities” to explain why mobilization emerges. In short, a set of external factors interact with factors internal to the movement to cause mobilization. In general, the dimensions of political opportunity that facilitate mobilization include the following: (1) multiple centres of power within the regime; (2) openness to new actors to make claims; (3) unstable political alignments (which create opportunities for influential allies); and (4) declining repression (McAdam and Tarrow, 2019). Meyer (2005) find that empirical “tests” of political opportunities are mixed. Different findings reflect the flexible use of the concept of political opportunities, which factors are considered, and differences in operationalization (Meyer 2005; Meyer and Minkoff, 2004). In the literature on movement coalition formation, there have been few empirical tests of political opportunities. One exception is Lori Poloni-Staudinger (2009), who tests the role of elite alliances and domestic cleavages⁵² in facilitating cooperation between environmental groups in the United Kingdom, France, and Germany. Contrary to expectations of the political opportunities literature, she puts forth that more open political opportunity structures depress cooperation. Broadly speaking when “the left” is in power, they have stronger environmental platforms and groups are less likely to cooperate (Poloni-Staudinger, 2009: 385). This leads to the expectation that closed political opportunities facilitate collaboration; in particular, government(s) in power will be unsympathetic to actors’ concerns.

⁵² Electoral cleavage (also known as dealignment) is when some portion of voters abandon their previous partisan association (Norpoth and Rusk, 1982).

3.3.2 Problem formulation

I combine several insights from the social movement and public policy literatures to suggest that a successful coalition requires successful problem formulation, meaning collective attribution of a threat. I also expect the coalition building will be more successful if core members link this threat to other salient issues. Holly McCammon and Nella Van Dyke (2010: 296) define threats as anything that threatens a group's interests. Early movement scholarship downplayed the significance of threats (McAdam and Tarrow, 2019: 31). However, social movement scholars have found that threats are more likely than opportunities for groups to overcome barriers to cooperation and form a coalition (McCammon and Van Dyke, 2010: 303). For example, Van Dyke (2003) studied protest activities of American college students and determined that “larger threats” and a common enemy “inspire cross-movement coalition formation” because they affect multiple constituencies. In sum, I expect threats to facilitate collaboration.

Groups must recognize this threat through the process of collective attribution or framing. The concept of a frame originated in the “linguistic studies of interaction” (Oliver and Johnston, 2000). A commonly used definition is by Robert M. Entman (1993: 52):

[t]o frame is to select some aspects of a perceived reality and make them more salient in a communicating text, in such a way as to promote a particular problem definition, causal interpretation, moral evaluation, and/or treatment recommendation for the item described.

David Snow and colleagues (e.g., Snow et al., 1986; Snow and Benford, 1988) first applied framing to social movements.⁵³ Frames focus attention and transform how objects are understood to render something contestable (Snow et al., 2019: 393). These collective action frames are “the outcome of negotiating shared meaning” (Gamson, 1992: 111).⁵⁴ A core framing task identifies the source of the grievance or problem (i.e., the target) (Snow and Benford, 1988). This is akin to the process of

⁵³ Early social movement scholars (e.g., Snow and Benford, 1988) have intimately tied framing to ideology, or sets of ideas, belief systems, and values. Oliver and Johnston (2000) distinguish frames as processes where actors invoke a set of meanings and ideology as the content of (relatively stable) belief systems. Snow and Benford (2000) later problematize how social movement scholars have treated ideology. One cannot assume ideological or ideational coherence among social movement participants or assume they are fixed (or that ideology leads to behaviour). There is an important and undeniable relationship between ideology and framing. For example, coalitions where frames lack specificity—which might reflect a lack of ideological alignment—may be less successful (Staggenborg, 2015: 405-6). Presumably, interests underpin ideology and framing shapes both strategic use of frames and their resonance. That being said, I do not investigate the ideological underpinnings of social movement coalitions.

⁵⁴ I am less interested in how “frames get made” and the discursive processes that generate collective action frames (Hart 1996: 95) because they offer little additional insight into coalition formation.

“collective attribution” that McAdam et al. (2001: 95) identify. Actors will mobilize around an opportunity or threat only if it is visible to potential challengers through a process of collective attribution. Similarly, grievances—“troublesome matters or conditions” (Snow, 2013: 540) that are collectively experienced by groups—are also imbued with meanings by claimants (Simmons, 2014). I thus expect that collective attribution is necessary for coalition formation.

I expect the campaign coalition to publicize shared grievances, blame an external enemy, and try to win over third parties (cf. van Stekelenburg, 2014). Labelling opponents enemies is part of what political scientist Sarah Pralle calls a “characterization contest,” which can galvanize members (ibid.: 25). Conversely, opponents may also try to delegitimize the coalition, such as labelling them ‘radicals’ or ‘extremists.’ But, as Pralle (2006: 25) argues, “naming and blaming costs may just as likely result in *more* attention to participation in a policy conflict.” These contests contribute to polarization, which “defines other groups in the social and political arena as allies or opponents” (van Stekelenburg, 2014: 544).

According to Pralle (2006: 20), coalitions will link the policy problem to other salient issues. Issue linkage creates greater mobilizing potential and expands participation in a coalition. Frame-bridging links two or more frames surrounding a particular issue (Snow et al., 2019: 400). Particularly important for the longevity of cross-movement coalitions, frame bridging connects diverse partners (Mayer et al., 2010). While Pralle (2006: 20) suggests coalitions will link to controversial or polarized issues, I add they are also likely to build on frames they used in successful previous advocacy campaigns. Coalition members may discursively invoke international laws, treaties, or declarations to add legitimacy to an actor’s claim (Pralle, 2006: 127; see Bernstein and Cashore, 2000, 2012). In short, I would expect actors to link pipelines to other salient issues, including frames used in previous advocacy campaigns, other contentious issues, or international obligations or treaties.

3.3.3 Social context

I use social context to describe the existence of shared ties, brokers, and intra-network relations. First, shared ties between individuals and organizations facilitate coalition formation because they can facilitate communication, trust, and shared understandings or goals (McCammon and Van Dyke, 2010: 298). Past interactions help create ties between individuals and organizations. For example, Suzanne Staggenborg (2015) shows how pre-existing ties among informal networks of activists led to a broad coalition of local groups that organized protests at the 2009 Group of Twenty (G20) Summit in Pittsburgh. Pre-existing relationships and shared experiences were necessary for quickly

forming alliances to mobilize resources and develop strategies. Activists developed strong ties based on trust through positive experiences in previous campaigns (ibid.: 387). Actors make decisions to trust each other in collective action based on the “salience and strength of their identification with an organization and its members,” as well as the anticipated benefits and risks associated with collective action (Kramer et al., 1996). Prior experience provides a lot of information to make these decisions. David Meyer and Catherine Corrigan-Brown (2010: 16), in their analysis of the Win Without War coalition, further suggest coalitions are “created out of existing relationships and ties that are activated in conducive political contexts.” Some groups are also “more attractive” and “more available” as members because of past cooperation (ibid.: 17). I thus expect shared ties to facilitate coalition formation. These ties are more available in dense networks (Crossley and Diani, 2019).

Second, brokers play an essential role in forming and building coalitions. This is because network density does not imply connectivity (Hadden, 2015: 50). Brokers play a central role because they have “membership” in different groups or networks (McCammon and Moon, 2015: 329). Brokers tend to occupy central nodes in activist networks and build bridges between groups.⁵⁵ Margaret Levi and Gillian Murphy (2006) study coalition building between SMOs during the protests against the World Trade Organization (WTO) in Seattle in 1999. They find that brokering took place particularly when there were not “pre-existing trust relations” among coalition partners (ibid.: 665). Brokers were trusted to make credible commitments to sharing resources. When brokerage does not occur, large networks can become divided (cf. Hadden, 2015: 52). In short, I would expect coalition formation to be facilitated by brokers.

Third, relationships between organizations in a network may affect whether an organization decides to participate in a coalition. In the literature on international NGOs and transnational advocacy agendas, Charli Carpenter and colleagues find that intra-network relations “help constitute perceptions of issues’ and actors’ attributes” (Carpenter et al., 2014: 449). Organizations familiar with issue ‘turf’ and as new issues arise, organizations must navigate intra-network in deciding whether to take it on. Staggenborg (2015) similarly suggests a coalition’s choices are not “influenced purely by internal dynamics, but by pre-existing networks and relationships, ideologies, and movement organizations in the larger movement community.” Once an issue gains salience amongst

⁵⁵ There are some parallels between brokers and what Carpenter (2011) in the international relations literature calls gatekeeper organizations in that they both occupy central positions in networks. Carpenter takes a more deterministic approach that I do, arguing that gatekeepers help explain why an advocacy network adopts an issue.

coalition actors, there is likely also an element of positive feedback. If a coalition or movement has the backing of particular actors (e.g., major environmental NGOs) it becomes more attractive to other organizations (cf. Cheon and Urpelainen, 2018). However, the issue space can become crowded at a certain point, particularly if resources are scarce. In short, these intra-network dynamics lead me to expect that in well-resourced anti-pipeline coalitions, framing and issue-linkage help broaden membership in the campaign.

3.3.4 Resources

Campaign coalitions and movements have a range of resources: material (e.g., monetary, office space), human (skills, experiences, leadership), organizational (formal organizations), social-organizational (social ties), cultural (beliefs, values), and moral (legitimacy, solidarity) (Edwards et al., 2019: 80). How broadly one defines resources dictates how thick or thin a resource-based explanation is. In this section I focus on material, human, organizational, and moral resources. I treat socio-organizational and cultural resources in the other sub-sections.

Often actors recognize that no one group has the resources to advocate for an issue successfully (e.g., Staggenborg, 1986). Coalitions provide an opportunity for organizations to pool their resources. Levi and Murphy (2006: 656) find that coalitions offer “selective benefits” for organizations. Material resources provide access to personnel to coordinate a coalition. More professionalized SMOs may help establish communication channels for the coalition (Borland, 2008). An NGO or SMO may also act as a key interlocutor between funders and coalition member organizations (Balboa, 2018). Resources also provide coalition members crucial skills and capacity, particularly for small organizations, such as raising the profile of an issue and attracting media attention. Selective benefits can also provide non-material resources such as credibility. Studying an anti-fracking campaign in the Yukon, Kathryn Neville and Erika Weinthal (2016) find that when more professional NGOs partnered with local groups on place-based issues, they benefitted from “insider status” and the legitimacy of a grassroots base. Thus, I expect actors to pool a range of material and non-material resources in the process of coalition formation.

Coalitions obtain new resources through fundraising, sourced or procured by foundations. The relationship between coalition formation and foundations varies on a case-by-case basis. Steven Bernstein and Benjamin Cashore (2000: 95-97) show that the forestry campaign in the 1980s and 1990s in British Columbia was supported by U.S. foundations (which had previously supported the U.S. Pacific Northwest forestry campaign), and U.S.-based and international NGOs. These

transnational actors helped scale up efforts to influence B.C. forest policy. Tim Bartley (2007) identifies how foundations in the 1990s coordinated grant-making decisions to build a new “organizational field” around forest certification. These foundations, mostly based in the U.S. and Europe, helped build inter-organizational networks with particular frames (ibid.: 233). They in turn “enrolled” protest groups to boycott laggard companies (ibid.: 244). Erica Kohl-Arenas (2014) argues private foundation funding was critical to the California Farm Worker Movement of the 1960s. She finds that foundation professionals “inspired the founding of many advocacy organizations” that built the movement (ibid.: 482). In short, given the high resource needs of campaign coalitions, I would expect them to draw on foundations for financial support.

3.3.5 Indigenous-settler alliances⁵⁶

Alliances between Indigenous and non-Indigenous organizations are central to the campaign coalitions in both the NGP and TMEP cases. Alliances between Indigenous and non-Indigenous partners attract positive media attention, wider audiences and broader support (Willow, 2019: 33). ENGOs bring “money, contacts, political mobilization, and professional expertise,” which First Nations can use to further their goals (Davis, 2011: 31). Indigenous and non-Indigenous groups, particularly environmental groups, have a long and complex history of interaction in Canada (see, for example, Davis et al., 2007; Larsen, 2003; Lee, 2011; Willow, 2019). These relationships tended to be strategic alliances that were often strained.

Zoltán Grossman (2017) identifies three necessary conditions for successfully forming a “Native/non-Native environmental alliance”: (1) a sense of common place, (2) a sense of common purpose, and (3) a sense of common understanding (ibid.: 275). Although the geohistorical and colonial contexts differ in Canada and the United States, these conditions are a useful starting place for thinking about similar alliances in the Canadian context. I discuss each in turn and incorporate literature on Indigenous-settler alliances in Canada.

Alliances between Indigenous and non-Indigenous actors are often complicated and tricky “‘partially connected’ territorial coalitions” (Larsen and Johnson, 2017: 8). First, a sense of common place means that both sets of actors understand it as “sacred” or “significant” in terms of proximity to an environmental threat (Zoltan, 2017: 276). This dimension relates to the salience of place-based

⁵⁶ As Joe Curnow and Anjali Helferty (2018: 146), in Canada as in the United States, “mainstream environmentalism has historically been a white, settler space.” Following Rachel Flowers (2015: 33), I use settler to refer to the presence of “non-Indigenous people on Indigenous lands” (cf. Curnow and Helferty, 2018: 146).

risks (cf. Hoberg, 2013). In short, I would expect campaigns to frame concerns at least in part around threats to a particular territory or region.

Second, a common purpose in the North American context is often using treaty or sovereign rights to oppose a project that threatens an Indigenous community's rights and livelihood. As Grossman (2017) finds in the U.S. context, alliances are likely strongest where Native tribes can assert their treaty rights. As Joe Curnow and Anjali Helferty (2018: 149) write, "Indigenous environmental work in Turtle Island [Canada] has often taken place within sovereignty movements." Thus, when building alliances, non-Indigenous organizations must recognize that Indigenous work is rooted in sovereignty and "a larger decolonial framework" (ibid.: 149). In short, settler organizations must recognize the political and decision-making autonomy of Indigenous organizations (Willow, 2019).

Third, developing a successful alliance requires Indigenous and non-Indigenous organizations to overcome both epistemic and ontological differences to develop a common understanding, an example of what Larsen and Johnson (2017) call "co-worlding together in place."⁵⁷ Grossman (2017: 7) identifies an important role of brokers in building bridges between Indigenous and non-Indigenous communities. These actors can help build understanding based on shared values because they have "social positionality that brings them into contact with both groups" (ibid.: 281). However, cooperation must also "sink roots into local communities" (ibid.: 52). Previous histories of working together can either create foundations to build on in future campaigns or create tensions and challenges that must be overcome. Resource flows also matter, and organizations must navigate both the opportunities and tensions this might bring. In short, relationships between ENGOs and Indigenous communities and organizations in Canada are complex and are ever-changing, mitigated by the political context (e.g., a threat or opportunity), flows of resources, histories of relationships, and approaches of ENGOs (cf. Lee, 2011). Despite these complexities, I would still expect successful coalition formation to require financial resources and brokers.

⁵⁷ Gayatri Spivak (1985) coined the term worlding as the process of othering through colonial discourse. The term is used in subaltern studies.

Table 7: Summary of expectations for successful coalition formation

Concept	Expectation	Evidence
Political opportunities	Closed political opportunities facilitate collaboration	Government(s) in power are unsympathetic to actors' concerns
Problem formulation	Collective attribution of a threat to multiple groups' interests is necessary for coalition formation	Groups frame issue around a common and significant threat, publicize shared grievances, and blame an external and common enemy
	Issue-linkage expands participation in a coalition	Groups link issue to salient issues e.g., controversial or polarized issues, international treaties, or frames used in previous advocacy campaigns
	Successful Indigenous-settler alliances centre on the significance of particular places or territories	Groups will frame risks to particular places
Social context	Shared ties or brokers are necessary for coalition formation	Presence of dense organizational networks and/or histories of working together and/or brokers
	Intra-network dynamics must be conducive to attract other organizations	Presence of organizational and material resources and issue-linkage
	Successful Indigenous-settler alliances must recognize the autonomy of Indigenous organizations	Limits to the amount of coordination between Indigenous and non-Indigenous organizations and/or non-Indigenous organizations taking direction or following leadership of Indigenous organizations
Resources	Resource pooling is necessary for coalition formation	Presence of communication channels (for sharing material and non-material resources)
	Foundation funding is necessary for campaign coalition formation	Presence of funding from philanthropic organizations

3.3.6 From coalition formation to influence

Social movement scholarship poorly understands linkages between coalition formation (and building) and coalition influence. I identify several sets of expected linkages, which are necessary to understand coalition influence. In other words, conditions and processes that contribute to coalition formation may also indirectly contribute to coalition influence. Table 8 summarizes these expectations.

The first set of linkages concern social context. Coordination early in a project's development phase creates an advantage for the campaign coalition. Early organized resistance is likely a result of conducive social context—actors with previous mutually beneficial experiences of working together are more likely to work together and coordinate early on because of readily available allies. In short, I expect a conducive social context is necessary for early opposition. Given interest group competition, I expect competing coalitions to mirror strategies (Pralle, 2006: 7). Thus, I would also expect a corporate proponent to seek out allies to build support. Early opposition can also impede the ability for a counter-movement to attract potential allies.

The second set of linkages is around problem formulation and political opportunities. A core insight from Elmer Schattschneider's (1960: 2) work is that in a policy conflict, actors seek to expand the conflict, courting publics and new allies to tip the power balance. Here the distinctions between coalition formation and building are blurry. It is thus likely that campaign coalitions will seek broad-based support or members from different types of organizations, multiple sectors, and/or levels of authority. Framing and issue-linkage facilitate broad-based coalitions (cf. Levi and Murphy, 2006; Pralle, 2006). Early organized resistance helps bolster frames before counter-frames can emerge, reducing their resonance. I also expect that broad-based coalitions are more likely to attract political allies because they represent a range of their constituents or a diverse or broad base of support.

The third set of linkages is around resources. I expect resources to play an important intermediate role in supporting coalition success. Most directly, resources support and sustain the coalition. Elizabeth Borland (2008), for example, finds that larger and more professionalized SMOs provide resources to maintain coalitions and alliances within a social movement. The presence of resources generally reduces tensions, thus helping avoid conflict (e.g., Zald and McCarthy, 1987; Staggenborg, 1986; Brooker and Meyer, 2019: 261); in contrast, the absence of resources could cause members to defect (Levi and Murphy, 2006). However, it is possible for conflicts to develop over resource allocation, particularly if a coalition's material resources and decision-making around allocation are centralized; this might intensify or create unequal dynamics of control between different groups based on their size or identity. I thus expect that successful campaign coalitions, which have sustained campaigns, will overcome potential conflict over resource allocation.

Resources also make certain strategies feasible and venues accessible (Hadden, 2015). This is particularly important for venues that are less accessible such as the courts, which require significant financial resources and legal capacity and expertise to access. Resources make it possible to engage in

multiple venues. To this point, Kenneth Andrews (2001: 75) argues that movement infrastructure allows “multiple mechanisms of influence,” which increases the likelihood of policy success. By “movement infrastructure,” he refers to organizational structure, resources, and leadership. Similarly, John McCarthy and Mayer Zald (2001) stress that a diverse set of actors, with a range of diverse tactics, affects the outcome (see also, Staggenborg, 1986). Social movements literature strongly supports the importance of diverse coalitions and tactics in contributing to movement success (Almeida, 2008; Andrews et al. 2010; Anner and Evans, 2004; Haydu, 2012; Johnson et al., 2010; Olzak and Ryo, 2007).

Organizational capacity is closely related to strategy and leadership, and I expect that strategy formation helps campaign coalitions adapt to changing contexts. Marshall Ganz (2000: 1005) first argued strategy (defined as “targeting, timing, and tactics”) explains variation in the outcomes of unionization of agriculture workers in California. He asserts capacity (leadership and organizational resources) “is likely to yield better strategy, and better strategy is likely to yield better outcomes” (ibid.: 1005). Similarly, Andrews (2001) suggests leadership, a diversity of strategies, and a base of labour and financial resources sustain a movement and allows it to retain flexibility. Leaders have multiple roles, which can either be public-facing or internal to the movement (Ganz and McKenna, 2019). Perhaps most importantly, leaders play a key role in strategy formation, adapting to changing political opportunities or making framing decisions (cf. Hadden, 2015). McCammon (2012: i), for example, observes that strategic adaptation (the process of assessing and revising tactics in light of changes in the political context) largely accounts for the success of jury reform in the United States. This concept helps understand how anti-pipeline campaigns navigate changing political, legal, and regulatory contexts. I expand on the importance of campaign strategy in the next section.

Table 8: Summary of expected linkages between coalition formation and influence

Concept	Expectation	Evidence
Political opportunities	Broad-based coalitions are more likely to attract political allies	Political allies validate or certify coalition members’ concerns
Problem formulation	Issue-linkage facilitates broad-based coalitions	Presence of issue-linkage and coalition members from different types of organizations, multiple sectors and/or levels of authority

	Early organized resistance helps bolster frames before counter-frames can emerge	Clear coalition frames early on (i.e., in a project's development phase)
Social context	Coordination early on is facilitated by a conducive social context	Groups have shared history of working together and work together early on in a project's development phase
	Coordinated early opposition can impede the ability for a counter-movement to attract potential allies	Groups working together early on in a project's development phase
Resources	Resources sustain campaign coalitions	Continued collaboration over a project's development
	Resources make certain strategies feasible and venues accessible	Coalition members engaging in multiple venues or those that require significant resources (such as courts); sustained opposition
	Strategy and leadership help campaign coalitions adapt to changing contexts	Changing coalition strategies

3.4 Strategies, mechanisms, and contexts for coalition influence

Understanding the influence of the *strategies* that coalitions employ requires understanding the causal *mechanism(s)* through which the strategies have influence; in other words, how strategies have influence (cf. Falleti and Lynch, 2009: 147). Understanding coalition influence also requires understanding the *contexts* that either enable the strategy in the first place or influence whether a particular mechanism has influence (cf. Falleti and Lynch, 2009). These contexts are composed of interrelated *conditions* (or opportunities and constraints) and are usually exogenous to the coalition. I use Meyer's (2014: 82) definition of a strategy as a combination of a claim, a tactic, and a site or venue. Each of the five strategies below can involve more than one tactic, and all require some form of collective action. And I identify conditions that shape strategies' influence. I also identify several recursive relationships between coalition campaigns and regulatory influence and between coalition campaigns and legal challenges. I develop this section by drawing on the contentious and private politics and public policy literatures. Table 9 summarizes the five sets of strategies, mechanisms, and conditions or contexts.

3.4.1 Regulatory engagement

In North America, the approval of energy infrastructure relies on a regulatory process to review the project. For contested projects, this may involve a public hearing or some kind of opportunity for

citizens and groups to participate in the review process. Regulatory processes exist, in part, to channel actor grievances into “institutionalized means of participation” (Rochon and Mazmanian, 1993: 78). Regulatory agencies often provide participants with little control over rules and require significant expertise and resources to participate. Still, they can become sites of contestation.

I suggest the central strategy for members of a campaign coalition to influence the regulatory process and, ultimately, the decision about a project is to try to expand the scope of the review process or expand participation in the review process (cf. Pralle, 2006). Expanding the scope of the review (in terms of the issues considered) increases participation and the breadth and depth of information or knowledge required. Members of a campaign coalition might seek to influence the process by using strategies of democratic participation, namely registering public opposition on the record. An outcome of either of these strategies is to delay the process, which adds uncertainty and cost for the proponent. Another outcome of these strategies is a broader evidence base, which might also influence a regulator’s decision about a project, depending on their decision-making criteria. A related dynamic is when third parties, such as political actors or ‘independent’ experts, certify or validate an actor’s claim in the regulatory process (cf. McAdam et al., 2001).

Regulators must often balance competing demands, namely, balancing participation and the scope of the review with efficiency. Sometimes regulators are incentivized to expand participation to build trust in the process (cf., Neville and Weintal, 2016: 590); for example, if the regulator is facing public scrutiny. However, depending on the legislative context and distance to the industry it regulates, regulators are under significant pressure to prioritize efficiency. Regulators, even independent ones, are far from islands; they are embedded in a particular legislative context, determining important aspects of the regulatory process such as independence, rules for participation, and timelines for review. Governments may try to change the “rules of the game” to create advantages in a particular venue by limiting participation (Pralle, 2006: 16; Hoberg, 2018). For example, Pralle (2006: 101-2) describes how the B.C. government used multi-stakeholder taskforces to manage the Clayoquot Sound conflict with a fixed agenda and limited participation. The government and/or the regulatory agency may also limit the boundaries or scope of an issue or project review (cf., Pralle, 2006).

There are strong linkages between procedural aspects of review processes and participants’ perceptions of legitimacy (Neville and Weintal, 2016). If members of a campaign coalition perceive the process unfair or lacking legitimacy, they will adapt their strategies. They might shift to another venue, exit that venue entirely, and/or shift to outsider strategies such as protest or civil

disobedience. We might also expect the campaign coalition to engage in a type of characterization contest, focusing on publicizing their grievances and further undermining the particular venue's legitimacy (cf. Pralle, 2006).

3.4.2 Political access

In the context of pipelines in Canada, interprovincial or international pipelines are federally regulated, and thus the decision-making is largely at the federal level. Nevertheless, sub-national authorities, including provinces and municipalities, play a role in the regulatory process and may seek to defend their interests. Indigenous communities also hold a unique position and set of rights. In general, I would expect campaign coalition members to seek allies in other levels of authority, including First Nations, municipal, or provincial governments. Having access to multiple independent power centres provides actors with more opportunities for success (Pralle, 2006; McAdam and Tarrow, 2019).

A core insight of the political mediation approach is that having political allies helps coalitions gain political influence (Amenta et al., 2019). Organized groups in a coalition campaign may seek sympathetic allies, politicians or bureaucrats that can provide legitimacy to the movement or advocate for policy changes. I would largely expect that coalition members target potential allies through institutional means (e.g., letters and petitions) rather than extra-institutional tactics such as sit-ins or protests outside of their constituent office (cf. Cress and Snow, 2000). However, movements might target particularly important but recalcitrant political players using more assertive tactics. I would expect to find evidence of political access if, for example, the politician or elite ally uses the movement's frame, directly references the movement, or echoes concerns of the movement.

Political allies tend to share the challengers' ideas, values, or policy beliefs. As Dieter Rucht (1999: 211) suggests, green parties may ally with environmentally oriented movements. Or, political elites might ally with movements to further their agenda by responding, for example, to their core base (Stearns and Almeida, 2004). Movement actors can change roles and become part of political institutions, providing potential allies for social movements.

In Canada, a parliamentary democracy, I suggest the availability of political allies depends on two types of political opportunities: whether the government of the day holds a majority or minority and the proximity to an election. In a minority government, compared to a majority, opposition parties have more incentives to search for new issues that resonate with their constituents, as they

have more influence. In this situation, opposition parties may become political allies to movements. In a majority government context, opportunities are fewer. In Canada, the practice of party discipline constrains individual Members of Parliament, reducing opportunities for political access in cases where the party's position is clear. Elections create an important political opportunity for politicians to publicize their support for particular causes, particularly in competitive electoral systems and competitive elections, where parties are seeking to distinguish themselves.

If public opinion aligns with a majority opinion, it is expected to increase the coalition's likelihood of success (Burstein, 1999). Public opinion is typically measured through polls, a relatively crude measure of measuring public preference.⁵⁸ The poll itself may influence results based on particular frames in the statement of the question (Gamson, 2004). It is not uncommon that public opinion evidence can be gathered to support seemingly conflicting opinions (ibid.: 246). That being said, with favourable public opinion, the movement or campaign coalition will likely leverage this resource either discursively or by shifting strategies, such as demanding a referendum. Campaign coalitions and social movements can also influence public opinion, although this is challenging to measure. More generally, however, we would expect campaign coalitions to raise the salience of an issue.

In theory, democratically elected policymakers are receptive to public preferences because mobilization may threaten their re-election chances (Mahoney, 2008: 3). Whether policymakers respond to public opinion, however, is a different matter. Their response depends on other factors, including how the issue's salience, whether it intersects with a societal cleavage, counters strong interests (such as an industry), and the proximity to an election. After an election, a government might be more likely to respond to salient issues that its predecessor ignored (Stimson et al., 1995: 155-4; Kolb, 2007: 77).

3.4.3 Protest

Social movement scholars often posit that extra-institutional strategies can influence political outcomes. For example, Felix Kolb (2007: 282) argues that protests were the most powerful strategy used in anti-nuclear and civil rights movements. Most directly, protests raise an issue's salience. In other words, protests signal information to decision-makers about citizen preferences (Fassiotto and Soule, 2017; Gillion, 2013). Protestors sending clear signals can elevate an issue's importance on the

⁵⁸ Polls may not reveal how the respondent is "actually thinking about an issue" (Gamson, 2004: 245-6).

policy agenda (Fassiotto and Soule, 2017). I would expect that widespread and sympathetic coverage of protests would improve the salience of the issue. Andrews and Caren (2010) find that professionalized organizations receive more media attention than less professionalized groups. In general, mass media coverage does not align with protesters' interests (e.g., Bennett et al., 2004).

Civil disobedience is a sub-set of disruptive protest and has a different mechanism(s) of influence than non-disruptive protest. Civil disobedience generally refers to non-violent, public acts that breach a law (Brownlee, 2013). Typically, illegal actions include sit-ins, blockades, and camps.⁵⁹ They can occur at bridges, roads, construction sites, or legislatures. In Canada, blockades are erected by Indigenous defenders in longstanding conflicts over unceded territory.⁶⁰ Civil disobedience can disrupt institutions, provoke a political crisis, increase actors' bargaining power, and/or threaten state security (Kolb, 2007: 74-5, 115; Kling, 2003; Piven and Cloward, 1993). If protests result in civil disobedience, this might decrease increase a movement's public support; public support is also likely to vary depending on the public's proximity to the protest site, and the state's response to the protests.

Disruptive tactics are less necessary when movements have a sympathetic political environment (Amenta et al., 2010: 299). Cress and Snow (2000) support this finding in their study of homeless social movement organizations (SMOs) in eight U.S. cities. These SMOs had more success with non-disruptive tactics, like petitions and rallies, than disruptive tactics, like sit-ins, when the city council was responsive to their claims. However, Cress and Snow (2000) also found SMOs effectively used disruptive tactics when they had allies on city council. They suggest these allies signalled the protests' legitimacy to council (ibid.: 1098). Cress and Snow also found that framing processes played an important role in garnering council support.

Favourable political opportunities increase the likelihood of success through disruption. Paul Almeida and Linda Stearns (1998: 54) study a grassroots movement in Minamata, Japan, that emerged after a toxic waste crisis. They find that favourable political opportunities around elite instability (such as through elections or intra-governmental conflict) gave the challenger bargaining leverage. They also found that external allies, actors in the broader anti-pollution movement, helped the movement gain authority when it used disruptive protests, raising the state's costs to repress the

⁵⁹ I use illegality here in reference to state perceptions. In settler-states, including Canada, there are competing systems of law.

⁶⁰ Land and water defenders protect the land on which they have rights and responsibilities. Unceded territory refers to lands that have never been surrendered or acquired by the Crown.

movement (ibid.: 55). Thus, I expect that favourable political opportunities will amplify the impact of disruptive protests.

Disruption can also be against a corporate target. We can generally understand a movement's shift to a corporate target when they perceive the relative influence of the market or the state to change (Colli and Adriaensen, 2020: 508). For example, when states are unwilling or unable to intervene to impose regulations on a company, activists might move to the market. The literature on private politics describes how actors use disruption against corporate targets to disrupt their normal operating procedures and/or threaten to inflict reputational damage (e.g., Soule, 2009: 41; Karcher, 2019; King, 2011). Some literature suggests that blockades and boycotts can impede a company's ability to accrue resources; Brayden King (2011) labels this mechanism market disruption, where blockades directly impact the company's value, measured by stock price. Marc Dixon and colleagues instead argue that corporations' visibility increases their vulnerability (Dixon et al., 2016). Using qualitative comparative analysis, they find that either state action (i.e., regulatory costs) *or* extensive media coverage accompanies the most effective protests against a corporate target. Media coverage can also threaten a company's image (King and Soule, 2007), which may reduce shareholders' confidence and, consequently, profit. "High reputation" firms are particularly vulnerable to this negative media attention (Dixon et al., 2016: 67). Though Michael Bloomfield (2017) does not explicitly use a political mediation approach, he argues that in the diamond mining industry, companies with greater risk exposure are more likely to increase or engage with social responsibility commitments. In short, I would expect media coverage and protest events to create reputational risk or damage for a corporate target.

Some scholars have adapted the political mediation model to a corporate proponent (Soule 2009; King, 2008; Dixon et al., 2016). These scholars explore how conditions related to the corporation or industry (corporate "political opportunities") interact with characteristics of a movement, such as resources, strategies or frames (Soule, 2009; King and Soule, 2015).⁶¹ A core insight from the mediation approach is that corporate targets must be "structurally vulnerable" to challengers (King, 2008: 401). Social movements target an institution's vulnerabilities. King (2008: 401) suggests that boycotts will be more successful if a firm is already concerned about its revenue or reputation. In the case of infrastructure project outcomes, once a company makes a final

⁶¹ As King and Soule (2015) summarize, relevant industry characteristics may include the level of competition and regulatory differences amongst companies. Firm-level characteristics may include the corporate board's characteristics and the company's reputation, visibility, or culture.

investment decision (FID), which triggers the process of obtaining capital to proceed with project construction, they become significantly more vulnerable to risk, including from disruptive collective action or legal challenges.

Disruption is not always effective. Most obviously, when the state represses challengers to limit dissent. Suppression and/or repression can increase the cost of collective action and minimize its effectiveness (Boykoff, 2007). This can take the form of injunctions, increasing costs with either legal and/or financial penalties. If the company is directly targeted by civil disobedience, the state can intervene to enforce injunctions and arrest participants. This is a powerful containment strategy, though it can also intensify a conflict, particularly if publics are already mobilized around an issue or actors contest the legitimacy of state laws or jurisdiction.

3.4.4 Legal challenges

Though social movements have long used legal challenges, the social movement literature is only beginning to understand the relationships between social movements and the courts (Kolb, 2007; McAdam and Tarrow, 2019: 34). Legal challenges can be used against both state and corporate targets. However, in the regulatory process, generally, legal challenges overturn decisions. Legal challenges are usually seen as a method of last resort and a reactive strategy in response to a particular decision.

Legal rulings might provide clear victories for an actor, adding momentum to the campaign coalition (or movement). The rulings may also lend legitimacy—another form of certification—to movement claims. In contrast, legal losses might cause coalition members to defect or cause public attention or support to wane. Still, legal losses might not deter the coalition's core members or supporters. Litigation can also drain energy and resources from social movements and reduce incentives for collective action (cf. Kolb, 2007: 86). More broadly, coalitions or movements might invoke legal norms to promote their goals (Anderson, 2004: 14).

Scholars have identified various dimensions of legal opportunity structures (Vanhalala, 2012: 527). I identify three here. First, legal strategies can only be useful in a social movement context if there is relevant jurisprudence to support a case. Kolb suggests that legal strategies generally are not very powerful as a tool for political influence but can be if the challenge is framed in terms of constitutional rights (Kolb, 2007). In Canada, Indigenous peoples hold unique constitutional rights. Thus, I would expect successful legal challenges to centre on these rights. I would also expect that

momentum from previous legal victories might create new opportunities for legal challenges, particularly when rights are ill-defined.

Second, courts must be willing to intervene and hear an issue. And in a successful legal challenge against a regulatory decision, the court must also be willing to overturn that decision. When independent bodies like regulatory agencies make a policy decision, courts may be unwilling to overturn them (cf. Pralle, 2006: 27). In Canada, it is rare for courts to overturn the rulings of administrative tribunals or quasi-judicial bodies.

Third, courts do not have independent powers of enforcement; thus, implementing directions from a court decision requires some amount of elite support (cf. Kolb, 2007). If a state loses a legal challenge, they may appeal the decision to a higher court (except if it is already at a Supreme Court). Thus, a legal victory might not have the desired political influence.

There are also recursive dynamics between legal opportunities and social movements or broader social dynamics. Cary Coglianese (2001: 86) traces the “symbiotic” relationships between law, society, and the environmental movement in the United States and argues that shifts in public values can “feed back into the legal system.” The dynamic can also work the other way. For example, in the case of the gay rights movement in the United States, Ellen Andersen (2004: 142) argues that changing public discourse around homosexuality created new political and legal opportunities for the movement (see also Vanhala, 2012: 528).

Just as legal opportunities open, they can also close. For example, groups might exhaust particular legal remedies or courts might become unwilling to intervene after a particularly contentious legal ruling. In short, as Andersen (2004: 96) suggests, there is no “Rosetta stone” to predicting opening and closing legal-judicial opportunities. The outcome of a particular legal challenge is even more difficult to predict due to the subjective dimensions of interpreting and applying the law (e.g., Hutchinson, 2004; Smith, 2008; McFarlane, 2013).

3.4.5 Shareholder engagement

A final set of tactics concerns investors. Corporate Annual General Meetings (AGMs) are a relatively new venue in which secondary stakeholders have begun to exert influence. The business literature refers to activists or challengers as “secondary shareholders” and generally assumes that corporations have no legal responsibility to them (e.g., King, 2008). Publicly held corporations are responsible to shareholders, which activist organizations can partner with to exert influence. The most direct way for shareholders to do so is through shareholder resolutions, to change a company’s

policies and/or practices. Secondary shareholders can also provide information to investors about risks associated with a company's projects or practices or engage directly with particular investors (e.g., through calls, letters, or briefs). Very little is known about these dynamics (Goodman et al., 2014). Secondary shareholders can also attend shareholder meetings to ask questions of the company's executive, either by proxy and or by becoming shareholders themselves. In all three cases, the mechanism is using institutional investors to signal changing preferences to the corporate target about a particular practice.

Successful resolutions, or those that receive more than 50 percent support, are rare (Wagemans et al., 2013). The power of resolutions to shape corporate behaviour is constrained by competing interests of boards of directors (Neville et al., 2019: 109). Some institutional investors, such as banks, are likely to side with management because they have a business relationship with the company (Marler and Faugère, 2010: 317). Of course, resolutions are generally not legally binding, even if they do pass the 50 percent threshold. However, they signal investors' preferences. Resolutions with some threshold of support (e.g., 30 percent or more, though there is no fixed number) still signal to the company appetite for change amongst shareholders.

How much support a resolution receives depends on several contexts and conditions. I identify four here. The first is the size (in terms of assets or market value) of the institution that brings the resolution; for example, whether they are a sizable pension fund or a small ethical investment company. Public pension funds are recognized as the most activist investors in corporate governance literature; they are particularly likely to bring shareholder resolutions because they are more diversified (Marler and Faugère, 2010: 316). Larger institutions are more likely to be influential than smaller ones. Networks and organizations that promote socially responsible investing help shareholders develop and build support for resolutions (Neville et al., 2019).

Second, the company's history with a particular resolution matters, i.e., how many times it has been raised and the support it received. Only resolutions that receive a particular threshold of support can be brought back the following year. For this reason, resolutions that are brought back year after year build support.

Third, general trends in the broader sector likely influence investor support. For example, there has been a steadily building norm towards environmental, social, and governance (ESG) and climate disclosure through the work of global institutions and initiatives like the United Nations with their Principles for Responsible Investment, the Global Reporting Initiative, and CDP (Janzwood, 2017). This has likely contributed to the wave of successful ESG and climate disclosure resolutions

in North America (e.g., SHARE, 2018). Finally, particular events related to an individual company, such as new regulations or legal rulings, may also shape shareholder’s interests and perceptions of risk.

Of the five strategies in this section, the role of shareholder engagement has the least clear influence on a project outcome. The basic expectation is that a shareholder resolution with strong support signals to the company investor concern, which may influence corporate decision-making about a particular project.

Table 9: Summary of strategies, mechanisms, and contexts

Strategy	Target	Tactic(s)	(Extra-)/Institutional	Mechanism(s) of influence	Context and/or conditions
Regulatory engagement	State (regulator)	Expand scope of review; expand participation; provide expert knowledge	Institutional	Influence process; influence decision; create delays	Regulatory opportunities and constraints (e.g., incentives or rules around participation and efficiency; how a panel arrives at a decision)
Political access	State (government officials)	Seek political allies (primarily through institutional means e.g., letters, petitions, meetings) and thus access	Institutional	Certification; bring legislation	Political opportunities and constraints (i.e., government of the day, proximity to election); public opinion and/or issue salience
Protest	State (regulator) or private (company)	Protest and/or civil disobedience at sites of contestation (e.g., regulatory process or work sites)	Extra-institutional	Reputation; salience (to public authorities); disruption; financial (project cost/delay)	Political opportunities and constraints (i.e., presence of elite allies, absence of repression); corporate opportunities and constraints e.g., vulnerability of target (evidenced by corporate behavior and/or stock price); media coverage

Legal challenges	State (regulator, government) or private (company)	Challenge decisions made in the regulatory process	Institutional	Create risk, uncertainty, and/or delay (for project and proponent); potential opening for project veto (for state)	Legal opportunities and constraints (i.e., jurisprudence, willingness of court to intervene); political allies (in implementation)
Investor engagement	Private (company and investors)	Bring resolutions, use proxy votes, or communicate risks to investors	Institutional	Signal investor preferences	Corporate opportunities and constraints (e.g., who brings resolution and who supports it; history of resolution; broader trends in industry; salient events)

3.5 Towards a theoretical framework

Until this point, I have outlined important elements for a theoretical framework to understand the influence of campaign coalitions: necessary conditions for coalition formation, the relationship between coalition formation and influence, types of strategies that coalition members use, mechanisms of influence, and contexts that shape their effectiveness. This leaves some questions; namely, what is the role of timing and sequencing? What are the relationships between these strategies? What is the relative causal influence of these strategies? And, how many strategies are needed to significantly delay or even cancel a project? To move towards a theoretical framework, I provide some additional comments regarding these questions. In the final sub-section, I summarize the model of campaign coalition that I built in this chapter.

3.5.1 The role of sequencing and timing

Regulatory engagement begins once a proponent files its project application. Regulatory engagement is quite fixed based on set timelines in the regulatory process. Some strategies can only be used at particular points in the project’s regulatory process. Most notably, legal challenges to overturn a project’s certificate can only be filed once the regulator and the federal government approve a project. Thus, they often come towards the end of a regulatory process. For that reason, they also provide some advantages for challengers as it adds delay or uncertainty at a crucial point for the corporate proponent.

Groups are more likely to use more disruptive tactics (sit-ins, disruptive protests, and civil disobedience) due to frustration or perceived lack of legitimacy in particular institutions, lack of access to other avenues, or outcomes of particular policy and/or regulatory decisions. Disruptive tactics are thus more likely to emerge after some amount of regulatory engagement. However, as the regulatory process for mega projects tends to be quite long (at least for federally regulated linear energy infrastructure in Canada), it is challenging to develop precise expectations around timing. However, we would expect disruptive protests around particular regulatory or project decisions such as approvals.

Other strategies do not require sequencing and can be used concurrently such as investor engagement. Expectations around timing and sequencing here are less clear. Investor engagement is likely to occur relatively early in the project’s life because it is rare that investor resolutions would gain a threshold the first time they are introduced. However, projects that do not yet require significant capital (in the project development phase) might not be seen as very risky to investors. We might also expect that if actors face challenges in one venue, they might focus on the corporate target (and thus regulatory engagement); on the converse, success in a particular venue (such as a legal challenge) might also be used to leverage investor engagement.

Gaining political allies early on in a project’s development provides more opportunities for influence. The lengthy regulatory process for mega oil sands projects means that political allies might not be stable; elections provide both opportunities and challenges for campaign coalitions as elections could bring new political allies or could mean that allies lose their political position. It is likely that campaign coalition members will seek political access and allies before engaging in more assertive strategies. Table 10 summarizes expectations around sequencing and timing.

Table 10: Strategies, sequencing, and timing

Strategy	Expectations about sequencing	Expectations about timing
Regulatory engagement	Expected once project files regulatory application (thus it depends when proponent files regulatory application; see below)	Timing of engagement largely determined by the structure of the regulatory process
Political access	Expected before protest	Expected early on in the project development phase

Protest	Expected after some amount of regulatory engagement (if procedural justice concerns)	Expected at (unfavourable) decisions in regulatory process
Legal challenges	Expected after regulatory engagement	Expected after regulatory approval
Shareholder engagement	Unclear	Unclear

More generally, as campaign coalitions are embedded in broader networks of social movement actors, and as pipeline campaigns are part of broader networks of oil and gas pipelines, the timing of other campaigns matters. Susanne Staggenborg (2015: 406) studies event coalitions in the Pittsburgh Group of Twenty (G20) protests and finds “the choices of the first coalition affected the work of the second one.” This is a crucial insight that applies well to my overall argument about the interconnections between pipelines and between anti-pipeline campaigns. However, I do not have a specific expectation because other anti-pipeline campaigns could build momentum and energize a campaign against a different pipeline; on the converse, resistance to other projects might shift the political context, making it more challenging for another coalition to operate.

3.5.2 Relationships between strategies

There are important potential relationships between these five strategies. I briefly describe these relationships here, using Table 11 to organize this discussion. In the first row, political access can bolster regulatory engagement if political allies certify concerns about a project in the regulatory process. Moving from left to right, protest may occur as a result of the results of regulatory decisions or procedural concerns about the regulatory process. Legal challenges may result from unsatisfactory regulatory engagement. Delays in the regulatory process (likely but not necessarily due to regulatory engagement) might signal risk to investors and thus bolster investor engagement.

In the second row, protests might increase salience of issue and thus attract political allies or gain political access. Some amount of political access is likely necessary for implementing the outcome of a legal challenge. Political access may be related to investor engagement if political allies are opposed to a project and are taking some action as a result.

In the third row, protests are unlikely to influence the outcomes of legal challenges; however, they could increase the salience of the issue for decision-makers or investors. In the case of the latter, opponents can leverage the existence of legal challenges to inform investors of project risks to deter investment or undermine investor confidence. Protests, civil disobedience, and/or

assertions of Indigenous sovereignty may play a similar role, particularly if they attract ample media attention.

In short, the more general expectation is that some strategies complement each other well or have a mutually reinforcing effect. However, not all strategies are mutually reinforcing; for example, civil disobedience might deter political allies because publicly supporting civil disobedience can be risky if media outlets frame this activity negatively. However, having the support of political allies alongside civil disobedience raises the salience of an issue—thus political allies and civil disobedience can be mutually reinforcing.

Table 11: Relationships between strategies⁶²

Strategy	Regulatory engagement	Political access	Protest	Legal challenges	Investor engagement
Regulatory engagement	X	Yes	Yes	Yes	Yes
Political access	X	X	Yes	Yes	Yes
Protest	X	X	X	Yes	Yes
Legal challenges	X	X	X	X	Yes
Investor engagement	X	X	X	X	X

3.5.3 Multiple strategies and coalition influence

There is no single formula for understanding the influence of campaign coalitions on mega infrastructure project outcomes. This is because I do not subscribe to a deterministic view of causal mechanisms and because mechanisms interact with the contexts in which they operate (see also Falleti and Lynch, 2009: 1147). Political, regulatory, legal, and corporate opportunities are continually changing. For this reason, a strategy that worked in one case might not work in another as opponents adapt or conditions change; or, a strategy that did not work in one case might work in another because the conditions have changed. In short, outcomes cannot be determined simply by identifying the strategy that campaign coalition members use.

It is not necessarily the case that for a project to be stalled or cancelled, a campaign coalition requires success in each of these strategies. Conversely, strategies on their own are likely less

⁶² The X's represent repeated interrelationships.

effective. This builds on an insight from the QCA about the conjunctions of conditions for projects that are not successfully built, which require major regulatory barriers, significant mobilization, and multiple legal challenges. Here, it is relevant to differentiate influence and success—two related but distinct concepts. Identifying campaign coalition influence is fairly straightforward and is done through careful process tracing. Determining success is more complicated; some coalition members might perceive particular outcomes as victories, while others may see them as partial victories or even failures. And what may first appear to be a success might later undermine coalition efforts. Thus, in describing a campaign coalition’s influence on a project, I use the term influence rather than success.

It is not possible to map out all of the possible pathways of influence without studying more cases in-depth. In the dissertation I draw on the NGP and TMEP cases to identify particular pathways, conditions, and mechanisms. While the current framework I have developed does not tell us how many strategies are needed for a campaign coalition to cause a project to be cancelled or abandoned, this is an aspect that I will return to in Chapter 10, once I have presented the empirical material.

3.5.4 Model of campaign coalition influence

Figure 3: Model of campaign coalition influence

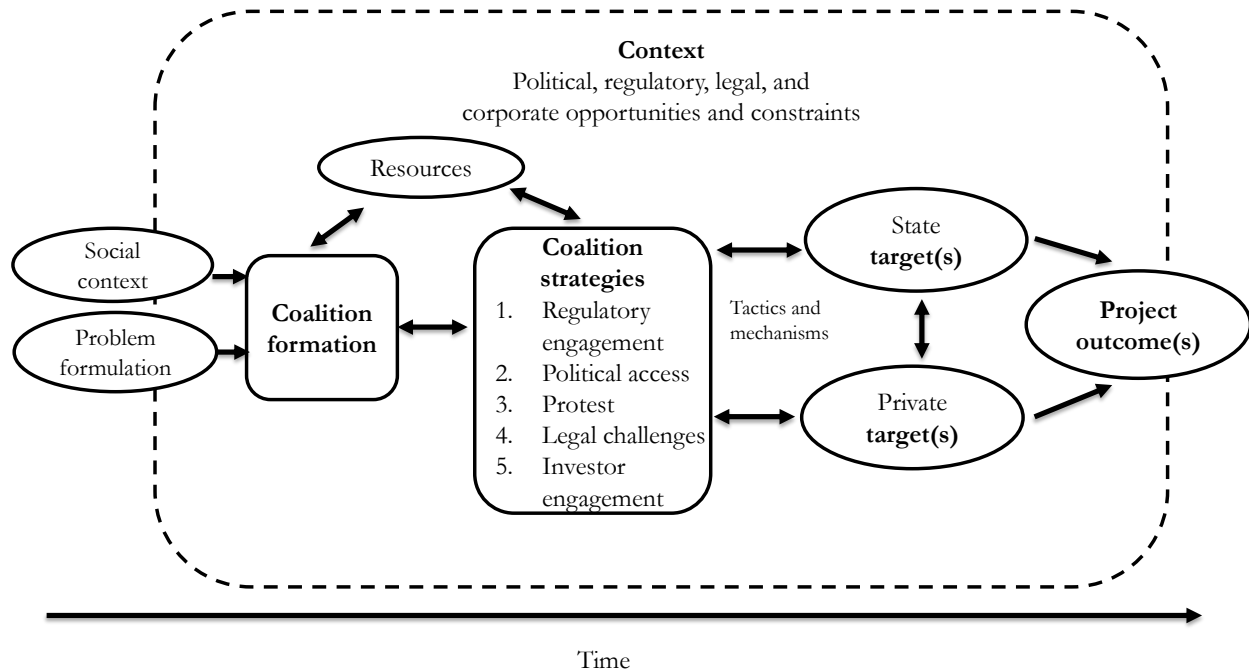


Figure 3 summarizes the model for coalition influence that I develop in this chapter. As I described in section 3.3, coalition formation requires problem formation, a conducive social context, resources, and likely relatively closed political opportunities. As I described in section 3.3.6, there are three sets of linkages between coalition formation and influence relating to political and social contexts, problem formulation, and resources. These linkages are represented in Figure 3 by the double-headed arrows connecting coalition formation and strategies, and coalition strategies and resources. In short, well-resourced, broad-based coalitions that form early on in a project's development phase are more likely to influence a project's outcome.

Next in the diagram are the five strategies I outlined in section 3.4. The numbers do not indicate the possible sequence(s) in which coalition members deploy these strategies. Both the choice of these strategies and their influence are conditioned by the political, legal, regulatory, and corporate opportunities and constraints I outlined in section 3.4. Ultimately, coalitions seek to influence project outcomes by targeting either public or private decision-makers. Coalitions make decisions about how to engage with particular venues or target particular actors based on particular contexts. They adapt their strategies in response to changing opportunities or constraints, indicated

by the double-headed arrows between the targets and strategies. There is also a double-headed arrow between state and corporate targets; this interplay is based on the regulatory process and decisions (made by governments or regulators) that affect the proponent's perceptions of risks and/or certainty.

3.5 Conclusion

In this chapter, I first described the unit of analysis in the remainder of the dissertation: campaign coalitions. Campaign coalitions require high levels of involvement, are intended to work together beyond a single event, have clearly defined membership, and are embedded in wider networks. The anti-pipeline campaigns I study are also broad-based, are domestically focused but draw on transnational linkages and resources and developed into social movements with sustained and multiple institutional and extra-institutional strategies. While there are unique coalitions of actors in each coalition against a particular pipeline, there is some membership overlap across campaign coalitions.

I then reviewed existing theories of coalition influence in the social movements and public policy literatures and outlined their limitations in explaining campaigns with shifting and multiple targets of contestation and campaigns that employ a combination of institutional and extra (or non)-institutional strategies. Still, these literatures more broadly helped me develop the theoretical expectations I presented in the remainder of the chapter. Given the limitations of existing approaches, the goal of this chapter was to develop a framework to understand coalition influence.

I developed expectations for understanding coalition formation around the existence of political opportunities, processes of problem formulation, and the role of social context and organizational resources. These conditions and processes may also facilitate the formation of Indigenous-settler alliances. I also identified important linkages between coalition formation and influence. I then identified five dominant strategies through which coalitions exert influence on energy infrastructure projects—regulatory engagement, political access, protest, legal challenges, and shareholder engagement—and potential causal mechanisms and conditions for influence. I identified potential causal mechanisms and conditions for influence. I developed some preliminary expectations about the role of timing and sequencing, and relationships between strategies. However, there still remain gaps—namely, which and how many strategies are required to significantly influence a project's outcome. I return to this dimension in Chapter 10.

This theory chapter provides the roadmap and guides the empirical material I present in the remainder of the dissertation. I first explore the roots of opposition to mega oil sands infrastructure coalition formation (Chapter 4). Next, I turn explicitly to the processes of coalition formation in the NGP and TMEP cases and the early influence of these coalitions (Chapter 5). I then explore the recursive dynamics between the campaign coalitions in the regulatory processes in the NGP and TMEP cases respectively (Chapters 6 and 7). Finally, I explain the influence of the campaign coalitions on the outcomes of both projects (Chapters 8 and 9). In Chapter 10, I revisit the theoretical framework and summarize which expectations were met and offer additional insights.

CHAPTER FOUR: Transnational advocacy against the tar sands⁶³

A Line in the Tar Sands is a compilation of stories of resistance to the tar sands written by activists and academics (Black et al., 2014). In the book's forward, prominent authors and activists Naomi Klein and Bill McKibben write "the tar sands has [*sic*] become a key front in the fight against climate change." They suggest resistance to the tar sands has become a "sprawling international movement"—of environmental organizations, Indigenous communities, and even some politicians—"without any central leadership but with remarkable coordination, passion, and energy" (ibid.: xviii). This chapter answers the resultant questions of how and why did this happen? In this chapter, I explain how and why opposition to mega-oil sands pipelines in North America began. Understanding why oil sands pipelines have seen such a significant increase in resistance requires seeing them not as independent cases but as part of larger assemblages of actors in oil and gas politics. I use the networks I describe for the Tar Sands Campaign and Keystone XL campaign coalition to provide the basis for understanding the formation of campaign coalitions around my cases in Chapter 5, the NGP and TMEP.⁶⁴ This chapter helps reveal how campaign coalitions against oil sands pipelines are interconnected. The Tar Sands Campaign first provided support and resources for the campaign against TransCanada's KXL.

This movement is somewhat surprising, given the history of environmental movements in Canada and the United States. In the United States, environmental organizations, also known as ENGOs, formed in the 1960s and 70s and slowly professionalized. Through litigation and lobbying, these groups contributed to major legislative victories in the 1970s, which coincided with a shift away from their more grassroots activities (Cheon and Urpelainen, 2018: 46). In the global North more generally, NGOs and activism have become more bureaucratized and institutionalized (e.g., Dauvergne and LeBaron, 2014: Chapter 5). In the process, they have avoided systemic social issues—like inequality and structural racism—and distanced themselves from "radicalism" and "anti-corporate" sentiments, causing tensions with environmental justice and grassroots groups (Dauvergne and LeBaron, 2014: 25; Russell et al., 2014: 166; Vasey, 2014).⁶⁵ Reflecting on the

⁶³ I use the term tar sands throughout this chapter because that is the term that most groups and organizations use who oppose them.

⁶⁴ I thank George Hoberg for the initial insight, which I develop in this chapter, that resistance efforts to separate oil sands pipeline proposals are interconnected in terms of the actors and resources involved.

⁶⁵ NGOs face a complex set of constraints on their activities, which include funding requirements, engaging multiple audiences, maintaining charitable status, and the behaviour of peer organizations (see for example Balboa, 2018; Hadden, 2015; Lee, 2011; Stroup and Wong, 2017).

history of the environmental movement in the United States, Philip Shabecoff (2003: xii), a reporter-turned-historian, writes “there is still no unified environmental movement. National and grassroots groups rarely operate in unison and are often at odds.” In Canada, as in the United States, the environmental movement has not been and is not unified. The Canadian history of environmental activism is one of small localized environmental organizations and activists (Clapperton and Piper, 2019). Some groups professionalized and gained political influence, including international NGOs like Greenpeace (Zelko, 2019).⁶⁶ There was, however, also tension between top-down and grassroots organizing (Vasey, 2014: 69).

The environmental movement in North America also has a history of explicit racism and excluding Indigenous peoples (Clark, 2002; Vasey, 2014: 68; Willow, 2019: 25). From the creation of national parks, to anti-fur campaigns, the historical relationship between Indigenous and non-Indigenous organizations within environmental organizing has been strained at best (Willow, 2019). Since the 1970s, however, North American Indigenous and non-Indigenous communities and organizations have cooperated to oppose extractive or destructive projects and practices, including mines, dams, and logging (Grossman, 2019). These alliances have not typically included “big green” NGOs or professionalized organizations (ibid.: 48). This began to change in the early 2000s in the United States when the Indigenous Environmental Network (IEN)—a national group formed in 1990 to address injustices experienced by Indigenous peoples—partnered with the National Resources Defense Council (NRDC), an advocacy environmental NGO, to (unsuccessfully) fight an energy bill (Thomas-Muller, 2014: 242; Stevenson, 2005). The Canadian story is similar. One of the first alliances between First Nations and environmental organizations that scaled up with the help of international NGOs occurred in forestry in British Columbia beginning in the 1980s and continued into the 1990s (Bernstein and Cashore, 2000; Pralle, 2006). As oil sands pipelines run through Indigenous lands, an anti-pipeline campaign by non-Indigenous environmental groups would need to centre on an alliance with Indigenous nations and communities.

I begin by describing the Tar Sands Campaign, a coalition of Indigenous and non-Indigenous groups that formed in 2008 to slow the oil sands’ expansion. As one track of a multi-faceted campaign against the oil sands, the Tar Sands Campaign first identified oil sands pipelines as strategic choke points in the oil supply chain. At the time, major energy companies were proposing two mega projects—TransCanada envisioned the Keystone XL and Enbridge was planning the

⁶⁶ Greenpeace started as a group of protestors in Vancouver against nuclear weapons testing in 1971.

NGP project. KXL is the largest oil sands transportation project in recent memory, which TransCanada proposed in 2008 as the final leg of the Keystone Pipeline System.⁶⁷ Both the KXL and NGP would begin in Alberta and both sought new export markets—the KXL to the Gulf coast and NGP to the Pacific coast. Both were greenfield projects, meaning they would lay pipeline where none had previously existed. Opposition and coalition building around these projects far exceeded the initial vision of the Tar Sands Campaign.

The movement against the KXL amplified concerns from an unlikely coalition of farmers, climate activists, and Native American tribes. I draw on concepts I outlined in Chapter 3 to describe and explain how campaigns against the Tar Sands and KXL formed. I emphasize the importance of the threat—the expansion of the oil sands—and closed political opportunities for concerned groups in Canada to influence provincial or federal decision-making. Pre-existing ties and brokers helped facilitate communication between environmental NGOs and affected Indigenous groups in Canada and the United States. However, it was funding from U.S. foundations that catalyzed and scaled up the Tar Sands Campaign. The relationships, inter-organizational networks and resources from the Tar Sands Campaign then helped sustain the anti-KXL campaign coalition. The KXL itself was a threat, linked to the expansion of the oil sands and thus increased greenhouse gas emissions, but also threatened ecologically sensitive areas, landowner rights, and Indigenous rights and livelihoods. The power of then-President Barack Obama over the project was a key vulnerability for TransCanada and provided a focal point and target for the movement. The KXL also helps illustrate linkages between coalition formation and influence: a broad-based campaign that developed early on in the project’s development, developed salient frames through issue-linkage, and engaged in a range of strategies.

This chapter proceeds as follows: in section 4.1, I describe and explain the emergence of the Tar Sands Campaign and the process of coalition building. Then, I summarize the work of the Tar Sands Campaign and its linkage to mega-oil sands pipeline projects. In the subsequent section, 4.2, I overview the campaign against the KXL and explain how the campaign coalition formed. I then review the campaign’s impact and relevance for understanding the political context around the NGP and the campaign coalition that formed to oppose it.

⁶⁷ TransCanada proposed the KXL to transport oil from Alberta’s oil sands more efficiently transport oil to the Gulf Coast (compared to TransCanada’s existing system). This approximately 1,900 km pipeline would go from the oil sands in Alberta to refineries in Texas and increase exports to the United States by 700,000 barrels per day (O’Leary, 2012).

4.1 Building the Tar Sands Campaign

Production in the oil sands ramped up in the 1990s as the result of a “tsunami” of investments and extensive state intervention (Urquhart, 2018: 1, 7). The expansion of the oil sands, then predicted by the industry association (the Canadian Association of Petroleum Producers [CAPP]) was significant. In 2008, CAPP’s “moderate growth case” projected crude oil production to increase from 2.7 million barrels per day in 2007 to almost 4.5 million barrels per day in 2020 (CAPP, 2008: i). In the more aggressive scenario, “developed for pipeline planning purposes,” production would rise to over 5 million barrels per day in 2020 (ibid.: i).

In January 2006, the Conservative party won federal leadership with a minority government. Although the federal government had no official energy strategy at the time, its vision closely aligned with that of the oil and gas industry. This was a shift from the previous Liberal government, which reconfirmed commitments to climate action through its presidency of the U.N. Climate Change summit (the eleventh Conference of the Parties and the first Meeting of the Parties to the Kyoto Protocol) in 2005. In July 2006, at a Canada-United Kingdom Chamber of Commerce event, to a room of British investors, Prime Minister Stephen Harper declared Canada an emerging energy superpower. Prime Minister Harper’s speech, and reference to Alberta’s “ocean of oil-soaked sand,” caught activists’ attention (Taber, 2006). According to prominent campaign organizer Tzeporah Berman, that speech and “that goal of the Harper government woke a lot of people up to the threat of such significant expansion” (Berman, 2019). That same month, the Alberta government, led by then-premier Ralph Klein, ran a promotional campaign for the oil sands, which included parking a “180-tonne yellow dump truck” in Washington outside the National Mall during the Smithsonian Folklife Festival (Fekete and Varcoe, 2016). Washington-based NGO Natural Resources Defense Council (NRDC) refers to the public relations display as a “pivotal moment” because it was “like bringing the tar sands into our backyard” (ibid.).

Opposition to oil development in Alberta has a long history, one that reaches beyond this chapter’s scope. Since at least the 1980s, Indigenous communities in northern Alberta have engaged in resistance, including members of the Fort McKay First Nation and Fort McKay Métis community, and the Lubicon Cree (e.g., Audette-Longo, 2018; Laboucan-Massimo, 2014). In the early 2000s, the Pembina Institute, a research and advocacy organization, started writing about the environmental impacts of oil sands development (Griffiths and Woynillowicz, 2003; MacCrimmon and Marr-Laing, 2000; Taylor et al., 2004). Since at least 2001, ENGOs, including Greenpeace Canada, have documented protests against oil sands development (Brooke, 2001). In

the mid-2000s, environmental organizations expressed growing concern about the planned expansion of the oil sands. The Pembina Institute was the first to write about the greenhouse gas emissions from the oil sands in its November 2005 report, *Oil Sands Fever* (Woynillowicz et al., 2005). The oil sands were, and continue to be, the largest and fastest growing source of greenhouse gas emissions in Canada (Huot and Grant, 2012; Israel et al., 2020). In a second report released that month, the Pembina Institute expanded its climate impacts analysis; they concluded that government and industry plans for the rapid expansion of the oil sands were “sharply at odds” with a responsible climate policy (Bramley et al., 2005: 8).

That December, led by the Pembina Institute, several environmental groups, including the David Suzuki Foundation, Greenpeace, Sierra Club Canada, and the World Wildlife Foundation, called for a moratorium on oil sands development (Pembina Institute, 2005).⁶⁸ The 2005 United Nations Climate Change Conference took place in Montreal in early December, putting Canada in the spotlight on climate action. In 2006 and 2007, several Canadian environmental NGOs began work on campaigns against the oil sands such as the Polaris Institute (“Tar Sands Watch”), the Pembina Institute (“Oil Sands Watch”), Sierra Club Prairie Chapter (“Tar Sands Time Out”), and Greenpeace Canada (“Stop the Tar Sands”).⁶⁹ In short, Canadian NGOs were deeply concerned about oil sands expansion and began working respectively on campaigns to conduct research and raise awareness. Though these groups were largely working independently, the process of collective attribution was well-underway as groups identified the expansion of the oil sands as a problem.

Political opportunities at the provincial level were also closed to ENGOs and Indigenous groups. George Hoberg and Jeffrey Phillips (2011: 507) argue the oil sands industry has “enjoyed a ‘policy monopoly’” in oil sands governance. Since 1971, the Progressive Conservative party had ruled in Alberta with a majority, providing political stability and few opportunities for non-industry groups to access the policymaking process. The Alberta government attempted to incorporate First Nations and non-governmental actors through multi-stakeholder consultations in the early 2000s about the development of the oil sands (Hoberg and Phillips, 2011: 513). These initiatives, however, produced “relatively little policy change” (ibid.: 524). By 2008, several key actors had withdrawn. As Haluza-Delay and Carter (2014) describe, the Athabasca Chipewyan First Nation and the Mikisew Cree First Nation withdrew from the Cumulative Effects Management Association (CEMA) in 2007

⁶⁸ Other groups included the Canadian Parks and Wilderness Society (CPAWS) and the Prairie Acid Rain Coalition.

⁶⁹ I accessed these websites by using web archives using links available at <http://oilsandstruth.org/tar-sands-related-links>

and 2008 after lack of progress.⁷⁰ The Pembina Institute, among other NGOs, withdrew in 2008 (Le Billon and Carter, 2012: 177).⁷¹ By withdrawing from CEMA, NGOs signalled the provincial government was “unresponsive” to concerns about oil sands development (ibid.: 175). These shared experiences provided opportunities for individuals and organizations to develop, or further develop, relationships. By 2008, there was widespread agreement amongst environmental groups about the need to slow the expansion of the tar sands (Haluza-Delay and Carter, 2014: 354). As neither the federal nor provincial government were open, these groups shifted strategies. As I describe below, they reached out to allies in the United States and formed a more coordinated coalition.

In 2006, several members of the Athabasca Chipewyan First Nation invited the Indigenous Environmental Network (IEN) to the Athabasca region; this invitation would lead to the beginnings of the Indigenous Tar Sands campaign (Thomas-Muller, 2014: 246). The IEN was a crucial broker in building relationships between Indigenous and non-Indigenous organizations in the United States and Canada. IEN reached out to members of the NGO sector to increase the campaign’s capacity and influence (Thomas-Muller, 2014: 248). Staff from both the Pembina Institute and NRDC were part of a group that began meeting in 2006 and 2007 to address oil sands growth. Another early member was ForestEthics. Tzeporah Berman was working for ForestEthics at the time, which she co-founded in 2000 as part of the significant efforts by environmental groups and First Nations to protect forests in British Columbia. In late 2007, Berman began to shift her focus to climate change. In the fall of 2008, she met with George Poitras, former chief of Mikisew Cree First Nation to discuss the impacts of tar sands production (Berman and Leiren-Young, 2011: 10, 220).⁷² This shift, and this meeting, marked the beginning of an alliance against the tar sands.

Michael Marx, the founder of Corporate Ethics International (CEI, now known as CorpEthics), was the coordinator and grant advisor of the international Tar Sands Campaign in its early years, 2008 until 2011 (CorpEthics, 2016). CEI began as a nonprofit and turned into a consulting business that Marx led.⁷³ The company advises environmental and corporate responsibility campaigns. In 2007, a major American foundation invited several nonprofits, including

⁷⁰ For an overview of issues and legal activities related to Indigenous communities and oil development, see Danielle Droitsch and Terra Simieritsch (2010).

⁷¹ According to Ryan Katz-Rosene (2014: 48), after CEMA failed in 2008, groups renewed their calls for a moratorium on tar sands development.

⁷² Berman’s change in focus to climate issues also motivated her to start PowerUp Canada in September 2008, an advocacy group founded to influence the next federal election (Berman and Leiren-Young, 2011: 214). PowerUp failed to attract donors and support, and Berman eventually left to direct Greenpeace International’s Climate and Energy Program in April 2010 (Berman and Leiren-Young, 2011: 270; see also Sniderman, 2012).

⁷³ At the time of writing, Marx continues to lead CorpEthics.

CEI, to answer the question: what is the missing corporate campaign in the climate movement? The foundation gave CEI a grant and asked the organization to bring together leading campaigners representing major NGOs in the United States, Canada, and Europe. One idea that gained interest amongst the group was a campaign against the tar sands in both Canada and the United States; the other was a campaign against coal-fired power plants in the United States. Although groups in Canada were already working on individual tar sands campaigns, this foundation funding was necessary to catalyze and scale up the campaign.

In 2007, the idea for a campaign against the tar sands was nascent among organizations and funders. Other foundations bolstered the idea, showing interest on the basis that resisting the tar sands expansion would be central to fighting climate change (Berman, 2019). Several Canadian organizations and several U.S. groups, including IEN, NRDC, and Oil Change International, already researched and raised awareness about the oil sands. In 2008, CEI contacted groups to assess their campaign interest and facilitated a meeting in Alberta to educate U.S.-based groups about tar sands operations. The result was a strategy paper, written by Marx, describing a multi-pronged campaign (Marx, 2008).⁷⁴ The paper formalized financial support from funders (anonymous interview, 2019a). In late 2008, individuals from several environmental groups, including Berman of ForestEthics, Susan Casey-Lefkowitz of NRDC, and Dan Woynillowicz of the Pembina Institute, launched the Tar Sands Campaign (Tar Sands Presentation, 2012; Hislop, 2019).

With funding in place, CEI hired coordinators for the Canadian and U.S. portions of the Tar Sands Campaign.⁷⁵ According to Berman and Leiren-Young (2011: 223) there were 14 ENGOs and five Indigenous groups in Canada and the United States. The campaign included organizations like NRDC, Greenpeace Canada, Sierra Club, Sierra Club of Canada, Rainforest Action Network (RAN), Environmental Defence, the Pembina Institute, Indigenous Environmental Network (IEN), and Friends of the Earth.⁷⁶ There is no publicly available original member participant list of the Tar Sands Campaign. In December 2009, CEI began devoting most of its resources to the international Tar Sands Campaign (WikiLeaks, 2013). Members of the Tar Sands Campaign participated in campaigns and initiatives directed against the tar sands (WikiLeaks, 2013). Groups submitted

⁷⁴ This paragraph relies on insights from an anonymous interview with a Tar Sands Campaign coordinator (anonymous interview, 2019a).

⁷⁵ According to LinkedIn, Kenny Bruno was the coordinator of the U.S. side of the Tar Sands Campaign from August 2009 until December 2011. Dan Woynillowicz, who worked at the time for the Pembina Institute, may have first coordinated the Canadian side of the Tar Sands Campaign in the early years, though I could not confirm this.

⁷⁶ Other organizations are listed in a 2008 internal TSC presentation (Northrop, 2008: 41).

proposals through their respective coordinators in Canada and the United States and CEI assessed and recommended grants to the funders (anonymous interview, 2019a).

The Tar Sands Campaign brought together groups with different tactics, from high-risk activities like civil disobedience, to U.S. ‘beltway groups’ (professional environmental organizations focused primarily on lobbying activities in Washington), and different ideologies—from radical to more conservative. Early on, these factions disagreed. Tensions also arose around how to work in solidarity with Indigenous organizations and a “Native-rights-based strategic framework” (Thomas-Muller, 2014: 249).⁷⁷ Once these groups resolved their issues, and Indigenous and non-Indigenous groups learned to “trust each other,” the Tar Sands Campaign was “remarkably” unified (anonymous interview, 2019a).

The Tar Sands Campaign was intertwined with a wider set of actors (Weis et al., 2014: 18). ENGOs “joined up” with First Nations, labour and religious groups that were not necessarily core members of the campaign to scale up the movement (Haluza-Delay and Carter, 2014). The Tar Sands Campaign also had allies in the United Kingdom (UK). Clayton Thomas-Muller, who was then the co-director of the Indigenous Tar Sands Campaign, co-founded the United Kingdom Tar Sands Network (UKTSN) in 2009 (Black et al., 2014: xiii; Worth, 2014).⁷⁸ The UK network first invited a delegation of First Nations, including George Poitras, to raise awareness of the tar sands’ human and climate impacts (Worth, 2014: 208). The UKTSN targeted companies and banks in the United Kingdom involved in the industry (ibid.: 207).

To summarize, through Tar Sands Campaign, NGOs and affected Indigenous groups joined in responding to a powerful political threat of tar sands expansion. Given closed political opportunities domestically, groups ‘threw a boomerang’ per Keck and Sikkink (1998) to transnational allies. Institutions like ForestEthics and IEN and their leaders were important brokers, helping build transnational relationships between organizations in the Tar Sands Campaign, and between Indigenous and non-Indigenous organizations. These nascent linkages were formalized through support from philanthropic foundations in the United States, which provided support to convene these groups and scale up the network and develop a campaign.

⁷⁷ Thomas-Muller realized in the early 2000s, through his work with IEN, how the unique rights of Indigenous peoples could help “end the era of Big Oil” in the United States (Thomas-Muller, 2014: 242).

⁷⁸ According to LinkedIn, Thomas-Muller was the Co-director of the “Indigenous Tar Sands Campaign” from 2002-2015. The Indigenous Tar Sands Campaign was led by IEN; the Polaris Institute launched the Canadian Indigenous Tar Sands Campaign in February 2013 (Cayley-Daoust, 2013).

4.1.1 Campaign impact and relevance for anti-pipeline campaigns

Coalition members worked to raise awareness of the adverse impacts of oil sands development on Indigenous communities, their land, and the emissions resulting from business-as-usual scenarios. They sought to frame the tar sands as a global threat to climate change (Northrop, 2008: 6). Member groups wrote reports, engaged in photojournalism, public relations and digital communications; they started petitions, organized media-friendly stunts and campaigns, renewed calls for a moratorium, took direct action, and launched a market campaign.⁷⁹ Indigenous members began Healing Walks and filed legal challenges. Leveraging celebrity capital became an important part of tar sands protest actions. Neve Campbell made the first visit. Berman invited the actor to raise the profile of the oil sands; they toured the tar sands in the fall of 2008 (Berman and Leiren-Young, 2011: 219-221).⁸⁰ Two years later, in September 2010, Hollywood director James Cameron toured the tar sands during the press tour for *Avatar* (Thomas-Muller, 2014: 249). Members wrote several nonfiction books, among them Andrew Nikiforuk's *The Tar Sands* in 2008, a blistering critique of the environmental, social, and political costs of the tar sands (Nikiforuk, 2008).⁸¹ Members released public reports about the tar sands' impact on Canada's boreal forest (e.g., Nikiforuk 2009; Wells et al., 2008). The campaign also funded research on contaminants and pollutants into the Athabasca river (e.g., Kelly et al., 2009; 2010). Both the Canadian and U.S., portions of the campaign sought to "leverage the tar sands debate" for climate and energy policy victories in Washington (Northrop, 2008: 32). The first "strategic track" was limiting or stopping pipeline and refinery expansions (ibid.: 40). KXL, which I will describe in the next section, became the first focal point.

During the Tar Sands Campaign's early years, the United States and the world paid greater attention to the oil sands' environmental impacts, evidenced by a spike in media coverage in 2008 and 2009 (Le Billon and Carter, 2012: 179). It is very likely that the campaign coalition's efforts contributed to this trend (ibid.: 179). This spike was also likely due to the Syncrude disaster—during a spring snowstorm in April 2008, over 1,600 ducks landed on a Syncrude tailings pond, and all but five died. The disaster made international headlines (Urquhart, 2018: 205-6). Though the disaster received global attention with little help from activists, campaign coalition members took advantage of this opportunity to bring further attention to Canada's "dirty oil." Greenpeace, for example,

⁷⁹ It is beyond the scope of the paper to describe the campaign activities or to detail funding sources for particular activities. For a description of some of these activities, see Haluza-Delay and Carter (2014) and Black et al. (2014), especially chapters by Muller, Cardinal and Worth.

⁸⁰ For more on the role of celebrity capital see McCurdy (2017).

⁸¹ Nikiforuk partnered with the David Suzuki Foundation to publish *The Tar Sands* with Greystone Books.

organized an act of civil disobedience at Syncrude’s same project site where the disaster occurred (Haggett, 2008). Despite the oil sands’ growing negative profile, in the United States, the environmental groups saw the oil sands as a “Canadian problem,” even though the United States was, and continues to be, Canadian oil’s biggest buyer (NRDC, 2015; Russell et al., 2014: 169).

In Canada, the federal and provincial governments continued to pursue policies enabling the oil sands’ rapid expansion (e.g., Urquhart, 2018). The federal government, however, was aware of the growing negative international sentiment of Alberta’s “dirty oil,” a term popularized by the campaign (e.g., Nikiforuk, 2009). During a meeting between Environment Minister Jim Prentice and U.S. Ambassador David Jacobson in November 2009, Prentice expressed concern about the brand of the tar sands; according to a diplomatic cable, Minister Prentice felt the Canadian government’s “reaction to the dirty oil label was ‘too slow’ and failed to grasp the magnitude of the situation” (WikiLeaks, 2009).

The Tar Sands Campaign helped develop the infrastructure, capacity, and relationships that would lay the foundation for campaigns opposing several proposed mega oil sands pipelines. In 2008, as the Tar Sands Campaign developed two mega oil sands pipelines, Keystone XL and the Northern Gateway Pipelines project, were entering (or re-entering in the case of the NGP) the regulatory processes.⁸² These pipelines were integral to the oil industry’s strategy to expand oil sands operations significantly. In 2008, according to an interview with Tim Powers, a “top lobbyist” and former communications advisor to the Conservative Party of Canada, Harper saw the global economic decline as an opportunity to follow through on making Canada an emerging energy superpower (Leblanc, 2006; O’Neil, 2012). The Tar Sands Campaign identified both Keystone XL and the Northern Gateway proposals as “strategic choke points” in slowing the tar sands’ expansion (Marx, 2008: 5). They viewed targeting the supply of fossil fuel production as a necessary complement to demand-side policies (such as energy efficiency and carbon pricing) to address climate change (cf. Piggot, 2017).

Although some groups opposed previous oil expansion projects, including the Alberta Clipper and the base Keystone pipeline,⁸³ they were largely unsuccessful in bringing significant attention to fossil fuel expansion or influencing the outcomes of these projects (Adler, 2015). IEN was one of the few groups that resisted baseline Keystone. As former IEN oil campaigner Clayton

⁸² TransCanada applied to the NEB and the US State Department in 2008. The NGP first applied to Canadian regulators in 2005, but about a year later, Enbridge put the project on hold for commercial reasons. Enbridge resumed the NGP project in 2008.

⁸³ Case descriptions in Appendix A.

Thomas-Muller (2014: 250) summarized, “everyone knew that fighting pipelines historically have usually been defeats.” This pattern changed with the Keystone XL, which became a surprising and successful rallying point for environmental NGOs.

4.2 Building the campaign coalition against Keystone XL

In the mid to late 2000s, the climate movement in the United States was “flailing and fractured,” as different theories of change divided beltway groups and environmental justice groups (Russell et al. 2014: 167). Divisions only deepened during the international climate negotiations in Copenhagen in December 2009 (Hadden, 2015: 10). Beltway groups also suffered a major loss with the cap and trade legislation, which failed in the U.S. Senate in 2010. The 2008 housing and financial crisis further dampened the political context for climate action. As a result, some environmental NGOs called for a return to “grassroots” organizing (e.g., Skocpol, 2013: 116). At the same time, climate justice and community groups in the United States found success in local campaigns (Russell et al., 2014: 168). Organized pipeline opposition was partially a response to these changing dynamics. The campaign against KXL intentionally and uniquely incorporated grassroots mobilization with the capacity of professionalized environmental organizations (Cheon and Urpelainen, 2018: 76).⁸⁴

The Tar Sands Campaign framed the tar sands’ expansion as a threat to affected First Nations, their lands, and the climate. As Cheon and Urpelainen (2018: 85) write, the “idea of fossil fuels as the root cause of climate change” creates a “powerful impetus to act.” Having a tangible proposal and clear target is central to harnessing the necessary “symbolic power” groups need to gain political influence (ibid.: 85). This idea was particularly powerful because of weak and/or failed climate legislation in both Canada and the United States. At the beginning of the Obama administration in 2009, Canada’s climate change reputation was arguably at its lowest. At the international climate summit in Copenhagen that December, the Climate Action Network, a civil society coalition, awarded Canada a “Fossil of the Year” award (CBC News, 2009). Canada was frequently targeted as the U.S. and other wealthy countries that were seen as purposely slowing negotiations or backing down on their commitments. Though this was not the first time Canada received one of these so-called awards, it further galvanized opposition among ENGOs around the ‘enemy’.

⁸⁴ The divestment movement was the other major response, led by 350.org.

A powerful opportunity matched this new threat. The necessity of a presidential permit for KXL provided the opposition a unique “veto point” (Hoberg, 2013). The KXL crossed the U.S. border—in fact the majority of the route would be in the United States—and required approval from both countries, and approvals in every state it crossed. In Canada, the federal energy regulator, the National Energy Board (NEB), gave the approval, but in the United States, the State Department and the President needed to approve the project.

Opposition to KXL began shortly after TransCanada filed its application to the U.S. State Department in September 2008. In November of that year, according to Bruno, “a couple dozen people from environmental groups and tribal nations met” and decided to prioritize KXL (Adler, 2015). Early organizers included staff from CEI, NRDC, and IEN. Formal opposition began in 2008 from Native Tribes, including the Rosebud Sioux Tribal Council and the Yankton Sioux Tribe when they both passed resolutions opposing the project (United States Department of State, 2015a, 2015b). IEN knew that Native Tribes could use their “unique rights-based approach to fight the pipeline” (Thomas-Muller, 2014: 250). Opposition also sprang up in unexpected places. Landowners in Nebraska voiced opposition after TransCanada contacted them in 2009 and 2010. TransCanada sent landowners letters that threatened to invoke eminent domain if they did not agree to let the company use their land by signing an easement agreement (TransCanada, 2010). Landowners perceived this letter as a threat, and existing organizations like the Nebraska Farmers Union and new groups like Bold Nebraska formed to protect landowners’ interests by joining the coalition. The absence of pipeline landowner associations in the region—used in Canada to help landowners collectively negotiate a settlement with a pipeline company—left concerned landowners with few avenues to address their grievances (Core, 2019). This helps explain why landowners turned to Bold Nebraska and formed unlikely alliances with ENGOs and Native Tribes.

At the beginning of the campaign against KXL, Washington insiders told 350.org, an environmental organization author Bill McKibben co-founded in 2008 to address climate change, that the pipeline was a “done deal” (Russell et al., 2014: 169). Insiders also advised 350.org that protesting against the Obama administration would marginalize the organization (*ibid.*: 169). The organization, however, would become a central organizing force in the movement and they used the pipeline to mobilize Obama’s base (*ibid.*: 170). 350.org strategically chose a clear and visible target in President Obama—as opposed to Secretary of State Hillary Clinton—based on the logic they could publicly pressure him with the power of a grassroots movement (*ibid.*: 170). This clear theory of

influence, with a clear policy outcome, would help 350.org recruit allies to the movement.⁸⁵ In the winter of 2010, Bill McKibben identified KXL as “a key objective for climate organizing” to his staff at 350.org (Russell et al., 2014: 169). Though many at 350.org had experience at professional organizations such as RAN and Greenpeace, and some had participated in “solidarity campaigns” against the tar sands, “many U.S. climate activists had never heard of the tar sands” (ibid.: 169). 350.org, led by board members Naomi Klein and Bill McKibben, put out a call to action to other organizations to garner interest (Russel et al., 2014: 170).⁸⁶ The U.S.-based ENGO members of the Tar Sands Campaign coalition recruited several other national and international environmental groups, including the Sierra Club, National Wildlife Federation, Friends of the Earth, League of Conservation Voters, and Oil Change International (Adler, 2015; NRDC, 2015). This was, in part, because some Washington-based environmental NGOs have significant access within the Democratic Party (Lemphers, 2019). As the campaign developed and gained momentum, groups increasingly framed KXL in relation to the tar sands and the climate impacts of tar sands expansion because campaigners felt the climate angle would resonate most with the Obama administration (Lemphers, 2019).

Interorganizational networks, through the Tar Sands Campaign, played a key role in that anti-KXL coalition. Central members of the Tar Sands Campaign were also members of the anti-KXL campaign, including CEI, ForestEthics, Greenpeace, IEN, NRDC, and Sierra Club. The Tar Sands Campaign members launched a wider public network in 2013 called the Tar Sands Solution Network (TSSN) (Uechi, 2013). That year, the network was comprised of 29 organizations, including First Nations and NGOs from Canada and the United States. The network, which Berman coordinated, described itself as a loose coalition of groups working to slow tar sands expansion.⁸⁷ In 2013, the TSSN listed KXL as its foremost campaign. The network’s growth was due to pre-existing social ties and influential brokers. There is likely also an element of positive feedback. Once the movement had the backing of major environmental NGOs and some element of “prestige,” it became more attractive to other organizations (Cheon and Urpelainen, 2018: 77). Although the

⁸⁵ This decision was not without trade-offs (see Russell et al., 2014: 177).

⁸⁶ This approach diverged from previous campaigns when organizations set out trying to find agreement amongst diverse groups, what Russel et al. (2014: 170) call “lowest-common-denominator politics.”

⁸⁷ Berman described the network as the “public face” of the Tar Sands Campaign (Berman, 2019). The website aggregated relevant news, publications, and blogs of members in campaigns. The TSSN also provided funding for coalition members (Paley, 2013). For a list of members active in September 2013

<https://web.archive.org/web/20131009130549/http://tarsandssolutions.org/about/network-members>

growing interest may have led to ‘turf wars’ and competition for resources, this did not seem to be the case here.

NetChange Consulting, which leads campaigns for “social change organizations and movements,” calls KXL a “directed-network campaign,” which builds on “grassroots power and rall[ies] diverse networks of support but are directed overall by structured organizations with existing resources and capital” (Mogus and Liacus, 2016: 11). KXL, like other directed-network campaigns, began with “some degree of funding, professional support, and established infrastructure and often acquire[d] more resources as they grew and gained traction” (Mogus and Liacus, 2016: 11). Tar Sands Campaign members provided resources and funding to maintain and expand the campaign. These organizations provided strategic direction, communications, staff time, expertise, and research. The Tar Sands Campaign, through CEI, also distributed foundation grants. In mid-2011, Marx took up a position at Sierra Club and ForestEthics hired Berman to replace Marx as the primary strategic director and grant advisor to the international foundations working on climate and energy issues in Canada; they also hired her to coordinate groups working on pipeline campaigns in both Canada and the United States (Berman, 2019; Garossino, 2019).⁸⁸ CEI and Berman would come to play an important role in the NGP coalition. As I explain in the next section, this was one of several important linkages between the campaigns.

To summarize, the political threat that spurred the creation of the Tar Sands Campaign also helped spur the anti-KXL campaign: government inaction on climate change, coupled with expansion of the tar sands, which the coalition framed as a global climate threat. In the U.S., the failure of cap-and-trade legislation provided an opportunity for ENGOS to re-think their strategies. As KXL was moving through the regulatory system, the campaign coalition developed a clear political strategy to stop the project by targeting the Obama administration. To be clear, the KXL campaign was largely an outcome of the TSC. The pre-existing social ties in the TSC helped grow the network against KXL. Organizations, including 350.org, acted as brokers to recruit other organizations to the campaign. Opposition also sprang up independently from the Tar Sands Campaign, most notably with Bold Nebraska.

⁸⁸ In April 2012, Berman stepped down from her role at Greenpeace International.

4.2.1 Campaign impact and relevance for the NGP campaign

As part of the anti-KXL coalition and the broader Tar Sands Campaign, environmental NGOs lobbied politicians, conducted research, and engaged in the regulatory process (Adler, 2015). They were able to maintain a sustained campaign with significant organizational resources and by strategically adapting to the ever-changing political context. Massive demonstrations and civil disobedience were the “turning point” in the KXL campaign, according to organizers (anonymous interview, 2019a; Russell et al., 2014). In 2011, Bill McKibben called the KXL pipeline a “fuse to the biggest carbon bomb on the continent” (McKibben, 2011). McKibben published his open letter calling for civil disobedience in protests. These protests began in Washington during the summer of 2011; 350.org, among other organizations, organized them. According to staff from 350.org, rather than mobilizing existing activists or groups, they aimed to create a “gateway into the movement for thousands of people who may have never participated in a protest before” (Russell et al., 2014: 171). This became a well-established organizing principle, using “true grassroots participation” to gain a critical mass (Mogus and Liacus, 2016: 13). Having the support of “the CEOs [chief executive officers] of every major U.S. environmental organization” and nine Nobel Peace Prize laureates for the protests further added to the “prestige” of the movement (Cheon and Urpelainen, 2018: 71, 77). This was the first of several waves of massive demonstrations. In December 2011, the Canadian government, led by Prime Minister Harper who had won a majority government that May, withdrew from the Kyoto Agreement.⁸⁹ Instead, the Canadian government agreed to a weaker target than it had proposed in its “made in Canada” plan, to match the Obama administration (Prentice and Rioux, 2017).⁹⁰ This policy context provided further urgency for the campaign coalition.

In the run-up to the 2012 Presidential election, climate activists ‘birddogged’ President Obama, consistently appearing at his campaign events to signal their opposition to KXL (350.org 2016).⁹¹ In November 2011, the State Department announced it was delaying its decision to consider an alternative route in Nebraska around the “ecologically sensitive” Sandhills area and Ogallala Aquifer, which supplies drinking water and irrigation for several states (Allen, 2011). Organizers

⁸⁹ At the time, Prime Minister Harper cited the fact that the United States and China were not in the agreement for the reason why Canada was withdrawing from the Kyoto Protocol (the United States withdrew in 2011 and China was exempt from the agreement). However, the federal government had long disliked the agreement. For example, in 2006, shortly after Prime Minister Harper took office, he declared the Kyoto targets impossible to meet. For a timeline of events leading up to this decision see CBC News (2007); on Canada’s climate change policies from 2006 until 2014 see De Souza (2014).

⁹⁰ The federal government’s “made in Canada” plan which replaced the Kyoto target in 2007 was less ambitious and reaffirmed intensity not absolute targets (CBC News, 2007; Government of Canada, 2007).

⁹¹ For a timeline and map of opposition to KXL see <https://350.org/stop-keystone-xl/>

knew early that the Ogallala Aquifer—one of the largest in the world—would be the campaign’s “primary ecological card” (Thomas-Muller, 2014: 250). Between 2012 and 2015, however, the political context took several unexpected turns. First, in December 2011, Congress passed a provision that forced President Obama to make a decision. In January 2012, Obama denied the project a presidential permit. This was a significant moment for the movement, demonstrating the campaign was ‘winnable’.

In March 2012, however, President Obama expedited the review of the southern leg of the expansion (The White House, 2012).⁹² After the President approved the southern leg, groups began to take bolder and more disruptive action (Russell et al., 2014: 178).⁹³ Movement groups had a major victory in 2013 when President Obama declared that he would approve the project only if it would not “significantly exacerbate” greenhouse gas emissions (Broder, 2013; McKibben, 2013). In January 2014, the State Department, in its Final Supplemental Environmental Impact Statement, concluded that the KXL would not significantly impact the development of the oil sands (United States Department of State, 2014: 12). The assessment also provided a large range of incremental emissions from the project (1.3 to 27.4 million metric tons of carbon dioxide equivalent annually) (ibid.: 15). This presented the movement with a significant problem. The movement was premised on the idea that stopping the KXL would slow tar sands expansion and significantly reduce greenhouse gas emissions. Groups, including NRDC, however, decried the department’s methodology for assessing greenhouse gas emissions and opposition continued (Lattanzio, 2014: 14). In March 2014, another wave of civil disobedience occurred, which resulted in hundreds of arrests. In April of that year, the Obama administration announced another delay, citing a need to await the results of legal challenges in Nebraska. Several days later, the self-termed “Cowboy and Indian” alliance of ranchers, farmers, and members of Native Tribes rode together on horseback in Washington in a powerful symbolic protest (Grossman, 2017). The ride caught the White House’s attention and opened a direct line of communication with Bold Nebraska’s founder Jane Kleeb (ibid.: 185). For the next several months, battles continued in both the Congress and Senate. There were also a number of ongoing legal challenges (e.g., Parfomak et al., 2015). Obama officially rejected the pipeline in November 2015, citing climate change, though he left the possibility for TransCanada to re-apply in the future (The White House 2015; see also Davenport, 2015).

⁹² In February 2012, Keystone informed the State Department that it considered the Cushing expansion a separate project and the following month, Obama approved the Cushing Expansion (i.e., the Gulf Coast Expansion or Phase III), which went into operation in January 2014.

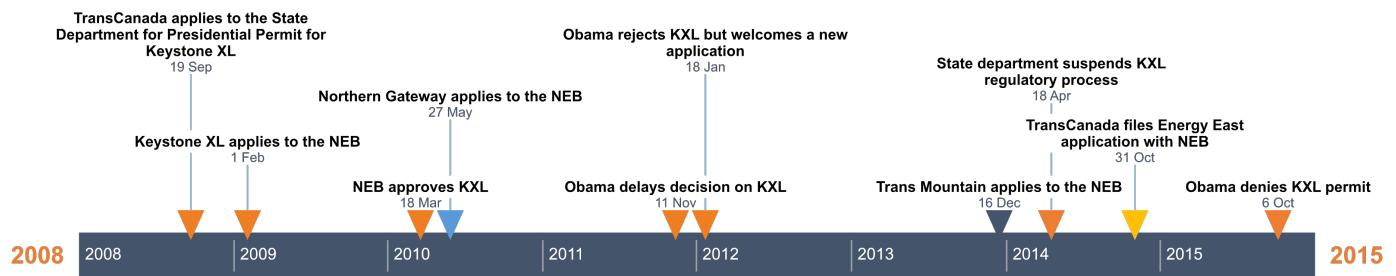
⁹³ On resistance to the southern leg of KXL see Foytlin et al. (2014).

Obama's decision to reject KXL was by no means a forgone conclusion. In 2010, Secretary of State Hillary Clinton said the State Department was "inclined" to approve the project (Hovey, 2010). Much changed with Obama's second-term climate agenda. According to reporting, Washington insiders believed Obama was skeptical of environmentalists' claims about KXL (Schor and Wheaton, 2015). Still, the movement had created significant symbolic power and Obama appears to have felt approving the project would undercut the "global leadership" of the United States in advance of the upcoming Paris negotiations in December 2015 (The White House, 2015; Prentice and Rioux, 2017: Chapter 5; Cheon and Urpelainen, 2018). While the dynamics surrounding the KXL proposal involve partisan politics, diplomatic relations, the U.S.' changing energy security, and President Obama's deteriorating legislative agenda, the sustained campaign certainly played a decisive role. Cheon and Urpelainen (2018: 89) assess the impact of the campaign against the project and conclude it raised "high barriers" for its completion and that without the campaign, it is highly unlikely that President Obama would have rejected the project or that Nebraska state politicians would have opposed the project so strongly.

The Tar Sands Campaign and the campaign against KXL had important linkages and consequences for the NGP project and the campaign that formed to oppose it. Most importantly, the Tar Sands Campaign identified the NGP as a strategic choke point in slowing down the expansion of fossil fuel infrastructure. In 2008, the NGP and KXL were moving through their respective regulatory processes on comparable paces. Although the NGP first applied to the federal regulatory in 2005, it put the project on hold due to commercial reasons and resumed it in 2008. This delay provided an opportunity for groups to mobilize and by the time the NGP re-entered the regulatory process there was significant opposition from First Nations along the route allied with NGOs. The NGP officially filed the project application in May 2010, more than a year after KXL applied to the NEB (and only two months after the NEB approved the KXL) (see Figure 5). There was a core groups of actors that participated in both the anti-KXL (and Tar Sands Campaign) and NGP campaigns, including CEI, ForestEthics, Pembina Institute, and Sierra Club. However, in the anti-NGP campaign opposition also emerged independently of the Tar Sands Campaign, which I describe in Chapter 5. The TSC also shaped the campaign coalition which formed to oppose the Trans Mountain Expansion Project (TMEP), which filed its application with the NEB at the end of 2013 (Figure 5). The TSC provided crucial organizational capacity, leadership, and financial resources to members opposing both projects.

The other major impact was the political context of the KXL opposition. After the federal election in May 2011, newly elected majority Conservative government was free to pursue its goal of making Canada an energy superpower. However, news of KXL's first significant delay in November 2011 "surprised and stunned" the Canadian government (Prentice and Rioux, 2017: Chapter 5). The government had been actively advocating for the Keystone pipeline in Washington (e.g., Engler, 2014: 62). As I will describe in Chapter 6, after news of the KXL delay, the federal government rapidly refocused its agenda to focus on the NGP. The government outlined a strategy in December 2011 to create the "conditions for access to Asia Pacific market for Canada's oil, in the national interest" (Dupont, 2011: 1). In January 2012, after Obama denied the project's presidential permit, Prime Minister Harper publicly turned his attention to the Asia Pacific Basin as an alternative market for oil products (Prentice and Rioux, 2017: Chapter 5). Harper signified this shift with a trip to China in February 2012, as China was the perceived destination of the oil in the NGP. Environment Minister Peter Kent said, in a media interview, that Obama's decision to reject KXL "had a very profound impact... It drove home the fact we have stranded resources with great potential for jobs and a contribution to GDP [gross domestic product] that require alternate routes to a more diverse marketplace" (O'Neil, 2012). The federal government also undertook a series of actions to delegitimize NGOs and First Nations that opposed the federal government's energy vision, burden NGOs with charitable status through audits, and reform the regulatory process, which I describe in Chapter 6. Returning to the KXL, the campaign coalition considered Obama's rejection a resounding success and evidence of the power of the campaign. Figure 4 highlights key events in the KXL timeline in relation to when Northern Gateway and Trans Mountain filed their applications for the NGP and TMEP. I also include here, for context, when TransCanada filed the Energy East application.

Figure 4: Key KXL events in relation to NGP and TMEP⁹⁴



4.3 Conclusion

In this chapter, I explained how opposition to mega-oil sands pipelines in North America began and how opposition to the tar sands coalesced around pipelines. In short, the wave of pipeline infrastructure proposals created a networked response. Returning to the set of expectations for coalition formation I outlined in Chapter 3, I paid particular attention to the political context and threat that coalition actors perceived with the expansion of the oil sands and an alliance of industry, federal, and provincial government support.

However, a threat is not enough for a campaign coalition to form. Members of the campaign coalition developed salient frames around the ecologically sensitive Ogallala Aquifer and successfully linked the pipeline to the issue of climate change. The presence of pre-existing social ties and organizational resources (catalyzed by grants from philanthropic foundations) was necessary for the network to develop interconnected campaigns around the tar sands and KXL. Indigenous-settler alliances formed through networks and key broker institutions like IEN; together, they developed common understandings about strategies and ways of working together. As the campaigns developed and gained momentum, they attracted new members and resources. The KXL and the broader TSC campaign provided organizational resources and social ties that helped the anti-NGP coalition form. As I describe in Chapter 5, opposition to the NGP also emerged independently from the Tar Sands Campaign, but resources flowed between anti-oil sands pipeline campaigns, including the NGP and TMEP.

⁹⁴ The KXL delays and uncertainty also directly influenced another pipeline proposal, Energy East. It was not until October 2015 that Obama denied the KXL permit. However, in anticipation of this possibility, TransCanada had been planning another ambitious pipeline, Energy East, to move oil to the east coast of Canada.

This chapter begins to illustrate sets of conditions and strategies that shape oil sands pipeline outcomes. KXL provided some important insights for other anti-pipeline campaigns, including Northern Gateway. I emphasize four points here. First, the anti-KXL formed a broad-based campaign that developed early on to oppose new mega-infrastructure. There was significant mobilization potential given the number of communities and landowners affected by the project. Early missteps by TransCanada, using eminent domain, coupled with the ability and willingness of landowners to mobilize, created a powerful ally early on. The campaign also demonstrated that pipelines were vulnerable to delay and could be politicized and attract significant and broad-based opposition.

Second, members of the campaign coalition engaged in a range of institutional and extra-institutional strategies. Crucially, the KXL campaign highlighted for other anti-pipeline campaigns the importance of having a diverse campaign with multiple venues and strategies, including lobbying, civil disobedience, and legal action. The campaign employed a mix of insider and outsider tactics, which largely reinforced one another. Importantly, the campaign leveraged its political access while also organizing recurrent protests in front of the White House, making the campaign impossible to ignore. The KXL campaign also expanded the repertoire of contention for future anti-pipeline campaigns with its tactics like the mass-arrests in Washington.

And third, the anti-KXL campaign, which organizations have sustained now for over a decade, also illustrated how resource-intensive an anti-pipeline campaign is. They require significant material, human, social-organizational, cultural, and moral resources to sustain.

However, the uncertain fate of KXL at the end of 2011 further worsened the political context for opposition to the NGP, to which I return in Chapter 6. I explore these dynamics in Chapters 6 through 9. First, however, I explain how the anti-NGP and TMEP coalitions formed.

CHAPTER FIVE: The campaign coalitions against the Northern Gateway and Trans Mountain Expansion project proposals

In this chapter, I explain how campaign coalitions formed around the Northern Gateway Pipelines (NGP) project and Trans Mountain Expansion Project (TMEP). Some opposition emerged from the Tar Sands Campaign, and other opposition began from local place-based risks and threats to Indigenous sovereignty and livelihoods. To understand how these coalitions challenged these mega oil sands pipeline proposals, I first need to explain how they formed.

Opposition to the Northern Gateway Pipelines project began once the proponent, Enbridge Inc., re-entered the regulatory process in 2008, four years before the public hearings in 2012.⁹⁵ Most active in the campaign during these years were NGOs (Dogwood Initiative, ForestEthics, Living Oceans Society, Raincoast Conservation Foundation, and West Coast Environmental Law), Indigenous organizations (the Yinka Dene Alliance and Coastal First Nations), and several grassroots groups. The NGP project had a broad-based coalition of actors opposing it and was just beginning the regulatory hearings when Kinder Morgan announced the Trans Mountain Expansion Project in May 2013. This proposed expansion would nearly triple the line's capacity from 300,000 to 890,000 barrels per day (NEB, 2016c: 2). The TMEP project was also met with significant resistance from a coalition of Indigenous leaders, NGOs, grassroots groups, and affected municipalities. Like the NGP, opposition to the TMEP formed well in advance of the regulatory review, which would begin in 2014. The coalition against the TMEP included several aforementioned NGOs actively opposed to the NGP (Dogwood Initiative, Living Oceans Society, ForestEthics, Raincoast Conservation Foundation and Sierra Club BC) and also the Georgia Strait Alliance, Wilderness Committee, Greenpeace, and Tanker Free BC. Other important actors include the Tsleil-Waututh Nation, cities and municipalities, including Burnaby and Vancouver, and grassroots groups.

In this chapter, I show how the campaign coalitions formed in response to the proposed NGP and TMEP projects. In doing so, I draw on the processes and conditions I outlined in Chapter 3—political opportunities, problem formulation, social context, organizational resources, and Indigenous-settler alliances. These are all necessary aspects of coalition formation. This chapter also

⁹⁵ Enbridge first initiated the regulatory process for the project in 2005 but put the project on hold in 2006 for commercial reasons. In 2005, Enbridge estimated the project would transport 400,000 barrels of oil products per day (Business Wire, 2005).

provides important insight into the relationship between coalition formation and influence. Although the anti-TMEP campaign gained a political ally with the provincial NDP government, this strategy resulted in a setback with the outcome of the 2013 federal election. In contrast, the NGP was more influential early on, engaging with investors and gaining influential political allies.

In the first half of this chapter (section 5.1), I explain how the campaign coalition formed in response to the NGP proposal. I begin with a brief descriptive and chronological account of coalition formation, how the main initial actors joined and their roles. I then explain the key dynamics and conditions that facilitated coalition formation. I repeat the same process for the Trans Mountain Expansion Project in section 5.2.

Figures 5 and 6 contain maps of both proposed pipelines. To clarify the timeline, in the NGP, I examine opposition to the project from 2005 until the end of 2010. This overlaps with the beginning of the Joint Review Panel (JRP) process—a panel selected by both the NEB and the Environment Minister to review the project. In 2005, Enbridge submitted a preliminary application to regulators to begin the environmental assessment process. Enbridge put the project on hold at the end of 2006 and resumed it in the summer of 2008. Northern Gateway filed its project application in May 2010, and two months later, the JRP asked for public comments on the draft List of Issues it would consider in its assessment (Appendix B).⁹⁶ In the TMEP, I examine opposition from mid-2010 (before Kinder Morgan announced the project in May 2012) until Kinder Morgan filed the project application at the end of 2013. I review the coalitions' engagement with the regulatory process in Chapters 6 and 7.

⁹⁶ In advance of its application, Enbridge Inc. created a subsidiary, Northern Gateway Pipelines Limited Partnership, to develop the project (Enbridge Northern Gateway LP, 2010).

Figure 5: Proposed route of the NGP project (Natural Resources Canada, 2017)

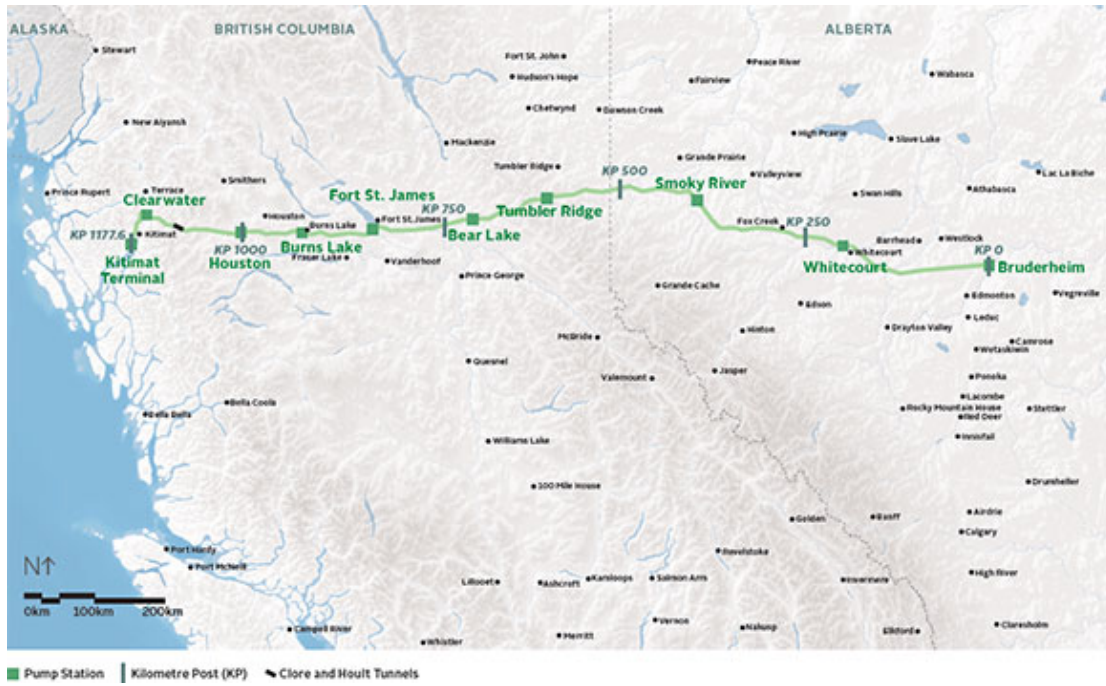
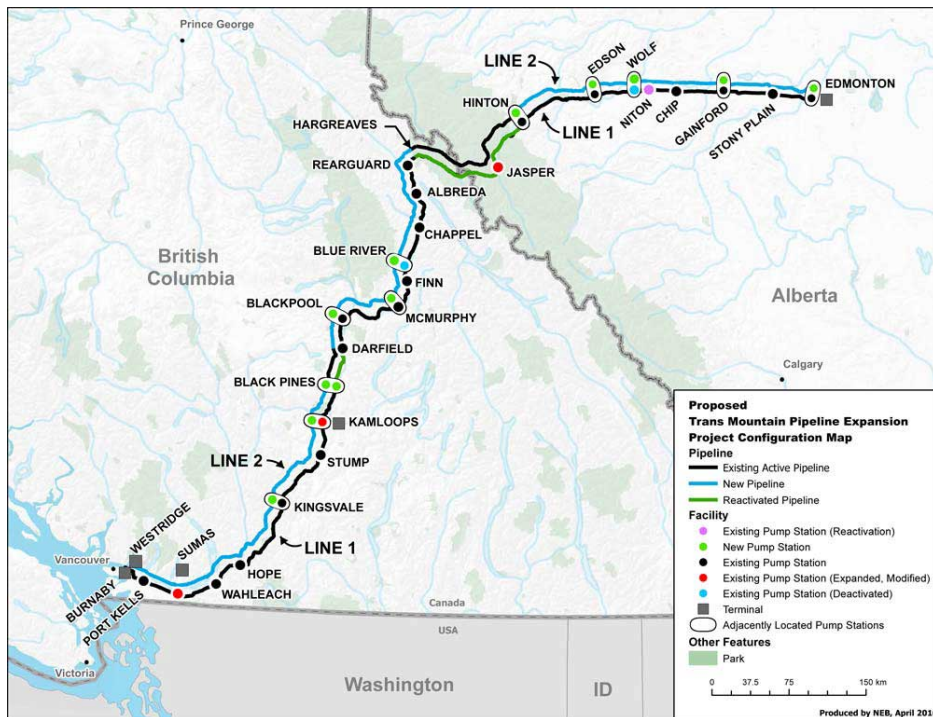


Figure 6: Proposed route of the TMEP (NEB, 2016c: 2)



5.1 The campaign coalition against the NGP

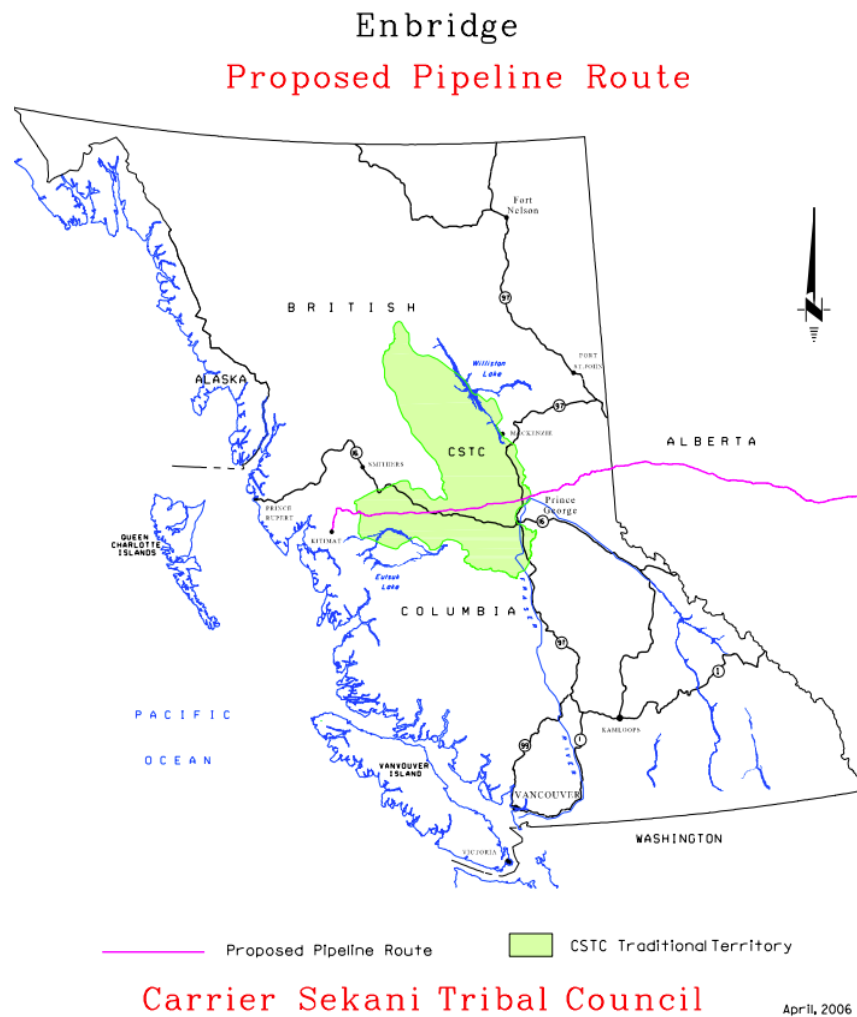
In this section, I begin by describing the political context for the NGP proposal, and then I introduce the coalition members. At the end of this section, Figure 9 overviews the members of the campaign coalition; it includes groups that are within two degrees of the anti-NGP campaign to illustrate connections with the TMEP (which I return to in section 5.2).

In 2005, when Enbridge first proposed the Northern Gateway, concerns about oil sands emissions were entering public consciousness. The federal Conservative minority government was elected in 2006. Shortly after, Prime Minister Stephen Harper signalled energy and resource development as a central priority. In Alberta, Premier Ed Stelmach was elected in 2006, continuing the trend of Progressive Conservative leadership that began in the early 1970s. Premier Stelmach “aggressively defended” and encouraged the rapid development of the oil sands, though he played a relatively minor role in the NGP proposal (Evans, 2011: 1122). In British Columbia, Premier Gordon Campbell formed a Liberal government in 2001 and did not take a formal position on the NGP, though his government relinquished the province’s right to conduct an independent environmental assessment process for the project in June 2010 when it signed an equivalency agreement with the NEB (NEB and Environmental Assessment Office of B.C., 2010). In short, the federal and provincial contexts were fairly closed to concerns about the NGP.

In 2005, Enbridge successfully requested a joint panel between the NEB and the Canadian Environmental Assessment Agency (CEAA) to make the process more efficient (Gateway Pipeline Limited Partnership, 2005: 8). The Carrier Sekani Tribal Council (CSTC), which represents eight First Nations in the central interior of British Columbia, was the first group to openly oppose the pipeline after assessing the environmental and socio-economic impacts of the project (CSTC, 2006a; see Figure 7). The CSTC filed a federal court challenge in October 2006 because the government did not consult them about the regulatory review process (CSTC, 2006b).⁹⁷ In November 2006, Enbridge put the project on hold and asked regulators to temporarily suspend the environmental assessment process (Neufeld, 2006). As a result, the CSTC dropped its case.

⁹⁷ The CSTC also conducted an Aboriginal Interest and Use Study to help determine the project’s risks (CSTC, 2006b). CSTC members governments at the time included the Nadleh Whut’en First Nation, Nak’azdli Indian Band, Saik’uz First Nation, Stelat’en First Nation, Takla Lake First Nation, Tl’azt’en Nation, Ts’il Kaz Koh First Nation, and Wet’suwet’en First Nation.

Figure 7: Map of Carrier Sekani Tribal Council territory and proposed NGP (CSTC, 2006a: 12)



Several environmental NGOs began to turn their attention to the NGP project in 2006 and 2007, before the project’s first delay. These groups have offices in British Columbia’s lower mainland and Vancouver Island; they partnered with Indigenous and non-Indigenous groups near or along the project route. In 2006, the Living Oceans Society (LOS) formed partnerships with First Nations and other environmental groups to raise awareness about the project (LOS, 2006: 13). LOS developed relationships through related campaigns in the northwest coast, including through its campaign against salmon farming in the early 2000s. Living Oceans Society was one of several environmental organizations that created the Coastal Alliance for Aquaculture Reform in 2001 to

engage the salmon farming industry.⁹⁸ The Executive Director of LOS, Jennifer Lash, was a broker in the campaign against the NGP, connecting groups on the coast, including fishers (via the T. Buck Suzuki Foundation) that had been involved in campaigns in the region. In 2006, few groups in the region were aware of the NGP project. (Lash, 2019). Though these groups were working on other campaigns at the time, once it became clear that this would be a long-lasting campaign requiring widespread participation, they joined the campaign (ibid.).

Living Oceans Society had pre-existing knowledge of tankers and associated risks in marine environments and were “fully aware” of the risks associated with the project early (Lash, 2019). The organization shared this information and research with local groups because of the organization’s advocacy work maintaining an informal moratorium on crude oil tanker traffic along British Columbia’s north coast (ibid.). The federal government decided to impose a moratorium in 1972, but it was never formalized in legislation (Chong and Sweeney, 2017).⁹⁹ In 2003, the provincial government wanted to lift the moratorium to develop offshore oil and gas, attracting attention from environmental groups.¹⁰⁰ Living Oceans Society campaigned against offshore oil and gas development, which provided the foundation for the organization’s opposition to the NGP. As Jennifer Lash describes, “we were actually working on an offshore moratorium [...] and just as that campaign was ramping up, we realized that there is this big pipeline being planned for the coast to allow for tanker traffic” (Lash, 2019). Living Oceans Society first contracted research in 2008 on the effects of oil spills in marine environments with funding from an ENGO, Georgia Strait Alliance (which played a central role in the TMEP coalition) and Bullitt Foundation, a private U.S. philanthropic foundation (EnviroEmerg Consulting Services, 2008). Living Oceans Society was part of a coalition of four NGOs, along with Dogwood Initiative, ForestEthics, and West Coast Environmental Law (WCEL) that campaigned to formalize the ban on oil tanker traffic on British Columbia’s north coast. As the proposed tanker route for the NGP project required passage through the north coast, the new No Tankers campaign was fundamentally about opposing the NGP and any future oil sands pipelines.

⁹⁸ Living Oceans Society worked with the David Suzuki Foundation, the T. Buck Suzuki Environmental Foundation (founded by members of the United Fisherman’s and Allied Workers Union), and the Georgia Strait Alliance.

⁹⁹ The 1972 moratorium was a response to concern about a proposed tanker terminal project in Alaska. The “voluntary tanker exclusion zone,” which dates back to a voluntary agreement in 1988, includes the Dixon Entrance, Hecate Strait, and Queen Charlotte Sound (Chong and Sweeney, 2017).

¹⁰⁰ For example, in 2003, the David Suzuki Foundation released a report, *Oil and Water Don’t Mix*, about the implications of opening up BC’s northern west coast to oil and natural gas development (Hertzog, 2003: 4).

Dogwood Initiative (now called Dogwood BC) was another early and influential organization. In 2007, Dogwood Initiative began working on the No Tankers campaign (Dogwood Initiative, 2012: 5) central member of the No Tankers campaign was West Coast Environmental Law, a Vancouver based NGO of environmental lawyers and strategists. WCEL had been working on a tanker ban since at least 2006, when they toured several communities in northwestern British Columbia to provide legal tools to communities that could be affected by “numerous pipeline and tanker proposals” (WCEL, 2007: 8). Both WCEL and the Pembina Institute received funding through the Tar Sands Campaign to conduct research; with the NGP on hold, however, they did not produce any public outputs during this initial period.¹⁰¹

Opposition grew when Enbridge restarted the project application in the summer of 2008 and resumed its public consultation process (JRP, 2013: 15). Once again, this opposition focused on the regulatory process and the federal government’s duty to consult with affected First Nations. In November 2008, the First Nations Summit, which represents First Nations involved in treaty negotiations in British Columbia, passed a resolution calling on the federal government to not establish the Joint Review Panel until the government reached an agreement with affected First Nations about a shared decision-making process to review the project (First Nations Summit, 2010, 2020).

In 2009, several First Nations and civil society organizations began communicating more frequently. In early April 2009, the Nadleh Whut’en First Nation invited members from the Carrier and Sekani First Nations to a meeting with the Pembina Institute, WCEL, and the Office of the Wet’suwet’en (Nadleh Whut’en First Nation, 2009). Later that month, a delegation, including Dogwood Initiative, WCEL, and the Gitga’at and Nak’azdli First Nations briefed investors on the project’s risks (Swanson, 2009).¹⁰² The following month, Dogwood Initiative helped organize a delegation to Enbridge’s annual general meeting to oppose the project with members of the Wet’suwet’en, Nadleh Whut’en, and Haisla First Nations (Dogwood Initiative, 2009a). ForestEthics also organized the delegation and would come to plan a central organizing role, which I describe below. The delegation asked Enbridge’s CEO, Al Monaco, questions about the project, particularly about risks like spills and Indigenous rights.

¹⁰¹ The Pembina Institute and the WCEL received funding from the Rockefeller Brothers Foundation (RBF) in 2006 “to prevent the development of a pipeline and tanker port that endangers the GBR protected area” (RBF, 2007: 191, 178).

¹⁰² Environmental Defence was also a member of the delegation but is excluded in this chapter as it played a relatively minor role in coalition formation.

I digress briefly from introducing the coalition members to highlight the campaign's early influence at Enbridge's 2009 AGM, where members of the coalition brought two shareholder resolutions. Dogwood worked with a Vancouver-based ethical investing company, Ethical Funds, to propose a shareholder resolution for increased disclosure on liabilities of an oil spill risk (Swanson, E., 2019; Enbridge, 2009: 58). The resolution received 11 percent support (Smith, 2010: 28). The second resolution asked Enbridge to report on the costs and benefits of obtaining "free, prior and informed consent" of affected First Nations. Ethical Funds framed the resolution based on the existence of outstanding claims of Aboriginal title. This language came from the 2007 United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). The proposal noted that previous disputes between Aboriginal Peoples, provincial and federal governments have resulted in project delays and even cancellation (Enbridge, 2009: 50). This resolution received more support, with 32 percent voting in favour (Trillium Asset Management, 2009). This resolution was striking for two reasons. First, it was brought by a relatively small ethical investment fund. And second, surpassing the 30 percent threshold for a shareholder resolution is usually seen by companies as quite a strong signal of investor sentiment.

In June 2009, the All Nations Energy Summit "galvanize[d] opposition" to the pipeline (Office of the Wet'suwet'en, 2009). The Wet'suwet'en hosted the event in Moricetown, British Columbia. Over a dozen First Nations from Alberta and British Columbia attended to discuss the NGP, tanker traffic, and the tar sands (Mesec, 2009). The keynote speaker was Merran Smith of ForestEthics; other speakers included First Nation delegates, and staff from Living Oceans Society and Pembina Institute (Mesec, 2009; Office of the Wet'suwet'en, 2009). Several NDP Members of Parliament (MPs) attended the event or offered their support (Massey, 2009). After the summit, opposition from First Nations grew: the Union of British Columbia Indian Chiefs (UBCIC), a non-profit organization formed to protect Aboriginal title, passed a resolution at the end of June 2009 calling on the Crown to develop a regulatory process with affected First Nations (UBC, 2009; UBCIC, 2009).

The Unist'ot'en are one of five Wet'su'wet'en clans and were the first clan to declare opposition to all proposed pipelines on their territory.¹⁰³ In 2007, all five Wet'suwet'en Clans

¹⁰³ Hereditary Chiefs govern the traditional territory; the Band Council, part of a governance system created through the *Indian Act*, has authority. This authority is sometimes contested in the context of land use in Hereditary Chiefs' traditional territory. The *Indian Act* of 1876 was created by the federal government to assimilate Indigenous peoples into 'Canadian' society and dismantle their governance systems. According to CrimethInc., (2013) the Moricetown Band Council acknowledged the Unist'ot'en hereditary leaders' authority and did not sign an agreement with Enbridge. In

rejected the British Columbia Treaty Process and asserted their land rights to their unceded territory. In April 2009, the Unist'ot'en Clan established a checkpoint to control access to their territory (Unist'ot'en Camp, 2017). In April the following year, the Unist'ot'en constructed a cabin on their unceded territory and established a camp to oppose multiple proposed pipelines, including Northern Gateway (Unist'ot'en Camp, 2019: 3). The camp also intersects the Pacific Trail Pipeline's proposed route, and, later, the Coastal Gaslink pipeline, among others.¹⁰⁴ The camp is located along the Wedzin Kwah (Morice River) at the mouth of Gosnell Creek, which feeds into the Skeena, Bulkley, and Babine Rivers (ibid: 4).¹⁰⁵ The Unist'ot'en clan's assertion of control over their traditional territory was the most significant practice of Indigenous law in the NGP case.

Coastal First Nations in British Columbia was another significant actor in the campaign coalition. Unlike Yinka Dene Alliance, the organization was previously established. It began to focus attention on NGP shortly after the All Nations Energy Summit. The Coastal First Nations-Great Bear Initiative (CFN-GBI) is an alliance of nine First Nations communities. They span the North and Central coastal region: Wuikinuxv Nation, Gitga'at Nation, Heiltsuk Nation, Kitasoo/Xai'xais Nation, Metlakatla Nation, Nuxalk Nation, Old Massett, Skidegate, and the Council of the Haida Nation (Figure 8). The initiative first came together in the early 2000s to protect the central and north coast of British Columbia and Haida Gwaii (CFN-GBI, 2017). In July 2009, the Executive Director of Coastal First Nations Art Sterritt publicly criticized the NGP project, saying, “[t]he minute there is tanker traffic, there is damage to a way of life” (McCarthy, 2009). According to

2015, the council signed two agreements for LNG pipelines in 2015 (the Coastal GasLink and the Pacific Trails Pipeline) (Province of British Columbia, n.d.).

¹⁰⁴ Two of several proposals were the Pacific Trail Pipelines and Coastal GasLink. The Pacific Trail Pipelines was proposed shortly after the Northern Gateway and would follow nearly the same route (though with the new pipeline beginning in northeast B.C.). The approximately 480 km line was proposed to link hydraulic fracturing operations from Summit Lake (near Prince George) to the proposed liquefied natural gas (LNG) facility in Kitimat. The project received an Environmental Assessment Certificate from the provincial government in 2008 but remains stalled. In 2011, TransCanada won a bid to construct a 650 km pipeline, Coastal GasLink, also connect to the proposed LNG Canada export terminal facility in Kitimat. 190 km of the pipeline would cross Wet'suwet'en territory, which led to significant conflict (Wet'suwet'en, 2014). In 2019, the conflict led to an injunction, police violence, and nation-wide solidarity movements (Gunn and McIvor, 2020).

¹⁰⁵ The Unist'ot'en camp is an evolving site of reclamation. It is also part of a history of Indigenous reoccupation (Barker and Ross, 2017). In 1984, Gitksan First Nation and neighbouring Wet'suwet'en Nation undertook a legal case about their Aboriginal title; as the case proceeded, chiefs from both First Nations blockaded logging roads in their traditional territory (Gitksan, 2005; Supreme Court of Canada, 1997). In 1997, the Supreme Court of Canada released a landmark ruling in *Delgamuukw v. British Columbia*, which recognized oral history as evidence and expanded the Duty to Consult to substantially address Indigenous concerns (Grant, 2015). Due to a technicality, the courts did not make a conclusive determination on the scope of the Aboriginal title held by the Gitksan and Wet'suwet'en nations (e.g., Gunn and McIvor, 2020). These nations continued to assert their title based on their traditional laws. In May 2020, hereditary chiefs of the Wet'suwet'en, the Canadian and B.C. governments reached an understanding which recognized that “Wet'suwet'en rights and title are held by Wet'suwet'en houses under their system of governance” (Bellrichard, 2020).

Sterritt, Coastal First Nations were particularly concerned about the risks of a diluted bitumen spill (Steward, 2015). CFN-GBI formally announced its opposition to the NGP project in March 2010, when they declared a ban on “tankers carrying crude oil from the Alberta Tar Sands.”

Figure 8: Map of Coastal First Nations communities (Coast Funds, 2020)



The Yinka Dene Alliance was another important member of the campaign coalition. The alliance, composed of members of the CSTC, formed to oppose the NGP. In 2010, five members of the CSTC—Nadleh Whut'en, Nak'azdli, Saik'uz, Takla Lake, and Wet'suwet'en First Nations—formed the Yinka Dene Alliance to build alliances with other First Nations along the Fraser River

watersheds (Turtle Island Native Network, 2010; see also McCreary, 2014).¹⁰⁶ The CSTC launched a letter campaign in January 2010, sending dozens of letters, including to First Nations' Chiefs in British Columbia and all Members of Parliament (CSTC, 2010). The Yinka Dene Alliance also successfully brought a resolution to the First Nations Summit Chiefs' Council in October 2010 calling on the federal government to cease its assessment until it obtained "free, prior, and informed consent of affected First Nations" (First Nations Summit, 2010). One key outcome of the Yinka Dene Alliance was the Save the Fraser Declaration.¹⁰⁷ As legal scholar Gordon Christie describes, "the heart of its assertion [in the declaration] is grounded in nothing more than the authority of their own laws and traditions" (Christie, 2013: 3). In December 2010, over fifty First Nations signed the declaration affirming opposition to NGP.¹⁰⁸ Also in 2010, Chiefs of the Carrier Sekani Tribal Council and Wet'suwet'en First Nation, along with Dogwood and ForestEthics, were part of a delegation to Enbridge's AGM in Calgary (Swanson, 2010). Their strategy was not to pass resolutions but to get responses to questions on the record. Enbridge admitted opposition created significant risks for the project, which the coalition campaign perceived as a success (ibid.).

Local and grassroots groups began to emerge in 2008 and 2009; they opposed the NGP primarily out of concern for the project's potential impact on watersheds and marine environments. Douglas Channel Watch, formed by seven local citizens in 2009, to protect the "environmental integrity" of the Douglas Channel and oppose the project (Robinson, 2016). Similarly, the Sea to Sands Conservation Alliance was started by a group of concerned citizens in Prince George around 2009 (Sea to Sands Conservation Alliance, 2020). The Lakes District Clean Water Coalition, formed in September 2010, was another citizens' group to oppose the project (Lakes District Clean Water Coalition, 2020). Friends of Morice-Bulkley also formed in 2010 by a group of residents from the Bulkley Valley, in the northwest central interior of British Columbia, out of concerns for the proposed NGP. The group focused its concerns on the wild salmon in the Morice-Bulkley and Skeena Rivers. Another group devoted to conservation in the Skeena Watershed is Friends of Wild Salmon (FOWS), a coalition of residents from B.C.'s North Coast and Skeena watershed, First Nations, recreational anglers and commercial fishers. FOWS formed in 2005 to oppose plans for salmon farms near the mouth of the Skeena River (FOWS, 2006). Friends of Wild Salmon was also

¹⁰⁶ The Tl'azt'en First Nation joined the YDA in 2012.

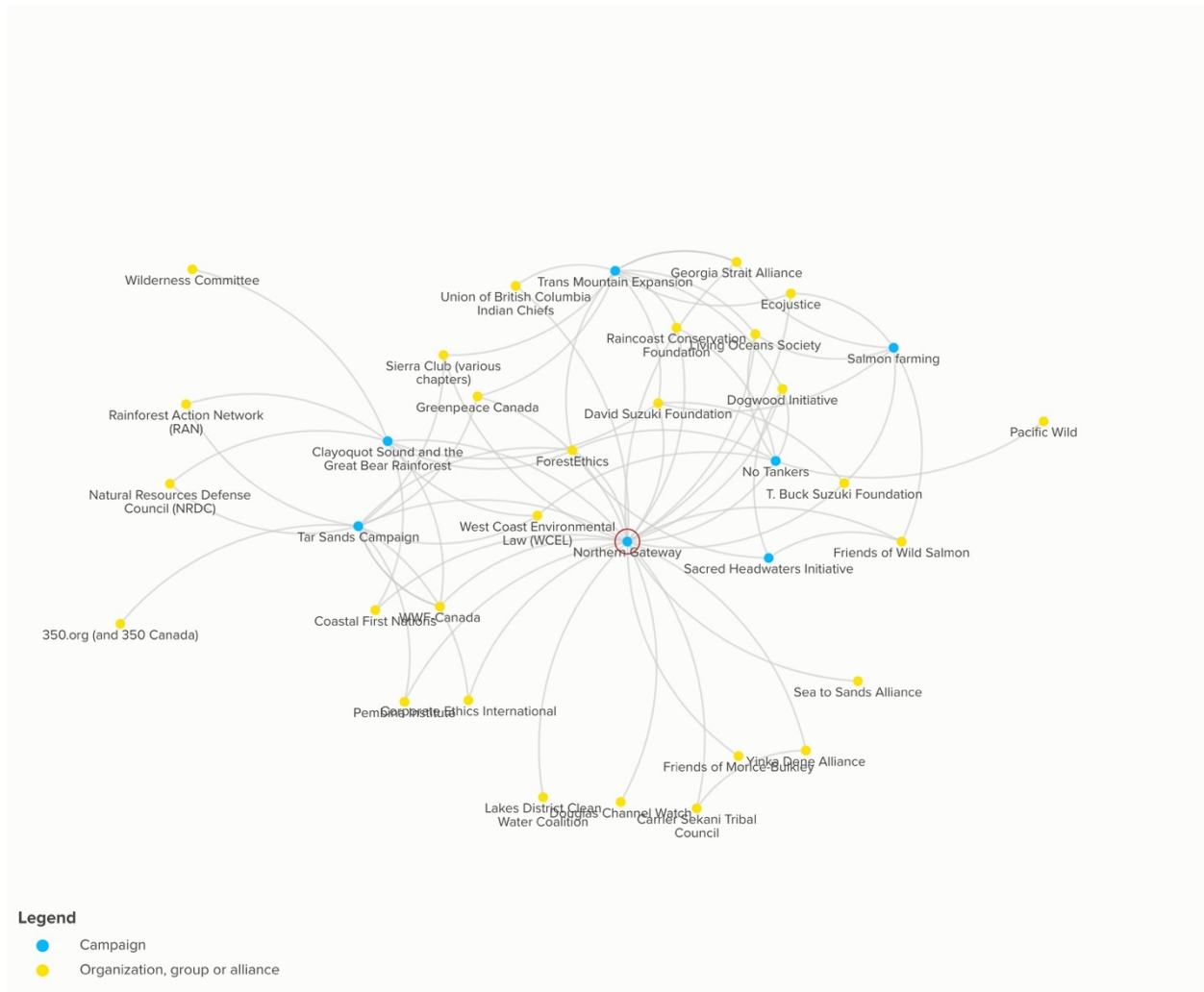
¹⁰⁷ The Fraser River is the longest river in British Columbia, beginning in the Rocky Mountains and flowing into the Strait of Georgia. The Fraser watershed makes up most of central and lower inland British Columbia.

¹⁰⁸ 44 Indigenous nations in the Fraser watershed and 11 supporting organizations signed the declaration (Save the Fraser, n.d.).

active in the Sacred Headwaters campaign with the Tahltan Nation against Shell's coalbed methane gas project which began in 2004, as were Dogwood Initiative and ForestEthics (Horter, 2012). FOWS turned their attention to the NGP in January 2009 (FOWS, 2009).

In short, there was significant organized opposition before the regulatory process began for the NGP. The Minister of the Environment and the Chair of the National Energy Board (NEB) established the three-member Joint Review Panel (JRP) in January 2010 to conduct an environmental assessment of the project. Enbridge officially filed its application for the project in May 2010. That fall, the JRP conducted preliminary hearings to gather input on the issues it should consider in its assessment of the project. In August 2010, hundreds of residents gathered outside the Joint Review Panel's community consultations in Kitimat (McCreary, 2010). The meeting was to gather feedback about the "issuance of a hearing order" and many presenters called for a broader scope of issues such as cumulative impacts, greenhouse gas emissions, and tanker traffic (ibid). Gerald Amos, then Chief Counsellor of Haisla First Nation and director of Coastal First Nations, told the crowd, "we have drawn a line in the sand. There will be no Enbridge pipeline and there will be no crude oil tankers in our waters. This is not a battle we intend to lose" (ibid.).

Figure 9: NGP campaign coalition and network overview



5.1.1 Problem formulation

The early opposition to the NGP largely manifested as the No Tankers campaign. Though this was not the only form of opposition, it was the most coordinated. Early on, NGOs worked to link the pipeline to the issue of tanker traffic. LOS, along with Dogwood Initiative, ForestEthics, and WCEL ran the No Tankers campaign to formalize the pre-existing “Voluntary Tanker Exclusion Zone” along the coast (Figure 10). Dogwood Initiative launched its No Tankers campaign in 2007 to formalize the moratorium (Dogwood Initiative, 2012: 5). Through a freedom of information request, Dogwood Initiative learned the provincial government assured Enbridge that its project would be exempt from a ban because the ban applied only to “foreign oil” in transit to Alaska (Dogwood Initiative, 2006). Dogwood worked closely with WCEL, whose lawyers provided the

legal assessment to show the tools available to put the ban into place (anonymous interview, 2019b). WCEL was also producing public research on the tanker ban and the risk of oil spills (WCEL, 2009). Dogwood Initiative led the public-facing part of the campaign, first with a petition and then circulating several hundred thousand loonies with “No Tankers” decals (Dogwood Initiative, 2009b).

Figure 10: Map of Voluntary Tanker Exclusion Zone (Transport Canada, 2017)



A central component of the campaign was understanding the impacts of increased tanker traffic in marine environments. To this end, Raincoast Conservation Foundation—composed of conservationists and scientists that research the wildlife of coastal British Columbia—played an important role. Raincoast started collecting data about marine animals along the Pacific coast in 2004, given the threat posed by offshore oil and gas exploration (Raincoast Conservation Foundation, 2010). In 2002, Raincoast had also been involved in opposing fish farming, in collaboration with Heiltsuk Chiefs (Davis, 2011). Several years later, Raincoast started collecting data

on marine mammals to raise awareness of the risks of the NGP and in 2010 the foundation produced the *What's at Stake* report, which described threats of the NGP oil tankers on animals living in British Columbia's coastal environment (Raincoast Conservation Foundation, 2010).

Groups joined the opposition coalition because of the multiple threats they perceived as a result of the NGP project. For example, Friends of Wild Salmon was concerned about risks to wild salmon, LOS was concerned about the impact of oil spills in marine environments, Raincoast Conservation Foundation was concerned about impacts on endangered marine species, and Pembina Institute was concerned about the upstream climate impacts. According to Lash (2019), “what was really fascinating was ultimately nobody wanted the pipeline. People spoke to it from different perspectives [...] the real power of pipeline campaigns is people will not like it for different reasons. But ultimately, nobody wants it.” As Eric Swanson, then campaign director at Dogwood Initiative recalls, Dogwood's participation in the coalition against Northern Gateway was driven by both marine risks and climate change, though only the latter occurred in the early days of the campaign (Swanson, E., 2019). According to Swanson, “the public, especially where we were working at that time, tended to respond more to the risk of oil spills than the risk to the climate. But for us, it was always about both. A lot of our messaging focused on risk because that was the aspect that was most resonant to a lot of people.” As Swanson (2019) described, every group had its own particular focus or “founding mission”:

you know, some groups were particularly interested in the impacts on the resident killer whales and other were particularly interested in the impact on salmon on the pipeline route. Others had some geographical interest to the north coast; others took a whole coast perspective. And others were focused on supporting First Nations, either in a legal capacity or another capacity.

Notably, the tanker ban overlapped with the interests of many groups. This issue linkage, from the onset, was crucially important as a common goal for these diverse groups.

In the early years of the campaign, local groups in British Columbia did not join the coalition because they opposed the tar sands or had concerns about climate change. As Lash reflects, “when I first started working on Enbridge Northern Gateway, people wouldn't talk about the tar sands [...] That was not their issue. Their issue was that there was a pipeline that could affect the salmon and the whales and, and the environment before everything.” Similarly, as Lash (2019) recalls, “I was one

of the first people working on that pipeline, and I didn't work on climate. It [opposition] really grew out of a desire to protect the ocean. And then eventually kind of grew into climate." Similarly, a former executive at an ENGO reflected, "the issue really first arose as a pipeline issue, not an oil sands issue" (anonymous interview, 2019c). Unlike in the case of KXL, some groups there were not becoming engaged because they had concerns about oil sands and saw pipelines as a leverage point (anonymous interview, 2019c). Instead, groups such as LOS and Raincoast Conservation Foundation became involved from the perspective of the risks from tankers to the ecosystems and communities on the Pacific coast.

Opposition from affected First Nations emerged independently of concerns about the oil sands. For example, the CSTC's concerns about the project stemmed from their assessment of the project's impacts on their way of life and their Aboriginal rights and title, including impacts on vegetation, soil, water quality, and fisheries and wildlife habitats (CSTC, 2006a). However, concerns about the pipeline, tankers, and tar sands became closely tied. For example, in March 2009, the CSTC learned of higher than normal cancer rates from a study by the Alberta Cancer Board, and the following month issued a statement declaring their opposition to the pipeline. In the statement, the CSTC cited concerns about the regulatory assessment process and expressed support for "the Fort Chipewyan and other First Nations affected by the oil sands" (Nadleh Whut'en First Nation, 2009). That December, at the climate negotiations in Copenhagen, the CSTC publicly decried the tar sands at a protest in front of the Canadian embassy (NationTalk, 2009).

5.1.2 Indigenous-settler alliances

At the core of the NGP coalition is an alliance between Indigenous groups and NGOs or community groups. Many First Nations in British Columbia have not ceded their territory to the government, which provides them with a unique set of rights. In the coalition against the NGP project, Indigenous and non-Indigenous opposed the project for different reasons, though they found mutual benefit in working together; this copacetic relationship hinged on an understanding of the political autonomy of the Indigenous members. First Nations retained political autonomy, and the nation-to-nation coalition building was separate from the involvement of other Indigenous groups. As Eric Swanson, then the director of Corporate Campaigns at Dogwood Initiative acknowledges, the Indigenous and non-Indigenous members of the coalition did not always work together. He describes his organization's relationship with First Nations:

the relationship was first characterized by an explicit recognition of their own authority in their title and rights. And that we, as an independent citizen group had our own interest in seeing these projects not proceed. And that, to the extent that, you know, our goals aligned with theirs, we would collaborate when it made sense and we would go our own ways when it didn't. Sometimes it ultimately made sense to bind together as a movement and work together. And other times it made less sense (E. Swanson, 2019).

Although I cannot speak adequately to the dynamics between Indigenous and non-Indigenous organizations in the NGP coalition without additional interviews with Indigenous organizations, I provide some albeit limited insights using public statements and interview material. In interviews with non-Indigenous organizations, organizers characterized relationships with Indigenous actors as highly positive. The director of Living Oceans Society, Jen Lash (2019), for example, described how the relationship with the Yinka Dene Alliance, “demonstrated the power of having strong relationships with the First Nations, of trusting their system of governance, and really coming up with some great strategies.” Jasmine Thomas, a Dene woman and Frog Clan member, involved with YDA, Indigenous Environmental Network, and Indigenous Tar Sands Campaign said that work with NGOs, was a “learning process for our communities” (Interview in Bowles and Veltmeyer, 2014: 34). These relationships are based on an understanding that “we lead this movement. We speak for ourselves. [NGOs] have to respect that” (ibid.: 34). Generally speaking, media coverage was quite positive of the coalition and presented it as united.

Some of the non-Indigenous members of the campaign coalition, however, had an uneasy relationship with the Unist'ot'en (C'ihlts'ehkhyu or Big Frog Clan), the People of the Headwater. In the summer of 2010, Unist'ot'en held the first “Action Camp” to build solidarity and educate allies. Though environmental NGOs like Greenpeace and Sierra Club initially attended, these relationships soured, partly because the Unist'ot'en opposed all pipelines through their territory (CrimethInc, 2013). At the time, these NGOs were only campaigning against Northern Gateway. The Unist'ot'en continued to hold Action Camps to educate Indigenous and non-Indigenous, grassroots allies (Unist'ot'en Camp, 2019; CrimethInc, 2013). In the winter of 2012, the Unist'ot'en clan and their allies developed the camp into a permanent occupation (CrimethInc, 2013).¹⁰⁹ The Unist'ot'en were not wholly separate from the ‘mainstream’ campaign; for example, Unist'ot'en camp co-founder and

¹⁰⁹ It is also the home for Freda Huson and Dini Ze Toghestiy, Huson's husband and a hereditary chief (Bliss, 2015).

spokesperson Freda Huson addressed the crowd at the “Defend Our Coast” protest in October 2012 (Terrace Daily News, 2012). Though they were not part of the core coalition, their efforts reinforced the coalition’s.

5.1.3 Social context and organizational resources

Initially, the Executive Director of the Georgia Strait Alliance, Christianne Wilhelmson, tried to play a facilitator role, from around 2007-2009. In 2009, the Georgia Strait Alliance pulled back, because they were experiencing financial difficulties and because the project fell outside their geographic region (Wilhelmson, 2019). As I describe below, the Georgia Strait Alliance played an influential role in the TMEP campaign. In the early years, the main coordinator was Jen Lash of LOS. Tzeporah Berman of ForestEthics also played a coordinating role as the director of the international Tar Sands Campaign. Both Lash and Berman arranged meetings and gatherings with different actors about particular issues or tasks related to the project. When Lash worked at Living Oceans Society, she received funding from foundations as part of the Tar Sands Campaign to “help support conversations around the pipeline” (Lash, 2019). She describes her role as bringing people together and supporting them:

So sometimes it’s a small community group that wants to raise an issue but sometimes ForestEthics or Greenpeace can step in and help them because they [...] can help communicate things to people, and they have expertise on different issues. So, my job was to help foster those conversations and my make sure the right help was brought in.

In the early stages of the NGP proposal, groups were not communicating with one another. The first phase of the network involved creating space for groups to talk. Organizations learned they needed to work in partnership with other groups to increase their influence. As Lash (2019) describes, the “thing about pipeline campaigns is no one group can ever win any pipeline campaign. It requires a lot of different players with a lot of different skill sets.” Though the coalition was composed of several large NGOs, grassroots organizations were also involved. Lash (2019) describes the work of these larger NGOs as explicitly supporting the work of communities and local groups. According to Lash (2019), “it was really a community citizen-led initiative.” As a more professionalized organization, LOS helped establish communication channels for the coalition. Lash

also helped coordinate grants and funding that were used to develop research, reports and public education materials.

Though the coordinator has an integral and influential role in the network, no one actor controls the networks. There were different hubs of coordination, and different partnerships and alliances within the broader coalition. According to Jen Lash (2019), the coalition was relatively conflict-free; the harmony was largely because settler organizations respected the autonomy of Indigenous organizations. Swanson (2019) similarly described the coalition as “independent and collaborative.” According to Swanson (2019), “we’d agree on some things, disagree on others, and collaborate on some things.” Such organizational autonomy could have led to inconsistent messaging, compromising the coalition’s effectiveness. Instead, the autonomous relationships appear to have made the coalition more durable by providing the flexibility and autonomy to reduce the potential for conflict. Well-established channels of communication across coalition groups through central figures like Lash helped avoid inconsistent messaging. The groups appeared to agree on core strategies even if they did not always collaborate.

As a former executive at an ENGO described, “there was always a certain amount of organization and collaboration that was occurring between all the different organizations,” particularly on the west coast of North America (anonymous interview, 2019c). Groups developed these relationships by working on past advocacy efforts, in particular on forestry and land use issues, fish farms, coalbed methane,¹¹⁰ and offshore oil and gas exploration. The core set of NGOs engaged in the coalition against the NGP—Dogwood, ForestEthics, Living Oceans Society, Raincoast Conservation Foundation and WCEL—had all been actively engaged in one or more of these campaigns. The campaign around the Great Bear Rainforest helped Indigenous and non-Indigenous alliances develop pre-existing ties to Coastal First Nations. This was the result of a long history of forestry advocacy in the region, to which I now turn.

¹¹⁰ In 2004, B.C. granted Royal Dutch Shell a tenure of land to develop coalbed methane in northwest British Columbia. The Skeena Watershed Conservation Coalition (SWCC) formed in 2004 in response. Elders and members Tahltan Nation allied with groups including SWCC, Dogwood, ForestEthics, and WCEL to oppose the project (Horter, 2012). The campaign involved disruptive strategies including a blockade Tahltan elders and protests with international allies at Shell’s Annual General Meetings in The Hague, Netherlands. The campaign also marshalled scientific evidence and leveraged public opinion and celebrity capital (SWCC, n.d.). Shell withdrew the project in 2012.

5.1.4 Lessons and legacies from forestry campaigns

Clayoquot Sound on Vancouver Island is remembered as a “legendary site” for a “coming-of-age victory” for Canadian environmental NGOs (Clapperton, 2019: 181). Out of Clayoquot Sound grew a larger campaign through the mid-coast timber supply area in British Columbia—one of the “largest intact coastal temperate rainforests” in the world. Activists would re-name this area the Great Bear Rainforest (GBR) (Berman and Leiren-Young, 2011). This clever reframing of the mid-coast timber supply area gave the region symbolic power and a master frame. The campaign to protect the GBR was a “foundational project” where many activists “cut their teeth” (McSheffrey, 2016a). In this section, I summarize several lessons that environmental groups learned about coalitions with First Nations, and the legacy of the GBR campaign (and, to a lesser extent, Clayoquot Sound) on the coalition against the NGP. I begin with a brief overview of the campaigns. I then discuss four sets of implications for the anti-NGP coalition: (1) experience with Indigenous-settler alliances and building social ties; (2) developing salient frames; and (3) mobilizing organizational and financial resources.

First Nations of the Nuu-chah-nulth Tribal Council and environmental groups first began opposing logging plans by MacMillan Bloedel on Meares Island in the 1980s, on unceded Indigenous territory (Clapperton, 2019: 184). The first two environmental groups were Friends of Clayoquot Sound, a grassroots environmental organization formed in 1979, and Western Canadian Wilderness Committee (later the Wilderness Committee) that formed in 1980 to protect wilderness in British Columbia from industrial development. An injunction halted logging plans on Meares Island and the alliance went dormant. The groups resurrected the alliance in response to the provincial government’s planned “Land Use Decision” in 1993 to allow clear-cut logging in Clayoquot Sound (Clapperton, 2019). Friends of Clayoquot Sound, along with other ENGOs Greenpeace and Sierra Club, organized a blockade and massive civil disobedience in 1993.¹¹¹

After the 1993 blockade, Greenpeace asked Berman to create an international forestry campaign, which led to the Clayoquot Rainforest Coalition. A coalition of four U.S.-based ENGOs ran a marketing campaign in the United States and Canada about Clayoquot Sound (Berman and Leiren-Young, 2011: 101).¹¹² The first logging protests outside of Clayoquot occurred in Bella Coola, led by the Nuxalk Nation after several hereditary chiefs approached Greenpeace in 1994 about their

¹¹¹ On how the forestry movement coalesced around Clayoquot Sound, see Pralle (2006: 89).

¹¹² The four organizations were Rainforest Action Network, Greenpeace, Pacific Environment and Resources Centre, and NRDC. Rainforest Action Network was founded in 1985 and was a pioneer of market campaigns against corporations it deemed engaged in environmentally destructive behaviour against forests (Soule, 2009: 14).

concerns about logging in their territory (Berman and Leiren-Young, 2011: 90). In part, and as a result, Greenpeace and four other environmental organizations expanded the campaign to British Columbia's west coast to protect the remaining intact forest valleys, in what they renamed the Great Bear Rainforest (Berman and Leiren-Young, 2011: 129-130). To conduct this campaign, Greenpeace and Rainforest Action Network, along with NRDC, Sierra Club BC, and the American Lands Alliance formed the Coastal Rainforest Coalition (CRC) to convince large consumer companies to stop buying forest products from GBR. In 2000, the coalition members realized the CRC had “outgrown its coalition structure,” and several members formed ForestEthics (Berman and Leiren-Young, 2011: 158). The marketing campaign coincided with another round of blockades in 1997 in light of an unresponsive provincial government (Dempsey, 2011: 215).¹¹³

In the early 2000s, four environmental organizations that worked on the GBR campaign—Greenpeace, Sierra Club BC, ForestEthics, and the Rainforest Action Network—formed a negotiating body called the Rainforest Solutions Project. The British Columbia and First Nations governments, including Coastal First Nations, the Rainforest Solutions Project, and five forest companies (represented by their own coalition) began a long process of negotiations. In 2006, the groups reached a compromise to protect the region's remaining coastal temperate rainforests from industrial logging, the Great Bear Rainforest Agreement.

In Clayoquot Sound, members of the Nuu-chah-nulth Tribal Council strategically partnered with NGOs; conversely, NGOs strategically linked their goals to First Nations to legitimize acting on their behalf. This created some contradictions; for example, environmental groups emphasized Nuu-chah-nulth title but also claimed that Clayoquot Sound “belongs to the world” (Clapperton, 2019: 190). Though the Clayoquot Sound movement was successful in many ways, “all sides were working to meet their own agenda,” and groups were not “wholly united” (Clapperton, 2019: 196).¹¹⁴ Berman, a campaigner at Greenpeace working with the Nuu-chah-nulth, describes the relationship as “fraught with difficulties and layers of complications” (Berman and Leiren-Young, 2011: 85). Finding common ground with Indigenous leadership was “a constant challenge,” largely because of

¹¹³ According to Davis, “some traditional chiefs of the Nuxalk Nation, together with four environmental groups (Forest Action Network, Greenpeace, Bear Watch, and People's Action for Threatened Habitat), set up a blockade to protest the logging of King Island” (Davis, 2011: 21). The Heiltsuk Nation, who consider the island to be part of their traditional territory, banned environmentalists for some time (*ibid.*).

¹¹⁴ The protests brought attention to issues of colonial injustice, a decline in logging operations, and helped Nuu-chah-nulth gain access to “official government policy and legal decision-making circles (Clapperton, 2019: 198, 200). Atleo (2015) is cautious about the longer-term impacts of the protests, or lack thereof, pointing to the stalled negotiations with the British Columbia Treaty Process. A notable exception, the Maa-nulth Treaty Society (representing five Nuuchahnulth communities) concluded a claim agreement in 2007.

the difficulty of balancing different interests of Indigenous rights, ecological risk and economic impact (ibid.: 85, 89). Environmental organizations had to cede control to the Nuu-chah-nulth and take direction from them (Clapperton, 2019: 200). Recognizing the decision-making autonomy of the Nuu-chah-nulth was an important lesson for ENGOs.

Through the GBR campaign, environmentalists and their organizations learned other valuable lessons about building alliances with First Nations and Indigenous organizations. Merran Smith, then with the Sierra Club, describes how she learned to see the campaign as more than an “environmental campaign,” which had been the central identity and work of environmental organizations (Smith et al., 2016: 12). Environmental organizations like Sierra Club had to learn about the inseparability of interrelations between land rights issues, self-determination, environmental conservation, and economic development for Coastal First Nations (e.g., ibid; see also Davis, 2009: 146). ENGOs also learned about trust and relationship building with First Nations, including the importance of co-creating a common vision, listening, and observing cultural protocols (Smith et al., 2016; Davis, 2009). Generally speaking, environmental organizations have learned to recognize the political autonomy of First Nations. In sum, as Low and Shaw (2011: 27) write, the GBR Agreement negotiations identified new and evolving “symbiotic” relationships between environmentalists and First Nations. Unlike in the 1990s, ENGOs have learned not to speak *for* First Nations, but “to speak *from* an impacted location” (Willow, 2019: 34; see also Davis, 2009: 145).

CFN, a central member of the anti-NGP campaign, formed out of the GBR campaign. Relationships between environmentalists and First Nations in the 1990s were strained and conflictual (e.g., Davis, 2009: 145; see also Pralle, 2006: 82). In 2000, the David Suzuki Foundation held the “Turning Point” conference to develop a collective vision with First Nations in the mid-coast region (Davis, 2009). After the meeting, eight coastal First Nations and the Council of the Haida Nation agreed to work together to develop and advance their common interests of resource management and land use planning in government-to-government negotiations and diversify their economies (ibid.: 141). This was the beginning of the Coastal First Nations alliance, which would become “a focal point” for mobilizing “influence, money, and expertise” (ibid.: 155).¹¹⁵ In the case of the GBR campaign, First Nations thus created their own “sphere of power” (Smith et al., 2016: 3-4). Though CFN was first created by Indigenous leaders in partnership with the David Suzuki

¹¹⁵ Initially called the Turning Point Initiative, the initiative became the Coastal First Nations-Great Bear Rainforest Initiative; it is now commonly referred to as Coastal First Nations.

Foundation, it “has taken on a strong independent existence and voice” (Davis, 2009: 144). CFN would become an instrumental part of the anti-NGP campaign. CFN provided a collective and thus more powerful voice for these nations to engage with the proposal and had greater capacity to assess its impact.

The GBR agreement was implemented a decade later, in 2016. The negotiation processes have transformed the Great Bear Rainforest, in large part due to the emerging role of First Nations in land-use planning (Low and Shaw, 2011). However, the technical nature of negotiations privileged groups with the resources and particular forms of expertise, which resulted in the exclusive nature of the negotiations for the GBR Agreement (Dempsey, 2011). “Sensitive questions” about self-determination remain, as well as some tensions between some First Nations and environmental organizations (Davis, 2009: 150-151). As recently as 2010, prominent ENGOs have been criticized by Indigenous leaders for speaking for First Nations. Lee (2011) describes how the Canadian Boreal Forest Agreement was reached in 2010 after negotiations between nine ENGOs (including the David Suzuki Foundation, ForestEthics, and Greenpeace) and 21 forestry companies. Indigenous peoples were not included in the negotiations, which Lee (2011) suggests undermined relationships between ENGOs and First Nations leaders. In the anti-NGP coalition, ENGOs appear to have addressed at least some of these tensions.

The GBR and NGP campaigns had different targets and strategies, though the GBR campaign was a key source of social ties and relationships that helped provide the foundation for the NGP coalition. Coastal First Nations was an integral partner in the formation of the Great Bear Rainforest Agreement, and Art Sterritt was a central negotiator and broker. The Coastal First Nations alliance has extended well beyond its initial time-limited mandate (Davis, 2009), and Sterritt became a central broker in the NGP campaign. Another important broker, Berman became coordinator of the international Tar Sands Campaign in 2011. The previous coordinator of the Tar Sands Campaign, Michael Marx, was also involved in the GBR campaign as a strategist at Rainforest Action Network and a founding member of ForestEthics (WikiLeaks, 2013). The GBR campaign was not the only source of pre-existing social ties. Jen Lash of the Living Oceans Society also played a central role in the NGP project, though the organization did not have any formal involvement in the GBR campaign.

Many NGOs involved in the forestry movement were also active in the opposition coalition to the NGP, including ForestEthics and Sierra Club BC. Others included the Dogwood Initiative, founded in 1999 to focus on logging on Vancouver Island. WCEL provided legal research and

advice for the Great Bear Rainforest campaign and negotiated improvements to provincial forestry policy (WCEL, 2007: 7). The NGP provided an opportunity for NGOs to work with First Nations in the GBR region. In the fall of 2010, several NGOs, including Sierra Club BC, coordinated an expedition in the Great Bear Rainforest to document the region and raise awareness of the ecosystems and people threatened by the pipeline project.¹¹⁶ In 2010, ForestEthics produced a video with the Office of the Wet'suwet'en about First Nations' resistance to the NGP (Stand.earth, 2010). In 2009 and 2010, WCEL lawyers travelled along the proposed route, "working directly for communities threatened by the pipeline and tanker projects" (WCEL, 2010: 5).

How environmental organizations framed risks associated with the NGP project also significantly influenced the GBR campaign. Many environmental organizations worked hard to construct the Great Bear Rainforest as a globally significant region needing protection. This frame was highly salient and was institutionalized by the provincial and federal governments. At the time of writing, the federal government calls the GBR the "largest intact coastal rainforest in the world" (Natural Resources Canada, 2017). According to Berman (2019), groups built on the legacy of the campaign and recognition of the GBR to frame the pipeline as a threat. Groups often emphasized the "pristine" and unique ecosystem to be protected (e.g., Environmental Defence and ForestEthics, 2012: 1; NRDC, 2015:1). GBR's pristine reputation stemmed from environmental organizations like Sierra Club and Greenpeace, who wanted to expand their forestry campaign (Smith and Dobell, 2010: 1). David Rossiter (2004) analyzed Greenpeace's campaign literature about the coastal rainforest in the 1990s, which relies heavily on pristine nature in concept. He suggests this construction resonated with the urban public but relied on a "neocolonial representation" of First Nations and nature by situating Indigenous peoples "as part of nature and as outside the social, economic and political history of the province" (ibid.: 139). In later work, Rossiter (2008: 122) suggests that by the early 2000s environmental organizations' "historical-geographic imaginations" about the place of First Nations on British Columbia's mid-coast had undergone "significant modification." More recently, Lynne Davis (2011: 9) suggests there are some unresolved issues about whether the GBR is "home" belonging to First Nations or a "global treasure." Though environmental organizations learned many lessons about relationships with First Nations, the use of the "pristine" framing endured. Despite its neocolonial undertones, the media and, eventually, the

¹¹⁶ Partners in the 2010 expedition included the International League of Conservation Photographers (ILCP), Pacific Wild (an initiative of the Raincoast Conservation Society), NRDC, Sierra Club BC, and the Gitga'at First Nation; ForestEthics was a partner in the 2011 expedition (ILCP, 2011).

federal government also absorbed the pristine narrative (e.g., *The Canadian Press*, 2012d; Penner, 2012). Yet, the pristine framing and the GBR more generally would come to be highly influential in framing the salience of the risks associated with the NGP.

Finally, the GBR campaign helped mobilize financial resources, which spilt over into the TSC and anti-NGP campaigns. The Great Bear Rainforest campaign marked the beginning of new relationships with philanthropic foundations. In particular, U.S.-based foundations significantly contributed to the Coastal Opportunities Fund and, more generally, to the GBR campaign.¹¹⁷ Delacey Tedesco (2015) traces the contributions of three of the five largest U.S. funders to the GBR between 1997-2007: Rockefeller Brothers Foundation, William and Flora Hewlett Foundation, and the David and Lucile Packard Foundation. The Gordon and Betty Moore and the Wilburforce Foundation also contributed to the GBR campaign but were excluded from Tedesco's (2015: 13) study because the Gordon and Betty Moore began granting after 2001 and the Wilburforce Foundation does not publish grant information. These founders provided millions of dollars to the organizations in the Rainforest Solutions Project coalition over a ten-year period. In the GBR campaign a "powerful relationship" developed between the aforementioned foundations and the Rainforest Solutions Project (Tedesco, 2015: 18).

Funding relationships that began with the GBR campaign were, to some extent, maintained with the Tar Sands Campaign and, in turn, the NGP project. Rockefeller Brothers Foundation, Wilburforce Foundation, and the William and Flora Hewlett Foundation, contributed to either the Tar Sands Campaign or the anti-NGP coalition. These foundations were not the only ones that contributed to the TSC or NGP, other contributors included the Oak Foundation, the U.S. Tides Foundation, and Tides Canada.¹¹⁸ Foundation grants played a role in significantly increasing the coalition's resources. ForestEthics was a key interlocutor in both the GBR and NGP campaigns. In the GBR campaign, foundations negotiated with ENGOs and organizations had to compete for foundation grants (Tedesco, 2015: 17). Though the Tar Sands Campaign had a similar dynamic, it appears in the NGP campaign that the structure of the coalition, and resources available, helped

¹¹⁷ The Rainforest Solution Partners proposed a capital fund to help First Nations' develop their economies based on principles of ecosystem-based management—in 2007, the \$120 million Conservation Opportunities Fund was announced (Davis, 2009: 144). The \$120 million Conservation Opportunities Fund (COF) was established in 2007 "through a complicated combination of provincial and federal funds, foundation investments, and public fundraising managed by these foundations to support "sustainable economic development and conservation management" (Tedesco, 2015: 19; see also Davis, 2009; Low and Shaw, 2011).

¹¹⁸ See Krause (2010; 2012a; 2018) and Garossino (2019).

mitigate conflict. Several ENGOs acted as grant advisors, liaising and managing relationships with funders, and distributed funds to other coalition group members.

5.1.5 Early political allies

One of the central strategies of the No Tankers campaign was to work with MPs to pass a federal tanker ban (e.g., Campbell, 2010; WCEL, 2010: 5). The source of this campaign began in 2003 when Premier Campbell expressed concern about a federal moratorium on tanker traffic that would prohibit offshore oil and gas exploration. In response, ENGOs, including Living Oceans Society, campaigned to maintain the moratorium, supported with funding from U.S. philanthropic foundations (Krause, 2012b). This campaign created momentum for a campaign against oil tankers associated with the NGP proposal. In June 2008, NDP MP for Vancouver Island North, Catherine Bell, brought a private member's bill, C-571, to prohibit oil tankers in the Dixon Entrance, Hecate Strait and the Queen Charlotte Sound (Parliament of Canada, 2008). In a press release, staff from LOS, Dogwood and WCEL lauded the legislation (LOS, 2008). The bill failed when the session ended, and NDP MP Don Davies of Vancouver-Kingsway, in October 2009, brought it back as Bill C-458 (Parliament of Canada, 2009). As with most private member's bills, both were unsuccessful because they lacked multi-party support.

Environmental NGOs worked to broaden support for the No Tankers campaign. WCEL provided legal advice to First Nations to use their traditional laws to prohibit tanker traffic (see for example WCEL, 2012). In March 2010, Coastal First Nations passed their own ban. At the same time as the ban, over 150 groups (primarily First Nations, NGOs, and public figures) joined the campaign against the project with a full-page ad in the *Globe and Mail* on the 21st anniversary of the Exxon Valdez oil spill. In 1989, a tanker owned by Exxon Shipping Company spilled an estimated 257,000 barrels of crude oil into Prince William Sound, Alaska. The spill was often cited in reports and materials by prominent NGOs such as Raincoast Conservation Foundation (2010) and the Pembina Institute (Kennedy, 2010) to illustrate the risks of oil tankers. The 2010 ad contained a picture of the disaster and read "This was Exxon's gift to Alaska. B.C. can expect the same from Enbridge" (Coastal First Nations, 2010).¹¹⁹ Several months later, in June 2010, the Liberal Party, at the time the Official Opposition, committed to a legislated tanker ban (WCEL, 2011: 5). Dogwood also worked with local councillors and mayors and in October 2010, the Union of B.C.

¹¹⁹ The ad listed 28 First Nations, 35 organizations, 48 businesses and 30 individuals (WCEL, n.d.).

Municipalities passed two resolutions against the Northern Gateway brought by the village of Queen Charlotte (one on “bulk crude tanker traffic” and one on “tar sands oil”) (UBCM, 2010: 55-6; Dogwood, 2011: 6). Dogwood continued to collect more than 60,000 petition signatures (Dogwood Initiative, 2012: 6). Dogwood Initiative first commissioned a poll in 2006 and again in August 2010; the latter found eighty percent of residents in British Columbia supported a ban on oil tankers (Hume, 2006; Lindell, 2010). And over time, the political influence of the No Tankers campaign became visible. After several years of campaigning, a moratorium on the northwest coast had the support of the federal Liberal, NDP, and Green parties. Swanson (2019) also recalls, “there was relative consensus if not total consensus of the local governments on the north coast on opposition.”

In September 2010, at a solidarity rally in Vancouver, MPs Ujjal Dosanjh (Liberal) and Finn Donnelly (NDP) “pledged to work towards a legislated ban on crude oil tankers in northern coastal waters” (McCreary, 2010). In November, WCEL and CFN co-organized a delegation to Parliament Hill, along with representatives of the wilderness tourism and commercial fishing industries (WCEL, 2011a: 5). Shortly after the delegation to Parliament, NDP MP Nathan Cullen brought a motion to ban oil tanker traffic in the Dixon Entrance, Hecate Strait and Queen Charlotte Sound (Cullen, 2010b). Cullen represented Skeena-Bulkley—which covers the northwestern portion of British Columbia—and was an ally to the campaign. Cullen offered support via a recorded message for the participants of the All Nations Energy Summit in 2009 (Massey, 2009). CSTC had contacted all MPs in Canada in January 2010; only Cullen and one other MP responded positively (see, Cullen, 2010a). In December 2010, the House of Commons passed MP Cullen’s motion because of multi-party support from the NDP, Bloc and Liberals to outvote the Conservatives (Campbell, 2010). Though not a legislative ban, it represented an important victory for the No Tankers campaign. This multi-party support was not achieved for previous private member’s tanker bills. This change could have been to Cullen’s persuasiveness, but coalition building certainly played a role.

The week following Cullen’s successful motion, Vancouver Quadra Liberal MP Joyce Murray, another ally to the campaign, brought a similar private member’s bill, Bill C-606. This was the first time a Liberal MP brought a legislative ban. Murray, in 2017, cites Dogwood Initiative, Living Oceans Society, Stand.earth (formerly ForestEthics), and West Coast Environmental Law as being “critical” to the tanker ban (Murray, 2017). The campaigners anticipated another win; shortly after the bill was introduced, however, Prime Minister Harper prorogued Parliament and in March

2011 called an election (Parliament of Canada, 2010). The opposition coalition shifted their attention to the hearing process, which is the focus of Chapter 6.

In 2011, several elections took place, which would shape the political context for the NGP, which I explore in Chapter 6. First and most significantly, Prime Minister Harper consolidated his power with a majority government. Second, Alberta Premier Stelmach was replaced by Alison Redford (also the leader of the Progressive Conservative party). Third, B.C. Premier Campbell resigned, and Christy Clark replaced him (who was also from the Liberal Party). These events, and in particular the majority federal government, would affect the strategies of the early campaign coalition. As I mentioned in Chapter 4, Prime Minister Harper turned his attention to the NGP proposal in early 2012, after President Obama denied the Keystone XL project's presidential permit. I describe the outcomes of this shift in Chapter 6.

5.1.6 Summary and early influence

The story of the NGP's coalition formation is not a deterministic one, meaning groups that share causal beliefs or interests would automatically work together to oppose an oil sands pipeline. Rather, this process was a highly contingent one where groups that would not have otherwise joined were persuaded to participate. The social context was particularly conducive for coalition formation around the NGP. This is largely due to the history of environmental and Indigenous organizing and activism in the region. Through previous campaigns around forestry, coalbed methane, and fish farming, ENGOs and Indigenous organizations learned how to form coalitions together, based not just on strategic interest. Though not without tensions and problems, they developed common understandings and purposes—about environmental protection and Indigenous sovereignty—and a shared sense of place, like the Great Bear Rainforest or the Sacred Headwaters (cf. Grossman, 2017). These campaigns also gave coalition members experience with certain kinds of tactics and venues. They often required a combination of scientific expertise, raising issue salience with media and digital engagement, working with transnational allies, lobbying decision-makers, and leading disruptive protests and civil disobedience. Through the Great Bear Rainforest campaign, Indigenous nations created their own organization, Coastal First Nations, a crucial broker in the anti-NGP coalition.

Given this conducive social context, when a new threat arrived, the Northern Gateway pipelines project, allies were already available to form a coalition. The relatively closed opportunities for environmental groups to discuss energy or climate policy at either the provincial or federal level

contrasted with a new and unique opportunity with the Joint Review Panel; that opportunity allowed organizations and citizens to engage with energy issues. Coalition members employed issue-linkage, expanding the threat's scope by linking the pipeline proposal to increased tanker traffic to attract more organizations and support. The NGP coalition was heavily informed by the pre-existing tanker ban and the campaign to keep it in place. Living Ocean Society's offshore moratorium campaign provided a base to build the No Tankers campaign. The pre-existing informal moratorium was a key strategic resource for the campaign, and LOS was a key broker. Early on, core coalition members linked the Northern Gateway proposal to the issue of tanker traffic. Both were cross-cutting issues and groups did not need to compete for "turf" where an issue "belongs" to a particular organization (cf. Carpenter et al., 2014). These conditions help explain why there was significant opposition before the regulatory hearings.

The early success of the campaign was illustrated with multi-party support for the tanker ban and the 2009 shareholder resolution on free, prior and informed consent of Indigenous communities along the proposed project route. The No Tankers campaign's early success provided important momentum for the campaign coalition and an essential source of political access with Members of Parliament from multiple parties that were allied with the campaign coalition. The success of the investor engagement strategy became particularly evident at Enbridge's 2010 AGM. Enbridge—in response to a shareholder proposal from Dogwood—agreed to add a supplement to their CSR report about the NGP and to report spill, leak and liability information relating to their entire liquids pipeline system (Enbridge Inc., 2010). Similarly, NEI requested that Enbridge report the legal and regulatory risks in the review process for the NGP because of opposition from First Nations. In response, Enbridge agreed to include additional disclosure. As a result, both Dogwood and NEI withdrew their proposals (*ibid.*). They did not file further resolutions in 2011 but filed a similar proposal in 2012 concerning opposition from Indigenous groups, which I return to in Chapter 6. And as I will describe in Chapter 8, Enbridge had difficulty gaining the support of Indigenous, particularly in British Columbia. This was undoubtedly due, in part, to nation-to-nation communication and alliance building from groups including the YDA and CFN. Their strong resistance began early in the project's development phase and continued as the project progressed through the regulatory process.

5.2 The campaign coalition against the TMEP

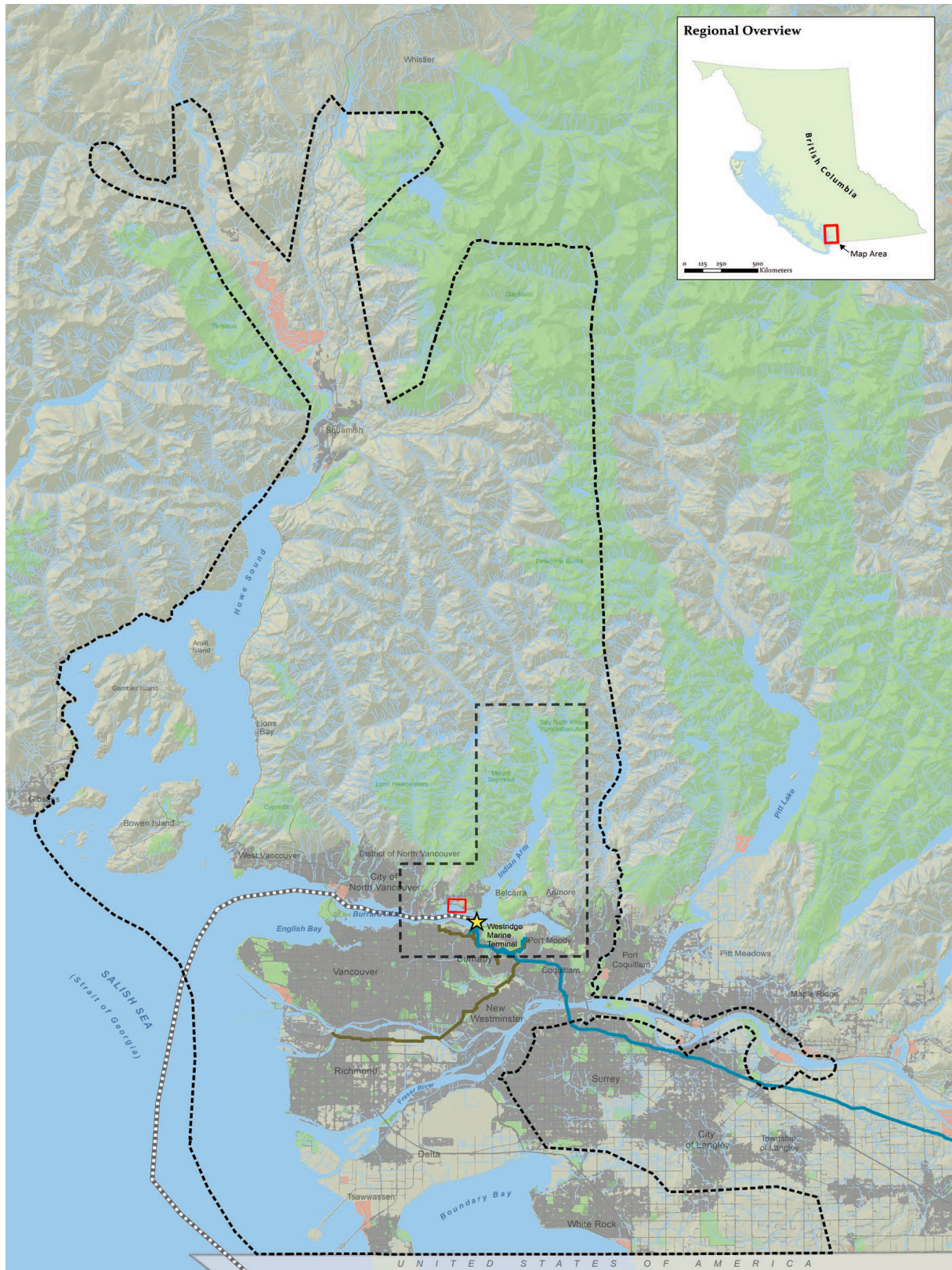
The political context was similarly closed with a federal Conservative majority government in 2011 for Trans Mountain. For proponents, the Trans Mountain Expansion Project had a significant advantage over the NGP because it was not a greenfield project and because there was already tanker traffics associated with the existing Trans Mountain pipeline.¹²⁰ Yet, groups in British Columbia were concerned about the TMEP largely because of the risk of spills along the southern coast from increased tanker traffic. Once again, in this section, I introduce the core coalition members and overview key processes and conditions that explain coalition formation. I also discuss how the anti-NGP campaign provided both benefits and challenges for the anti-TMEP campaign. As I will illustrate, the early success of the campaign was mixed due to its political engagement strategy.

Though Kinder Morgan would not publicly announce its plans for the TMEP until May 2012, opposition to increased tanker traffic from the Trans Mountain pipeline began in 2010. The seeds of resistance sprouted when Bill Gannon, Greenpeace's founding accountant, noticed an increase in tanker traffic in the Burrard inlet. Troubled by the lack of oversight of tanker traffic, he prepared a risk assessment (No Tanks!, 2010). Rex Weyler, one of the founders of Greenpeace International, started No Tanks in 2010 with Gannon and a local fisher (*ibid.*).¹²¹ In September 2010, Weyler of No Tanks and Ben West, then the Climate Campaigner at Wilderness Committee, called for an oil tanker ban along the entire west coast (Inwood, 2010). Also in 2010, Weyler approached Rueben George, Sundance Chief of the Tsleil-Waututh First Nation with concerns about the pipeline (Hunter, 2018). The Tsleil-Waututh are "People of the [Burrard] Inlet" in North Vancouver and the First Nation would play a central role in the campaign coalition (Tsleil-Waututh, 2020; Figure 11).

¹²⁰ The original pipeline was created by a company established through an act of Parliament, and construction was completed in 1953 i.e., it was state-owned (Trans Mountain, n.d.). The line was designed to transport oil to a terminal in Burnaby, British Columbia with a capacity of 150,000 barrels per day (*ibid.*). Kinder Morgan Inc. acquired the pipeline in 2005 and shortly after the company pursued a series of expansions on the pipeline system and it began increasing shipments of heavy oil to the Vancouver Harbour. The pipeline has a long history of expansion. For example, a spur line was added shortly after its initial construction, in 1956, to reach markets in the United States (Trans Mountain, n.d.). The pipeline company was acquired by BC Gas Inc. in 1994 and again by Kinder Morgan Inc., in 2005.

¹²¹ The organization became "Tanker Free BC"; former Wilderness Committee campaigner Ben West became the director in January 2015 (Mair, 2015); by the end of 2017, the group's website was inactive.

Figure 11: Tsleil-Waututh Nation Consultation boundary (TWN, 2016)



In June 2011, Raincoast Conservation Foundation filed its concerns with the NEB about increased tanker traffic. Kinder Morgan received two approvals from the NEB to increase capacity and was applying once more as part of its plans to increase shipments (Raincoast Conservation Foundation, 2011). In December 2011, the NEB approved the increase. Ecojustice, a Canadian nonprofit environmental law organization, formerly called Sierra Legal Defence Fund, responded on behalf of a coalition of “Conservation Organizations”: David Suzuki Foundation, Dogwood Initiative, Georgia Strait Alliance, Greenpeace Canada, Raincoast Conservation, Sierra Club BC, Western Canada Wilderness Committee, and Living Oceans Society (Ecojustice Canada, 2011). This letter was the first in a series of concerns about the tanker traffic endangering the critical habitat of the southern resident killer whale, which is designated under federal legislation as endangered (*ibid.*).

Organizers also recognized the project was to go through densely populated urban city centres and turned their attention to potentially impacted cities and municipalities. Burnaby and Victoria were two early targets, given the impacts of the proposed expansion. Burnaby is home to two terminals (Burnaby and Westridge), which store tanks for the Trans Mountain system. The City of Victoria is located on the southern tip of Vancouver Island, several kilometres from the tanker route for the Trans Mountain system. In September 2011, Wilderness Committee, Dogwood Initiative, Georgia Strait Alliance, and WCEL advocated the cities of Burnaby and Victoria to bring a resolution at the Union of BC Municipalities (Wilderness Committee, 2011). The resolution requested that the NEB ensure the TMEP undergoes “the highest degree of environmental assessment” and meaningful public consultation, including direct engagement with affected municipalities, regional authorities and First Nations in British Columbia (City of Burnaby, 2012: 19). This was the beginning of municipal opposition to the project though Kinder Morgan had not even officially announced the project. In December 2011, eight mayors of the south coast of British Columbia, including the mayors of Burnaby and Victoria, called on the NEB to conduct a public consultation process “for all applications for expansion oil pipelines and tanker traffic in the Vancouver area” (*ibid.*: 19). The mayors agreed that a potential spill would have significant negative impacts. In March 2012, Burnaby passed a resolution again requesting that Kinder Morgan consult with the City of Burnaby and that the NEB hold public hearings (*ibid.*: 18).

Another significant ally to the campaign against the TMEP was the City of Vancouver, the largest city in the province. The City of Vancouver, then governed by Vision Vancouver and Mayor Gregor Robertson, made a natural addition to the coalition. The party formed in advance of the 2005 election as a centre-left party. Robertson was elected first in 2008 after negotiating an electoral

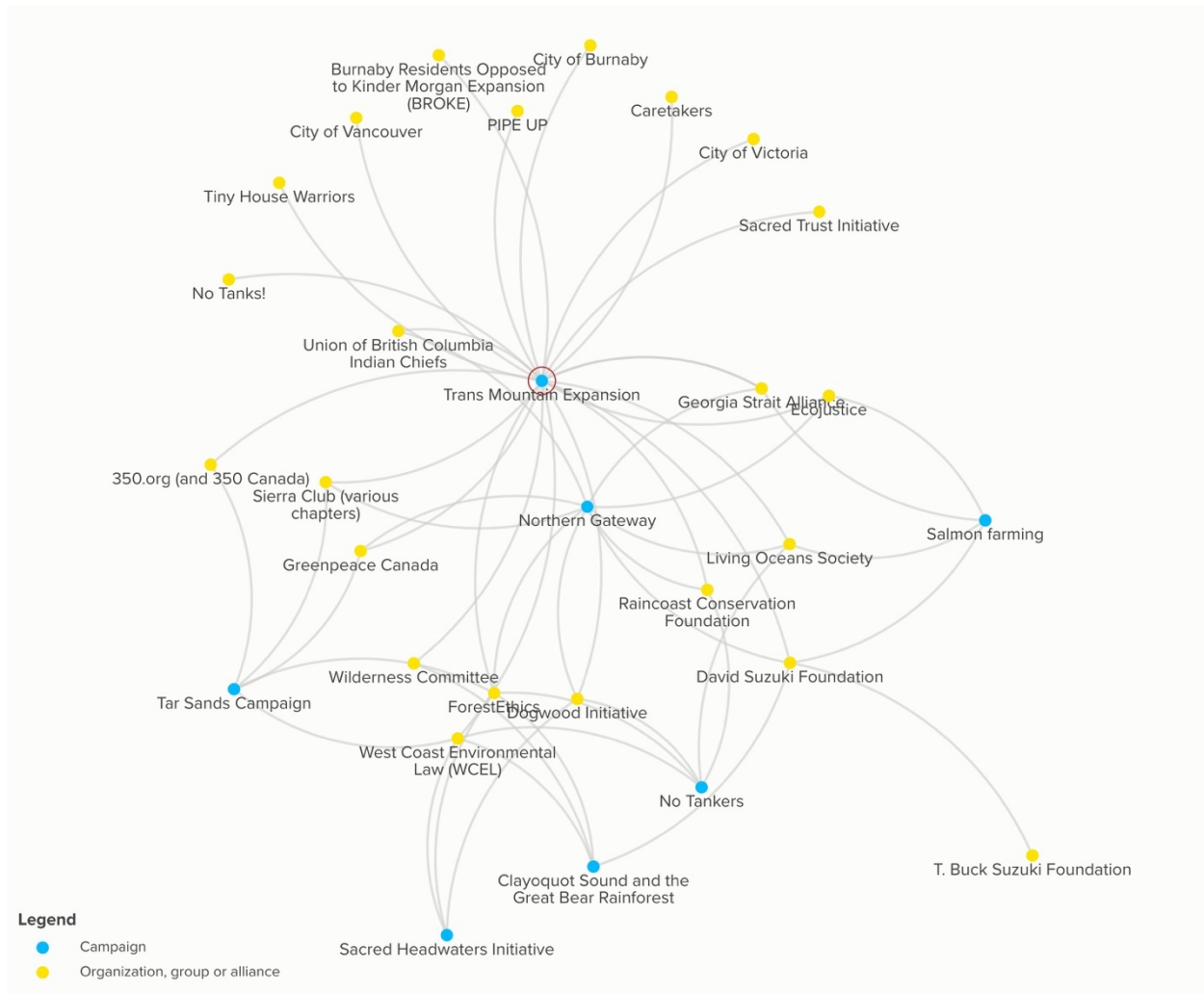
coalition with the Coalition of Progressive Electors (COPE) and the Green Party of Vancouver.¹²² At the end of April 2012, Vancouver's Mayor Gregor Robertson released an online petition against the expansion and in May, the Vancouver City Council passed a resolution opposing the project (Hui, 2012; Macdonald and Forbes, 2012). At that city council meeting, Rueben George made a presentation, as did representatives of WCEL, Wilderness Committee, and Tanker Free BC (Macdonald and Forbes, 2012). In mid-April, Metro Vancouver mayors formed a united front against the proposed pipeline. Metro Vancouver, also known as the Greater Vancouver Regional District, comprises 21 municipalities—including Burnaby, Delta, North Vancouver, Surrey, and Vancouver—and Tsawwassen First Nation. Andrea Reimer, a Vancouver city councillor elected in 2008, and formerly the Executive Director of the Wilderness Committee, would go on to organize the municipal coalition (Reimer, 2019).

Municipal and grassroots opposition were mutually reinforcing. In March 2012, two city councillors, Vancouver City Councillor Adriane Carr and Abbotsford Councillor Patricia Ross, called a meeting in Abbotsford at the University of the Fraser Valley. Abbotsford is a city east of Vancouver in the Fraser Valley and one of the cities the proposed pipeline would run through. Panel speakers included Rueben George, Ben West, and an Abbotsford resident, John Vissers (Hopes, 2012). This meeting catalyzed PIPE-UP (Pro-Information, Pro-Environment, United People), a grassroots group of residents of southwestern British Columbia. The group officially formed the following month to gather and share information about the proposal. One of the founders, Lynn Perrin, had been at the meeting in Abbotsford (Perrin, 2019). PIPE-UP became one of the central groups involved in the campaign and would go on to work closely with ENGOs. The network would develop chapters in Surrey (part of the Metro Vancouver Area, between the Fraser River and the Canada-US border), Langley (another city in the Metro Vancouver Area, east of Surrey), Abbotsford, and Chilliwack (a city to the east of Abbotsford in the Fraser Valley) (PIPE-UP Network, 2020). NGOs Dogwood Initiative and Wilderness Committee worked with directly affected communities and cities along the route; they hosted town halls with the support of local groups, including PIPE-UP in the spring and summer of 2012. These NGOs held town hall meetings in the Lower Mainland and the Fraser Valley in British Columbia, “including Chilliwack, Abbotsford, Burnaby, Maple Ridge and West Vancouver” (Wilderness Committee, 2013: 6).

¹²² Robertson was previously the director of Tides Canada from 2002-5. Vivian Kraus has criticized Robertson for accepting several 2008 campaign donations from organizations and individuals affiliated with Tides Canada (e.g., Smith, 2010).

At the end of May 2012, Burnaby's city council officially announced its opposition to the project (Fuller-Evans, 2012). This opposition began due to the City's risk assessment, which found that the risks outweighed the benefits. The council agreed to send letters to the federal and provincial ministers of the environment, the NEB, and to Premier Christy Clark (ibid.). The Mayor of Burnaby, Derek Corrigan, would become another central opponent of the project. In July 2012, Dogwood Initiative and Wilderness Committee spoke at the townhall that Burnaby's Stoney Creek Environmental Committee, a group of volunteers dedicated to protecting the city's forest and stream, hosted. Burnaby-Douglas NDP MP Kennedy Stewart also spoke and became a vocal opponent of the project (PIPE-UP Network, 2012). Once again, municipal and grassroots opposition was closely linked. Burnaby Residents Opposing Kinder Morgan Expansion (BROKE) formed in 2012 to oppose the project. BROKE organized a townhall in October 2012 and Mayor Corrigan spoke against the project, emphasizing the role of cities like Burnaby to vocalize their opposition as the provincial government had opted out of the environmental assessment process (Hong, 2012). In sum, a coalition of cities and municipalities, First Nations, ENGOs, and grassroots groups formed early in the project's development phase to oppose the expansion. Figure 12 contains a summary of the anti-TMEP coalition and broader network.

Figure 12: TMEP campaign coalition and network overview



5.2.1 Political opportunities and problem formulation

Initially, the core political context was about spills. The coastal impacts of tankers were hotspots of both environmental consequence and potentially mobilized publics. Vancouver City Council Andrea Reimer said after the Deepwater Horizon blowout, residents expressed concern about the shipment of oil (Reimer, 2019). In 2010, the BP-operated offshore site spilled an estimated 4.9 million barrels of oil into the Gulf of Mexico (United States Coast Guard, 2011: 33); the disaster is considered the world’s largest marine oil spill (Pallardy, 2010). As a result of the disaster, the city of Vancouver began to look into the issue of oil spills and Mayor Robertson called a special council meeting in July 2010 (Reimer, 2019; Hui, 2010). The council heard from several experts and representatives of interest groups, including the Georgia Strait Alliance. As Reimer describes, “sitting through that

[meeting] was terrifying. It was unbelievable [...] nobody had even asked these questions before.” The city realized there were serious gaps in spill response (Reimer, 2019). In a press release, Mayor Robertson acknowledged the increase in crude shipments in the Burrard Inlet (Hui, 2010). At that point, the NGP proposal was receiving critical attention because of marine safety and spill risk. By the time Kinder Morgan filed the application for the TMEP in 2013, the City of Vancouver was “extremely concerned” about the risks of the project (Reimer, 2019). The city was also concerned about climate impacts; as Reimer (2019) recalls, “we were working so hard to reduce climate-related emissions within the city of Vancouver. Regardless of how safe this thing could have been, it was really clear that this is not the time in human history where you want to be building new fossil fuel infrastructure.”

Local groups formed, in part, from negative experiences with Kinder Morgan and incidents in their neighbourhoods. For example, Burnaby resident Alan Dutton, who became a spokesperson for BROKE, had to temporarily leave his home when a natural gas pipeline owned by Kinder Morgan ruptured in 2008 (Canadian Civil Liberties Association, 2016). Dutton also joined out concern about the oil sands and the increase in tanker traffic in the Burrard Inlet (*ibid.*). Perrin, who took a leadership role in PIPE-UP, first learned about the Trans Mountain pipeline in September 2011 when she heard chainsaws in the forest behind her house; Kinder Morgan was improving its visibility for its fly-over checks for leaks (Perrin, 2019). Perrin, like others in PIPE-UP, was concerned about the risk of a spill. Perrin became concerned about the expansion when, in January 2012, there was a spill at Kinder Morgan’s tank farm on Sumas Mountain (Perrin, 2019). Mayor Corrigan, in BROKE’s October 2012 event, also spoke about Kinder Morgan’s response to an oil spill in 2007 near a neighbourhood in Burnaby. The spill was a central concern for BROKE members, whose members’ homes were damaged in the incident (Abshire, 2012; stoneycreekencom, 2012). Residents also “experienced nausea and headaches from the toxic fumes” after Trans Mountain’s 2007 rupture (Hopes, 2012). These examples illustrate how citizens’ experiences with local spills became organized resistance in the form of grassroots community groups that joined the campaign coalition against the project.

The NGP’s No Tanker campaign predated the TMEP and had an important influence on the framing of the coalition against Trans Mountain. In the summer of 2011, Dogwood Initiative redesigned the No Tankers campaign and broadened it to include opposition to Kinder Morgan’s oil tanker proposal on the south coast of British Columbia (Dogwood Initiative, 2012: 5). The federal political context became increasingly unfavourable for the coalition, with a Conservative majority

government taking office in May 2011. As a result, Dogwood Initiative and others began focusing on the British Columbia government (*ibid.*: 5). Part of this strategy was a series of townhalls in 2012. For example, the Wilderness Committee, Tanker Free BC and Point Gray Foreshore Protection Society hosted a town hall event in Kitsilano in the Vancouver Point Grey riding where Premier Christy Clark had her seat (Wilderness Committee, 2012b). The townhalls raised the project's profile and in some cases, was a central issue in by-elections. Dogwood, in its 2011-2012 annual report, claims that several MPs "partially credit" their electoral success to their position on the tanker ban (Dogwood Initiative, 2012: 6).¹²³ Almost over 4,500 people participated, approximately one-third of residents Dogwood Initiative contacted (Henderson, 2012). In May 2012, Dogwood Initiative organized a telephone townhall in Chilliwack-Hope in advance of the district's byelection. Dogwood Initiative polled attendees, over two-thirds said the issues of pipelines and tankers would be a voting issue for them in the by-election (*ibid.*). New Democrat Gwen O'Mahony won the by-election and opposed the project though played a relatively minor role in the coalition. The "No Tankers champions" that were elected included Rob Fleming, Jennifer Rice, and Andrew Weaver (Beers, 2013).

In October 2012, Wilderness Committee helped organize a series of rallies called "Defend Our Coast" in many communities affected by the NGP and TMEP proposals. They reportedly targeted 60 offices of Members of Legislative Assembly, including in Vancouver, Victoria, Chilliwack, and Abbotsford (West, 2012; News 1130, 2012). Earlier that summer, the B.C. government announced five conditions for support of an oil sands pipeline through the province, including a "world-leading marine oil-spill response" (CBC News, 2012c). I return to these dynamics in Chapter 6 but suffice to say, the protests were, in part, trying to push Clark to take an unequivocal position against the TMEP (Burgmann, 2012). NDP Leader Adrian Dix invited protesters into his office and empathized with them, saying he could not act until the company filed its application. He said, however, that should he win the upcoming provincial election the following May (2013), his party would advocate for provincial reviews of both the NGP and the TMEP (Jackson, 2012).

¹²³ Speakers included former provincial politician, broadcaster and advocate Rafe Mair; economist and former CEO of the Insurance Corporation of British Columbia Robyn Allan, and Abbotsford resident John Vissers. All three would become vocal proponents of the project.

5.2.2 Indigenous-settler alliances

In 2010, after a conversation with Rex Weyler of No Tanks, Rueben George agreed to raise the issue of Trans Mountain's expansion plans with Tsleil-Waututh on two conditions: that the NGOs follow the lead of the nation, and that the issue would be a spiritual undertaking (Hunter, 2018). Kinder Morgan approached Tsleil-Waututh in the fall of 2011; Tsleil-Waututh announced their opposition late that year (Hunter, 2018; Tsleil-Waututh Nation Sacred Trust, n.d.). In late 2011, George became one of the project's most vocal opponents. In December 2011, George gave introductions at an event in Vancouver rallying against both NGP and TMEP; Naomi Klein was the keynote speaker (Lane Jr., 2011). In 2012, TWN voted to unanimously oppose the TMEP (Clogg et al., 2016: 12). TWN formed the Sacred Trust Initiative to oppose the project. TWN also began to conduct their own assessment of the project based on their own "legal principles, traditional knowledge and community engagement" with evidence about the potential project's impacts (ibid.: 12).

The first major visible protest event occurred in the fall of 2012. In September, the Tsleil-Waututh and Squamish nations signed a Declaration to Protect the Salish Sea, which the Salish Sea flotilla followed, with over 100 members of the Tsleil-Waututh and Squamish nations. The traditional territories of the Squamish Nation extend along the south coast of British Columbia. In 2012, the Squamish Nation Band Council passed a resolution opposing the project (Jacob, 2014). The flotilla was followed by the Save the Salish Sea Festival, which was co-hosted by the Squamish Nation, Tanker Free BC, and Wilderness Committee (Wilderness Committee, 2012c). Speakers included Chief Ian Campbell of the Squamish Nation, Rueben George, Naomi Klein, Rex Weyler, Ben West and Melina Laboucan-Massimo of Greenpeace (ibid.).

Greenpeace had to overcome its poor reputation with Indigenous communities to become a partner in the anti-NGP coalition. Greenpeace, formed in 1971, turned its attention in the mid-1970s to animal rights issues focusing on the commercial sealing hunt in Canada. The campaign created significant tensions Inuit and First Nations communities who were conducting small-scale hunts in their communities (Dauvergne and Neville, 2011; Kerr, 2014). Greenpeace Canada's relationships with Inuit communities improved, at least somewhat, when they partnered in 2014 with the Clyde River Inuit community to oppose the NEB's approval of seismic testing (to locate oil and gas deposits) off Baffin Island (Gregoire, 2014). Greenpeace was involved in the War in the Woods in 1993 in Clayoquot Sound and later in the GBR campaign working with CFN. The latter campaign may have helped the ENGO improve its relationships with Indigenous organizations in the region.

Local groups also formed alliances with Indigenous groups. PIPE-UP formed an alliance with First Nations from the onset, including the Stó:lō and the Tsleil-Waututh (Perrin, 2019). According to Perrin, “we formed an alliance with various groups and also with First Nations, right from the very beginning. We worked with the Stó:lō right away and also within a couple of months with the Tsleil-Waututh and then eventually with other Indigenous nations who were affected” (Perrin, 2019). The Stó:lō Nation Society/Treaty Association is a collective of bands whose traditional territory lies in the Lower Mainland of southwestern British Columbia. Although it is beyond the scope of this dissertation to understand the relationships and dynamics between the Indigenous and non-Indigenous organizations, I want to note that Indigenous-settler alliances developed particularly in the Lower Mainland.

5.2.3 Social context and organizational resources

Vancouver has a long history of activism. It was the birthplace of Greenpeace Canada in 1971, born out of the anti-nuclear movement. Movements in the 1980s included the Vancouver Peace Movement against the threat of nuclear war and ‘Solidarity 1983’, a massive cross-coalition movement bringing labour and community against changes to government services and labour rights (Virtual Museum of Canada, n.d.). It is likely these movements shaped the political culture in the lower mainland, increasing mobilization potential. However, ENGOs in northern British Columbia had more recent experience in land and resource extraction campaigns (i.e., offshore oil and gas, fish farming, coalbed methane, and the GBR), which had direct relevance for the NGP. There was significant overlap of actors in the core of coalitions against NGP and TMEP. Dogwood Initiative, Living Oceans Society, ForestEthics, Raincoast Conservation Foundation, and Sierra Club BC all worked to oppose both the NGP and the TMEP. Ecojustice began legal counsel in 2010 for Living Oceans Society, Raincoast Conservation Foundation, and ForestEthics in the Northern Gateway Pipelines hearings, and later represented a similar coalition in the TMEP review process.¹²⁴

In terms of resources, organizations like the City of Vancouver and City of Burnaby had their own resources and staff to devote to the issue. Several of the more professionalized NGOs also had their own resources. Groups like Dogwood Initiative were also seeing an increase in their

¹²⁴ Ecojustice would go on to represent a coalition of ENGOs during the TMEP review: David Suzuki Foundation, Dogwood Initiative, Georgia Strait Alliance, Greenpeace Canada, Raincoast Conservation, Sierra Club of British Columbia Foundation, Western Canada Wilderness Committee, and LOS.

capacity and resources and as a result, expanded their focus to the TMEP. According to Swanson (2019), in 2011,

more people were donating to us; we had the capability to hire more people to work on it [...]. Plenty of groups continued to work on it [the Tanker Ban campaign for the north western coast] and so, we felt like in addition to our own kind of funding slowly increasing over time, there was less urgent need to focus only on the north.

For Dogwood Initiative a focus on the south coast fit well with its membership base, again, as the organization's newfound capacity grew. As Swanson (2019) describes,

the motivation was largely coming from the base of supporters that we've built up over the years. People's concern about the coast wasn't limited to the north. It included the south. And in fact, the majority of our base lived in the more populous Vancouver, in the Capital Regional District area. So, they were more impacted by the prospects of increased tanker traffic to the south. For a while we didn't work on it ... we just didn't have the staff or bandwidth. But then we did. So, then we expanded our work to include the entire B.C. coast.

Unlike in the NGP project, initial opposition was not coordinated, nor was there a formal coalition. Instead, groups largely worked on their own or in small alliances. Foundation grants helped foster the coalition's organizational capacity; in particular, to develop lines of communication between organizations. The Executive Director of the Georgia Strait Alliance, Christianne Wilhelmson, says that though "the work was happening, it was dispersed across the individual organizations with no coordination or collaboration." Wilhelmson played a coordinating role in the coalition. As Wilhelmson (2019) describes, her organization's decision to participate in the coalition was not automatic:

it took us a while to jump into the fray mostly because a lot of other big organizations were raising concerns and starting their advocacy campaign. But we chose to take it on because of the tanker issue and the spill issue. And because our members really felt it was important that we be at the table.

Georgia Strait Alliance occupied a specific niche and expertise in marine safety and so did not need to worry about encroaching on other organizations' turf or issue space. After the Georgia Strait Alliance decided to take the issue on, it received grant funding in 2013, associated with the Tar Sands Campaign, to be a lead facilitator. Wilhelmson (2019) emphasized that her organization has “never had a great deal of capacity [...] we've never really had anyone [an employee] more than three, four days a week on the campaign.” The staff person had to split their time between Trans Mountain and policy advocacy around spill response in the Strait of Georgia.

Wilhelmson (2019) started organizing monthly calls to bring organizations together and “in the beginning, our role was literally to make sure people would talk [...] because really, at that time, people weren't talking to each other.” Wilhelmson describes how the diverse groups—grassroots volunteer-run groups like PIPE-UP—were “doing the work on the ground” had little experience campaigning and the bigger groups “who were machines essentially” in comparison (ibid.). According to Wilhelmson, in the beginning, there existed “probably a little bit of lack of respect between them,” but the monthly calls helped bring people together and helped groups recognize the benefits of collaboration. The smaller groups reaped the benefits of the knowledge, experience and information of the more professional groups. Meanwhile, the more professional groups benefited from “insider status” and legitimacy of a grassroots base (cf. Neville and Weinthal, 2016). For example, larger NGOs like Dogwood and ForestEthics organized town halls partnered with local grassroots groups, which helped them gain traction in those communities.

5.2.4 Relationship with the NGP campaign coalition and early political influence

The existence of the anti-NGP campaign coalition heavily informed the social and political context around the TMEP, both helping and harming the campaign against the project. The regulatory process for the NGP was in the early stages when environmentalists identified concerns about the Trans Mountain pipeline and expansion projects. Several groups in the coalition against the NGP learned about the threat to the south coast with the Trans Mountain Expansion Project. The NGP proposal was gaining momentum and was raising the profile of the issue of tanker traffic and impacts on marine life and the relationship between Duty to Consult and Indigenous nations. Groups also shared resources, skills, and strategies, as the No Tankers campaign demonstrates. Importantly, there was also overlap in personnel, such as Dogwood's campaigner Eric Swanson. Lash (2019), for example described, herself as “one of the most consistent people between the different pipelines.” The NGP campaign provided resources that transferred to the TMEP

campaign. For example, municipal resolutions cited the Save the Fraser Declaration, which was created by the YDA to oppose the NGP but also mentioned “similar Tar Sands projects” (Save the Fraser, 2020). The NGP project provided a unique opportunity for groups like Dogwood Initiative to work on a proposal closer to their membership base.

In some respects, however, the NGP campaign worked against the TMEP campaign. In the NGP, one of the campaign coalition’s most significant advantages was public and legislative support for a tanker moratorium. By the end of 2010, the NGP’s No Tanker campaign had significant momentum and a legislative victory. As there were already oil tankers in the Strait of Georgia and the Salish Sea, according to Lash (2019), it would be “very difficult” to grandfather existing traffic for a full ban on the south coast. At first, groups in the TMEP coalition disagreed about how to approach the issue of tanker traffic on the south coast. Some groups wanted to extend the campaign for a legislative ban to the south coast. Eventually, groups agreed to a more pragmatic solution: they would work towards no expansion of tanker traffic in the Georgia Strait and Salish Sea. These organizational divides in goals and tactics complicated the strategy of networked resistance.

While the history of advocacy in the north of B.C. provided a strong foundation for the NGP coalition, the powerful framing around the Great Bear Rainforest worked against the TMEP coalition. As I mentioned above, the narrative of pristine wilderness, rather than peopled lands with vibrant cultural and social lives and histories, has been a problem in the development of environmental campaigns in Canada. However, the idea of the NGP being built in a “pristine” landscape was encouraged by groups working on the NGO campaign. According to Wilhelmson (2019), coalition members inadvertently created a dichotomy about fighting to protect “the pristine north” while sacrificing the “industrialized south,” which harmed groups advocating against the TMEP. As Wilhelmson (2019) describes, “even people down south were like ‘[o]h, yeah, I’m definitely against the Gateway [pipelines project], but you know, we already have a pipeline going down south, and bitumen is already going through the water. So, the Trans Mountain is fine.’” In short, she felt their “allies were willing to throw the south coast under the bus when it came to pipelines” (ibid.).

The political contexts for both the NGP and TMEP were closely related. The two oil sands pipelines were a central issue in the 2013 provincial election (Hoberg, 2013). As I will explore in Chapter 6, spill risk and Enbridge’s poor response to a major oil spill in Michigan in 2010 heavily informed the political context for the NGP. Premier Clark grew increasingly critical of Enbridge’s response but did not take a final position until after the election. Instead, Clark reaffirmed her

approach with the five conditions she introduced in 2012 for any oil sands pipeline to cross the province. The leader of the provincial New Democratic Party, Adrian Dix, came out in opposition to the TMEP on Earth Day, April 22, less than a month before the election. The NDP had openly rejected the NGP but Dix's position on the TMEP was to refrain from taking a stance until Kinder Morgan filed its application (Palmer, 2013). This switch appeared to be due to lobbying from core members of the anti-TMEP and as a way to differentiate the NDP from the Green Party (Tieleman, 2013). However, this turned out to be a key strategic error and an "unexpected gift" for the Liberals (Hoberg, 2013: 384). The Liberals leveraged Dix's change of position, calling it the "Kinder Morgan Surprise," and accused the NDP of being anti-development and "flip-flopping" on important issues (e.g., CBC News, 2013). Dix's position on the TMEP, and the Liberal campaign's response, was an important reason why the NDP, which were leading in the polls, lost to the Liberals (Hoberg, 2013: 384; Tieleman, 2013; Strahl, 2013). This was a significant setback for the TMEP campaign. It also demonstrates that gaining political allies does not automatically guarantee success for a campaign; this strategy is risky in an election campaign and its success depends on broader political context at the time. As I will discuss in Chapter 9, the anti-TMEP's political allies would turn out to be very influential but not until the following provincial election in 2017. However, the 2013 election was not a complete loss for pipeline opponents. The newly re-elected provincial government would officially oppose the NGP in the Joint Review Hearings, at the end of May 2013.

In 2012 and 2013, the media and public attention focused on the NGP project, which was working through the review process. During this time, there was relatively little explicit opposition to the TMEP. Several campaign members in the TMEP intervened in the NGP project, and so their time and resources were largely focused on the latter. As NGP had gained momentum and was becoming salient in the media this crowded the issue space for TMEP. And as NGP was further along in the regulatory process, there was a greater sense of urgency among oil sands pipeline opponents to stop the NGP. However, there were some actions, particularly from local groups and Wilderness Committee, which were not involved in the NGP project. PIPE-UP, for example, hosted "alternative information booths" at several of Kinder Morgan's open houses in November 2012 (Cole, 2012b). PIPE-UP and Wilderness Committee held several more townhall events, with attendance of around 100 (Ferguson, 2013). Wilderness Committee largely focused its efforts mapping both the proposed route and the existing pipeline to educate people "about the many natural areas, rivers, wildlife habitats, and communities that would be affected in the case of an oil

spill.”¹²⁵ Local groups, including BROKE and PIPE-UP were concerned about proximity to schools, after evacuations in 2007 and 2009 following pipeline spills. Wilderness Committee identified these past spills on their maps (e.g., Perrin 2019; Beacon News, 2012). Georgia Strait Alliance and Raincoast Conservation Foundation started conducting research about bitumen spills in the Salish Sea.

Compared to the NGP, the TMEP coalition, as a whole, was less coordinated during these early years. There were still, however, important processes of alliance building between professionalized and less professionalized groups, between cities and local groups, and between Indigenous and non-Indigenous groups. The nature of the opposition changed when Trans Mountain filed its project application with the NEB in December 2013. As I describe in Chapter 7, groups began to focus their efforts on preparing for the TMEP review.

5.2.5 Summary

The context for the TMEP campaign was heavily influenced by the NGP campaign, with mixed effects. While resources and expertise flowed between the two campaigns, there were also unintended negative consequences. In particular, the powerful, pre-existing framing around the NGP and the risks associated with tanker traffic in the Great Bear Rainforest worked against the anti-TMEP campaign. The Northern Gateway project would have introduced oil tanker traffic to the northern coast, a threat which the campaign coalition members framed prominently and leveraged using the existing informal moratorium. Pre-existing tanker traffic in the Salish Sea and Burrard Inlet was a challenge for the TMEP coalition because it reduced the perceived threat of oil tanker traffic. Still, resources from the Tar Sands and Northern Gateway campaigns flowed to the TMEP campaign.

The social context for coalition formation against the Trans Mountain Expansion Project was more challenging than Northern Gateway. Groups in B.C.’s Lower Mainland did not have a similar history of working together as groups in the ‘north’ did for the NGP proposal. Notably absent was an Indigenous political organization to spearhead nation-to-nation relationships as there was with the CSTC or CFN in the anti-NGP coalition. Still, Indigenous nations including the Tsleil-Waututh and Squamish formed a core part of the alliance along with ENGO municipal and grassroots allies.

¹²⁵ The maps were first released in September 2013 and have been updated since; available at <https://www.wildernesscommittee.org/news/new-downloadable-maps-kinder-morgan-pipeline-route>

Like the NGP project, spill risk played a role in mobilizing opposition. Residents in the Lower Mainland of British Columbia were very concerned about oil spills due to local spills on the existing Trans Mountain pipeline and the more distant Deepwater Horizon disaster in the Gulf of Mexico. Risk framing provided new political opportunities and expanding coalition support. In particular, the campaign coalition was successful in gaining municipal political allies. Cities hold a unique position vis-à-vis the state as both insiders and outsiders—as having some political authority but little jurisdiction over federal or provincial issues like environmental assessment or inter-provincial pipelines. Given the direct impacts of pipelines on their constituents, several municipalities became mobilized, including Vancouver, Victoria and Burnaby. As I will explain in Chapter 9, the City of Burnaby in particular played an important role in frustrating the project.

The early resistance to the TMEP illustrated that the campaign's strategy of recruiting political allies is not always advantageous and success is contingent on factors in the broader political context; in this case, the Liberal's election campaign. Due to a political miscalculation, although the TMEP was an election issue in the 2013 provincial election in British Columbia, the Liberal government under Premier Christy Clark took a cautious but supportive approach.

5.3 Conclusion

In this chapter, I explained how the campaign coalitions developed to resist both the NGP and TMEP projects well in advance of the regulatory process. I conclude by revisiting the expectations I developed in Chapter 3 around successful coalition formation and I summarize linkages to the campaign's early political influence. This chapter largely supports the expectations that I provided in Chapter 3 (Table 7). What I did not expect to find was how oil spills, both abroad and locally, changed the political context for the proposals, providing new opportunities for groups to publicize their concerns.

Both campaigns formed despite relatively closed political contexts, evidenced by federal and provincial governments that were unsympathetic to concerns about oil sands expansion. Coalition members were largely motivated by perceived threats associated with the pipelines, including threats to Indigenous sovereignty and livelihoods, impacts on marine environments and endangered species, spill risk, and increased greenhouse gases associated with oil sands expansion. In both cases, new proposed mega oil sands linear infrastructure provided opportunities for mobilization; despite the fact the TMEP was able to take advantage of pre-existing infrastructure. The central source of issue-linkage in both campaigns was to tanker traffic, though this was more successful in the NGP case,

given the pre-existing informal tanker moratorium. Particularly in the NGP case, the issue of tanker traffic, and to some extent salmon conservation, united diverse groups. Groups also linked pipelines to other contentious issues, namely the expansion of the tar sands.

In both cases, shared ties, built through previous advocacy campaigns, and brokers provided the coalitions with the necessary foundations to build bridges between diverse organizations. These pre-existing ties were more established in the NGP case. It is not possible to understand the coalition around the NGP project without understanding the history of activism and advocacy in British Columbia, particularly around resource and land use issues. Through previous advocacy campaigns, Indigenous and settler organizations learned about coalition-building between and recognized the strength of these alliances. The creation of an Indigenous-led organization, CFN, became an important broker in the anti-NGP coalition. These alliances also relied on the salience of the framing around the Great Bear Rainforest and the importance of place-based risks and threats to Indigenous rights and livelihoods. While it is not possible to fully understand the dynamics between Indigenous and non-Indigenous groups without additional interviews, this alliance generally appeared united in the media. As I will show in Chapter 5, the YDA developed their own strategies, exercising their political autonomy, which aligned well with the campaign coalition's efforts.

Key coalition members in the anti-NGP also helped form the core coalition against TMEP. However, the two campaigns were not always mutually reinforcing. In particular, the anti-NGP successfully linked the pipeline to tanker traffic in B.C.'s north coast; this created a more challenging framing environment for the anti-TMEP coalition as the south coast already had tanker traffic, including from the existing Trans Mountain pipeline. However, the threat of spill risks was still salient in the anti-TMEP campaign, in part due to the local spills on the existing Trans Mountain pipeline.

Organizational resources were necessary for developing both campaign coalitions. In particular, philanthropic organizations that supported the Tar Sands Campaign also supported brokers to facilitate communication amongst the coalition members. Grant funding helped more professionalized organizations like Living Oceans Society and Georgia Strait Alliance develop communication channels between diverse actors in each coalition. This funding also helped develop organizational capacity for Indigenous and grassroots members. Foundation funding from U.S. philanthropic organizations would later become a point of vulnerability, as I explain in Chapter 6.

Turning to political influence, while both campaigns gained political allies early on; this was more successful in the NGP case. In the case of the TMEP, although the campaign coalition found

a political ally with NDP leader Adrian Dix this strategy failed in the short term with the 2013 election as the NDP lost to the incumbent Liberal Party. In contrast, in the NGP case, the early political influence of the No Tankers campaign provided important momentum for the campaign. However, this success was curtailed when the federal Progressive Conservatives, led by incumbent Prime Minister Harper, won a majority in May 2011. After the election, NGOs directed their attention away from the No Tankers campaign, given the diminished political opportunities. NGOs instead shifted their attention to the regulatory process, which had significant impacts to which I now turn. And as I explain in Chapter 8, the federal election in 2015 allowed the campaign to regain influence; eventually, the moratorium became a federal priority and “the final nail in the coffin” for the NGP, according to Coastal First Nations (CFN, 2016).

CHAPTER SIX: The Northern Gateway Pipelines project review

This chapter describes how the campaign coalition against the Northern Gateway Pipelines (NGP) project collided with the project's review process. It analyzes the implications of this encounter on the review process, the campaign coalition, and, ultimately, the NGP project. I show how members of the campaign coalition tried to influence the regulatory review of the NGP by increasing public participation in the hearing process. The federal Conservative government responded with a multi-pronged strategy to contain and manage the conflict and create an enabling context for Enbridge's NGP. This created a much more challenging federal political context for the campaign coalition to navigate. Members of the campaign coalition adapted by relying on the broad base of the campaign, its diverse membership, and tactical repertoire. As a result, the federal government's containment strategy largely backfired. Instead, the campaign coalition scaled up to the national level to target the federal government and also shifted its target to Enbridge itself. Their efforts were further reinforced by a contingent event—the continued backlash from Enbridge's 2010 Kalamazoo spill.

This chapter examines the influence of the campaign coalition's initial regulatory engagement strategy. This chapter provides crucial insight into the relationships between the regulatory and political contexts. I also emphasize the importance of diverse campaign membership in strategically adapting to the worsening political context. This chapter helps understand both the review process for the Trans Mountain Expansion Project (Chapter 7) and the ultimate outcome of the NGP (Chapter 8). Although the JRP ultimately approved the project, the dynamics I examine in this chapter worked to the anti-NGP coalition's advantage when an important political opportunity emerged with the 2015 federal election. As I explain in Chapter 8, the 2015 election provided a key political opportunity for the campaign coalition.

I begin my analysis in May 2011 when the Joint Review Panel issued its final List of Issues it would consider in its review of the NGP project and the Hearing Order, which outlined the joint review process. I conclude when the panel recommended the federal government approve the NGP, in December 2013. I organize this chapter as follows. I first provide some background on the regulatory process for mega oil sands linear infrastructure (section 6.1). In section 6.2, I overview the campaign coalition's primary strategy to engage with the regulator process: mobilizing public participation in the hearing process for the NGP. I then describe the multi-pronged set of reactions and measures the federal government took, either directly or indirectly, as a response (sections 6.3-

5). In each episode, I describe the impact on the campaign coalition and its response. In the final section, I return to implications for Enbridge and the NGP proposal itself (section 6.6).

6.1 Regulatory process overview

The NEB assesses a project to determine whether it is in the public interest. The NEB defines the public interest as “inclusive of all Canadians and refers to a balance of economic, environmental and social interests that change as society’s values and preferences evolve over time” (NEB, 2016a: 1). What the NEB considers the public interest has changed over time. In the 1980s, the hearings focused on the economics of a project. In the 1990s, the NEB was increasingly interested in the technical and engineering aspects of a project. Beginning in the late 1990s, the NEB began to consider more seriously environmental impacts, landowner concerns, and the role of Indigenous communities.¹²⁶ The NEB has multiple roles: it is a lifecycle regulator, responsible for monitoring pipelines in operation, and overseeing pipeline abandonment. The Board also provides energy data and makes supply and demand projections. For transmission projects, including oil pipelines, the NEB convenes a three-member panel to review the project and recommend whether it is in the public interest.

The regulatory process is where actors express project opposition or support. Contentious projects may have a hearing. Concerned groups can engage in the regulatory process to register their concerns on the public record. Participating in the regulatory process is resource-intensive, often requiring legal representation and technical or subject expertise. Participants are subject to that venue’s rules; this includes issues discussed in a project’s review. Affected Indigenous groups must complete the regulatory process to show good faith before they can legally challenge it. Provincial governments also participate in the regulatory process and may also conduct their own environmental assessment of the project.

After the NEB approves the project, the federal government must fulfill its Duty to Consult with affected Indigenous nations and communities. The Major Projects Management Office (MPMO), created in 2007, coordinates the government’s review of major resource projects, including the government’s Duty to Consult with affected Indigenous nations and communities. According to a senior official at the MPMO, the office promotes the idea of “cooperation,” encouraging cooperative competition among the departments involved in reviewing major projects;

¹²⁶ Interview with a former member of the NEB modernization expert panel (anonymous interview, 2019h).

this process ensures timely progress (anonymous interview, 2019i). Natural Resources Canada is centrally tasked with improving market access in the natural resource sectors. They often work with provincial and territorial governments and industry. Other departments, including the Department of Fisheries and Oceans, Transport Canada, and Environment and Climate Change Canada, provide scientific and policy expertise. Departments may be involved in the NEB's regulatory process as intervenors, but often work out of the public eye providing policy support and expertise for the federal government at key points in the regulatory and approval process.

If the federal government approves the project, the permitting process begins. Pipelines may be subject to judicial review based on either the decision from the NEB or the federal government. Judicial reviews could quash a project's approval and require additional time during the regulatory process. Once the pipeline company makes the financial investment to proceed with a project (usually once it has received federal approval), it more deeply engages with an assemblage of investors, financial institutions, and insurers to secure capital and begin construction. As I will show in the next four chapters, the regulatory and political decision-making system around mega oil sands pipelines creates both opportunities and constraints for the campaign coalitions. Campaign coalitions also influence and are influenced by these opportunities and constraints.

6.2 Public participation in the Joint Review Panel

Concerned residents and communities in British Columbia paid significant attention to the regulatory process for the Northern Gateway Pipelines project from its onset. In the summer of 2010, groups and individuals submitted over 1,000 public comments about the list of issues the Joint Review Panel (JRP) would include in its assessment of the project; this was an unprecedented number of comments for any project the Canadian Environmental Assessment Agency (CEAA) reviewed (Campbell, 2010). Since 2009, the Pembina Institute reported on greenhouse gas emissions of the proposed project and had asked, along with Living Oceans Society and ForestEthics, that the JRP's assessment includes upstream climate impacts (Brown et al., 2009).¹²⁷ In May 2011, the Joint

¹²⁷ In April 2009, Pembina, ForestEthics, and Living Oceans Society submitted comments to the draft Terms of Reference and asked the panel to consider the upstream impacts of oil sands development "including land, water impacts, as well as greenhouse gas emissions" (Brown et al., 2009). They focused on these concerns in their report on the "hidden environmental impacts" of the NGP project (*ibid.*). In January 2010, Pembina Institute wrote another letter to the Minister of the Environment and the President of the CEAA, expressing concerns about the final terms of reference for the review of the project (Campbell, 2010).

Review Panel released the final List of Issues.¹²⁸ West Coast Environmental Law (WCEL) expressed concern that the JRP would not consider either greenhouse gas emissions nor the development impacts of the tar sands. WCEL suggested the Panel did not “respect the decision-making authority of Indigenous peoples” because it did not have the authority to assess the project’s impact on Aboriginal rights and title (WCEL, 2011b: 1).

The JRP allowed interested citizens to make ten-minute oral statements at community hearings in 17 locations in British Columbia and Alberta.¹²⁹ Providing a statement was one of three ways the public could participate in the hearing process (NEB and CEAA, 2011). Citizens could also simply send a letter of comment. The third option was being an Intervenor. Intervenors presented written and oral evidence, requested information, and questioned witnesses (JRP, 2013: 14-15). In the fall of 2011, Dogwood Initiative ran a month-long campaign to have the public engage in the JRP by providing oral statements. According to the campaign’s director, Eric Swanson, they designed the “Mob the Mic” campaign to have British Columbia residents voice their opposition on the record, or put to a fine point, to “dominate” the review (Swanson, 2011a). Dogwood relied on the volunteer network they built for the No Tankers campaign. The campaign tested the organization’s new approach: building a network of connected volunteer activists across the province (Swanson, 2011a; Dogwood, 2012: 4). The campaign framed the JRP as “inherently flawed” (Hardin, 2011). Drawing in part on previous critiques Pembina Institute and WCEL made, Dogwood staff member Karl Hardin pointed to the Panel’s lack of representation from British Columbia and the limited scope of issues the Panel would address (Hardin, 2011).¹³⁰ Hardin also suggested the federal Cabinet could ignore the Panel’s recommendations, though, at the time, the National Energy Board’s (NEB) decision to reject a proposal was final. That summer, the federal government made its position clear when Natural Resources Minister Joe Oliver declared, “Gateway, in our opinion, is in the national interest” (CBC News, 2011). Other organizations, including Living Oceans Society, Sierra Club, Friends of Wild Salmon, and ForestEthics, encouraged citizens to participate in the review process or, in the case of WCEL, provided information on how citizens could engage (Cotter, 2011; Living Oceans Society, 2011: 13; WCEL, 2011c). Over 4,000 people

¹²⁸ In May 2010, the JRP held sessions in Whitecourt, Alberta and in Kitimat and Prince George, British Columbia, to get feedback on the scope of issues (JRP, 2013: 13).

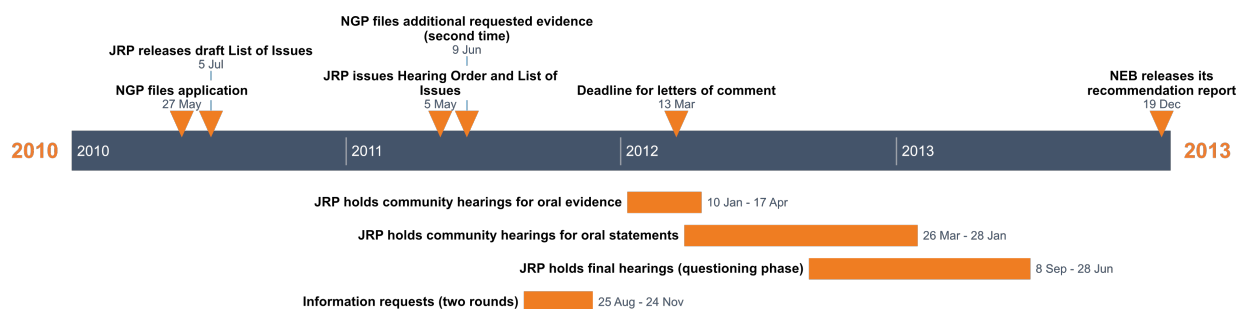
¹²⁹ The oral statements were “untested evidence and are not subject to questioning by other parties” (JRP, 2013: 14-15).

¹³⁰ In Pembina Institute’s blog, Karen Campbell, Staff Counsel and Director of Strategy, also took issue with the lack of geographic representation of British Columbia within the JRP panel members (Campbell, 2010).

registered to make oral statements.¹³¹ According to Swanson, Dogwood’s campaign accounted for about 1,600 of these (Swanson, 2011b).

The public participation added significant time to the hearing process (Figure 13) and created new opportunities for contestation, which I will explore in section 6.5. It also incited a strong reaction from the federal government. First, however, I will provide some regulatory and policy context to understand why the Mob the Mic campaign was so successful.

Figure 13: JRP process for the NGP



6.2.1 Regulatory and policy context

The NGP hearing illustrates how the policy and regulatory context intersect in important ways. As Sheila Leggett, former Vice-Chair of the NEB recalls, “Canadians were really interested in having conversations [about energy policy and climate change] and the federal government was not putting policy in place to address those concerns” (Leggett, 2019). The NEB came to be viewed “as the only shop in town” to publicly express these concerns (ibid.). The NEB scoped the NGP project assessment narrowly, according to ENGOs, excluding broader issues like greenhouse gas emissions from oil sands development (or consumption of oil), or the environmental impacts of tar sands development (WCEL, 2011b). This is a classic conflict containment strategy. Leggett referred to the Panel’s decision to exclude greenhouse gas emissions as “sticking to their knitting” (Leggett, 2019).

¹³¹ However, only 1,179 individuals made oral statements at the JRP (JRP, 2013: 14-15). This gap is due in part because the JRP invited participants who had registered to make an oral statement to schedule their oral statement at the community hearing (Gage, 2012). It is also possible that some felt more appropriate to write a letter of comment—the JRP received over 5,500 letters.

In doing so, frustration arose, as did a lack of trust (*ibid.*). Jim Fox, Vice President, Strategy & Analysis Unit at National Energy Board, similarly suggests that starting with the NGP hearing process, “the Canadian public became much more interested in infrastructure” because the public “saw it as the one place where they could have a voice in the energy value chain in an official way” (Fox, 2019). However, this created a host of issues for the NEB and the federal government as a fulsome public hearing process was at odds with an efficient one.

Public interest in the NGP provided a unique challenge for the NEB. According to Leggett (2019), because of the public interest in the project, the panel wanted to allow oral statements.¹³² The panel debated curtailing participation in the review process for the NGP project but decided to “honour and respect” the process and allow participants to express their concerns (*ibid.*). The NEB was also suddenly in the public spotlight, evidenced by a spike in media inquiries to the regulator.¹³³ According to a former member of the NEB, “part of what guided us was this idea of ‘you have to go slow, to go fast’” (anonymous interview, 2019e). As Leggett (2019) recalls, before the NGP hearing, the board knew it did not have a well-defined definition of an intervenor. In 2006, when Leggett was appointed, the NEB chose to focus its resources on the issues of abandonment funding, rather than the hearing process. When the hearing process started for Northern Gateway, the ‘bar’ to be an intervenor was very low (Leggett, 2019). The NGP hearings revealed to the NEB the consequences of this decision; instead, the federal government stepped in to define participation in NEB reviews (*ibid.*). Leggett suggests the NEB was not prepared for a contentious project like the NGP. As she describes, with the NGP:

all of a sudden, the flashlight got shone on the NEB in a way that I don’t believe it was ready for [...] the NEB hadn’t taken a good hard look at what it needed to do in this day in age to fulfill its whole mandate. So that was a thread I think that could be pulled, and it got pulled (Leggett, 2019).

NGOs like Dogwood Initiative inadvertently pulled this thread with their Mob the Mic campaign.

Oil spills from Enbridge-owned pipelines added further context. In their lobbying material from October 2011, CEPA noted the “heightened public sensitivity to pipeline incidents and new

¹³² The NEB had used oral statements in previous hearings including for Keystone XL in September and October 2009.

¹³³ In 2009, the NEB received 57 media inquiries. This number increased to 225 in 2010 and 272 in 2011. Data on file with author.

project development” (CEPA, 2011: 26). In July 2010, an Enbridge operated pipeline ruptured, spilling over 20,000 barrels of heavy crude from the oil sands into a tributary of the Kalamazoo River in Michigan (NTSB, 2012: xii). A meeting between Enbridge, Environment Canada and CEAA about the NGP project in October 2010 is illustrative. About the meeting, the federal government noted “[p]ublic interest in the project is extremely high and mostly negative [...] enhanced as a result of the April 2010 Deepwater Horizon spill in the Gulf and recent spills at two Enbridge-owned facilities in the United States” (Environment Canada, 2010: 3). The government understood that Enbridge’s response to the Kalamazoo spill worsened the company’s reputation and public image. A security brief in October 2011 mentions how Enbridge missed a critical cleanup deadline for the spill—set by the U.S. Environmental Protection Agency—on August 31, 2011. The brief notes, “the company’s inability to execute the cleanup on schedule is further contributing to skepticism over the risk management and safety of oil pipelines” (RCMP, 2013: 421).

These spills did not go unnoticed by ENGOs. WCEL, for example, published a brief in 2010 on risks to downstream communities and fisheries mentioned the Kalamazoo spill and several previous spills in Canada. In November 2011, NRDC and Pembina published a report, *Pipeline and Tanker Trouble*, which drew heavily on the Kalamazoo case and Enbridge’s recent history of spills in the United States (Swift et al., 2011). In 2011, the media, almost exclusively, published other, smaller, spills in Canada, such as on Enbridge’s Norman Wells pipeline (CBC News, 2011). Spill risk continued to be one of several concerns that NGOs emphasized in their materials about the NGP proposal (e.g., Swift et al., 2011). Though it is beyond the scope of this chapter to understand the impact of these spills on public perception, spills were routinely cited by intervenors in the NGP hearing, and likely also contributed to participation. The Kalamazoo spill also likely influenced the B.C. government’s position, to which I return later in the chapter.

In sum, the JRP provided an opportunity for the public and stakeholders to register their concerns on the public record. Citizens in British Columbia were mainly concerned about the project’s risks, particularly in light of Enbridge’s recent Kalamazoo spill. The closed policy context at the federal level also meant the NEB because the only venue for groups to express concerns about climate change and Canada’s energy strategy. Most importantly, the hearings were popularized by members of the anti-NGO campaign, including Dogwood with its Mob the Mic campaign. The public participation, and particularly the efforts of ENGOs to marshal public interest in the project, invoked a strong response from the federal government, to which I now turn.

6.3 The government's reaction: labelling environmental groups "radicals"

The historic public participation in the regulatory process caught the JRP and the federal government off-guard. The over 4,000 registered participants "vastly exceed[ed] the previous record of 558 JRP participants for the Mackenzie Valley pipeline" (RCMP, 2013: 427).¹³⁴ The day before the hearings opened, on January 9, 2012, Minister Oliver published an incendiary letter (Oliver, 2012). Oliver's letter did not name the NGP and his letter was not exclusively about pipeline projects (but resource development and energy projects more generally). However, the accusation was clear. He criticized the NGP hearing process and accused "radical groups" of "hijacking" it. Several days earlier, Prime Minister Stephen Harper expressed similar concerns (Jones, 2012).¹³⁵ Oliver's letter suggested that "environmental and other radical groups" were trying to block an opportunity to diversify Canada's trade to the Asia-Pacific. Oliver (2012) suggested NGOs were a threat to the economy because they:

threaten to hijack our regulatory system to achieve their radical ideological agenda. They seek to exploit any loophole they can find, stacking public hearings with bodies to ensure that delays kill good projects. They use funding from foreign special interest groups to undermine Canada's national economic interest.

Though Minister Oliver did not name organizations, it was clear he was referring to the Dogwood Initiative and the Mob the Mic, which was designed to increase participation in the hearing process for Northern Gateway.

Minister Oliver's comments reflected a culmination of concerns an oil advocacy group, a researcher and Enbridge had been voicing since late 2010. In December 2010, blogger and researcher Vivian Krause testified to the Standing Committee on Natural Resources that Canadian environmental NGOs were receiving funding from U.S. philanthropic foundations (Krause, 2010).¹³⁶ Krause identified that Dogwood Initiative received a grant from a U.S. foundation to support their

¹³⁴ This document was made available as part of Crosby and Monaghan's (2018) book project.

¹³⁵ Prime Minister Harper said, "[w]e have to have processes in Canada that come to a decision in a reasonable amount of time, and processes that cannot be hijacked [...] In particular, growing concern has been expressed to me about the use of foreign money to really overload the public consultation phase of regulatory hearings just for the purposes of slowing down the process" (quoted in Jones, 2012).

¹³⁶ As Melissa Aronczyk and Graeme Auld (2014) summarize, Krause had worked as a nutritionist for an aquaculture company that was impacted by the campaign against the salmon farming industry (led by Living Oceans Society, David Suzuki Foundation and others). Krause first publicized her concerns in 2010; later that year, she turned her efforts to opposition to the oil sands (see also Gutstein, 2014).

No Tankers campaign, and concluded that Dogwood Initiative and other NGOs were “doing what they’re paid to do” (ibid.). She also implied that groups that had charitable tax status were conducting illegal advocacy. Though several Members of Parliament expressed their skepticism of Krause’s conclusions, including one who dismissed it as a conspiracy theory, her research and analysis gained incredible currency with the federal Conservative government. As I describe below, Krause’s research and theories fit the government’s strategy of delegitimizing its NGO critics. Another speaker at the committee, Ezra Levant, commended Krause and went further, suggesting “U.S. lobby groups like the Tides Foundation”¹³⁷ were interfering with domestic politics.¹³⁸ Enbridge also expressed similar concerns, albeit privately, to the federal government. They had been concerned about the threat of “Funding of Green Lobbyists?”—a bullet on a PowerPoint slide—since at least September 2011 (INAC, 2012: 29).¹³⁹ In a lobbying meeting with the Deputy Minister of the then Department of Indian and Northern Affairs, Michael Wernick, Enbridge identified the Tides Foundation, Coastal First Nations and Dogwood Initiative, among others, that received funding for several campaigns centered on forestry and land use issues throughout the 2000s (ibid.: 29).

Shortly before Minister Oliver’s letter, Ethical Oil, an advocacy group Levant co-founded, launched a campaign against organizations that opposed the NGP proposal. On January 2, 2012, Ethical Oil launched a campaign called “Our Decision,” which suggested, “[f]oreign billionaires are hiring front groups to swamp the hearings to block the Northern Gateway pipeline project” (Our Decision, 2012).¹⁴⁰ Ethical Oil also released radio and newspaper ads attacking organizations for ties to American foundations that opposed the NGP project and the tar sands; groups mentioned included Corporate Ethics International (which is based in the United States), Environmental Defence Canada, Pembina Institute, and WCEL.¹⁴¹ Minister Oliver’s letter bore a significant

¹³⁷ Tides Canada (formerly MakeWay) was established in 2000 to provide funding to “local groups, leaders, foundations, and governments to protect nature” (Charity Intelligence Canada, 2020). According to reporting by Sandy Garossino (2019), Tides Foundation “has not donated a dime to the [Canadian portion of the] Tar Sands Campaign.” This is because the Tides Foundation is a “donor-advised-fund manager” which pools funds from multiple foundations. Tides Canada is based on the model of the Tides Foundation (based in the U.S.) but they are distinct entities. Tides Canada CEO Joanna Kerr has reported to media that Tides Canada was never a member of the Tar Sands Campaign (Hislop, 2019).

¹³⁸ Levant was a lawyer and columnist at Sun Media and a former lobbyist for the tobacco and Alberta oil and gas industry who appeared before the committee and spoke about his book, *Ethical Oil: The Case for Canada’s Oil Sands*.

¹³⁹ This document was made available as part of Crosby and Monaghan’s (2018) book project.

¹⁴⁰ EthicalOil.org was started by lawyers Alykhan Velshi and Ezra Levant in 2011—both had ties with the then federal government, and Velshi worked in the Prime Minister’s Office at the time of the complaints (see Gutstein 2014, Chapter 5).

¹⁴¹ It has been reported that the Our Decision campaign followed Oliver’s letter (e.g., Gutstein, 2015) when, in fact, the ad campaign started January 2, 2012 (EthicalOil, 2012).

resemblance to Ethical Oil's campaign. However, many of the ideas contained in the letter were first publicly vented at the Standing Committee on Natural Resources in 2010 by Levant and Krause. In January 2012 alone, Prime Minister Harper and Minister Oliver collectively denounced NGOs in six speeches and interviews (Panel-Commission, 2012).

Minister Oliver's letter marked the beginning of the government's public efforts to discredit NGOs and other groups critical of the NGP proposal. The government's much more comprehensive strategy emerged piecemeal over the next two years, as journalists and ENGOs filed requests under the Access to Information Act. Later that January, Greenpeace and Climate Action Network Canada—a coalition of organizations working on climate change—obtained a federal document through Access to Information legislation that referred to groups as “allies” and “adversaries” (De Souza, 2012a; Fitzpatrick, 2012; Government of Canada, 2011a). The document was part of the government's “pan-European oil sands advocacy strategy,” which they created in October 2009 in response to the Tar Sands Campaign to “advocate on behalf of the oil sands” and “improve the image of Canada as a responsible energy producer” (Government of Canada, 2011b). The strategy document listed allies, which included the Canadian Association of Petroleum Producers (CAPP), several government bodies (Natural Resources Canada, the Privy Council Office, Environment Canada and Indigenous and Northern Affairs Canada), “Alberta,” and the National Energy Board. The document listed “Canadian” adversaries as “environmental NGOs and Aboriginal groups.” Also, at the end of January 2012, a former ForestEthics employee alleged that staff in the Prime Minister's Office “threatened” ForestEthics's funder, Tides Canada, and called ForestEthics an “enemy of the state” (Frank, 2012). The story received national media coverage (e.g., The Canadian Press, 2012a; Woods, 2012). Although this internal document was not about the NGP explicitly, membership overlapped in the anti-NGP coalition and TSC campaign. ForestEthics was a key interlocutor in both campaigns. The timing of the released document was fortuitous for the campaign coalition because the Northern Gateway hearings were just beginning. This internal document provided campaign coalition members important evidence about the government's planned response to tar sands activism and provided an opportunity to further expand the conflict.

6.3.1 The campaign coalition's response: projecting strength and unity

Minister Oliver's letter fit with what Pralle (2006: 25) calls “characterization contests,” when policy opponents demonize their opponents. In doing so, the government mirrored a well-oiled social movement framing strategy. These contests often attract more public attention, which, in turn,

deepen conflict. Several individuals or groups that government named initially reacted by defending their funding or pointing out inaccuracies in Minister Oliver's or Levant's claims.¹⁴² Sympathetic media outlets also responded—Nikiforuk (2012), for example, called Oliver's letter a "pipeline of misinformation." ENGOs also responded by emphasizing and amplifying the voices of diverse opponents in the coalition. Early in the regulatory hearings, ForestEthics energy campaigner Nikki Skuce wrote in the Vancouver Sun, "Enbridge has united a broad cross-section of northern B.C.—rednecks and hippies, cowboys and Indians, conservative and progressive voters" (Skuce, 2012a). Skuce also amplified concerns Yinka Dene Alliance expressed members in the hearings. ForestEthics later released a report about foreign ownership of tar sands production (Skuce, 2012b).

Coalition members emphasized how the letter galvanized opposition. The coordinator of Friends of Wild Salmon, Pat Moss, suggested the letter, "infuriated people that didn't have, perhaps, a really strong position on this issue but certainly feel that this is going to have an impact on our communities and our region" (quoted in Stoymenoff, 2012d). This statement reflects polarization, wherein individuals who did not have a strong position on the issue took a side. One "senior Conservative insider," in hindsight, acknowledged the plan to target environmentalists "clearly was a mistake" (O'Neil, 2017). A comment from Nathan Cullen, the Member of Parliament for the Skeena-Bulkley Valley and an ally of the opposition coalition, illustrates why: "the federal government lost people's confidence by calling everyone who opposes the pipeline a radical and by saying the pipeline must go ahead. They acted on the worst advice I've ever seen" (quoted in Saxifrage 2012: 21).

NGOs emphasized how Minister Oliver's letter had the ironic and unintended consequence of helping them gain more support. According to Berman (2019), the letter "led to a massive increase in the size of our supporter network [...] And that was a turning point, one of them." Valerie Langer, then a campaign director at ForestEthics, was quoted in The Canadian Press (2012) saying, "[s]ince the Harper government started attacking us, we've had more individual donors than

¹⁴² For example, Minister Oliver, in a media interview, accused George Soros of financing the "radical environmental agenda"; Soros stated his philanthropic organization, Open Society Foundations, was not involved in funding opposition to the tar sands (Stoymenoff, 2012b). Some organizations immediately responded publicly, including the Pembina Institute and Environmental Defence, by claiming they received less than 10 percent of their funding from foreign sources (Stoymenoff, 2012a). Tides Canada, in its 2012, report, partially disclosed sources of funding (Carlson, 2012). Even Krause responded to Ethical Oil's claims by identifying errors. Krause disagreed with Ethical Oil's "Our Decision" campaign and pointed out several inaccuracies in the claims it contained. Krause's main argument was, "[t]he campaign against Canadian oil is funded as a small part of that much bigger strategy to, in fact, foster the energy security and in fact the economic security of the United States" (quoted in Waterman, 2012). As I describe in Chapter 4, this analysis does not reflect the events that led to the formation of the Tar Sands Campaign.

ever in ForestEthics' history." Other groups reported similar increases in membership and support. Dogwood Initiative described an increase in funding with some donors directly referencing Oliver's letter (Gilchrist, 2012). Dogwood also received more signatures on their No Tankers petition and increased traffic to their Facebook site (The Canadian Press, 2012b). Other organizations at the forefront of the NGP campaign appear to have seen notable boosts in their funding, including Sierra Club, Pembina Institute, and WCEL (ibid.). Those less visible in opposition to the NGP, like David Suzuki Foundation and Ecojustice (which represented ForestEthics, Living Oceans Society and the Raincoast Conservation Foundation during JPR for the NGP) described "modest increases in donations" (ibid.). In short, NGOs opposed to the NGP claimed that Minister Oliver's accusations helped increase their funding and grow their support base.

In response to the internal "allies and adversaries" memo and ForestEthics' allegation that the government referred to the organization as an "enemy of the state," ForestEthics launched its "We Will Not be Silenced" petition in early February 2012. The petition framed the federal government's actions as an attack on democracy (ForestEthics, 2012). Until this point, ForestEthics' concerns about the NGP project were about the impacts of the project itself, like spill risks, tanker traffic and Indigenous rights. By linking the federal government's actions to the salient issue of "democracy," ForestEthics expanded the conflict's scope. In March of 2012, ENGOs, including Environmental Defence and ForestEthics, published reports, which they framed as a response to the "aggressive offensive" by the "federal government and oil lobby" (Environmental Defence and ForestEthics, 2012: 1). Climate Action Network Canada, in partnership with national and international NGOs, published *Dirty Oil Diplomacy*, which described the federal government's "attack on environmental organizations and First Nations" and outlined the government's tar sands advocacy strategy.¹⁴³ To summarize, the campaign coalition framed the government's response as bringing new support and supporters to oppose the NGP.

6.4 Omnibus legislation and regulatory reform

As I will explain in this section, opposition to the NGP played an important role in the government's omnibus legislation, which reformed the regulatory process for pipeline projects. In April 2012, the federal government introduced C-38: The Jobs, Growth and Long-term Prosperity Act as a budget implementation bill. The bill went through Parliament with "remarkable speed" and

¹⁴³ Natural Resources Defense Council (NRDC), Environmental Defence (Canada), Équiterre, Greenpeace and Sierra Club were partners on the report.

little opportunity for debate (Powell, 2014; see also Galloway and Leblanc, 2012). The omnibus bill repealed the Kyoto Act (which the previous Liberal federal government adopted) and repealed and replaced the Canadian Environmental Assessment Act. It also significantly amended dozens of pieces of legislation, including the Fisheries Act, Species at Risk Act, and Navigable Waters Protection Act. With the power of a majority government, the federal Conservative government was able to pass legislation that had failed in the past. C-38 was part of the federal government's "Responsible Resource Development" agenda designed to create more "predictable and timely reviews," reduce duplication, strengthen environmental protection, and enhance consultation with Indigenous peoples (Natural Resources Canada, 2013).

Bill C-38 had important consequences for pipeline review.¹⁴⁴ There were four significant changes to the NEB Act. First, C-38 gave the federal cabinet authority to approve a pipeline even if the NEB panel recommended against it, effectively removing the capacity of the NEB to reject a project. The NEB could now only recommend approval (or not), and Cabinet made the final decision, based, in part, on the NEB's recommendation. Second, the bill introduced timelines, allowing the NEB a maximum of 15 months to review pipeline projects, beginning when the NEB determines the application complete (Parliament of Canada, 2012: 83). Cabinet then had an additional three months to make its decision. The NEB and government could extend their respective timelines; the bill provided mechanisms to ensure the NEB meets the new timeline (Parliament of Canada, 2012: 107(3)). Before C-38, the Mackenzie Valley Pipeline notwithstanding, the NEB completed hearings within 15 months (NEB, 2012: 1).¹⁴⁵ Third, C-38 introduced a standing test to limit participation in NEB hearings to "interested parties," meaning individuals who the project "directly affects" or individuals who have "relevant information or expertise" (Parliament of Canada, 2012: 55.2). And fourth, and less commonly discussed, C-38 narrowed the scope of the NEB hearing to include only considerations "directly related" to the application (Parliament of Canada, 2012: 85(1)). In part, the government was attempting to contain participation for future pipeline hearings, but it was also trying to inject greater certainty in the pipeline approval process. I now explain the influences on the government's approach to reforming the NEB Act.

¹⁴⁴ In this chapter, I focus on these four changes; however other sections of C-38 and the revised NEB Act affected pipeline development including changes to authorizations related to the Species at Risk Act and the Navigable Waters Protection Act. Also, the CEAA 2012 allowed a single regulatory body to conduct environmental assessments.

¹⁴⁵ In the eight years prior to 2012; the fifteen months began when the NEB issued a hearing order and ended when the NEB released its reasons for decision (NEB, 2012: 1).

6.4.1 The remote and proximate causes of regulatory reform

In the background of the 2012 regulatory changes, loomed the federal government's experience with the Mackenzie Gas Project. A more proximate reason for C-38—at least the measures related to the NEB Act—was strong alignment between the federal government's and oil and pipeline industries' interests. However, it was the first major delay of the Keystone XL pipeline review, in November 2011, that catalyzed the federal government's response. I discuss each in turn.

In the 1970s, several companies made proposals for a natural gas pipeline through the Mackenzie Valley in the Northwest Territories. A federal royal commission on the impacts of the pipeline, led by Justice Thomas Berger, recommended a ten-year “postponement” on development plans (NEB, 2010: 16).¹⁴⁶ Companies renewed the project in 2000, which included the construction of a 1,196-kilometre natural gas pipeline from Inuvik, along the Mackenzie Valley, to northwestern Alberta (ibid.). The project involved a set of proponents, including TransCanada, who filed the project application in the latter half of 2004. I interviewed Hal Kvisle who was the CEO of TransCanada at the time. He recalls, “we convinced Minister Prentice at the time that we had to set out some fairly firm timelines [...] in the mandate statement for the CEEA panel (Kvisle, 2019). According to Kvisle, at the end of the two and a half-year deadline, the environmental assessment was “barely even starting.” In response, as he describes,

I went to the Minister, and I said, “look, we have to put some pressure on these people because it's going to drag it out and drag it out,” and he went to the panel and they got very upset. And they all set down their pens and said, “back off, we are going to take as much time as we want—back off or we are going to walk off.” And this is true. And so, he came back to me with a chuckle and said, “it doesn't look like there is a whole lot we can do other than help them the best we can.” They took seven years, seven years to complete this work. And at the end of it, they came to the absolutely predictable result that the pipeline could be built without environmental impact (Kvisle, 2019).

¹⁴⁶ In 1974, Minister of Indian Affairs and Northern Development Jean Chrétien asked Justice Berger to lead the Mackenzie Valley Pipeline Inquiry (MVPI) (Goudge, 2016: 396). Berger took several measures, including the Inquiry's hearings for a year to allow participants to evaluate the proposal, persuading the federal government to provide funding for intervenors, inviting media to broadcast the hearings, using cross-examination in the formal hearings, and holding hearings in 35 affected communities and in major cities in southern Canada (ibid.: 398-401). The MVPI provided the foundations for land claims with Northern Indigenous nations and was “the catalyst” for Northern Indigenous peoples to “seriously engage with state political processes in large numbers” (Robern, 2018: 172; see also Abele, 2014). The MVPI also impacted the process of environmental and social impact assessment (Goudge, 2016: 406).

Of the timeline for the Mackenzie Gas Project, Rowland Harrison, a former NEB panel member, said, “it was made clear to the panel that the process was taking too long; that’s as much as I can say” (R. Harrison, 2019). Harrison emphasized several logistical and structural issues facing the JRP for the Mackenzie Gas Project as well as the size and scope of the project.¹⁴⁷ The JRP released its report at the end of 2009, and the NEB made its recommendation at the end of the following year (Government of Canada, 2020).¹⁴⁸ So when it came time for the 2012 legislative reforms, according to Kvisle (2019),

for once the government had some sense of what we were talking about because of all of our work on Mackenzie Valley; Jim Prentice and his people [...] had been through the nightmare with us [...] and they were willing to help out.

It is beyond the scope of this chapter to detail the review process for the Mackenzie Gas Project. The focus for this chapter is to highlight—as these industry lawyers suggest—the “federal government found the conduct of the project approval process for Mackenzie Gas profoundly unsatisfactory” (Reed et al., 2016). According to a former Calgary Herald journalist Deborah Yedlin, the project “remains a symbol of failure in the context of pipeline approvals in Canada” (Yedlin, 2019: 191). An interview with a former senior official at Natural Resources Canada suggests the Mackenzie Gas Project was not a direct cause of reforms, though the project was referenced in government discussions in support of greater “discipline” of the regulatory process (anonymous interview, 2019f).

The pipeline industry association, the Canadian Energy Pipeline Association (CEPA), welcomed C-38 as a means to a more efficient regulatory process (CEPA, 2012). By the end of 2013, journalists reported that Bill C-38 reflected the interests of various industry groups (e.g., De Souza, 2013; Paris, 2013; Scoffield, 2013).¹⁴⁹ For example, an access to information request revealed that

¹⁴⁷ According to R. Harrison (2019), the JRP faced multiple challenges including: (1) the review involved several regulatory bodies with mandates on the project; (2) the panel had seven members (four of whom were appointed by regional and Indigenous bodies), which presented significant logistical issues as the panel members were located across Canada; and (3) there was no permanent infrastructure to support the panel (eventually, several NEB staff were “seconded” to provide logistical and other support).

¹⁴⁸ The proponents cancelled the project at the end of 2017, due largely to a combination of low natural gas prices, the lengthy regulatory process, and increased costs (Strong, 2017).

¹⁴⁹ Greenpeace also obtained some of these documents through Access to Information legislation (Stewart, 2013).

industry associations like CAPP and CEPA advocated on both the content of the bill and the legislative process. CAPP expressed its preference for a “strategic omnibus legislative approach” (Environment Canada, 2012: 3). CEPA advocated for a “one project one assessment” approach, regulatory timelines, and changes to the Species at Risk Act and CEAA.¹⁵⁰ It would not be until the end of 2013 that ForestEthics Advocacy substantively engaged with Bill C-38 with their *Who Writes the Rules* report, which pointed out similarities in changes to the NEB rules and recommendations the Energy Policy Institute of Canada (EPIC) made (ForestEthics Advocacy, 2013). EPIC, a policy advocacy group composed mainly of oil and gas companies, started in August 2009 to develop a “pan-Canadian approach to energy” (Emerson, 2011). EPIC credits their presentation at the Energy and Mines Ministers’ Conference, held in Alberta in July 2011, for the “significant improvements to the country’s regulatory framework, much of which was reflective of our regulatory document and recommendations” in Bill C-38 (EPIC, 2012: 11). Though the government drafted omnibus Bill C-38 quickly and without much formal stakeholder engagement, the legislation reflected preferences of the oil and gas industry that had been previously expressed to the government in 2011.

No publicly available records indicate industry groups advocated for a limit on participation in the hearings. Interviews, however, provide additional insight. Hal Kvisle, the former CEO of TransCanada Corporation, described an event during TransCanada’s hearing process for KXL, which the company would later use to argue for limited standing in regulatory reviews. According to Kvisle, at a hearing in Saskatchewan, an intervenor and member of the Sierra Club occupied 36 hours of hearing time talking about the climate impacts of the tar sands (Kvisle, 2019). As Kvisle (2019) recalled:

he [the intervenor] asked questions in 52 different ways that all come back to have you considered the cumulative effect of carbon dioxide emissions including what goes on in Fort McMurray [...] and we used that example to explain to Harper, Prentice and the government why we needed some limitations on who could have standing in a regulatory hearing. And they accepted that, and they set out certain rules.

The rules Kvisle referred to appear to be the standing test on participation in hearings for NEB-regulated projects.

¹⁵⁰ As evidenced in several lobbying documents released through ATIP (Canadian Petroleum Products Institute, 2011; CEPA, 2011; Environment Canada, 2012a, 2012b).

At the time of C-38, the Northern Gateway Pipelines project was the only pipeline project in the regulatory process designed to deliver oil to the Pacific coast. Serge Dupont, then Deputy Minister of Natural Resources Canada, outlined a strategy in December 2011 to “to create the “conditions for access to Asia Pacific market for Canada’s oil, in the national interest” (Dupont, 2011). The strategy was composed of three elements: (1) “expediting regulatory processes”; (2) “implementing complementary measures”; and (3) “advocacy and communications” (ibid.). Deputy Minister Dupont’s memo also mentioned, the “pre-position necessary in advance of beginning of public hearings on Gateway, January 10, 2012” (ibid.). The latter suggestion corresponded with Minister Oliver’s letter the day before the hearings, on January 9th. Though Dupont’s memo was not explicit, the “complementary measures” may have referred to the omnibus legislation. Regarding the timeline of the regulatory processes for the NGP, energy company S&P Global Platts reported in November 2011 that Minister Oliver wanted the JRP’s decision on the NGP by early 2013, which was “a year ahead of the current schedule” (Park, 2011). In short, C-38 was part of a broader strategy to try and create greater certainty about the NGP project.

As I mentioned in Chapter 4, the first significant delay to the Keystone XL surprised the federal government. On November 10, 2011, President Obama called the Prime Minister to inform him he was delaying his decision on KXL until after the Presidential election in November 2012 (Bloomberg News, 2014b). According to a former senior official at Natural Resources Canada, this news was a “wake-up call” for the government, which “just whipped the whole system into gear” (anonymous interview, 2019f). The government had a short timeline—from November 2011 until June 2012 when the bill received Royal Assent. As the senior official recounts this experience, “we had a fairly short period to do it [work on the legislative reforms]. So, it was not a kind of, you know, very open forum, deliberative with dozens and dozens of lobbyists running through town; I think we kind of knew what we had to do (anonymous interview, 2019f). However, the government was also “working in a way that was very much aligned with where the [oil and gas] industry was hoping to go” (ibid.).

As the senior official describes, “the principal preoccupation” of the Prime Minister at the time was “to give ourselves the tools to make our own decisions. And to safeguard our national interest” (anonymous interview, 2019f). The changes to the NEB Act were, in part, a direct response to the hearing process for the Northern Gateway Pipelines project and to the delay with KXL. The interviewee described the government’s motivation:

the real impetus came from the fact that, you know, Keystone [XL] was going to be slowed down. And that was compromising our national interest. And, that we cannot allow ourselves to be hamstrung domestically by our regulatory systems. [...] Canada basically could not be at the mercy of an unpredictable U.S. political administration and political process. And a President who may choose for his political reasons not to approve a project. We cannot be at the mercy of that. Nor can we be at the mercy of a three-person panel (anonymous interview, 2019f).

The three-person panel the interviewee referred to was the JRP assigned to review the NGP proposal. In other words, the government viewed both the KXL delay and the JRP panel as threats to their interests. The government disliked strongly that the Joint Review Panel did not limit participation in the review. As a former member of the NEB said, “I can tell you that the NGP hearing caused a lot of stress and angst inside the NEB, within the government; there was a lot of concern was this was a renegade, runaway panel” (anonymous interview, 2019e). In short, President Obama’s delay on the KXL and the Canadian government’s fear that the NGP was going to take “a long time” “created an urgency” for the government (anonymous interview, 2019f). The government responded with C-38 “to provide the proper legislative context” (ibid.). Prentice, in his memoir, also explicitly linked the uncertainty about the Keystone XL to Minister Oliver’s comments about “radical” groups (Prentice and Rioux, 2017: Chapter 5).

Before the first KXL delay, the government considered its role as managing the “public relations issue” about the oil sands, which involved addressing “issues around greenhouse gas emissions, water, and land reclamation” (anonymous interview, 2019f). However, after the government’s policy goal of becoming an energy superpower was compromised by uncertainty about KXL and unexpected opposition to the NGP, it took a much more active approach to contain conflict.

6.4.2 The campaign coalition responds to the “war on nature and democracy”

C-38 and the federal government’s “Responsible Resource Development” agenda became regarded by civil society groups, some academics and First Nations as an effort to create a more efficient and predictable regulatory process for proponents to expand resource development and resource exports, at the expense of environmental protection and consultation (e.g., Doern et al., 2015: Chapter 5). Shortly after the government passed C-38, NGOs tried to make linkages to undue

industry influence. For example, in June 2012, Wilderness Committee campaigner Ben West claimed the bill was “tailored by industry lobbyists to make it easier to push through extremely controversial pipeline projects” (Wilderness Committee, 2012a).¹⁵¹ Reporting by Mike De Souza in the first half of 2012 found that pipeline development was “top of mind” in the regulatory reforms (De Souza, 2012b). It took until 2013 for access to information requests to reveal industry lobbying activities associated with the bill.

The omnibus bill C-38 allowed the coalition against the NGP to scale up to the national level. Once again, ENGOs used this opportunity to expand the campaign by directing their efforts to the federal government. Environmental Defence and others framed the bill as a “gutting of environmental safeguards” (BlackOutSpeakOut, 2012a); Ecojustice and WCEL framed it as “weakening Canada’s most important environmental laws” and “silencing Canadians who want to defend them” (Ecojustice and WCEL, 2012). These frames galvanized the broadest possible opposition and helped the coalition ally with new actors like the Canadian Association of Physicians for the Environment (CAPE). CAPE and prominent ENGOs like the David Suzuki Foundation organized the “Black Out Speak Out” campaign, calling on organizations and individuals to darken their websites on June 4, 2012, in symbolic protest and speak out against the bill (BlackOutSpeakOut, 2012a). The campaign framed participation as defending “nature and democracy” (ibid.). National ENGOs—Environmental Defence, David Suzuki Foundation, Équiterre and Sierra Club Canada—led the campaign (WWF-Canada, 2012a). According to a press release, more than 600 organizations participated in the action, and “almost 50,000 Canadians wrote to their Member of Parliament to say no to the bill” (Ecojustice, 2012).

6.5 Auditing adversaries

The source of the anti-NGP coalition’s material resources was a point of vulnerability, one that the government and its allies targeted. Shortly before the federal government tabled C-38, Ethical Oil and Conservative politicians, using Krause’s research, once again targeted ENGOs, this time focusing on their charitable status. In February 2012, a Conservative member of the Senate, Nicole Eaton, initiated a senate inquiry to study the foreign funding of charities. Senator Eaton justified the investigation by echoing concerns that Krause expressed. She suggested that foreign foundations were engaging in “political manipulation” and interfering in “Canada’s domestic affairs” (Senate of

¹⁵¹ For a compilation of ENGO responses to the bill, see Eaton (2012).

Canada, 2012). Environment Minister Peter Kent made similar comments in an interview later that month, citing Krause’s research, suggesting that charities were using funds “to subvert the legitimate process of environmental assessment or consideration of resource projects” (HuffPost Canada, 2012).

Between March and August 2012, EthicalOil.org filed complaints to the Canadian Revenue Agency (CRA) about the “political activities” of Environmental Defence, David Suzuki Foundation, and Tides Canada Foundation (EthicalOil.org, 2012a, 2012b, 2012c). At the end of March, the federal government presented its budget bill, which introduced new rules and sanctions regarding political activities of charities and a new political activities audit program.¹⁵² In a well-publicized interview in May 2012, Minister Kent accused some environmental groups of “launder[ing] offshore foreign funds for inappropriate use against Canadian interest” (CBC News, 2012b). Minister Kent’s comments echoed “attacks” against Tides Ethical Oil launched (McCarthy, 2012). In October 2012, Enbridge adopted a similar strategy to Ethical Oil, filing a complaint with the NEB about the funding of several groups involved in the regulatory process (Moore, 2012).

The government attempted to strategically redirect media attention away from the omnibus legislation. According to media reporting, a former strategist and lobbyist for the Conservative Party, Tim Powers:

It’s a hell of a lot easier if you’re Stephen Harper and you have organizations saying ‘No, I’m not radical, no I’m not a money launderer,’ leaving aside the debate saying ‘There’s a problem with line X of the fish habitat bill’ (quoted in O’Neil, 2012).

This strategy suggests the government made allegations of money laundering to delegitimize critics of the omnibus legislation.

In 2012 and 2013, the CRA audited several environmental NGOs with charitable status. The CRA did not release a list of organizations they audited, but the first round of ten “political activity” audits included at least five environmental charities (Beeby, 2014b). These included the Tides Canada Foundation, Équiterre, and Environmental Defence Canada; the CRA audited the David Suzuki Foundation in 2013 (ibid.).¹⁵³ According to media reporting, the increase in audits coincided with a spike in complaints to the CRA, starting in the 2011-2012 fiscal year (Raj, 2014). During this

¹⁵² For a review of the changes, see Carter and Cooper (2012).

¹⁵³ According to reporting, the CRA began its audit of Tides Canada in the spring of 2011 (O’Neil, 2012).

time, media outlets suggested the CRA disproportionately targeted certain groups because these groups were engaged in activism against the tar sands and the NGP project (e.g., Aulakh, 2014; The Globe and Mail, 2014; Solomon and Everson, 2014).¹⁵⁴ In short, these efforts can be seen as an attempt by the government to undermine the capacity and legitimacy of organizations that oppose its policies, particularly regarding energy and the environment. These actions fit into a larger trend of states suppressing NGOs that oppose natural-resource extraction (Matejova et al., 2018). The audits added further worked the political context for pipeline opponents.

6.5.1 The campaign coalition responds to the “war against the sector”¹⁵⁵

None of the audited groups had their charitable status revoked.¹⁵⁶ The audits in general had a chilling effect on the NGO sector. The audit program had mixed effects on the coalition campaign. In general, audited charities had to divert resources away from their campaign work to complete the audit. However, intra-organizational communication channels helped groups continue to organize and campaign.

Groups responded differently—some becoming more public and active in their opposition to the NGP and others becoming less so. According to the Executive Director of the Georgia Strait Alliance, Christianne Wilhelmson (2019), once Environmental Defence “had the threat of a charitable status being taken away, I think they got louder and angrier.” Representatives of the David Suzuki Foundation and ForestEthics reporting becoming more politically active because they realized they were not near the requisite threshold (Webb, 2013). However, both ENGOs made organizational changes: ForestEthics divided into two organizations with distinct charity and advocacy mandates and separated from Tides, and David Suzuki resigned from his position at the David Suzuki Foundation (The Canadian Press, 2012b; Boesveld, 2012).¹⁵⁷ Lesser known groups like the Georgia Strait Alliance, which the CRA did not audit, also became more politically active (Wilhelmson, 2019). According to the organization’s Executive Director, this was both because they realized they were not near the political activity threshold and because:

¹⁵⁴ In 2014, the federal government increased the CRA’s budget, and the agency appeared to widen its search of charities it chose to audit (Beeby, 2014a).

¹⁵⁵ The Executive Director of the Sierra Club Canada, John Bennett, called the audits a “war against the sector” (Solomon and Everson, 2014).

¹⁵⁶ The only charity whose charitable status the CRA revoked was a group promoting nuclear disarmament—Physicians for Global Survival, an anti-war group whose auditing began in 2004 (Beeby, 2014b).

¹⁵⁷ ForestEthics became two entities—ForestEthics Advocacy Association and ForestEthics Solutions Society. Only the latter had charitable status.

we recognized that if we were quiet, then those who make up this narrative around foreign funding, when the tar sands are foreign funded. You know, we couldn't let them win. And if we got quiet, they would win (Wilhelmson, 2019).¹⁵⁸

However, not all organizations responded vocally. As Wilhelmson describes:

it was unfortunate that some groups did go quiet. They didn't seem to understand what political activity was, and they got quiet, and I get it. I know a lot of our colleagues who were being audited, and you risk losing your charitable status, especially in a process that, again, was biased.

It is unclear why certain organizations became like Tides Canada became “quieter” (Wilhelmson, 2019; see also McCarthy, 2012). According to Wilhelmson (2019), WCEL, which the CRA also audited, also “got very quiet, and they got very closed; I think that was just to protect themselves.” These examples illustrate different organizational responses to an adverse political context. In sum, as a result of the audit program, some NGOs became emboldened, and others moved away from the public and media attention.

Audits are time and resource-intensive; audited organizations had to divert resources away from other work.¹⁵⁹ According to one NGO director, the audits “eat up a huge amount of resources and it's politically motivated, and it's designed to chill the progressive, environmental and social justice sector” (anonymous interview, 2019d). This observation reflects what communication teacher and practitioner Gareth Kirkby (2014: 6) identifies as “advocacy chill” for those the CRA audited. After conducting interviews with 16 charitable organization leaders, Kirkby concludes audits “reduced or altered out-bound communications, especially that which publicly call for changes in government policy and priorities, or publicly challenges government actions” (ibid.: 9). Though these organizations continued their work on public policy issues, they did not “openly fight back” as not to risk negative political or financial outcomes (ibid.: 46).

¹⁵⁸ According to CRA guidelines, registered charities could spend 10 percent of resources on (non-partisan) political activities (CRA, 2003).

¹⁵⁹ For example, as reporter Althia Raj (2014) writes, “[o]f the 13 completed audits, one audit took more than four years to finish, and another took almost three years. On average, each audit took nearly a year and a half to complete.”

Intra-organizational communication networks helped NGOs cope with the audits and continue opposing the NGP. Using these private communication channels allowed organizations to avoid the government's scrutiny while they continued to organize, strategize, and share resources. Some organizations, like ForestEthics Advocacy, worked on behalf of organizations that were concerned about "political activities" (Interview in Bowles and Veltmeyer, 2014: 87). This was an important strength of the campaign coalition. However, the audits highlighted the vulnerability of the campaign coalition's material resources and contributed to a federal political context that NGOs perceived as increasingly hostile.

6.6 Influence on the NGP proposal

Despite the federal government's aspirations (and communications strategy), the NGP was heavily contested. The Joint Review Panel's hearings provided an opportunity for affected communities to express their opposition to the project. The protests around the JRP hearings began in January 2012 in Edmonton with a small gathering of 20 to 30 (Audette, 2012).¹⁶⁰ In early February 2012, hundreds protested outside of the JRP hearings in Fort St. James, a protest the Yinka Dene Alliance led (Nielson, 2012). With a population of 1,300, this attendance was significant (*ibid.*). Also, in February, Gitga'at First Nation organized a No Tankers Rally in Prince Rupert. Participation estimates varied widely, from 600 and 2,000 attendees (Rowland, 2012; CBC News, 2012a). At the end of March, around 2,200 people gathered outside the project hearings in Comox, a town on Vancouver Island (Brotten, 2012). This was striking, given the town's population of approximately 14,000 at the time. At the JRP's hearings in Bella Bella, in April 2012, approximately 200 hundred residents protested along with members of the Heiltsuk First Nation—which was similarly significant given the community's population of 1,400. According to the Royal Canadian Mounted Police (RCMP), the protest was peaceful. Nonetheless, the JRP rescheduled the public hearing due to security concerns (Stoymenoff, 2012c). Staff and students from Bella Bella Community School participated in a hunger strike to highlight how a potential spill from the project would threaten their food sources (*ibid.*).

The changing political and regulatory context coincided with the campaign coalition's reenergized efforts to target Enbridge directly. They engaged with Enbridge's shareholders through a combination of protest and shareholder resolutions. The height of this opposition was the Yinka

¹⁶⁰ The event received very little media coverage, and it is unclear who organized the protest. One media article mentions drummers from the Enoch First Nation were present (Audette, 2012). The Athabasca Chipewyan First Nation (ACFN) helped promote the event (ACFN, 2012).

Dena Alliance's Freedom Train campaign to Enbridge's 2012 AGM. Shortly after, Enbridge's Kalamazoo spill once again attracted public scrutiny when the U.S. National Transportation Safety Board released its report of the incident in July 2012. Together these events created observable reputational risk for Enbridge. I describe these dynamics in this section in more detail.

6.6.1 Targeting Enbridge

In March 2012, an estimated 1,000 people marched in Vancouver to Enbridge's office. The Heiltsuk First Nation led this protest, and ForestEthics and Coastal First Nations helped organize. The protest strategically coincided with the anniversary of the Valdez spill. Speakers included Bill McKibben and Elder Edwin Newman of the Heiltsuk First Nation, who addressed climate change and spill risks, respectively (Cuffe, 2012; Thompson, 2012). Soon after, the Yinka Dene Alliance (YDA) led the Freedom Train tour to enforce its legal ban through the Save the Fraser Declaration and build support across Canada (CSTC, 2012; Yinka Dene Alliance, 2012).¹⁶¹ Enbridge's 2012 AGM in Toronto was the Freedom Train's final destination (Talbot, 2012). Several ENGOs, including Wilderness Committee, Environmental Defence, and WCEL supported YDA; support included staff photographing events or writing media pieces. Nonetheless, they had relatively minor roles (e.g., Paterson, 2012; McEachern, 2012; Reder, 2012). The timing was particularly fortuitous for the NGO members of the campaign coalition the federal government targeted—discursively and through audits—to take a step back and create space for their Indigenous allies in the campaign to express their opposition.

This was the second time the YDA had expressed opposition to the NGP at Enbridge's AGM. In 2011, representatives from the Yinka Dene Alliance travelled to Calgary and met with four First Nations from Alberta and Manitoba. Together, they signed a solidarity statement opposing the NGP unless the project had the “free, prior and informed consent” of First Nations. This concept is enshrined in Article 28 of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), and the statement has become a rallying cry against contested resource projects. The delegation marched to Enbridge's headquarters, and representatives of the YDA attended the AGM (Yinka Dene Alliance, 2011; CBC News, 2011). Outside the meeting, “almost 100” people marched (Harris, 2011).

¹⁶¹ The delegation travelled by train across Canada, holding rallies and ceremonies in cities along the way, in Jasper, Edmonton, Saskatoon, Winnipeg, and Toronto (Yinka Dene Alliance, 2012).

At the 2012 shareholder’s meeting, a delegation of Yinka Dene leaders and members delivered a petition against the project with over 15,000 signatures (Paterson, 2012).¹⁶² Their petition was coupled with a shareholder resolution about how opposition from First Nations would affect the project. The proposal, brought by Northwest & Ethical Investments LP (NEI), a Toronto-based mutual fund firm, was similar to the 2009 proposal brought by Ethical Funds.¹⁶³ The 2012 proposal requested that Enbridge provide a report that detailed how the company would mitigate the “operational, reputational, and legal risks” with the project due to opposition from First Nations (Enbridge Inc., 2012: 69). Enbridge’s management recommended shareholders vote against the resolution, arguing the project has “a significant level of support” from Aboriginal groups along the pipeline corridor—noting that “over 20 of the approximately four dozen eligible” groups along the proposed corridor—and it would be premature to discuss plans for the project until the JRP released its decision (Enbridge, 2012: 70-1). Though the resolution did not receive majority support, 29 percent of shareholders voted in favour. This is a relatively strong result, enough to signal to Enbridge that shareholders were concerned (Richardson, 2015: 67).

Outside of the AGM, Indigenous leaders spoke, conducted ceremonies, and held rallies against Northern Gateway. The day attracted significant media attention. Led by the YDA, the delegation of over fifty members included “First Nations and First Nations groups, such as the Coastal First Nations, the Haida Nation, Tsleil-Waututh, the Wet’suwet’en Nation, Cold Lake First Nations, and the various First Nations members of the Keepers of the Athabasca” (Paterson, 2012). Though not all Indigenous groups along the route of the pipeline opposed the project, there was significant, united opposition in central and coastal British Columbia among Indigenous nations and communities. These communities also emphasized their alliances throughout British Columbia. The Union of British Columbia Indian Chiefs (UBCIC), in their statement from May 2012, reiterated their position as:

steadfastly opposed to the Enbridge Pipeline Project and we will forever proudly stand with the Yinka Dene Alliance, Coastal First Nations, Heiltsuk Nation, Carrier-Sekani Tribal Council and the many other Indigenous Peoples who are standing as a unified wall of solidarity up and down the coast and heartland of British Columbia in their unbreakable opposition to this proposed Enbridge Tarsands [*sic*] pipeline (UBCIC, 2012).

¹⁶² The archived webpage from May 2012 shows the petition had over 15,000 signatures (Freedom Train, 2012).

¹⁶³ Ethical Funds, which brought the 2009 resolution, is a division of NEI Investments.

Members of the campaign coalition, including the YDA and UBCIC, emphasized Indigenous-led and unified opposition. The public perception of a unified and diverse coalition was central to building support for the movement. This was amplified by disdain for the federal government. For example, at the end of 2012, Grand Chief Stewart Phillip suggested the UBCIC Chiefs Council's decision to endorse the Tanker Ban and Save the Fraser stemmed from the "loud-mouthed, highly offensive comments and belligerent actions" actions of the federal government earlier that year (Georgia Straight, 2012).

The Freedom Train was the height of Indigenous-led opposition against Northern Gateway. It attracted the attention of the state. That May, investigative reporting by Lukacs and Groves (2012) revealed that a provincial unit of the RCMP was spying on the Yinka Dene Alliance and tracking the potential for "acts of protest and civil disobedience." A more fulsome picture of the extensive surveillance of opposition to NGP would not be revealed in the media until the following November 2013. The *Vancouver Observer* reported, based on documentation obtained through access to information, the NEB had consulted with "Canadian Security Intelligence Service (CSIS), the Royal Canadian Mountain Police (RCMP), Enbridge, TransCanada Corp., and a private security contractor working for the NEB" (Millar, 2013). These groups engaged in significant and comprehensive surveillance opposition groups' activities monitoring groups, including ForestEthics, Sierra Club, LeadNow, and Dogwood.¹⁶⁴ LeadNow, founded in 2010, is an advocacy organization based in Vancouver that uses online petitions to mobilize support around particular issues (LeadNow, n.d.). All three organizations were involved in the anti-NGP coalition. According to Crosby and Monaghan (2018: Chapter 2), efforts to coordinate policing for the NGP date back to August 2010 when the RCMP's national security unit convened an "Intelligence Production Meeting."¹⁶⁵ According to Crosby and Monaghan, the RCMP did not identify credible security threats (ibid.). It is unclear what kind of a chilling effect the surveillance had on the campaign coalition. Despite surveillance, the actions of the YDA created reputational risk for Enbridge, which I further explore in the next section.

¹⁶⁴ In February 2014, the British Columbia Civil Liberties Association (BCCLA) filed complaints against the CSIS and the RCMP alleging they had illegally spied on environmental and Indigenous organizations opposed to the NGP (Uechi, 2014). The BCCLA released the "Protest Papers"—CSIS records investigating specific targets opposed to pipelines. The Security Intelligence Review Committee (SIRC), which reviewed the activities of CSIS, ruled that CSIS did not act illegally. In 2019 the federal government replaced SIRC with the National Security and Intelligence Review Agency. The Protest Papers are available at <https://bccla.org/secret-spy-hearings/>

¹⁶⁵ For an account of the NGP and the "security state," see Crosby and Monaghan (2018: Chapter 2).

6.6.2 Enbridge's reputational risk

The political backlash of Enbridge's Kalamazoo spill was reignited when the National Transportation Safety Board (NTSB) released its report of the incident in July 2012. The NTSB report was highly critical of Enbridge and found that "the rupture and prolonged release were made possible by pervasive organizational failures" at the company (ibid.: xii). The NTSB also recognized the spill as one of the largest and costliest inland oil spills in the United States (NTSB, 2012). The after the NTSB report was released, British Columbia Premier Christy Clark called Enbridge's response "disgraceful" but did not take a position on the pipeline (The Canadian Press, 2012c). The following week, the B.C. government announced five conditions for support of an oil sands pipeline through the province, including a "world-leading marine oil-spill response" (CBC News, 2012c). The timing of this was particularly notable. Hoberg (2013: 282) contended the NTSB report was the "last straw" for the government's "wait-and-see" approach. Three days before, Enbridge voluntarily adopted 500 million CAD in additional safety measures for Northern Gateway, likely hastened by the damning NTSB report. However, these additional measures were not enough to placate the provincial government.

Premier Clark's approach did not placate the anti-NGP coalition. LOS responded that "[w]orld-leading marine oil spill response and recovery systems will do nothing for us in the event of a spill of tarsands [*sic*] bitumen" (CBC News, 2012c). One of the most sizeable protests was in October 2012, when approximately 3,500 people gathered in Victoria outside the legislature (Fowlie, 2012).¹⁶⁶ This protest was against both TMEP and NGP as part of the "Defend Our Coast" event (ibid.). The purpose of Defend Our Coast was to demonstrate to the British Columbia (B.C.) and federal governments that the "west coast is not for sale" (Defend Our Coast, 2012). This protest directly responded to Clark's conditions for supporting oil sand pipelines through the province.

The event's main organizers were Greenpeace, ForestEthics, and the Council of Canadians (CTVNews, 2012).¹⁶⁷ The Council of Canadians, formed in the 1980s, is a national "social action organization" with several regional offices and a network of local chapters (Council of Canadians, n.d.). The planned action was a mass sit-in, an act of civil disobedience, inspired by the

¹⁶⁶ Organizers routinely cite 5,000 (e.g., James, 2013), which appears to have come from the media release before the event.

¹⁶⁷ TruthFool Communications—a small organization that provides "creative and strategic services for social change"—and local social justice organizations including Social Coast Victoria also helped organize (CTVNews, 2012; TruthFool, 2012).

2011 sit-in in Washington against the Keystone XL and the accompanying solidarity direct action in Ottawa on Parliament Hill in September 2011. The latter action resulted in 117 arrests (CBC News, 2011). Prominent Indigenous and civil society leaders, including Stephen Lewis, Jackie Thomas, David Suzuki, Naomi Klein, and Bill McKibben, endorsed the shift to civil disobedience against the proposed pipelines in British Columbia.¹⁶⁸ According to an account of the event, however, the police refused to arrest anyone, hampering the intended strategy of civil disobedience (Cox, 2012).¹⁶⁹

The following day, the Wilderness Committee, along with Leadnow and Dogwood Initiative, helped organize a series of rallies in many communities affected by the NGP and TMEP proposals. The “Day of Action” included events in Vancouver, Victoria, Chilliwack, and Abbotsford (West 2012; Cox 2012; News 1130, 2012). According to Jennifer Lash, after the Day of Action, the protests grew and became even more decentralized. As Lash describes:

we just saw this huge amount of people coming out and protesting the idea of pipelines, it was quite overwhelming. There was a point where we would wake up and we see a news article about a protest against Enbridge Northern Gateway [...] And people would ask who organized that we’d be like, “I don’t know.” [...] People just started self-organizing across the province. We saw it [...] reach a tipping point (Lash, 2019).

The Northern Gateway protests nor the NTSB report appeared to impact Enbridge’s stock price.¹⁷⁰ However, opposition to Northern Gateway and negative media attention created reputational risk and damage for Enbridge. This is difficult to measure, though Enbridge’s statements and reporting and media coverage provide insight. At the end of 2012, an article by Canadian Business magazine described Enbridge as a “big loser” for the year (Canadian Business, 2012). Despite Enbridge’s stock price, the article condemned its reputational damage from opposition to Northern Gateway. The opposition to Enbridge’s project further took a toll on the company’s reputation. In 2010, the Kalamazoo spill, and then the NTSB report almost two years later, had already stricken the company’s reputation. In the company’s 2012 Corporate Social

¹⁶⁸ Activists, business owners, filmmakers, celebrities, authors, academics, and unions endorsed the action (Defend Our Coast, 2015).

¹⁶⁹ Still, activists put wooden stakes into the lawn in front of the legislature, which was technically illegal, to symbolize an oil tanker (Annis, 2012).

¹⁷⁰ The stock price also did not drop after the Kalamazoo spill. Stock prices available at <https://ca.finance.yahoo.com/quote/ENB.TO/>

Responsibility (CSR) report, Enbridge acknowledged that the Kalamazoo spill, opposition to Northern Gateway and the Line 9B reversal were three of the company's "biggest challenges" (Enbridge, 2013: 19). Opposition to the NGP created further reputational risk. Interestingly, both the 2011 and 2012 reports listed the protest events against the NGP. This was likely due to the 2009 shareholder resolution which expressed investor concerns about the risk from Indigenous opposition to the project.

The JRP continued to be a site of contestation as the hearings continued. These protests turned disruptive in January 2013, in part because of new actors and support from another social movement, Idle No More. That January, hearings took place in Vancouver, by far the largest city in the province. It is important to recall that although the project did not pass through the city, the JRP conducted a hearing there in response to the significant number of citizens who signed up to give oral statements. A newly formed collective of grassroots activists, called Rising Tide Vancouver Coast Salish Territories, organized a protest and march to the JRP hearing in Vancouver. Over 1,000 people attended (CTV News, 2013). Rising Tide is a grassroots environmental justice group premised on opposing capitalist, corporate, and colonial institutions (Rising Tide, 2014). The Council of Canadians and over a dozen social justice and Indigenous groups supported the protest (Adrangi, 2013). The Idle No More movement and one of the movement's organizers, Frank Brown of Heiltsuk First Nation, joined the action. Idle No More began in November 2012 in response to the federal government's disregard of Indigenous treaty rights and a second omnibus bill, C-45.¹⁷¹ Idle No More brought the relationship between resource wealth and Indigenous lands into public consciousness (Scott, 2013). The support of Idle No More raised the anti-NGP protest's profile. Some individuals marched to the hearing, directly contravening the JRP, who limited access to the hearing room to avoid disruptions. The police arrested five demonstrators who disrupted the hearing and refused to leave (Moore, 2013).

Members of the core campaign coalition continued to engage Enbridge's shareholders. At the company's 2013 AGM, the coalition's delegation, organized by ForestEthics and West Coast

¹⁷¹ In December 2012, the Harper government passed a second piece of omnibus legislation, Bill C-45, which made changes to legislation including the Navigable Waters Protection Act and the Indian Act. C-45 was the main catalyst for the Idle No More movement (Barker, 2015). Adam Barker (2015) describes Idle No More as a "massive grassroots political protest movement." The movement was largely driven by Indigenous communities and directly at the federal government. The hunger strike of Chief Theresa Spence (the elected Chief of the Attawapiskat First Nation) helped the movement gain momentum. Other repertoires of contention included "flash mob" style round dances called "Round Dance Revolutions," rallies across the country, online activism, and blockades of rail lines between Montreal and Toronto (Barker, 2015: 48-9). The movement called for Indigenous sovereignty, resurgence, and a peaceful revolution. It also increased the salience of Indigenous policy issues at the national level (Richez et al., 2020).

Environmental Law (WCEL), emphasized the diversity and broad-based nature of the opposition to the project. The delegation include member of the Wet'suwet'en and former Haisla Nation Chief Councillor Gerald Amos, who voiced concern about future legal challenges and the Wet'suwet'en's ban on all oil pipelines, a resident from Fort St. James, and representatives from the Energy and Paperworkers Unions, and the Council of Canadians (CSTC, 2013; Thompson Reuters, 2013; Wu and Belak, 2013). That year, for the first time, Enbridge publicly acknowledged reputational risk from the project, stating:

there is growing concern over the public safety and environmental risks associated with transporting fossil fuels. In some cases, this concern manifests itself in the form of well-organized opposition from groups opposed to energy development, including oil sands development and shipment of production from oil sands regions. This opposition is having an impact on the reputation of energy and pipeline companies alike, including Enbridge (Enbridge, 2013: 40).

6.6.3 Political context and the JRP decision

The opposition had mounted to a point where even the federal government responded. In March 2013, Natural Resources Minister Joe Oliver made two major announcements in quick succession. First, he announced changes to marine safety rules for oil tankers. The following day, Oliver announced he had appointed Douglas Eyford as the special federal representative on West Coast Energy Infrastructure. Eyford was the federal government's chief federal negotiator in the land claims process in British Columbia from 2007 until 2014. The government asked Eyford to "identify approaches that could meet Canada's goals of expanding energy markets and increasing Aboriginal participation in the economy" (Eyford, 2014: 2). Given the timing of the announcements, it appears the government was growing concerned about the impacts of the resistance to the project. However, the government continued to defend oil sands development aggressively and attack its critics. In May 2013, climate scientists wrote an open letter critical of the NGP and the government's approach to oil sands development (The Globe and Mail, 2013). Oliver responded directly in *The Globe and Mail* and dismissed their concerns in a piece titled "The End of Fossil Fuels would be an Economic and Social Catastrophe" (Oliver, 2013).

Despite the closed federal political context, the campaign coalition gained a new ally with the B.C. government. As an Intervenor, required to make a final argument, the JRP provided an

opportunity for the B.C. government to take a clear position on the project. In May 2013, the province of British Columbia said it could not support the project in its final arguments. The province was principally concerned with the potential for spills from the pipeline and the ability of Northern Gateway to respond effectively (Province of British Columbia, 2013). The province submitted that “the information Northern Gateway has provided is incomplete and may downplay the potential for both large and smaller spills” (Province of B.C., 2013: 8). British Columbia expressed “serious concerns” about the company’s spill response, citing the Kalamazoo spill, the challenges Northern Gateway acknowledged in responding to submerged and sunken oil, and the absence of a detailed oil spill response plan (ibid.: 23-32). B.C.’s position signified the loss of an important potential ally for Enbridge.

Protests slowed for a few months while the JRP deliberated. In November 2013, over 100 events, including rallies and marches, were hosted across the country against the JRP, part of a national “Defend Our Climate, Defend Our Community.” The purpose of the protests was to “build a united wall of opposition to pipelines, reckless tar sands expansion and runaway climate change” (Defend Our Climate, 2013). The largest event was in Vancouver, with “thousands” of attendees, according to the media (Crawford, 2013). In Prince George, the Carrier Sekani Tribal Council (CSTC) Chief Terry Teegee reiterated to the federal government that “the answer is still no” (Williams, 2013). A broad coalition of NGOs and Indigenous groups, including Sierra Club BC and ForestEthics, organized the Defend Our Climate rallies (Defend Our Climate, 2013).

In December 2013, the JRP recommended the federal government approve the NGP. The JRP released two volumes of its recommendation report and concluded the “potential benefits for Canada and Canadians outweighed the potential burdens and risks” (JRP, 2013: 71). While the approval was an important part of the regulatory process, it was by no means the final step, nor the end of contestation, which I return to in Chapter 8.

6.7 Conclusion

In his posthumously published memoir, a former federal minister in the Conservative government, Jim Prentice, suggests Minister Oliver’s comments “galvanized all of B.C.’s First Nations into a united and well-financed opposition to that project” (Prentice and Rioux, 2017: Chapter 5).¹⁷²

¹⁷² Page numbers unavailable in e-book. Prentice was the Minister of then Indian Affairs and Northern Development from February 2006 until August 2007, and Minister of the Environment from October 2008 until he resigned in November 2010 to become Vice Chairman of the Canadian Imperial Bank of Commerce (CIBC).

Similarly, Tzaporah Berman, in the afterword to *Extract*, a compilation of reporting by the Vancouver Observer about resistance to the NGP proposal, writes, “[i]n many ways, we should thank Minister Oliver and Prime Minister Harper. Their actions have been so outrageous, so clearly out of step with behaviour acceptable in a democracy, that they have galvanized a movement” (Saxifrage et al., 2012: 161-2). According to Berman, by undermining the capacity of groups to “debate core issues,” the federal government gave groups “common purpose with unlikely allies” (ibid.: 162). It is striking that although these individuals had different interests regarding the NGP, they shared this perspective. As I illustrated in the previous chapter, there was significant opposition from the project’s onset. Still, this chapter largely reinforces the argument that the federal government’s efforts to create an enabling context for the NGP backfired. I explained why this was the case and I started to unpack the impact this had on Enbridge and the NGP proposal. In this conclusion, I summarize the key findings in this chapter, and I draw out several theoretical implications.

In this chapter, I focus my analysis on the primary engagement strategy of the anti-NGP coalition in the regulatory review process, which was to expand public participation. This contrasted with earlier efforts to expand the scope of the project review that were fairly unsuccessful. The relatively closed opportunities for environmental groups to discuss energy or climate policy at either the provincial or federal level contrasted with a new and unique opportunity with the Joint Review Panel that allowed organizations and citizens to engage with energy issues. The relatively open rules around participation provided the campaign coalition with a unique opportunity to engage with the regulatory process. In short, the success of the regulatory engagement strategy depended on permissive regulatory rules. However, it was also the closed political context, which helped the campaign coalition increase participation in the JRP hearing. In other words, the relatively closed political context alongside the presence of a regulatory opportunity provided an important opening that the campaign coalition took advantage of.

However, the political context grew increasingly hostile for the campaign coalition as a result of this regulatory engagement. Public participation in the NGP overwhelmed the NEB and angered the federal government. The majority Conservative federal government took an active approach in responding to what it perceived as threats to the national interest and a lengthy regulatory process for the NGP—this strategy involved omnibus legislation and publicly denigrating project opponents. This response highlights the far broader and unintended influence of the anti-NGP campaign. The theoretical framework did not account for all the ways in which the political

opportunities and the coalition could interact, including identifying the campaign coalition's material resources as a target. While interests groups tend to mirror each other's strategies, it is surprising that the federal government publicly labelled project opponents as radicals. The characterization contest the government entered into by labelling ENGOs radicals allowed them to expand the coalition's frame to the national scale. This scale shift temporarily de-centered the project and regulatory process as the target of opposition. Still, the government's approach inadvertently broadened and deepened the campaign coalition and resistance to the NGP.

The perceived attacks by the federal government also appear to have increased funding and support for many visible organizations involved in the coalition. This chapter also shows that even institutional retaliation from governments can be an opportunity for coalitions to expand and strengthen. Groups, however, were not uniformly affected, nor did they all respond similarly; some NGOs that were audited became less visible and active. As the opposition coalition was composed of diverse actors, the coalition as a whole was resilient. Central actors—including Dogwood, WCEL, Living Oceans Society and ForestEthics—had multiple strategies that allowed them to continue their work to frustrate the project. This episode also highlighted how SMOs could adapt to institutional challenges to increase their influence; for example, when ForestEthics doubled down on its political activities.

In part as a result of the changing political context and frustrations with the regulatory process, members of the campaign coalition also shifted their focus to Enbridge. Enbridge's Kalamazoo spill was an important part of the corporate context. The resistance, led by the Yinka Dene Alliance with the Freedom Train, coupled with the continued legacy and backlash of Enbridge's Kalamazoo spill, created reputational risk for the company. Enbridge's stock price appeared relatively unaffected, although further quantitative research is needed to support this claim.

This chapter highlighted how an aspect of the regulatory process provided a fortuitous opportunity for the anti-NGP coalition. Previously, the B.C. government had been reticent to declare a position on the project, but the public hearing provided an opportunity for the government to oppose the project. This example illustrates how the regulatory process can provide opportunities for external political actors can certify the campaign's claims. Given the closed federal political context, this provided a small victory for the anti-Gateway coalition.

Lastly, this chapter highlighted the somewhat surprising relationship between regulatory engagement and protests. Despite the fact that the JRP took several steps to accommodate public concerns (for example, revising the list of issues, holding several months of hearings for oral

evidence, and adding community hearings to accommodate oral statements), several Indigenous and non-Indigenous communities alike organized protests alongside the JRP hearings in both opposition to the project and the process. Regulatory engagement not only added significant time to the hearing process but also created new opportunities for contestation when the JRP hearings became protest sites.

Although the JRP ultimately approved the project, the opposition to the project did not end. As I will show in Chapter 8, the Conservative federal government's approval of the project created a new legal opportunity to oppose the project; together with a new political opportunity with the 2015 election, the project was ultimately cancelled. Finally, this chapter begins to illustrate how the campaign coalition both shaped and was contained by the regulatory process. The full implications of the government's omnibus legislation, C-38, would not be realized until the hearing process for the TMEP, which I explore in Chapter 7.

CHAPTER SEVEN: The Trans Mountain Expansion Project review

This chapter analyzes the encounter between the review process and the campaign coalition in the Trans Mountain Expansion Project. The NEB's hearing process for Kinder Morgan's TMEP was significantly more constrained than it was for the Northern Gateway Pipelines. In response, members of the campaign coalition engaged in a range of both institutional and extra-institutional strategies to publicize their grievances. A new political opportunity, in the form of the 2015 federal election, resulted in a federal policy response to the shortcomings of the TMEP review. However, the NEB ultimately recommended the TMEP, and the federal government used the additional steps in the regulatory process to justify its approval of the project.

This chapter describes the key regulatory dynamics from the time Trans Mountain filed its application in December 2013 until the federal government released the Ministerial Panel's report shortly before it approved the project in November 2016. In contrast to the NGP, the opportunities for regulatory engagement were relatively closed in the TMEP review. In this chapter, I draw attention to the recursive relationship between regulatory and political contexts. I also highlight the creativity and institutional savvy of coalition members in responding to the adverse regulatory context. I also emphasize the significance of the new political opportunity with the 2015 federal election. However, this represented only a partial success for the campaign coalition. The new federal government committed to reforming the NEB and convened a Ministerial Panel to identify gaps with the TMEP's review process. This created a four-month delay and a new opportunity for contestation. Nonetheless, the decision-making authority rested squarely with the federal government, which used the additional review to legitimize its approval.

This chapter proceeds as follows: I begin, in section 7.1, by describing the changes to the TMEP review explaining how both C-38 and the NEB's experience with the Northern Gateway Pipelines project contained the TMEP's review process. In section 7.2., I review how coalition members expressed their concerns publicly about the regulatory process. The collective impact of this contestation resulted in a federal policy response which I describe in section 7.3.

7.1 The NEB review

At the end of December 2013, two weeks after Trans Mountain filed its application to the NEB, the regulator requested that Trans Mountain distribute applications to participate; applications were due

in mid-February (NEB, 2013).¹⁷³ Once again, NGOs and local groups encouraged citizens to participate in the review, though their efforts did not resemble the Mob the Mic campaign, with its province-wide focus. This time the coalition focused on specific communities the proposal affected, and they limited their role to capacity building; for example, PIPE-UP and ForestEthics Advocacy hosted a “how-to session” for the hearing in Chilliwack in February 2014 (Feinberg, 2014).

In April 2014, the NEB announced the participants and released the List of Issues and scope of assessment (NEB, 2014b, 2014c, 2014d). Once again, the review excluded upstream and downstream issues associated with the oil sands. Unlike in the NGP hearing, the panel did not allow intervenors to provide feedback on the List of Issues. The list included excluded issues: the “environmental and socio-economic effects associated with upstream activities, the development of oil sands, or the downstream use of the oil transported by the pipeline” (NEB, 2014d: 18). As per the changes to the NEB Act C-38 made, the panel assessed whether potential participants were “directly affected” or had “relevant information or expertise” based on the participants’ applications. The NEB received 2,118 applications to participate (NEB, 2014c). The panel granted 400 applications intervenor status and changed 452 applications to commentor status. For example, the NEB determined that intervenor applicants who expressed concern about the effects of spills could only write a letter of comment because it was the “best means by which these participants can have their representations considered by the Board” (ibid.: 8). The NEB granted commentor status to an additional 798 participants. The NEB excluded 468 applicants because they did not sufficiently “show a direct effect,” or raised an issue outside the List of Issues. In the case of the latter, the NEB excluded 26 academics.

The NEB also chose not to have a cross-examination of Kinder Morgan or the evidence non-Aboriginal intervenors presented. This decision was a direct response to the new legislated timelines.¹⁷⁴ The regulatory process for the TMEP proposal was the first time a major project review did not include oral cross-examination (e.g., Matthews, 2017: 4; Eliesen, 2015). Instead, the NEB hosted two rounds of information requests, where intervenors filed requests about the project to which the company was to respond (NEB, 2014d).¹⁷⁵ To highlight the time constraints, the Northern Gateway review had 180 hearing days, including seven days when the panel received

¹⁷³ In January 2014, the NEB invited select “Aboriginal groups” to participate in the hearing process (NEB, 2014a).

¹⁷⁴ In advice to the Minister of Natural Resources, the Chair of the NEB Peter Watson (2015) wrote, “It is estimated that a hearing utilizing oral cross-examination for all active intervenors will require 124 hearing days, or about 9 [nine] months, excluding argument. The TMEP [TMEP] panel had to consider this factor, along with many other issues, including the legislated timelines when making its process decisions.”

¹⁷⁵ The NGP also had information requests, though, as a preliminary step before cross-examination.

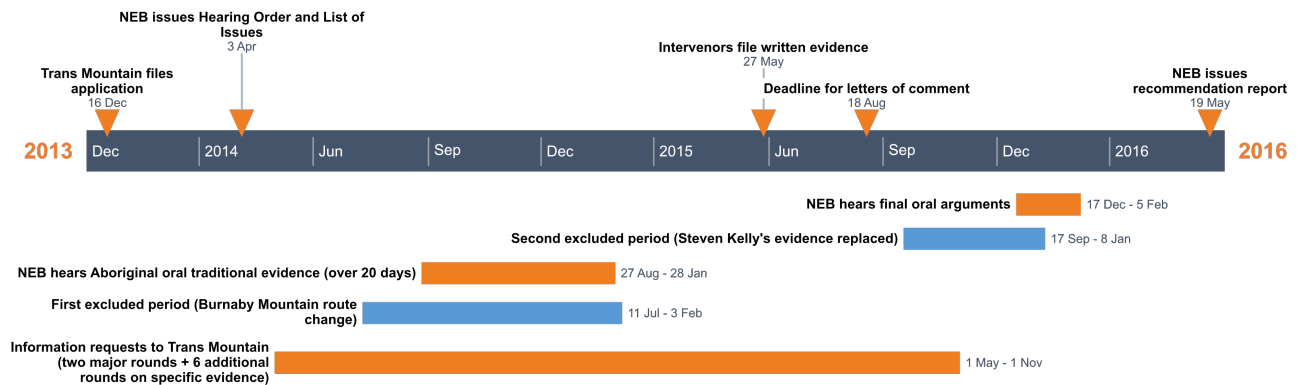
comments on the List of Issues (NEB, Volume II, 2013: 22). The TMEP had just 39 oral hearing days.

It is hard to meaningfully compare the total timelines for the NGP and the TMEP because the JRP never determined the NGP application was complete (which is now considered, in the NEB Act, the official start of the regulatory review). Also, the JRP requested additional information in the application twice before the hearings began (which may have constituted “excluded periods,” under the NEB Act, i.e., not included in the 15-month legislated time limit). Counting from the time the JRP released the draft List of Issues (July 5, 2010) until it released its recommendation report (December 19, 2013), in other words, the “active” hearing process, the NGP was in the regulatory process for approximately 42 months. By contrast, the TMEP spent approximately 26 months in the hearing process, beginning from the time the NEB determined the application was complete (April 2, 2014) until the NEB issued its recommendation report (May 19, 2016).¹⁷⁶

It is important to point out that the TMEP review did meet the 15-month timeline in the newly imposed 2012 reforms because the Board initiated two “excluded periods” (from July 15, 2014, until February 3, 2015, and from September 17, 2015, until January 8, 2016) to request additional information from Trans Mountain, which I return to later in this chapter. The NEB Act allows the NEB to exclude a period of time from its legislated 15-month time limit if the Board requires the applicant to provide more information. Figure 14 provides an overview of the timeline for the NEB review process and Appendix B contains more details about the dates in the regulatory processes for the NGP and TMEP. In short, the hearing process was significantly shorter for the TMEP and the hearing days were significantly fewer. I now briefly explain why, because this had important spillover effects for the project.

¹⁷⁶ This timeline does not include the additional six months the NEB had to redo part of the assessment after the Federal Court of Appeal revoked the project’s certificate at the end of August 2018.

Figure 14: NEB review for the TMEP



It is essential to understand the influence of the campaign coalition in the regulatory process in relation to the Northern Gateway hearing process. As I described in Chapter 6, in 2012, in response to the delayed hearing process for Northern Gateway and uncertainty around the Keystone XL pipeline, the Conservative majority federal government attempted to create a more enabling context for regulatory approval. The result, omnibus Bill C-38, significantly narrowed the regulatory process. However, it was the legislation’s interpretation by the NEB, which limited participation, scope of issues, and eliminated cross-examination in the TMEP.

Bill C-38 considerably changed how the NEB conducted hearings for major projects. The 2012 NEB Act reformed three provisions directly related to the public hearing process. First, it introduced a standing test to limit participation in NEB hearings to individuals who the project “directly affects” or individuals who have “relevant information or expertise” (Parliament of Canada, 2012). Second, it introduced a 15-month limit on reviews for major projects. And third, it narrowed the scope of the NEB hearing to include only considerations “relevant and directly related” to the application. All three affected the TMEP hearing process.

According to Jim Fox, Vice President, Strategy and Analysis Unit at the National Energy Board, the standing test “was a pretty major process change for us.” He stated that, for the TMEP, it “made the early hearings more chaotic because people didn’t know if they were in or out [of the review]. And there was a lot more conflict early in the hearing and got people off on bad footing” (Fox, 2019). The creation of timelines similarly had a detrimental effect on the hearing process for the TMEP. Fox (2019) explained that,

[w]e always knew from a company's standpoint, and even from an intervenor's stand point, that it's good to get answers about what's going to happen, when it's going to happen and what are the conditions under which we would approve the pipeline. Putting time limits on it made us focus a lot more about specifically what was going on at any given time. And it required us to put [...] hard deadlines on things [...] it creates a lot more procedural conflict and a lot more pressure on the Board to do things.

Fox (2019) also noted that the new timelines effectively “squeezed other parts of the process.” Fox used the example of the TMEP hearing, where “the Board decided they weren't going to allow cross-examination in the oral evidence portion.” However, NEB's interpretation of the revised NEB Act also mattered. The NEB decided not to allow cross-examination, a crucial feature of the hearing process. This was a direct result of its experience with the NGP hearing. Sheila Leggett, a former Vice-Chair of the NEB and one of three Joint Review Panel members for the NGP provides crucial insight to this end. According to Leggett, after the NGP hearings, there was “a lot more pressure on the NEB” from the government to “go more quickly” in the hearing process. Leggett (2019) also understood the lack of cross-examination as a “direct impact” from the Board's experience with the NGP, and as a result of the NEB Act, as a way to shorten the timeline for the TMEP review. Leggett expressed concerns about this decision:

My own personal view was that it was a potential risk of a fatal flaw to not have cross-examination in Trans Mountain. As a former regulator, I learned so much in cross-examination that was so material to decisions that I made.

Leggett (2019) suggests that within the NEB “there wasn't a willingness to stop and reflect on lessons to be learned from NGP.” Instead, the Board responded by limiting public participation and removing a crucial element of the review process, allowing Intervenors to cross-examine evidence.

The Board also chose not to include greenhouse gas (GHG) emissions in its review, despite a significant number of climate experts that applied to be Intervenors. While the NEB Act did not allow the NGP review to include climate impacts of the project, it also did not deny Intervenors standing. From the time the NEB established the List of Issues for the NGP (January 2011) to the TMEP review (April 2014), the salience of climate change in Canada had increased. The Board, for the first time, also listed “excluded issues” (“environmental and socio-economic effects associated

with upstream activities, the development of oil sands, or the downstream use of the oil transported by the pipeline”). Again, while the changes to the NEB Act specified the NEB hearing could include only considerations “relevant and directly related” to the application, it was also the Board’s discretion to narrow the scope in the ways it did.

7.2 The NEB’s “credibility crisis”: the campaign coalition responds

In this section, I review how the campaign coalition responded to the constrained hearing review. Trans Mountain also inadvertently created new opportunities for procedural conflict and contestation by changing the project route in response to public concerns. Members of the campaign coalition engaged in both institutional and extra-institutional actions, publicizing their grievances with the NEB’s review process, challenging it in court, drawing on political allies, and engaging in civil disobedience. Intervenors certified these concerns by withdrawing from the regulatory process in protest. Taken together, this contestation created a legitimacy crisis for the regulator.

Opposition to the procedural aspects of the TMEP’s review was immediate. The 26 academics excluded from the TMEP review were predominantly from the University of British Columbia and proposed to comment on the project’s climate impacts. They publicized their exclusion in an open letter in April 2014 (National Post, 2014). As Hoberg (2018: 58) writes, pipeline opponents also “tried to combat the restrictions on participation and scope by shifting the venue from the NEB hearing process to the courts.” In May 2014, Professor Lynne Quarmby, ForestEthics Advocacy Association, Tzeporah Berman and seven other activists filed two motions with the NEB challenging the constitutionality of the NEB’s decisions to limit participation (Quarmby et al., 2014a, 2014b). The NEB dismissed the motion in October 2014, arguing, “an untrammelled right of the public to ‘open public expression’ at the Board would undoubtedly come at the expense of the Board’s statutory objectives” (NEB, 2014e). ForestEthics appealed the case at the Federal Court of Appeal, which was similar to a case it filed in August 2014 against Enbridge’s Line 9B project.¹⁷⁷ In both cases, ForestEthics argued the legislative changes in 2012 curtailed the

¹⁷⁷ The full name of Enbridge’s project is the Line 9B Reversal and Line 9 Capacity Expansion Project. Though the cases that ForestEthics brought were similar in content, ForestEthics brought the case directly to the Federal Court of Appeal after the NEB had approved the project. For this reason, the legal challenge labelled ForestEthics a “classic ‘busybody’ as the term is understood in the jurisprudence” (Federal Court of Appeal, 2014).

public's freedom of expression; ForestEthics lost both legal challenges.¹⁷⁸ ForestEthic's challenge against the TMEP was well-publicized in the media, in part because it had two high-profile intervenors: Green Party leader Elizabeth May and the Member of Parliament for Burnaby-Douglas, Kennedy Stewart.¹⁷⁹ Both May and Stewart had expressed concerns or opposition to the project since 2012 (Cole, 2012a; Goodine, 2012). These political allies raised the profile of the issue and added legitimacy to the procedural concerns, despite their loss in court.

In response to the lack of cross-examination, Burnaby's lawyer, Greg McDade, called the review "a mere paperwork exercise" (quoted in Gilchrist, 2014). Local and supportive media outlets, including *Vancouver Observer*, *The Narwhal*, and *The Tyee* amplified McDade's concerns (Gilchrist, 2014; Nikiforuk, 2014; O'Neil, 2014). The City of Burnaby and Mayor Corrigan continued to be among the project's most vocal opponents. In August 2014, Mayor Corrigan stated, "[p]eople lose faith in public institutions when people no longer believe that the process is fair or that the people who are making the decision are actually listening to what's being said by citizens. That's what's happening here" (quoted in Zinn, 2014).

In September 2014, the Union of British Columbia Municipalities (UBCM) passed several resolutions relating to the TMEP's review process. The Burnaby, Victoria and Vancouver motions respectively called on:

- (1) the provincial and federal governments to "restore the full public hearing process";
- (2) the provincial government to undertake its own Environmental Assessment process for the project; and
- (3) "the provincial government to conduct a full assessment of the response plans, tactics, equipment and capacity currently available within the Province of B.C. to respond to sunken or submerged oil."¹⁸⁰

¹⁷⁸ The Federal Court of Appeal dismissed the Line 9B case in October 2014 and affirmed the authority of the NEB to deny standing given amendments to the NEB Act in 2012. The Federal Court of Appeal dismissed the case concerning the TMEP without reasons in January 2015; ForestEthics took the case to the Supreme Court, which also dismissed the case, in September 2015, without reasons. See proceedings query for Court number 14-A-62 ("Lynne M. Quarmby and Others v National Energy Board and Others") available at https://apps.fca-caf.gc.ca/pq/IndexingQueries/info_RE_info_e.php?court_no=14-A-62

¹⁷⁹ Docket for *Lynne M. Quarmby, et al. v. Attorney General of Canada, et al.* available at <https://www.scc-csc.ca/case-dossier/info/dock-regi-eng.aspx?cas=36353&predisable=true>

¹⁸⁰ Resolutions LR1 "National Energy Board Public Hearing Process" (Burnaby), LR2 "Environmental Assessment of the Trans Mountain Expansion Project" (Victoria) and LR3 "Requiring Consequence and Response Capacity Assessment for Sunken or Submerged Diluted Bitumen" (Vancouver) (UBCM, 2014).

The UBCM, however, did not pass Burnaby’s motion to reject the project outright.¹⁸¹ In March 2015, seven mayors in the Lower Mainland, including Burnaby, Victoria and Vancouver, signed a declaration of non-confidence in the NEB process.¹⁸² They petitioned the federal government to put the proposal on hold “until the National Energy Board addresses the significant deficiencies in its public hearing and review process” (City of Burnaby, 2015: 1). Their letter identified the NEB Panel’s lack of cross-examination and narrow scope of environmental assessment as particularly alarming.¹⁸³ The letter also expressed frustrations with the information requests noting, Kinder Morgan “has failed to answer the majority of questions submitted by municipalities and other intervenors” (ibid.: 3).

In mid-May 2014, five months after Trans Mountain applied to the NEB, the company disclosed a route change to a segment of the pipeline corridor from Burnaby to Westridge. This led to an episode of contention that unfolded over several months, from May to November of 2014. The conflict contributed overall to negative public sentiment in the Lower Mainland towards the NEB. It was also the first significant outpouring of resistance to the project. Trans Mountain changed its preferred route due to “the dense urban setting” in Burnaby and “strong opposition,” in part due to a spill in 2007 at the Westridge Marine Terminal (Trans Mountain Pipeline ULC, 2014a: Table 1.40B-1). The 2007 spill—the result of backhoe strike operated by a contractor on the existing Trans Mountain pipeline—released crude oil into “the surrounding residential area in Burnaby” (Trans Mountain, 2017). The new route required drilling or tunnelling through Burnaby Mountain to connect the Burnaby and Westridge terminals. In early June, the NEB requested more information, and for the next two months, Trans Mountain tried unsuccessfully to collect the required information from the City of Burnaby (Trans Mountain Pipeline ULC, 2014b).¹⁸⁴ After the regulatory and legal conflict, Kinder Morgan eventually won an order from the NEB in October to proceed with survey work for its new preferred route (NEB, 2014f).¹⁸⁵ The NEB’s CEO and Chair

¹⁸¹ Resolution B82 “Comprehensive Pipeline & Energy Transport Plan” (Burnaby) (UBCM, 2014).

¹⁸² Also New Westminster, City of North Vancouver, Squamish, and Bowen Island.

¹⁸³ Mayor Robertson specifically mentioned: “the inadequacy of emergency plans; the potential for marine oil spills; the effects of the project on climate change, and the threat it poses to our local economy” (City of Burnaby, 2015: 1).

¹⁸⁴ In July 2014, Trans Mountain filed a letter asking the NEB to order Burnaby to allow Trans Mountain access to Burnaby Mountain (Trans Mountain ULC, 2014c).

¹⁸⁵ Trans Mountain requested that the NEB intervene, and in August, the NEB ruled Kinder Morgan could begin survey work in Burnaby Mountain Conservation Area to explore the alternative route. Kinder Morgan began cutting down trees, 13 in total, in Burnaby Mountain Conservation Area as part of survey work for the tunnel. The City of Burnaby maintained that Kinder Morgan had to comply with its bylaws and in early September, several city employees effectively forced Trans Mountain to suspend its work. Burnaby appealed the ruling of the Supreme Court of British Columbia and lost in November 2014 (Court of Appeal for British Columbia, 2014). Several days later, the City of Burnaby filed a legal

Peter Watson included Burnaby's legal case in a list of issues concerning the NEB's public trust (Watson, 2015: 21).

During this conflict, grassroots opposition grew. Two citizens groups, Burnaby Residents Opposed to Kinder Morgan Expansion (BROKE) and Caretakers, led the opposition.¹⁸⁶ In late October, Kinder Morgan began survey work on Burnaby Mountain and faced protests from these groups (The Canadian Press, 2014). Kinder Morgan immediately asked the Supreme Court of British Columbia for an injunction against the protestors (Drews and Luk, 2014). In response, an estimated 800 people gathered on November 17, 2014 when the injunction took effect (Vancouver Observer, 2014). Protests persisted, and police began making arrests began on November 20. In total, police arrested over 100 individuals over a week-long period, including Grand Chief Stewart Phillip of the Union of BC Indian Chiefs and veteran activists and organizers who protested in Clayoquot Sound (Keller, 2014). Kinder Morgan, however, was forced to drop the charges against protestors due to a series of technicalities (Moreau, 2014).¹⁸⁷ Most of the opposition was directed against the project itself and Kinder Morgan, rather than the NEB. However, according to Ecojustice lawyer Karen Campbell, this conflict fit a series of events signalling that the NEB "ignores the public's legitimate concerns" about the project (Campbell, 2014). In sum, Kinder Morgan's efforts to mitigate public concern in fact created a new opportunity for contestation, both inside and outside the regulatory process.

In November 2014, twelve First Nations, including the Tsleil-Waututh First Nation, wrote an open letter challenging the NEB process's constitutionality (Sacred Trust, 2012). They released the letter on the last day of the NEB's hearings on oral Aboriginal traditional evidence. The letter called the NEB process "fatally flawed," citing the lack of cross-examination for Kinder Morgan's evidence, Kinder Morgan's "evasive or unresponsive" response to information requests, insufficient funding the NEB provided to participate in the process, and "legally deficient" Crown consultation (ibid.).

challenge at the Federal Court of Appeal asking for an injunction to prevent the company from damaging land while doing survey work, which the court dismissed in mid-September (ibid.).

¹⁸⁶ Caretakers are a grassroots group of activists that oppose resource development and fossil fuel extraction by using direct action methods.

¹⁸⁷ According to reporting, the judge dismissed the charges because Trans Mountain made an error in the Global Positioning System (GPS) coordinates for the injunction areas and "failed to post signs saying, 'stay out by order of the court'" (Moreau, 2014). The court also had not authorized the "police enforcement zone" in which protestors were arrested (ibid.).

For its part, the NEB recognized mounting public concern and developed a response. According to Sheila Leggett, former Vice-Chair of the NEB, after the Northern Gateway hearings, the NEB recognized it needed to do more to fulfill its mandate in the eyes of the public (Leggett, 2019). From the end of November 2014, until the beginning of June 2015, the NEB conducted a “National Engagement Initiative,” a public consultation program about pipeline safety and environmental protection. For the tour, the NEB’s Chair, Peter Watson, attended over 70 meetings across nine provinces and two territories (NEB, 2015b).¹⁸⁸ During his stop in Victoria, Watson met with staff from Canadian Parks and Wilderness Society (CPAWS), Dogwood Initiative, ForestEthics Advocacy, Georgia Strait Alliance, Sierra Club BC and WCEL. Of the private meeting, the NGOs only said they stood “unconvinced” of the NEB’s public engagement exercise (Dogwood Initiative, 2015). That June, the NEB also hosted a Pipeline Safety Forum in Calgary, Alberta, with over 400 individuals (NEB, 2015b). The NEB opened regional offices in Montreal and Vancouver to increase the regulator’s regional presence and its capacity for emergency response (NEB, 2015a).

In June 2015, as the TMEP’s hearing process unfolded, and after the NEB conducted its “National Engagement Initiative,” Sierra Club BC released a new report titled *Credibility Crisis*. This report was part of an effort to direct public attention to the regulator’s ailing legitimacy in the eyes of Intervenors. The report detailed the cumulation of concerns about the hearing process for the Trans Mountain Expansion Project (Sierra Club BC, 2015). The report outlined a host of issues, among them, that the NEB:

- (1) “severely curtailed” public participation;
- (2) denied participants adequate and timely funding;
- (3) excluded upstream and downstream impacts from the scope of review;
- (4) allowed Kinder Morgan to ignore or provide incomplete responses to information requests;¹⁸⁹ and
- (5) permitted only limited cross-examination.

Also, the panel accepted 80 percent of Kinder Morgan’s motions, but only 11 percent of the Intervenor’s motions (ibid.: 9). Sierra Club claimed this perceived procedural unfairness fuelled “the

¹⁸⁸ At the time of writing, the report from the initiative was unavailable from the Government of Canada website.

¹⁸⁹ According to Sierra Club BC (2015: 8), “in the first round of intervenor requests, of the 2,501 questions for which citizens, businesses and cities felt they had received inadequate responses, the NEB ordered that Kinder Morgan provide adequate responses for only 115 or 4.5 percent.”

public's growing mistrust in the process."¹⁹⁰ Coalition members had previously expressed many of these critiques (e.g., Sacred Trust 2012; Tuytel, 2014).

In its report, Sierra Club BC also claimed the NEB “admitted they have been reviewing print and social media to see if applicants were openly critical of the panel” (Sierra Club BC, 2015: 2). This claim was supported by an Access to Information request that “revealed heavily redacted documents that refer to media reports about ForestEthics Advocacy and PIPE-UP events that assisted residents in the preparation of NEB participation applications” (ibid.: 2). This statement is contrary to the NEB’s ruling on participation, which affirmed the board determined the list of participants based on each application, not outside sources. According to Lynn Perrin, Director of the PIPE-UP Network, the NEB admitted privately to her the panel did not want people with critical views at the hearings, but the NEB did not provide this in writing (Perrin, 2019). Somewhat ironically, according to Perrin, the only issue that PIPE-UP “expressed publicly was that people were to be excluded from the hearing process” (ibid.).

Another area of concern from participants was participant funding. At the time, the NEB provided \$3 million to 71 applicants to participate in the review, “79 percent of whom were First Nations” (Baird et al., 2016: 39). The new, additional panel later noted that “according to everyone who raised this issue [of participant funding] with the panel, it was not nearly enough to hire the legal and scientific experts needed to understand the material” (Baird et al., 2016: 39). In comparison, for the Northern Gateway proposal, participants collectively requested less funding in the early stages of consultation. For the JRP, the Canadian Environmental Assessment Agency (CEAA) distributed approximately \$3.5 million to “eligible Aboriginal applicants” to engage in “consultation activities with the federal government that are linked to the EA [environmental assessment] of the Project through the joint review panel” (Impact Assessment Agency of Canada, 2013).¹⁹¹ Though a gap formed between the requested and allocated funds, it was significantly

¹⁹⁰ Motions are formal requests to the NEB that request a decision. A common motion is to request a response to an Information Request that a party refused to answer.

¹⁹¹ The Participant Funding Program was established under CEAA in 2010. There are five phases for consultation with potentially affected eligible Aboriginal groups during the JRP process. Phase I is “initial engagement and consultation on the draft JRP agreement,” Phase II is the “JRP process leading to oral hearings,” and Phase III is the “oral hearings and preparation of the JRP EA [Environmental Assessment] report” (Impact Assessment Agency of Canada, 2013). For the NGP review process, in Phase I, approximately \$447,000 was allocated to 16 Aboriginal applicants; and in Phases II and III, approximately \$2.4 million was allocated to 38 applicants; PFP made \$636,000 in supplementary funding available to Aboriginal groups in the previous stage of funding (ibid.). As I will mention in Chapter 7, the gap in participant funding for Phase 4 (consultation on the JRP EA report) was much larger.

smaller than the gap to participate in the review for the TMEP.¹⁹² For the TMEP hearing, intervenors requested approximately \$21 million in participant funding, a much greater amount than the NGP in the early consultation phases, given the higher number of intervenors. The NEB initially allotted \$1.5 million, but expanded funding to \$3 million (NEB, 2020). According to Watson (2015: 25), the NEB asked the federal government for a further increase in the Participant Funding Program, but the federal government denied the increase.

The opposition coalition received “certification,” in McAdam and Boudet’s (2012) terminology, of their claims when Marc Eliesen withdrew as an intervenor in October 2014. Eliesen had held senior energy positions in public and private sectors, including the President and CEO of BC Hydro. In his letter, Eliesen (2015) voiced concerns about many aspects of the review, principally the lack of cross-examination and related issues. Eliesen deemed the review was a “sham process” and called the NEB “a truly industry captured regulator” (ibid.: 4). He added, “[g]iven the Board’s lack of objectivity, it is not surprising that out of the approximately 2,000 questions not answered by Trans Mountain that Intervenor called on the Board to compel answers, only 5 percent were allowed by the Board and 95 percent were rejected” (ibid.: 3). Robyn Allan, an independent economist and partner of Eliesen, later withdrew from the review in May 2015. According to Allan (2015a), the NEB:

designed the scope of its review so narrowly, restricted participation so profoundly, and removed essential features of quasi-judicial inquiry—such as cross examination—so completely, that it pre-determines an outcome that favours Kinder Morgan.

Again, this certification provided authority to the campaign coalition’s concerns. In August 2015, the Wilderness Committee sent a letter to the NEB—on behalf of the Wilderness Committee, Canadian Parks and Wilderness Society (CPAWS) and 33 other intervenors and commenters—withdrawing from the hearing process. Wilderness Committee referred to the evidence filed by Allan in her letter of withdrawal; they also added that the review has “discounted and devalued expert evidence” and was “fundamentally incomplete” because it ignored the greenhouse gas emissions associated with the project (Madden, 2015). While this collective exit from the review process attracted some media

¹⁹² In Phase I, groups requested approximately \$2 million. For the supplementary funding made available for Phases II and III, groups requested approximately \$4.3 million (Impact Assessment Agency of Canada, 2013). However, it is unclear how much funding groups requested for the initial funding request for Phases II and III.

attention, it only involved a fraction of the total participants in the review. This is in part because Wilderness Committee—more assertive in its strategies than other ENGO members in the coalition—went at the strategy alone and because some groups wanted to have their concerns on the public record. For example, Executive Director of the Georgia Strait Alliance, Christianne Wilhelmson said though she did not have faith in the regulatory process, she considered her role getting concerns on the public record. As she describes:

you're involved in a process that, you know, is fixed. And your role is really to get things on the record. And to get the community to pressure their elected officials and industry to say, you know, "we are paying attention, we're not going away" (Wilhelmson, 2019).

Other intervenors remained in the review process so they could challenge it in court.

The NEB panel's review process for the TMEP ultimately resulted the notion among the campaign coalition that the NEB was a "captured" regulator, meaning it lacked independence and impartiality (Eliesen, 2015). Intervenors Allan and Eliesen used the term in their letters of withdrawal, and several coalition members I interviewed also used the term. These individuals did not argue that C-38 made the NEB become a captured regulator but revealed it to be a captured regulator during the TMEP review, under the revised NEB Act (Allan, 2015c). Concerns about the NEB being 'captured' pre-date Bill C-38, though the TMEP review resulted in the term becoming more widely used.¹⁹³ My goal in this chapter is not to determine whether the NEB is a captured regulator; rather, my goal is to show how actors framed their grievances. In the hearing process for the TMEP, however, actors frustrated by the Board's decisions by motions and information requests argued there is a bias towards the proponent.

Later in August 2015, another incident provided further evidence for the review process's outspoken critics. Weeks earlier, at the end of July 2015, the Minister of Natural Resources announced the appointment of Steven Kelly as a permanent board member to the NEB (Canada NewsWire, 2015). Previously, Kelly held the position of Vice-President of IHS Global Canada Ltd, an energy consulting firm; Trans Mountain hired Kelly, on behalf of IHS, to prepare the economic

¹⁹³ Notably, the Canadian Association of Energy and Pipeline Landowners Associations (CAPELA) was the first to call the NEB captured in the early 2000s (Core, 2019). CAPELA was greatly frustrated with the NEB, which it viewed as disregarding landowners' concerns (ibid.). CAPELA has backed away publicly from broader opposition against the NEB from NGOs and First Nations who oppose particular pipelines (ibid.).

evidence for the project.¹⁹⁴ Several weeks after Kelly's hire, in August, the panel determined his evidence should be struck from the record. The NEB acknowledged his appointment could "raise concerns about the integrity of this hearing process" (NEB, 2015: 2). This incident further contributed to the deteriorating public perception of the NEB as a credible regulator; former Intervenors Robyn Allan and Marc Eliesen, political leader Elizabeth May, and ENGOs including ForestEthics publicly expressed this sentiment (e.g., Allan, 2015b; Cattaneo, 2015; Prystupa, 2015a).

In short, by publicly calling into question the legitimacy of the federal energy regulator, the campaign coalition further expanded conflict around TMEP. It also shifted the target of opposition from the TMEP itself to the NEB. As I will describe in the next section, this created new political opportunities for influence with the 2015 federal election of Justin Trudeau. I conclude this section with a final indictment of the NEB. In October 2015, Robyn Allan wrote an open letter to the newly elected Prime Minister Trudeau calling the Kinder Morgan review a "farce" that revealed the NEB had become an "industry-captured regulator" (Allan, 2015c). Incredibly, in the transition binder for the incoming Minister of Natural Resources Canada, NEB CEO and Chair Peter Watson included Allan's letter and his detailed response, which affirmed many of her concerns.¹⁹⁵ As I describe below, both the external pressure of ENGOs, supported by 'independent' experts, and the new political opportunity provided by a new federal government, elicited a policy response to the NEB's waning legitimacy.

7.2.1 Impact on the campaign coalition

The TMEP review created institutional barriers to participation; specifically, the lack of adequate funding and the shortened timelines. In my interviews with opposition coalition members, many of them expressed frustration about the hearing process. For example, Lynn Perrin, Director of the PIPE-UP Network, describes constrained hearing time as a particularly frustrating capacity constraint. She explains:

I knew there was no way that any group, any intervenor could get through all of the submissions in order to hire their expert [...] the hard copy of the application took up a whole row in the [local] public library (Perrin, 2019).

¹⁹⁴ Kinder Morgan's list of evidence prepared by Kelly is available at "Appendix A" in Trans Mountain ULC (2015).

¹⁹⁵ The only claim Watson disputed was the nature of the subsidy to Trans Mountain at the toll hearing in 2011.

Perrin (2019) also expressed frustration about the lack of adequate participant funding. As a result, groups had to choose one particular issue to focus on because they could only afford to hire one expert. Christianne Wilhelmson, Executive Director of the Georgia Strait Alliance, described the process as “an absolute nightmare” (Wilhelmson, 2019). She elucidated that the process “strangles an organization because that’s all you do.” This was particularly the case for organizations like Georgia Strait Alliance, which only had two full-time employees. Organizations attempted to overcome these institutional barriers by sharing information and resources and coordinating hiring experts to ensure that all issue areas were addressed.

Vancouver city councillor Andrea Reimer, who coordinated the municipal coalition against the TMEP, described the regulatory process as having a “sense of inevitability to it” (Reimer, 2019). She says:

It’s unusual for Canadians to feel something as inevitable because I think we all believe we live in a democracy where change like the will of the people is always possible [...]. And then the other thing was, it’s really weird to see people working so hard and so flat out together, even though there’s this time of hopelessness.

In general, it appears the coalition deepened, rather than expanded, because of the hearing process. Good internal organization, continual outreach to members, and the extra-institutional Burnaby Mountain protests appear to have energized participants. Many of the core organizations involved in the coalition reported an increase in membership, though it is difficult to determine how the TMEP factored into this change. Reimer said concerns about the hearing process overcame debates about the pipeline, such as the more contested issue about the climate impacts of the expansion (Reimer, 2019). Concerns about the process came to be a “master frame” for the movement to galvanize opposition (Benford and Snow, 2000). Frustration about the process led to cross-issue mobilization, allowing organizations to expand their frame beyond concerns about climate change or oil spills.

However, there were still divisions within the campaign coalition. According to the Executive Director of the Georgia Strait Alliance:

I think, you know, every organization has a different culture, a different approach and a different theory of change. And [...] let’s be honest, different egos. And I think it’s just my

outside impression is that the Enbridge Gateway coalition was much more collaborative than the Kinder Morgan Trans Mountain one was. I just think it's who the players are, maybe the issue, maybe the timing. [...] There are still some challenges because people have different ways of wanting to do things—some people are more strategic, some people are just more grassroots (Wilhelmson, 2019).

Despite these internal divisions, the coalition against the TMEP sought to present itself, and British Columbia, as unified against the project. The coalition also attempted to replicate what was an important and effective “wall of opposition” framing strategy in the NGP campaign. For example, Sierra Club emphasized the number of actors that opposed the project; at the time, there were 17 First Nations and 21 local governments, according to their count (Sierra Club BC, 2016a).

The Pembina Institute was notably absent in the coalition campaign against the TMEP. As I mentioned in Chapter 5, the Pembina Institute played an active role in the campaign coalition against the Northern Gateway Pipelines project. The Pembina Institute was part of the coalition of ENGOs that negotiated with oil sands CEOs for a cap on oil sands emissions in 2015 (Bratt, 2020). The Pembina Institute has always occupied a unique position as both a consultant to companies in the oil sands and an organization that produces research and advocates government. This unique role has often created tensions among both NGOs and oil companies (anonymous interview, 2019c; Bratt, 2020).

As the NEB review continued, organizations also began to focus their efforts on other strategies or campaigns. For example, as Andrea Reimer describes, the City of Vancouver started working on their 100 percent renewable campaign in 2014, to show leadership on a low-carbon transition (Reimer, 2019; Renewable Cities, n.d.). In 2015, Dogwood Initiative launched its “Let B.C. Vote” campaign, which allowed the organization to work on multiple projects and issues, including the TMEP, under the umbrella of a democracy-focused campaign (e.g., Nagata, 2015).

7.3 The federal government responds

The federal election in October 2015 changed the political context for the TMEP review. During Liberal leader Justin Trudeau's election campaign that August, a campaigner with Dogwood Initiative asked Trudeau whether the review process for TMEP would be redone. Trudeau

responded affirmatively, saying the process must be “redone.”¹⁹⁶ Trudeau was critical of the changes to the NEB Act as early as 2013, calling Bill C-38 a “one-sided approach to regulation” (Trudeau, 2013). Before Trudeau became Prime Minister, he made a clear break from Prime Minister Harper’s relationship to the oil industry in his 2013 speech to the Calgary Petroleum Club, when he stated, “[y]ou need a government, not a cheerleader.” Trudeau was critical of the 2012 reforms of the NEB Act. He continued:

The NEB is now, effectively, an advisory board to Cabinet. It is no longer a quasi-judicial body. So how can it grant the social license you need to proceed with big, complex, multi-year projects that require billions in capital expenditure? It is the federal government’s role to set policy. Then its role is to create fair and transparent processes so that industry and civil society can create economic growth and protect the environment (Trudeau, 2013).

In this context, social licence is synonymous with trust or public confidence in the NEB. Though the Liberal Party used the phrase “while governments grant permits for resource development, only communities can grant permission” in its 2015 platform, the term disappeared from Liberal Party’s lexicon after Trudeau became Prime Minister (Liberal Party of Canada, 2015: 42; Hoberg, 2018: 74). This is likely because, in Canada, particularly since the Liberal Party used the concept in its platform, the term social license has been used by pipeline opponents.

In his platform, Trudeau committed to “make environmental assessment credible again” and to “modernize” the NEB (Liberal Party of Canada, 2015: 41). When Prime Minister Trudeau took office in November 2015, he called on Environment and Climate Change Minister Catherine McKenna and Minister Carr to “immediately review Canada’s environmental assessment processes to regain public trust and help get resources to market, and introduce new, fair processes [...]” (Trudeau, 2015a; 2015b).¹⁹⁷ Trudeau directed Carr to modernize the NEB to “ensure that its composition reflects regional views and has sufficient expertise in fields such as environmental science, community development, and Indigenous traditional knowledge.” The same day, the Executive Directors of Greenpeace Canada, Environmental Defence Canada, and Georgia Strait Alliance sent a letter to Trudeau and McKenna asking the government to immediately stop the

¹⁹⁶ Transcript available in Linnett (2016).

¹⁹⁷ Prime Minister Trudeau added the phrase “help get resources to market” to Minister McKenna’s letter.

reviews of the TMEP and the Energy East projects (Kerr et al., 2015).¹⁹⁸ Over 100 environmental groups supported the letter. Instead, Minister Carr clarified in December 2015 the project review would not need to be redone.¹⁹⁹ This came shortly after CAPP argued the “rule of law” required Kinder Morgan’s application to continue under the previous government’s rules (Martin, 2016).

The director of ForestEthics Advocacy, Karen Mahon, commended some of Trudeau’s commitments but argued for a “climate test” for new assessments, similar to the State Department’s review of Keystone XL (Burgmann, 2015). NGOs, including Georgia Strait Alliance, said the government was sending “mixed signals” (Woodsworth, 2015). Georgia Strait Alliance also released a poll finding that 68 percent of British Columbians wanted the review “halted” (Georgia Strait Alliance, 2015). As I will describe in Chapter 8, public polling was an effective strategy for the anti-NGP coalition, which the TMEP also used.

In January 2016, Clayton Thomas-Muller, a senior campaigner at 350.org, organized a “People’s Injunction” to pressure the new federal government to “follow-through on their promise to overhaul the review of pipelines to consider climate change and community voices” (Linnett, 2016; 350.org, 2020). Burnaby’s Mayor also wrote to the Prime Minister, requesting that the government suspend the current NEB review process (Moreau, 2016). Internal government documents reveal the government was aware there were not provisions within the NEB Act to suspend or postpone the review process for a pipeline (Natural Resources Canada, 2016). In January, the British Columbia government issued a statement, based on its final written submission to the NEB, that the project did not meet its conditions for spill prevention and response (British Columbia, 2016). In short, there was mounting pressure from multiple sources on the federal government to respond. Later that month, the federal government released its set of “interim measures” for pipeline reviews. For the TMEP, the government would:

- (1) undertake deeper consultations with Indigenous peoples and provide funding to support participation in these consultations;
- (2) assess the upstream greenhouse gas emissions associated with the project [...]; and
- (3) appoint a Ministerial Representative to engage communities [...] potentially affected by the project [...] (Natural Resources Canada, 2016).

¹⁹⁸ TransCanada filed its application for the project in October 2014. TransCanada filed an amended application in in December 2015 with route changes in response to concerns about environmentally sensitive areas.

¹⁹⁹ Carr did not reference TMEP explicitly but generally said, “projects that are currently under review” (Carr, 2015).

The government also announced it was extending the legislated time limit by four months for its decision about the TMEP (Natural Resources Canada, 2016). Coalition members commended the announcement (e.g., Georgia Strait Alliance, 2016).

In February 2016, CBC News commissioned a poll, which found a narrow majority of Canadians had “little” or “no confidence” in the NEB (Bakx, 2016).²⁰⁰ The JRP’s decision to approve the NGP, the significant changes to the regulatory process beginning in 2012, and the effects on the TMEP review contributed to the context. However, it is hard to say how much Trudeau’s announcement about the interim review further contributed to this sentiment. According to a senior member of an industry association, events surrounding C-38 triggered a chain of events that culminated in a more “politicized” regulatory process: “Trudeau decided the NEB has to be reformed because it has lost public confidence but in doing that, he just bought into a politicized view of the world that was aimed at destroying national institutions” (anonymous interview, 2019j). Industry interviewees also largely viewed the Prime Minister’s commitment to reform environmental assessment and the NEB negatively, and as a result of the influence of ENGOs, which later resulted in coordinated industry opposition to regulatory reform.

In short, the federal government responded to broad-based concerns about the regulatory process and legitimized them. Trudeau responded with an additional procedural step, the Interim Review process, which added to four months to the regulatory process. This in itself was a benefit for the campaign coalition, as delay can be a “critical political resource” (Harrison, 2019). The federal government’s response can be seen as a direct response to concerns publicized by the campaign coalition. However, while this interim process created some uncertainty for Kinder Morgan and delayed the process, it would ultimately be used by the federal government to legitimize its decision to approve the project.

7.3.1 The “omission panel” and its impact on the TMEP

On May 17, 2016, Minister Carr announced a three-member panel to identify gaps in the review process for the Trans Mountain Expansion Project (Hall, 2016).²⁰¹ The panel’s existence intended to

²⁰⁰ According to the poll, 10 percent had “a lot of confidence,” and 33 percent had “some confidence” in the NEB (Bakx, 2016).

²⁰¹ The panel was composed of: Kim Baird, who provides consultation on “First Nation policy, governance and economic development” and was previously the elected chief of the Tsawwassen First Nation; Tony Penikett was formerly “Chief of Staff to federal New Democratic Party Leader Ed Broadbent” and the Premier of Yukon; and Dr.

complement the NEB's recommendation of the project, which came shortly after Minister Carr's announcement. According to Minister Carr, the panel's goal and the interim measures were to achieve "consensus, at least, on the process that got us to the decision" (quoted in Hislop, 2016). This was an appeasement strategy by the government and ultimately designed to contain conflict around the TMEP. Georgia Strait Alliance said the Interim Measures represented a "partial victory" because the government was "listening" (Woodsworth, 2016b). Georgia Strait also called for a climate test, including downstream emissions, and affirmed the need for First Nations' consent (ibid.). By contrast, the Wilderness Committee took a more critical stance, calling the principles "window dressing" (McCartney, 2016a).

The Ministerial Panel was "a review not a replacement" of the NEB process (Baird et al., 2016: 2). The government tasked the Ministerial Panel with identifying gaps in the review process for the Trans Mountain Expansion Project. The panel, "quickly came to think of themselves as the 'omission panel'" (Baird et al., 2016: 46). Over 35,000 individuals responded to the questionnaire as part of the panel's engagement process, becoming the "highest-ever" response rate for a government questionnaire (ibid.: 42). The panel also held 44 public meetings with 650 presentations (Baird et al., 2016: 2).

Members of the campaign coalition were largely critical of the panel. Dogwood's Will Horter called it a "slapdash process" (Horter, 2016b). Dogwood and others called for the resignation of panel member Kim Baird due to a perceived conflict of interest: in 2011, when Baird was the Chief of the Tsawwassen First Nation, she did a "leadership exchange" with Kinder Morgan's CEO Ian Anderson (Horter, 2016a; 2016b; McSheffrey, 2016b, Morin, 2016; Nagata 2016). Baird, in her response, deflected criticism by questioning the NGOs' motivations. Baird responded that Dogwood and others have "a distinct agenda" and "appear to be raising these issues based on opposition to the process rather than transparency or public interest" (McSheffrey, 2016b). Though members of the campaign coalition focused their public criticism on the process, they also encouraged their members to participate in the review. The Ministerial Panel noted Dogwood Initiative, Leadnow, Sierra Club BC, and Stand (previously, ForestEthics) were "extremely active" in encouraging citizen participation (Baird et al., 2016: 42).

Annette Trimbee who is the President and Vice-Chancellor of The University of Winnipeg and previously "a Deputy Minister of several departments in the Alberta government." Their biographies are available at <https://mpmo.gc.ca/measures/264>

Sierra Club once again applied the strategy of democratic participation to the Ministerial Panel's meetings in British Columbia, noting: "418 people were opposed, with only 39 speaking in favour—a decisive 91.4 percent against Kinder Morgan's proposal" (Sierra Club BC, 2016b). However, there were limits to this strategy. As the Ministerial Panel made clear:

it was never in the panel's mandate to measure popular support. (Presumably, if the government had wanted a statistically valid public opinion poll, it would have commissioned one). Rather, the panel's role was to provide government with some insight as to issues that might have been missed (Baird et al., 2016: 43).

The Ministerial Panel report summarized attitudes in Alberta and British Columbia and overviewed many issues and concerns participants raised. These issues included project-related marine impacts, risks specific to diluted bitumen, the pipeline and tanker route, the economic arguments to support the project, public confidence in the regulatory process, climate change, and a range of "Indigenous issues" (Baird et al., 2016: ii). The panel legitimized participants' concerns, stating "citizens, academics and other interested parties have all done a considerable amount of research on the proposed pipeline project and if they have not come to agreement on the answers, they have been exhaustive in identifying reasonable questions" (ibid.: 22). The report concluded with a series of unanswered "high-level" questions for the government, as it considered the project. Its author asked whether and how the project could be reconciled with Canada's climate commitments, and commitment to reconciliation with First Nations. It also asked how the government could be certain of the project's economic benefits, given changing circumstances and perceived flaws in the NEB process (ibid.: 46-7). In short, the report attempted to reflect concerns about the project and the project's review.

The government released the report to the public on November 3, 2016.²⁰² Wilderness Committee campaigner Paul McCartney (2016b) said the report "failed to acknowledge the overwhelming lack of consent in British Columbia." Sierra Club BC took a more affirmative tone, suggesting the government could not reconcile the project with its existing commitments:

²⁰² Minister Carr received the report two days earlier, on November 1, 2016.

[t]he Ministerial Panel report makes clear that there is no way to approve this pipeline without undermining commitments on climate and [I]ndigenous rights. If [C]abinet takes the report's questions seriously and bases its decision on the best available science, there is no way this pipeline will be built (Vernon, 2016).

In general, the report was well received by ENGOs (Wilt, 2016). Interestingly, Richard Littlemore—a freelance journalist and the “founding editor of the climate change website DeSmogBlog.com”—was the rapporteur and writer for the Ministerial Panel report (Littlemore, 2019). It is unclear if this experience affected the report's framing. In sum, while the report reflected the concerns of coalition members and posed difficult questions, ultimately, the decision to approve the project remained with the federal government.

7.4 Conclusion

In 2016, Sonya Savage—a lawyer by training who previously worked in government relations at Enbridge and then as Senior Director of Policy and Regulatory Affairs at CEPA—authored a working paper on the changing role of the National Energy Board (Savage, 2016).²⁰³ In it, she argues:

[t]o date, the TransMountain [*sic*] NEB process itself has been sensational in contrast to the Northern Gateway hearings. The Gateway hearings were lengthy and dominated by public and aboriginal [*sic*] opposition to the project itself. By contrast, the TransMountain hearings, governed by the shortened timelines and restricted scope and participation rules under Bill C-38, have been dominated by opposition to the NEB itself, as much as to the project (*ibid.*: 48).

As I detailed in Chapters 5 and 6, some NGOs and First Nations expressed opposition to the process around the NGP. In particular, groups challenged the List of Issues and lack of consultation with Indigenous peoples. Savage's point, however, reflects an important characteristic of the TMEP review. As the Ministerial Panel reinforced, the changes to the NEB Act, and the NEB's

²⁰³ Savage received her Master of Laws in 2015; her thesis shares the working paper's name. Savage is, at present, the Alberta Minister of Energy.

interpretation of these changes, contributed to significant opposition to the TMEP proposal. It also added to a growing legitimacy crisis for the NEB.

In this chapter, I explored the campaign coalition's engagement with the regulatory process for the TMEP. I drew attention to the recursive relationship between regulatory and political contexts. I show how changes to the NEB Act and NEB's experience of the public hearing of the NGP's shaped the NEB's approach to the TMEP review. In short, this created new constraints for the project's regulatory process. These constraints, in turn, shaped the campaign coalition's response.

These constraints made it impossible for the campaign coalition to use a similar strategy of regulatory engagement as the anti-NGP coalition did with their Mob the Mic campaign. I highlight how members of the campaign coalition strategically adapted to a fairly closed regulatory process. In other words, this chapter provides evidence of the creativity and intra-institutional savvy of coalition members. The NEB's changes—to develop a more efficient review process—contributed to a significant amount of procedural conflict in the regulatory process. Once again, the campaign coalition used issue-linkage to further expand the scope of conflict, this time, by linking the TMEP to a “fatally flawed” review process and concerns around procedural justice (Sacred Trust, 2012). Coalition members publicly criticized the review process, calling the NEB a captured regulator. These concerns were ‘certified’ by ‘expert’ Intervenor, some of whom exited the review. However, this strategy was limited as others needed to complete the process to challenge it in court.

The conflict spilled onto Burnaby Mountain, which was a flashpoint that illustrated the power of civil disobedience early on in the regulatory process. Trans Mountain's heavy-handed response galvanized opposition in Burnaby, aided by sympathetic local media coverage. The use of civil disobedience fairly early on in the project's development phase is somewhat surprising and its existence speaks to the power of social context; in particular, the existence of social justice and grassroots groups and social ties between both grassroots groups, ENGOS, and the UBCIC. Both the procedural conflict between the City of Burnaby and the civil disobedience on Burnaby Mountain were self-reinforcing and created reputational issues for the NEB and Kinder Morgan. This is a key example of the self-reinforcing effects of institutional and extra-institutional contestation. Aside from the significant conflict and civil disobedience on Burnaby Mountain in November 2014, many groups abstained from organizing around the TMEP during the regulatory process. This was likely due to the capacity drain on organizations participating in the regulatory

process. The most significant protests would come after the federal approval, as I describe in Chapter 8.

This chapter shows how groups used legal challenges fairly early in the regulatory process, which was somewhat surprising because legal cases require significant resources to prepare and most cases against pipelines require a regulatory decision to challenge. The campaign coalition's attempts to challenge the NEB's new limits on participation failed in court when the Federal Court of Appeal dismissed the case in January 2015 (Hoberg, 2018: 58). However, it still provided an opportunity for political allies who offered to intervene in the legal challenge to certify the campaign coalition's claims.

The campaign was perhaps most successful in publicizing its grievances, particularly in light of the political opportunity with the 2015 federal election. With the 2015 federal election, ENGOs, independent experts, and municipalities called on the new Liberal government to redo the review. Justin Trudeau campaigned on promises to depart from the previous government on key issues, including climate change, environmental assessment and relationships with Indigenous peoples. Once elected, Trudeau tried to improve NEB's credibility by introducing an Interim Review process for the TMEP in early 2016. This created a four-month delay and a new opportunity for contestation. The Ministerial Panel provided another opportunity for the campaign coalition to register opposition to the project. Once again, members of the campaign coalition bolstered participation in the process, attempting to influence the panel through the sheer amount of opposition in parts of British Columbia. The panel did acknowledge the numerous additional concerns that were not reflected in the NEB review. However, as I describe in Chapter 9, the federal government ultimately approved the project and used the interim process to add credibility to its decision. The additional regulatory engagement opportunity took place in an uncertain political context as the federal government was attempting to meet conflicting sets of demands. This presented a challenging context for ENGOs to navigate, evidenced by their somewhat differing views.

More generally, some NGOs moved away from tar sands advocacy. According to Tzeborah Berman, the elections of Prime Minister Trudeau and Premier Notley in 2015 provided a clear exit point for funders in the United States (Hislop, 2019). The Tar Sands Solution Network dissolved in 2016, in part as a result of these two elections. This shows how political opportunities that might first be favourable for campaign coalitions may not be wholly positive because they reduce the perception of threat, which initially provided powerful incentives for collaboration.

Once again, this was not the end of contestation, and after the federal government approved the project, the campaign coalition shifted towards more disruptive tactics with protests and direct action. The approval also provided an opportunity to launch court challenges, creating additional risk and uncertainty for Kinder Morgan.

CHAPTER EIGHT: The outcome of the Northern Gateway Pipelines project

On November 29, 2016, Prime Minister Justin Trudeau publicly directed the National Energy Board to dismiss the Northern Gateway Pipelines project. This decision officially ended the project, concluding over eight years in the regulatory process and headlines.²⁰⁴ Pipeline proponents claimed that Prime Minister Trudeau's advisor, former WWF-Canada CEO Gerald Butts, unduly influenced his boss's decision. Pipeline opponents credited their sustained opposition, resulting from many years of campaigning led by the Yinka Dena Alliance and Coastal First Nations. A year earlier, media reports suggested Enbridge was quietly shelving the project (Johnson, 2015). Interestingly, these explanations are not entirely mutually exclusive. They also do not adequately capture the dynamics that led to the NGP's outcome.

On cursory examination, the outcome of Northern Gateway appears obvious: Prime Minister Trudeau cancelled it. This decision only partially explains the project's outcome. This chapter's goal is not to reveal the inner workings of Cabinet decision-making concerning the NGP. Instead, I trace the coalition's core strategies to identify both the mechanisms of influence and the conditions that shaped their impact. By reviewing the dynamics leading to Prime Minister Trudeau's November announcement, I reveal a more conjunctural understanding of the project outcome. I suggest that, taken as a whole, the campaign coalition was highly successful in contributing to the cancellation of the NGP. That is not to say that all of the coalition's strategies were successful or had their desired impact; yet, the diverse strategies, multiple mechanisms of influence, and sustained efforts of the campaign coalition paid off when the 2015 election presented a powerful political opportunity. This chapter illustrates how the political and legal opportunities aligned for the campaign coalition, which resulted in the project's cancellation. Because the government cancelled the project, it is not possible to know if Northern Gateway would ultimately obtain the necessary commercial contracts and financial support. Enbridge, however, faced significant and perhaps insurmountable challenges in successfully constructing the project.

The chapter proceeds as follows: in section 8.1., I briefly review the coalition's strategies leading up to and following the federal Conservative government's approval of the project in June

²⁰⁴ From June 19, 2008 (when Northern Gateway advised regulators they were resuming engagement activities on the project) to November 29, 2016, when Prime Minister Trudeau effectively cancelled the project.

2014. In section 8.2, I overview the conditions that resulted in the successful judicial review. Next, in section 8.3., I review the decision-making context for Prime Minister Trudeau’s rejection of the NGP and the role of the campaign coalition. Finally, in section 8.4., I consider the project’s viability, which complements, rather than contradicts, the explanation I present.

8.1 Opposition in advance of the federal government’s decision

Opposition from Indigenous nations and communities increased once again in anticipation of the federal government’s decision on the NGP. On April 11, 2014, the Yinka Dene Alliance convened an All Clans Gathering in Nak’azdli, near Fort St. James, British Columbia. The meeting was a gathering of hereditary and elected leaders, Elders, and other clan members. A delegation of six federal officials responsible for Indigenous consultation also attended (Smith, 2014). Yinka Dene leaders issued its reasons upholding ban of the NGP according to their systems of law and governance (see also Smith, 2014; Clogg et al., 2016).

Three days later, the campaign coalition received an unexpected victory. As Bowles and MacPhail (2017: 15) describe, Kitimat, which was a “traditionally pro-development” town and the location of the proposed terminal port “stumbled” (in the words of one interviewee) into a plebiscite against the NGP. The town held a plebiscite on April 14 which asked residents whether they supported the JRP’s recommendation. Despite the project’s purported economic benefits for the town and the resources that Enbridge spent on its “yes” campaign, the town voted against the project. The vote’s outcome was primarily due to a campaign the Douglas Channel Watch members ran, funded in part by Dogwood Initiative (ibid.: 19). Organizers framed the campaign about local environmental risks and disputed the local employment benefits, messages which resonated with residents (ibid.: 22). Though other members of the broader coalition against the pipeline proposal supported the Douglas Channel Watch, the campaign was explicitly a local, grassroots effort. The movement amplified the importance of the unexpected victory with the plebiscite (e.g., Germanos, 2014).

In May 2014, in expectation of the federal government’s decision, campaign coalition members made a final push. Once again, a delegation met Enbridge at its Annual General to reinforce the diversity and strength of the opposition coalition (Thompson Reuters, 2014). The delegation included Art Sterritt (Coastal First Nations), Chief Na’Moks (Wet’suwet’en), Gerald Amos (Haisla Nation), Patricia Lange (Douglas Channel Watch), Nikki Skuce (ForestEthics), and Jasmine Thomas (Yinka Dene Alliance). Three days later, ForestEthics and allies (called the Defend

Our Climate coalition) organized protests in May as part of a National Day of Action. Reporting estimated that “over 1,000” participants attended the Vancouver event (Crawford, 2014). The protest was solely about the NGP, in advance of the federal government’s decision. The protest was primarily about climate justice, premised on the idea that the proposed pipeline would exacerbate climate change (Vernon and Coste, 2014).

The coalition also received further certification from new allies. Later in May, 300 scientists from Canadian universities and abroad sent a letter to Prime Minister Harper asking him to reject the pipeline on the basis of a flawed panel review. The letter included longstanding critiques about omitting critical issues like climate change and the absence of an external evaluation of the proponent’s information, but the letter also identified other problems. It pointed out contradictory scientific evidence in government documents and omissions about certain risks (Chan et al., 2014). Kai Chan was the lead author and organizer, an associate professor at the Institute for Resources, Environment and Sustainability at the University of British Columbia and a board member of the Canadian Parks and Wilderness Society (Chan, 2014; Moore, 2014). This letter was part of the World Wildlife Fund’s (WWF) “Stand with Science” campaign, which the WWF launched shortly after Chan’s letter. WWF submitted a parallel petition to the government, signed by 20,000 people, asking the government to reject the NGP (Miller, 2014).

Though the campaign coalition was facing a relatively poor political context with a federal Conservative majority, they used the upcoming federal election in October 2015 as an opportunity to apply pressure to Conservative Members of Parliament. The federal Conservatives had won elections in 2006, 2008, and 2011. There was a widespread appetite for change in Canada and a particular dislike of Stephen Harper. In particular, many environmental NGOs and First Nations strongly abhorred the Conservative government. Advocacy groups LeadNow and ForestEthics also wanted the Northern Gateway project to be an election issue. They organized the Enbridge 21 campaign, which they launched at the end of May 2014, targeting Conservative Members of Parliament (MPs) in advance of the Cabinet decision (LeadNow and ForestEthics, 2014). A Bloomberg-Nanos survey conducted in British Columbia in late May found that 47 percent of respondents said they would be less likely to vote for the Conservative Party if the federal government approved the Northern Gateway project (Bloomberg News, 2014a). The Enbridge 21 campaign tried to create political risk for the MPs in advance of the 2015 election. The campaign

noted the “wall of opposition,” composed of over fifty First Nations,²⁰⁵ the majority of communities in the path of the project,²⁰⁶ the Union of BC Municipalities, virtually all B.C. citizen participants in the JRP process, and public opinion.

Yet, on June 27, 2014, the federal government approved the Northern Gateway Pipelines Project. The announcement was highly anticipated, but Natural Resources Minister Greg Rickford only released a brief written statement affirming the JRP’s recommendation and accepting the 209 conditions. This quiet announcement is somewhat surprising given how the government had previously been so vocal about supporting the project. The government appeared to have learned from their previous ‘allies and adversaries’ strategy. The government also likely recognized the significant opposition and declining public support for the project, particularly in B.C., which made it electorally risky; I return to this political context below.

8.1.2 The campaign coalition’s strategic shift

It is worth reiterating the core coalition members’ strategies to this point. According to ForestEthics campaigner Nikki Skuce, the coalition had four sequential strategies:

- (1) have Enbridge withdraw the project before they submitted their application;
- (2) legislate a federal tanker ban;
- (3) have the JRP reject the project, by voicing opposition; and
- (4) launch legal challenges with First Nations.²⁰⁷

This does not account for all of the actions of the coalition actors or those opposing the NGP, but these were the central strategies according to ForestEthics, a core coalition member. These strategies were before the federal government approved Northern Gateway in 2014. At the time of the federal government’s approval, these strategies had been unsuccessful or, in the case of the legal challenges, ongoing. Groups could not challenge the project in the Federal Court of Appeal until it had been recommended by the JRP and/or the federal government approved it. Early opposition coincided with Enbridge putting the project on hold, though Enbridge resumed the project in 2008. While the

²⁰⁵ According to the Yinka Dena Alliance (2013), representatives of 130 First Nations signed the Save the Fraser declaration. 44 Indigenous nations in the Fraser watershed and 11 supporting Indigenous organizations (some of which represent several First Nations) in Canada signed the declaration (Save the Fraser, n.d.).

²⁰⁶ Communities included Kitimat, Prince Rupert, Fort St. James, Terrace and Charlotte City.

²⁰⁷ Interview in Bowles and Veltmeyer (2014: 81-2).

tanker ban successfully garnered multi-party support in the minority Conservative government climate, the majority government was an inhospitable environment for the legislation (see Chapter 5). Underlying all of these strategies was the need for a broad base of support in British Columbia. Polling by proponents for a tanker ban always received more robust public support—for example, Dogwood Initiative commissioned a poll in 2010 that found that 80 percent of B.C. residents supported a tanker ban (Ebner, 210). Despite significant public participation in the JRP, with many citizens registering their concerns and opposition to the project on the public record, the panel approved Northern Gateway.

As strategies failed to stop the project, core campaign members began to shift their tactics. In December 2013, Dogwood Initiative said that if both the federal and B.C. governments supported the project, the project could be stopped through (1) legal challenges brought by First Nations, (2) civil disobedience, and (3) “organizing and flexing political muscle” (Hardin, 2013). After the federal approval, the focus was not on civil disobedience but the other two strategies. Shortly after the federal Cabinet approved the project, there were a couple of protest actions but no civil disobedience. In June 2014, women of Gitga’at Nation (Hartley Bay) First Nation crocheted a chain of yarn, called the “Chain of Hope,” across the Douglas Channel (Gitga’at First Nation, 2014). This was a symbolic blockade against potential oil tanker traffic. The event received national media attention (e.g., McDiarmid, 2014). Later, in June, hundreds protested the decision on the Vancouver streets (Bailey, 2014). At the protest, Grand Chief Stewart Phillips declared, “It’s official. The war is on.” His avowal received national news coverage (ibid.).

Dogwood Initiative led the third portion of the shift (“organizing and flexing political muscle”) with a new citizens’ initiative. While First Nations and other groups were preparing their legal cases against the project, Dogwood Initiative launched a province-wide campaign in the summer of 2014, called “Let B.C. Vote.” Dogwood created volunteer-led teams to gather “pledge signatures in communities across the province” to keep the pressure on Premier Clark to continue opposing the project (Dogwood, 2014).²⁰⁸ At the time, a poll the NGOs, including Dogwood Initiative, commissioned, showed that nearly two-thirds of B.C. residents opposed diluted bitumen exports to the coast (Hoekstra, 2014). The poll also revealed that the same percentage of citizens (64

²⁰⁸ Specifically, Dogwood proposed launching a petition under the Recall and Initiative Act, which allows “any matter of provincial jurisdiction forward for a (nonbinding) citizen’s initiative vote” if they collect signatures from 10 percent of voters in every riding in the province (Dogwood 2014a/b/c). The act was used in 2011 to vote on the Harmonized Sales Tax (British Columbia, 2011).

percent) believed Northern Gateway would be built (*ibid.*).²⁰⁹ Dogwood Initiative wanted a mechanism that allowed people to have a democratic say in the project; Let B.C. Vote was the result (Nagata, 2015; Dogwood Initiative, 2014a). Kitimat’s plebiscite provided a useful frame for Dogwood Initiative, which scaled up this idea with a province-wide vote. The campaign drew on a comment Premier Clark made in October 2012 about the project and ‘social license’: “[t]his project can only go ahead if it has the social licence to do so. It can only get the social licence from the citizens of British Columbia. And that’s what I’m representing as Premier” (quoted in Mason, 2012). Following the federal government’s approval, British Columbia still opposed the project. In June 2014, provincial Environment Minister Mary Polak said B.C would not issue the necessary permits unless Enbridge and the federal government met the province’s five conditions. Minister Polak noted four of five terms had not been met (Hunter and Stueck, 2014).²¹⁰

Dogwood’s strategy leveraged the fact the project was becoming increasingly unpopular in the province. In December 2011, Enbridge commissioned a poll, conducted before the start of the JRP hearings. The poll found that between 48 percent of B.C. residents supported the project, and 32 percent opposed it (Braid, 2012). Two years later, in December 2013, the BC Chamber of Commerce, conducted a poll with the same wording as the Enbridge poll. The poll found that the number of residents who opposed the project increased over time (to 44 percent) (Winter and MacPhee, 2013). Support remained essentially the same at 47 percent; however, support increased to 63 percent if the project could meet Clark’s five conditions (*ibid.*). A poll Bloomberg News commissioned in May 2014—shortly before the project’s approval—found over two-thirds of B.C. residents wanted the project either rejected or “delayed for further review,” while less than one-third wanted the project approved (Nanos, 2014). The project’s low support reflected the federal Conservative government’s “lower comparative credibility on this issue than other stakeholders,” like Indigenous and environmental groups and Premier Clark (*ibid.*: 2). How much of this opposition was due to campaign coalition activities like the Tanker Ban campaign and dozens of protests is unclear. The higher comparative credibility of these groups, and wide participation in protests and petitions, suggests that growing opposition was a contributing factor.

In the two days following the federal government’s approval of the NGP, Dogwood received over 48,000 new pledge signatures. Over 200,000 residents signed the pledge in the first

²⁰⁹ The poll, conducted in January 2014, was commissioned by Dogwood Initiative, ForestEthics Advocacy, Northwest Institute for Bioregional Research, and WCEL (Hoekstra, 2014).

²¹⁰ In approving the project, the federal government met the province’s condition about completing the environmental review process (Hunter and Stueck, 2014).

month (Nagata, 2014b). The campaign was also to support Indigenous-led opposition in the courts, albeit indirectly. As Jess Housty (2014), elected councillor in the Heiltsuk Tribal Council describes:

I don't want my Settler brothers and sisters to point to the Indigenous legal battle and say, "We believe you're going to win." I want to hear them say they're ready to work shoulder-to-shoulder, with each of us seizing the power that best enables us to win together. If diverse tactics are available, let's be wise enough to consider all of them. Preparing for a citizens' initiative does not undermine title or rights. Rather, it builds our collective political power.

Art Sterritt similarly said, "First Nations can't do all the heavy lifting alone [...] It's time for people across this province to stand up for the home we all love. If we get organized and work together on the goals we all share, good luck to any politicians trying to force things on us from Ottawa" (quoted in Nagata, 2014a). This highlights how Indigenous-led opposition engaged in strategic efforts to build alliances and how the distinct strategies of Indigenous and non-Indigenous organizations were self-reinforcing. Dogwood's Executive Director Will Horter succinctly described the new strategy, stating, "[o]ur communities will work together to defeat this pipeline, be it in the courts or at the ballot box" (quoted in Nagata, 2014a). Yet, as groups began to mobilize against Kinder Morgan, especially in the Lower Mainland, Dogwood and others directed their attention to Trans Mountain. The main venue for the NGP conflict largely shifted to the courts.

8.2 Legal challenges

The campaign coalition's final strategy was legal challenges, primarily First Nations initiated. These cases could only be filed after the project's recommendation and federal approval (Government of Canada, 2014a).²¹¹ These projects required significant organizational resources. In 2014, a charitable organization called RAVEN (Respecting Aboriginal Values & Environmental Needs) partnered with the Sierra Club BC to fundraise for the legal challenges against the NGP (Palframan, 2018). RAVEN formed in 2009 to provide financial resources to help Indigenous groups use legal tools to resist extractive projects on their territories (RAVEN, n.d.). Their Pull Together campaign raised over \$600,000 for the legal challenges of seven First Nations against the NGP (RAVEN, 2020).

²¹¹ Cabinet and the Prime Minister advise the Governor in Council.

After the federal Cabinet approved the NGP in June 2014 through an Order in Council, eight First Nations and four environmental NGOs and a labour union, Unifor, filed legal challenges. In total, applicants brought 18 legal challenges in the Federal Court of Appeal. The court also consolidated the cases in *Gitxaala Nation v. Canada*. The Federal Court of Appeal quashed the project's Certificate. The federal government could have appealed to the Supreme Court, opted to redo Phase IV, or asked the NEB to dismiss the project's application. The government delayed its decision until November 2016 and directed the NEB to dismiss the project, effectively cancelling it. I return to the federal government's decision in the next section. In this section, I draw on legal scholarship to provide the necessary context in which *Gitxaala Nation v. Canada* took place.

The First Nations that brought legal challenges against the NGP included Gitga'at First Nation, Gitxaala Nation, Haida Nation, Haisla Nation, Heiltsuk Nation, Kitasoo Xai'Xais Nation, Nadleh Whut'en, and Nak'azdli Whut'en. These nations had a history opposing the project, including as part of the Yinka Dene Alliance (YDA) or Coastal First Nations (CFN). Gitxaala First Nation was not part of either the YDA or the CFN. The ENGOs applicants were BC Nature, ForestEthics Advocacy Association, Living Oceans Society, and Raincoast Conservation Foundation. Given the volume of legal challenges, the court asked the parties to coordinate their efforts to avoid duplicate arguments. The respective parties had diverse strategies and interests in the project. The respective legal teams used existing case law to launch a broad array of challenges against the project. Appeals and judicial reviews concerning three different decisions: five challenged the JRP report,²¹² nine challenged the federal government's decision,²¹³ and four appealed the National Energy Board's (NEB) decision to issue Certificates for the project.²¹⁴ The court held hearings in October 2015 and heard a range of issues. West Coast Environmental Law summarized the groups of arguments in terms of the following concerns:

- (1) effects on wildlife, humpback whales, grizzly bears, and caribou;
- (2) the JRP's determination that the project was in the public interest;
- (3) the JRP's treatment of issues regarding First Nations;
- (4) the JRP's evaluation and response to risks and impacts;
- (5) the federal Cabinet's failure to provide reasons for its decision;

²¹² Brought by BC Nature, ForestEthics, Gitxaala, Haisla Nation, and Gitga'at.

²¹³ Brought by Gitxaala, BC Nature, ForestEthics, Gitga'at, the Council of the Haida Nation, Haisla Nation, Kitasoo Xai'Xais Band Council et al., Nadleh Whut'en Band et al., and Unifor.

²¹⁴ Brought by ForestEthics, Gitxaala, Haisla Nation, and Unifor.

- (6) infringements of Aboriginal Title and Rights; and
- (7) inadequacies surrounding the Duty to Consult (Smith and Desmond, 2015).

At the end of June 2016, the Federal Court of Appeal released its decision, with two judges in favour of the decision and one opposed. In *Gitsxaala Nation v. Canada*, the court concluded Canada had not fulfilled its Duty to Consult; in particular, part of the consultation framework known as Phase IV “fell well short of the mark” (Federal Court of Appeal, 2016: paragraph 186). There were five phases for the NGP. Phase IV occurred after the JRP released its report in December 2013 and before the federal Cabinet made its decision on the project in June 2014. The court identified Phase IV as Canada’s only opportunity to “engage in direct consultation and dialogue with affected First Nations on matters of substance, not procedure, concerning the Project” (ibid.: paragraph 242). The court also dismissed a host of other Applicant arguments, noting, for example, “any deficiency in the Report of the JRP was to be considered only by the GIC (Governor in Council), not this Court” (ibid.: paragraph 125). The court also found that consultation Phase I, the initial engagement on the draft JRP Agreement, was reasonable. Between Phase I and IV is the pre-hearing phase (Phase II) where the JRP encourages Indigenous groups to participate in the JRP process and the JRP hearing (Phase III) (Government of Canada, 2009). I focus primarily on the Crown’s Duty to Consult in Phase IV.

First, I want to acknowledge another significant court case brought by the Coastal First Nations. In January 2016, Coastal First Nations won a B.C. Supreme Court Decision that the British Columbia government failed in its Duty to Consult (*Coastal First Nations v. British Columbia (Environment)*) on the NGP (Supreme Court of British Columbia, 2016). The error stemmed from the equivalency agreement that the B.C. Environmental Assessment Office entered into with the NEB in 2010, which deferred the assessment to the federal regulator. The court found that the agreement did not nullify the province’s obligations to consult with affected Indigenous groups. The court directed the province to redo the environmental assessment, adding to the project’s delay, and contributing to uncertainty for Enbridge. While some of the context I provide below pertains to *Coastal First Nations*, I intend to provide the necessary legal and political context to explain *Gitsxaala Nation*, as it had the gravest effect on the project.

8.2.1 The Duty to Consult as a legal opportunity

Robert Freedman, Principal at JFK Law Corporation, describes how existing Aboriginal law helps their clients gain leverage in negotiations for projects on their lands. In the interview, he candidly explained how legal firms that represent First Nations in pipeline disputes like JFK Law use “Crown screw-ups” in consultation to “gum up” the regulatory process for these projects (Freedman, 2019). The developing case law, the outcome of many cases firms like JFK Law bring, continues to provide clarity and shape the legal strategies of both pipeline proponents and opponents. However, these opportunities were not automatic. Here I provide some historical and modern context concerning the legal challenges brought against the proposed Northern Gateway project.

As Michael McCrossan and Kiera Ladner (2016: 420) acknowledge in the *Canadian Journal of Political Science*, the “very notion of sovereignty is anathema to Indigenous peoples as is the idea that power could be vested in a single individual or hierarchical system” (see also Alfred, 1999: 55-58).²¹⁵ Still, at the colonial encounter, Indigenous nations were independent and sovereign (McNeil, 2016: 699). European Crowns asserted sovereignty over Indigenous lands through the “Doctrine of Discovery,” which justified the domination of Indigenous peoples and dispossession of their lands (see Miller et al., 2010). The Supreme Court of Canada reinforced the Doctrine of Discovery (McNeil, 2016: 715). This recently began to change in 2004 with the *Haida Nation* and *Taku River Tlingit First Nation* cases, which acknowledge “pre-existing Aboriginal sovereignty” (McNeil, 2016: 718; see also Hoehn, 2012). Nonetheless, there are unresolved tensions and contradictions between acknowledging this pre-existing sovereignty and the legality of the Crown’s asserted sovereignty (McNeil, 2016: 721, 726). As McNeil (2016: 727) summarizes, while the Crown’s sovereignty is recognized in domestic and international law, Indigenous nations have de jure sovereignty, which is to say they also have sovereignty and demand legal acknowledgment as such. Thus, the idea of Aboriginal rights and title challenges the legitimacy of Crown sovereignty (Turner, 2006: 32). Still, how courts recognize Aboriginal title, or not, matters (Luk, 2014). Many Indigenous nations continue to seek recognition of their rights, and once in litigation, the onus is on them to meet the burden of proof (McNeil, 1999).

In the negotiations leading up to the Constitution’s patriation, there was a promise of meaningful inclusion of Indigenous rights. Though Section 35(1) of the 1982 Constitution Act

²¹⁵ Despite the origins of the term sovereignty, it is used by some scholars to also describe Indigenous forms of sovereignty. Conceptions of Indigenous forms of political sovereignty are complex and diverse (Turner, 2006: 59). These flow from Indigenous laws, responsibilities, and traditional knowledge (ibid.: 66).

includes Aboriginal and treaty rights, these rights are undefined (Borrows, 1997: 38). As law Professor John Borrows describes, Indigenous people's relationship to Canada's Constitution within section 35(1) is complex (Borrows, 2016: Chapter 3). For example, McCrossan and Ladner (2016: 412) argue "the court has fundamentally undercut the strength of the Indigenous legal orders encrypted within the text of section 35(1)." Indigenous groups have attempted to receive clarity through the courts and certainty about their rights through the modern treaty process. Treaties are one vehicle through which sovereignties can be reconciled (Hoehn, 2012). In the 1980s, the Crown renewed developing comprehensive land claim settlements for Indigenous peoples who did not sign treaties. These decades have been characterized by conflict, and occasional agreements (Crowe, 2015).²¹⁶ In the provinces, the First Nation, the federal government, and the province must come to an agreement on land claim settlements. Historically in British Columbia, governments seldom signed treaties. The process continues today. In the modern treaty context, very few treaties between First Nations and the Crown have been concluded.²¹⁷ In 2015, there were approximately 60 open negotiations in the province (Crowe, 2015). These negotiations have fallen vastly short of First Nations' expectations (e.g., Assembly of First Nations, 2019; Gunn and McIvor, 2019).

This brief overview illustrates that there are conflicting legal orders and governance systems. These conflicts began in the colonial period and continue today.²¹⁸ In British Columbia, Deborah Curran and colleagues argue there exists a "fundamental conflict between Indigenous responsibilities" and what they call the province's "state-sponsored extractive regimes" (Curran et al., 2020: 217). In British Columbia in particular, there is a litany of significant unresolved tensions between the Crown and First Nations. These tensions present a substantial challenge for a pipeline company like Enbridge, which also has a responsibility to consult and engage with affected communities along the route of the proposed pipeline. A proponent's early and effective engagement can build relationships and support the affected community in studying the project's impacts. Private negotiations between a pipeline company and potentially affected First Nations can also provide some tools to mitigate the risk and distribute any potential benefits from the project.

²¹⁶ In Canada, as of 2015, only 26 modern treaties have been reached since 1973; 75 claims are in "various stages of negotiation" (Eyford, 2015: 3). Douglas Eyford, a civil litigation lawyer, was appointed by Prime Minister Harper in 2014 to engage with Indigenous groups on the government's comprehensive land claims policy attributes to lack of progress due to "institutional barriers and process inefficiencies" (ibid.: 3).

²¹⁷ In British Columbia, at the time of writing, seven First nations have implemented modern treaties: the five Maa-nulth First Nations, Tla'amin Nation, and Tsawwassen First Nation (BC Treaty Commission, 2020). Negotiation updates are posted on the BC Treaty Commission, available at <http://www.bctreaty.ca/negotiation-update>

²¹⁸ There is a growing body of scholarship on Indigenous and Canadian common law and their relationship and potential intersections (e.g., Borrows, 2016; Nichols, 2018).

Ultimately, the responsibility ultimately rests on the Crown to consult First Nations about the project's potential effects through its legal obligation, the Duty to Consult.

Case law on the Duty to Consult has developed significantly in the last fifteen years. Jurisprudence on the scope and content of the Duty to Consult began with *Haida Nation v. British Columbia (Minister of Forests)* in 2004. The court determined that the “duty arises when the Crown has [...] knowledge of the potential existence of Aboriginal rights or title and contemplates conduct that might adversely affect those rights or title” (paragraph 35). In a trilogy of cases alongside *Haida Nation*, the decisions in *Taku River Tlingit First Nation v. British Columbia* and *Mikisew Cree First Nation v. Canada* also addressed the Duty to Consult and developed the principle of the “honour of the Crown.”²¹⁹ The trilogy reinforced that governments have a legal Duty to Consult and, if necessary, accommodate Indigenous peoples if Indigenous rights are negatively impacted. The duty to consult is akin to a spectrum: it increases with the strength of the Aboriginal claims and the potential infringement on the right or title. In 2010, *Rio Tinto Alcan Inc. v. Carrier Sekani Tribal Council* added more clarity about the duty and emphasized how it fits within the existing constitutional framework.²²⁰

In 2014, over 20 court decisions in Canada related to the Duty to Consult (JFK Law, 2015). The 2014 decision in *Tsilhqot'in Nation v. British Columbia* was the first case where the Supreme Court recognized an Aboriginal title claim under Section 35. In their landmark ruling, the court laid out the content of Aboriginal title (rights held by Section 35 Aboriginal title holders) and the consent standard. The ruling also outlined when the government can justify infringement (paragraphs 73-77). The case gave “new life” to the procedural Duty to Consult (McIvor, 2018: 10). When the court released *Tsilhqot'in Nation v. British Columbia* decision, many coalition members referred to it as a decisive victory and a “watershed moment” with potential implications for the NGP (Clogg, 2014; see also Dogwood Initiative, 2014b). In particular, Clogg pointed to paragraph 92, which stated if “the Crown begins a project without consent prior to Aboriginal title being established, it may be required to cancel the project upon establishment of the title if continuation of the project would be

²¹⁹ The Supreme Court of Canada (SCC) delivered the *Taku River Tlingit First Nation v. British Columbia* decision in November 2004 (the same day as *Haida*). A year later, in November 2005, the SCC delivered *Mikisew Cree First Nation v. Canada*.

²²⁰ Other cases on the Duty to Consult (before *Tsilhqot'in v. British Columbia*) are *Beckman v. Little Salmon/Carmacks First Nation*, *Quebec (Attorney General) v. Moses*, *Behn v Moulton Contracting Ltd.*, and *Ross River Dene Council v. Government of Yukon* (on the evolution of the Duty to Consult, see Framework Agreement Lands Advisory Board, 2016)

unjustifiably infringing.”²²¹ Although the Indigenous claimants in *Gitxaala Nation v. Canada* were not attempting to establish title, *Tsilhqot’in Nation v. British Columbia* certified the strength of Aboriginal title.

Northern Gateway was not the first pipeline that First Nations challenged in court. Seven Treaty One First Nations brought cases against three oil sands pipelines: the baseline Keystone, Southern Lights, and Alberta Clipper pipelines. Companies proposed these projects in the mid-2000s; all three pipelines aimed to transport a range of crude products from Alberta to Manitoba. The 2009 ruling in *Brokenhead Ojibway Nation v. Canada* concerned the federal approval of the project. The case confirmed the Crown has a Duty to Consult, independent from the regulatory process, and found that the Crown satisfied its duty in this case. The Supreme Court of Canada court dismissed four appeals in *Standing Buffalo Dakota First Nation v. Enbridge Pipelines* for the same projects and found that the NEB does not have a Duty to Consult (paragraph 34).²²² However, since these cases, which set a fairly low threshold for the Crown’s Duty to Consult, the case law has continued to develop.

8.2.2 Consultation processes

The proposed Northern Gateway project spanned the territory of dozens of Indigenous groups. According to the NEB’s report, along the 160 km wide engagement area, Northern Gateway engaged with “over 80” Indigenous groups and organizations, 48 of whom registered as intervenors in the JRP review (JRP, 2013: 26). The “over 80” figure is also how many groups the federal government consulted (*Gitxaala Nation v. Canada*, paragraph 187). I briefly review the core strategies of Enbridge’s “Aboriginal Engagement” program and explore how the federal government underwent its Duty to Consult.

Part of Enbridge’s approach was to sponsor events and initiatives in Indigenous communities the proposal affected. For example, in 2011, Enbridge supported over 40 various initiatives, including sports tournaments, holiday celebrations, and pow wows (e.g., Enbridge, 2012: 134-5).²²³ In 2011, Enbridge developed an education, training and skills program for the pipeline

²²¹ *Gitxaala Nation v. Canada* does not reference *Tsilhqot’in Nation v. British Columbia*, which is likely because the case was not about establishing title.

²²² On Indigenous consultation and the NEB, see Lambrecht (2013: Chapter 5).

²²³ Enbridge sponsored “cultural, social, sporting, and community well-being events” to Indigenous groups in B.C. and Alberta. In 2012, Enbridge sponsored 27 community events and initiatives (Enbridge, 2013). Enbridge moved away from this approach in 2013 as evidenced by its 2013 CSR report (and thereafter) which does not mention a community sponsorship program (Enbridge, 2014).

with a \$1.5 million fund (Enbridge, 2012: 134). Enbridge also had more substantive engagement with affected groups. Northern Gateway first entered into “protocol agreements” with Indigenous groups. These agreements established processes for consultation and provided funding for groups to participate in the regulatory and environmental review, including developing Aboriginal Traditional Knowledge (ATK) studies (NEB, Volume II, 2013: 28). Northern Gateway entered into 30 protocol agreements with 36 groups (of 80 plus groups along the consultation corridor) (ibid.). As of February 2013, Northern Gateway disclosed that seven of the 11 coastal Aboriginal groups had refused to discuss ATK studies with the company (NEB, Volume II, 2013: 28, 35).²²⁴ Their refusal was likely due to their opposition to the project and reluctance to engage with the company. Several examples were documented in the media, where Enbridge made missteps early on in its engagement efforts, which contributed to strained relations with particular nations (Hager and O’Neil, 2011; Hunter, 2014; Janes, 2019). These missteps appear to have stemmed from ignorance, inexperience, and poor planning.

Impact benefit agreements (IBAs) are commonly used in the extractive resources sector to reduce legal risk for the proponent and negotiate benefits for affected First Nations. Instead of IBAs, Enbridge developed an equity offer.²²⁵ Both IBAs and equity agreements operate to reduce risk and opposition to a project. Enbridge introduced equity agreements very late in its consultation process with Indigenous communities. It was not until 2011 that Enbridge unveiled its “Aboriginal Economic Benefits Package,” which reintroduced the idea of equity participation (Northern Gateway Pipelines Limited Partnership, 2011).²²⁶ Enbridge first offered the package to 53 Indigenous groups that met Enbridge’s “eligibility criteria” (ibid.).²²⁷ Aboriginal Equity Partners (AEP) officially formed in September 2013 with 18 Indigenous groups that agreed to the equity deal.²²⁸ Enbridge’s CEO, Pat Daniel, said in December 2011, that Enbridge planned to have all 45

²²⁴ The company provided \$10.8 million to Indigenous groups in British Columbia and Alberta.

²²⁵ I use Northern Gateway and Enbridge interchangeably when referring to the proponent. Northern Gateway Pipelines Ltd. Partnership is a company owned by Enbridge for the project.

²²⁶ According to *The Globe and Mail*, a group of First Nations approached Enbridge to discuss equity participation earlier in the project’s development stage, but Enbridge declined (VanderKlippe, 2013).

²²⁷ The criteria were: (1) groups with land on 80 km either side of the pipeline right-of-way and Kitimat terminal and (2) in Alberta, Indigenous groups whose treaty land fell outside of this area but expressed an interest in the project (ibid.). The package “may include” an equity participation offer, among other benefits (ibid.) Other potential parts of the package included procurement, employment and training initiatives, a community investment fund, and “access to corporate branded programs.” The equity stake was estimated to be the equivalent of \$280 million in net income over 30 years, divided amongst the equity partners (VanderKlippe, 2011; NEB, Volume I, 2013: 23). According to reporting, bands would initially borrow the funds which would be repaid out of project revenues (The Canadian Press, 2013a).

²²⁸ The AEP did not identify specific groups other than those of its four stewards. As of 2016, the four stewards were: “Bruce Dumont, Past President, Métis Nation British Columbia; David MacPhee, President, Aseniwuche Winewak

eligible groups “onside” when the project received regulatory approval (Postmedia News, 2011). In actuality, Enbridge met significant challenges and opposition. According to the NEB’s decision report, Enbridge had only 26 equity partners in 2013 (JRP, 2013: 338). Enbridge (2014: 19) said this represented almost 60 percent of the First Nations and Métis population along the proposed project’s right-of-way. The majority of these groups are located in Alberta or the interior of British Columbia;²²⁹ however, most First Nations in the “coastal region” in British Columbia remained staunchly opposed (ibid.: 19).²³⁰ It is important to recall the early coordinated opposition of CFN, which made it significantly harder for Enbridge to engage with these nations.

At the same time as the federal government began its consultations, Enbridge continued its own negotiations and consultations. Several project conditions JRP imposed required further consultation with First Nations groups and communities for Enbridge as well. In March 2014, Enbridge hired Jim Prentice, a former “Minister for Indian and Northern Affairs,” to consult with the approximately 24 affected First Nations that continued to oppose the project (Enbridge Inc., 2014). At the time, Enbridge had equity agreements with 26 groups. Prentice resigned several months later to run for leader of the Alberta Progressive Conservative Party (The Canadian Press, 2014b). Progress towards equity partnerships then stagnated.

Documents released through Access to Information reveal the federal government was aware, since at least 2011, of the legal risk for the NGP due to inadequate consultation (INAC, 2011: 4). As I mentioned in Chapter 6, in March 2013, the federal government appointed Douglas Eyford as the special federal representative on West Coast Energy Infrastructure. The federal government publicly released Eyford’s report that December. The report recommended improvements to Canada’s approach to the legal Duty to Consult by focusing on “relationship-building, engaging outside the consultation process (in particular, during the industry proponent’s consultation process), and addressing Aboriginal interests beyond project-specific issues” and clarifying the respective roles of the government and industry proponents in consultation (ibid.: 36). How the government implemented these measures remains unclear.

Nation; Chief Elmer Derrick, Gitksan Nation Hereditary Chief; and Elmer Ghostkeeper, Buffalo Lake Métis Settlement” (Marketwired, 2016).

²²⁹ This is somewhat of a discrepancy from the previous year’s report. According to Enbridge’s 2012 CSR report, “[a]s of the May 31, 2012, 60 percent of eligible Aboriginal communities along the proposed Northern Gateway pipelines right of way, representing 60 percent of the First Nations’ population (and 80 percent of the combined First Nations’ and Métis’ population) had agreed to be part owners of the proposed Northern Gateway pipelines” (Enbridge, 2013: 93).

²³⁰ In the company’s reporting, Enbridge divides Indigenous groups into either being located in the interior or the coastal regions of British Columbia (Enbridge, 2013: 133).

In June 2014, when the Minister of Natural Resources Rickford's issued a statement about the NGP approval, he concluded, "the proponent clearly has more work to do in order to fulfill the public commitment it has made to engage with Aboriginal groups and local communities along the route" (Natural Resources Canada, 2014). This statement was a preview of the government's approach to its duty to consult affected Indigenous nations and communities. After Prime Minister Harper's government issued the Order in Council for the project, it began consultations with affected First Nations about the JRP's report. Additionally, the Duty to Consult required the government to consult about any project-related concerns outside the JRP's mandate. The government gave itself a deadline of 45 days to meet with all affected Indigenous groups (*Gitxaala Nation v. Canada*, paragraph 245). The government gave First Nations 45 days, by April 16, 2014, to provide, in writing, their concerns; they limited the responses to two or three pages (*ibid.*). During consultation meetings, federal officials told First Nations that the GIC needed to decide by June 17, 2014, and that the officials were not authorized to make decisions, only to gather information (*ibid.*: paragraph 264). The government also refused to disclose its assessments of the strength of affected First Nations' claims to Aboriginal rights or title (*ibid.*: paragraph 217). These would become a selection of the shortcomings that led the court to conclude the consultation was unacceptably flawed. The court's conclusion is worth quoting at some length:

Canada offered only a brief, hurried and inadequate opportunity in Phase IV—a critical part of Canada's consultation framework—to exchange and discuss information and to dialogue. The inadequacies—more than just a handful and more than mere imperfections—left entire subjects of central interest to the affected First Nations, sometimes subjects affecting their subsistence and well-being, entirely ignored. Many impacts of the Project—some identified in the Report of the JRP, some not—were left undisclosed, undiscussed and unconsidered. It would have taken Canada little time and little organizational effort to engage in meaningful dialogue on these and other subjects of prime importance to Aboriginal peoples. But this did not happen (paragraph 325).

In short, the court was damning in its appraisal of the federal government's efforts.

Eyford, in an opinion piece the *Globe and Mail* published after the court's decision, expressed bewilderment that the government had placed so much importance on building pipelines, yet failed to understand the importance of consultation. He writes, "the response by the architects of

Canada's consultation framework was wholly deficient and unwittingly provided the basis for a successful legal challenge" (Eyford, 2016). The impact of the legal challenge on the project was significant. The legal case did not cancel the project directly, but it did create an opportunity for Prime Minister Trudeau to 'veto' the project (cf. Hoberg, 2013).

8.3 The end of Northern Gateway

The political and legal opportunities aligned for the campaign coalition, which resulted in the project's cancellation. In June 2016, the court concluded in *Gitsxaala Nation v. Canada* that the federal government could redo its Phase IV consultation. The court suggested this was "a matter that, if well-organized and well-executed, need not take long" (Federal Court of Appeal, 2016: paragraph 335). In late November 2016, the federal government decided to dismiss the NGP. Why did the government not choose to redo the consultation when the court suggested a path forward? The purpose of this section is not to unravel the inner workings of the federal government. Cabinet memos are strictly confidential, even through the Access to Information and Privacy request system, rendering it nearly impossible to ascertain the federal government's logic, except through interviews. In the interviews I conducted with the federal government's staff, they were unable to comment on specific Cabinet decisions; as these personnel are members of the current Trudeau government, commenting would breach Cabinet confidence. However, process tracing allowed me to gain insight into the conditions that led to the government's decision.

The 2015 federal election was the most significant change in the political context for the NGP project. Liberal Party leader Justin Trudeau won a majority government in October 2015. Though the Conservatives were quite unpopular when they called the election, they expected that they could win with a core base of 30 percent support, given divided opposition parties (between the New Democratic Party, Liberal Party of Canada, and the Bloc Québécois) (Dornan, 2016). When Prime Minister Stephen Harper called the election in August 2015, the Liberal party was polling in third place, well behind the NDP, and also behind the Conservatives (Jeffrey, 2016). The Liberal Party began to lead in the polls in early October; however, a majority Liberal government surprised many (ibid.).

The 2015 federal election outcome exemplified a confluence of factors, centrally, voters' dissatisfaction with Harper and the economy, and Trudeau's steadily increasing popularity. Trudeau successfully capitalized on the previous governments' shortcomings and signalled a new approach to engagement, reconciliation, climate policy, and resource management. His commitments effectively

raised Indigenous communities' and stakeholders' expectations.²³¹ Resultantly, the electoral participation of Indigenous peoples across Canada increased, which benefited the Liberals (e.g., Grenier, 2015). The 13 percent increase in general turnout in the 2015 election was not insignificant. LeadNow launched a strategic voting campaign, Vote Together, which likely also contributed to this increase.²³² Their strategy was getting supporters to vote for local candidates who could defeat Conservative incumbents in swing ridings (LeadNow, 2015). LeadNow's campaign may also have shaped several local electoral outcomes: Leadnow's recommended candidate won in nine out of 11 targeted ridings.²³³

About a year after Prime Minister Trudeau took office, he officially rejected the Northern Gateway Pipelines project. The federal government strategically approved two other pipelines, the Line 3 Replacement and TMEP, the same day. The government timed the November 29th announcement to signal its credibility about supporting market access for Alberta's oil sands.²³⁴ At the time, the oil industry in Alberta was facing a grim outlook for new pipeline transportation options. Most notably, Obama rejected KXL earlier that November. Though TransCanada remained committed to KXL and was challenging Obama's decision using legal means, the unlikelihood of the project created a greater need for transportation alternatives for oil producers. The only other major new pipeline proposal, TransCanada's Energy East (which submitted its application to the NEB in October 2014), was facing significant resistance in Quebec. TransCanada announced in early

²³¹ An edited volume by Pammett and Dornan (2016) suggest campaigns, key issues (including gender), candidates, and media coverage all played a role. In the concluding chapter, Pammett and LeDuc (2016: 282, 292) argue that the Conservative campaign failed because it stumbled on key issues, reoccurring in Canadian elections: economics, national unity, and social welfare. Clarke et al. (2017) argue that the poor economy, coupled with Harper's unpopularity led to his downfall. The public liked Trudeau, and his popularity grew throughout the campaign (ibid.). Cross (2016: 607) adds that local campaign activity matters—the Liberals saw a significant increase in membership numbers and fundraising at the local level compared to the Conservatives.

²³² In their report, LeadNow credits over 5,500 volunteers who engaged with thousands of voters across the targeted ridings (ibid: 4). Over 91,000 people committed to the campaign (ibid.: 4).

²³³ The ultimate impact of the campaign on the election outcome is unclear. This campaign spurred several complaints (at least one was from a Conservative MP who lost their seat) that there was foreign influence and inappropriate spending in the 2015 election (e.g., MacCharles and Ballingall, 2017). The campaign led to an investigation conducted by The Office of the Commissioner of Canada Elections. The office concluded in July 2018 that LeadNow did not violate the Elections Canada Act (Meyer, 2018). The episode bore similarities to complaints to the Canadian Revenue Agency about the charitable status of environmental NGOs.

²³⁴ In April 2016, the NEB recommended approval of the Line 3 Replacement project and about one month later did the same for the TMEP. Prime Minister Trudeau could have made the decision soon after the Federal Court of Appeal as released at the end of June 2016. Instead, he waited over four months. In September 2016, Natural Resources Minister Jim Carr said the government would not appeal the decision but declined to comment further on their approach to the project (Tasker, 2016).

November that it would not build an export terminal anywhere in the province.²³⁵ Eagle Spirit—announced in April 2014 by a new entity, Eagle Spirit Energy Holdings—was another proposed pipeline through northern British Columbia. According to a government memo, the project was “widely viewed by industry as unlikely to move ahead” due to “high capital costs and First Nations opposition” (ATIP 021: 6). In sum, Trudeau’s TMEP and Line 3 approvals were intended to provide some reassurance to the oil industry. Still, his decision to cancel the NGP project took place against worsening market access for the oil industry.

Interviews with pipeline and oil industry representatives suggest that Trudeau’s rejection of the NGP was a foregone conclusion (e.g., anonymous interview, 2019g; McConaghy, 2019). This belief was based in part on the fact that Trudeau openly declared opposition to the project before he was elected. He made the comments in response to the federal Conservative government’s approval of the project. Trudeau said the project “will not happen” if he is elected because it threatens “the British Columbia coastal economy” (Judd, 2014). Earlier in June 2014, Trudeau said there were too many concerns in British Columbia about the project’s risks and that First Nations organizations and communities felt “too left out” of the process (Judd, 2014). Trudeau again reinforced the previous government’s goal about needing to get resources to market; however, he stressed this needed to be done responsibly. Later that summer, in August 2014, Trudeau visited the Gitga’at Nation (Hartley Bay), where he met with Art Sterritt, Executive Director of the Coastal First Nations (Gilchrist, 2015; see also Thomas, 2014). After the meeting, Sterritt said, “My confidence level went up immensely when Justin ... visited Gitga’at” (Gilchrist, 2015). Sterritt also (re)announced, “Northern Gateway is now dead” (ibid.; Pemberton, 2013). This meeting took place two years before the ruling, *Gitxaala Nation v. Canada*, that overturned the project’s certificate.

It is possible that the pipeline and oil industries believed the federal government’s position was already pre-determined; however, this is not the story that the lobbying records tell. I can only draw limited inferences from looking at lobbying records alone; however, evidence suggests that Enbridge was actively lobbying the federal government and, as the records indicate, more aggressively than Kinder Morgan. Al Monaco, the President and CEO of Enbridge Inc., filed 73 communication reports between October 19, 2015 (the federal election) and November 29, 2016 (the announcement cancelling the NGP and approving the TMEP and L3R). This meant that either

²³⁵ Calvin Helin, an author, lawyer, entrepreneur, and a member of the Tsimshian Nation, proposed the project. Eagle Spirit Energy Holdings publicly announced the proposal in April 2014. The proposal was supported by Eagle Spirit Energy Holdings and Aquilini Group (a family that owns the Vancouver Canucks) (Hussain and Lewis, 2014).

Monaco or an Enbridge representative lobbied federal public office holders on 73 occasions.²³⁶ In the same period, Ian Anderson, the President of Kinder Morgan, filed 40 reports. It is likely that Enbridge was also lobbying the federal government on its Line 3 Replacement approval; however, this comparative increase is notable.

Oil and pipeline industry representatives widely attribute Trudeau's opposition to NGP to his relationship with his advisor, Gerald Butts (Senior Executive in the Office of the Prime Minister), and Chief of Staff at Environment and Climate Change Canada, Marlo Reynolds (e.g., anonymous interview, 2019g; McConaghy, 2019). In January 2012, Butts expressed his opposition to the NGP in *The Globe and Mail* in his role as CEO of the World Wildlife Fund (WWF)-Canada (Butts, 2012). In May of that year, WWF-Canada officially joined the coalition against the project with its "Canadians for the Great Bear" campaign, in partnership with Coastal First Nations (WWF-Canada, 2012b). At this point, the campaign coalition was well established and gaining momentum. Butts was president and CEO of WWF-Canada from September 2008 until October 2012. Butts and WWF-Canada had also been critical of the tar sands, though the organization, under Butt's leadership, moved away from the Tar Sands Campaign in 2010.²³⁷ Butts resigned in October 2012 to become Justin Trudeau's senior advisor (Ryckewaert, 2013). Having been close friends with Trudeau in during their undergraduate years, it is not surprising that Butts became one of Trudeau's "most trusted" advisors when he became Prime Minister (Berthiaume, 2014). Given the timing between when Butts was leading the WWF, the organization's campaign against the project, and his role as Trudeau's advisor, it is likely Butts influenced Trudeau's thinking on the NGP project.

Trudeau also appointed Marlo Reynolds, formerly the Executive Director at the Pembina Institute (2004-2010), Chief of Staff for the Minister of the Environment and Climate Change in November 2015. The Pembina Institute became involved in the Tar Sands Campaign and the anti-NGP coalition under the direction of Reynolds in 2008. Though it is unclear how Reynolds contributed to the federal Cabinet's position on the NGP—as memorandums to Cabinet are confidential—it is notable that a second former executive of an organization that opposed the NGP held a position of authority within the federal government. However, it is also worth pointing out

²³⁶ Author's search of the Registry of Lobbyists available at <https://lobbycanada.gc.ca/app/secure/ocl/lrs/do/guest>

²³⁷ Journalist Martin Lukacs describes how WWF, during Butt's tenure, shifted away from tar sands campaign (Lukacs, 2019a; 2019b). In 2009, Butt's was openly critical of the tar sands but in 2010, WWF-Canada shut down its tar sands campaign and shifted towards corporate engagement (Butts, 2009; Lukacs, 2019a). WWF-Canada was not a core coalition member of the Tar Sands Campaign, though they had some involvement.

that a former executive of CAPP, Janet Ammesley, was Chief of Staff of NRCan, who Enbridge heavily lobbied.

In April 2016, Prime Minister Trudeau reiterated his opposition to Northern Gateway, saying, “the Great Bear Rainforest is no place for a pipeline, for a crude pipeline” (Fekete, 2016b). Trudeau’s reasons were based on protecting the environment and the risks to affected communities and local economies. This was an explicit rejection of the national interest framing and nation-building rhetoric of the previous government. At the time, Enbridge was considering Prince Rupert as an alternative to Kitimat, which was still within the Great Bear Rainforest.²³⁸ The day before Trudeau’s comments, Alberta Premier Rachel Notley briefly discussed an alternative route and port with the federal Cabinet (Fekete 2016a). This marked a shift in Premier Notley’s stance from April, when she had been critical of the project (Bennett, 2016).²³⁹ This meeting can also be seen as further evidence against the argument that the federal government had a pre-determined position on the pipeline.

Prime Minister Trudeau’s comments in April and the slogan used in WWF’s campaign against the NGP bear remarkable similarity (Foster, 2016). WWF-Canada’s campaign website opposing Gateway stated, “The Great Bear is no place for an oil pipeline,” which took a phrase from one of its blogs from November 2013 (Miller, 2013). The idea can be traced back further to Butts’ 2012 op-ed, albeit less beguiling (Butts, 2012).²⁴⁰ Though many coalition members echoed this sentiment, WWF-Canada popularized this phrasing. When Prime Minister Trudeau effectively cancelled the project in November 2016, his messaging remained fairly consistent with his comments in 2014. He again cited risks to the “Great Bear Rainforest,” but also to the Douglas Channel, which the project pipeline and tanker routes would cross (Prime Minister of Canada, 2016).²⁴¹

The government’s Order in Council from November 25, 2016, reveals slightly more insight into the government’s thinking, though it is seldom mentioned in the media or elsewhere. The order is quite short, only a few pages. Essentially, the government disagreed with the JRP’s finding that the project was in the public interest; namely, the project would “cause significant adverse

²³⁸ The NEB told Enbridge it did not have to redo the regulatory process if it wanted to change the part of the pipeline route and endpoint.

²³⁹ During the provincial election campaign, she said she would withdraw provincial support for Gateway, citing concerns about environment and consultation with First Nations (Pratt, 2015).

²⁴⁰ The title was “Our ecological treasure is the issue with Northern Gateway” (Butts, 2012).

²⁴¹ The federal government directed the NEB to dismiss the NGP’s application for the certificates, which were rescinded in December 2016, effectively cancelling the project (Enbridge Inc., 2017).

environmental effects” that are “not justified in the circumstances” (Government of Canada, 2016). Based on the JRP’s report, the Cabinet believed the project would “cause significant adverse environmental effects for certain populations of woodland caribou and grizzly bear” (ibid.). The directive also noted the “unique and irreplaceable nature of the ecosystem of the Great Bear Rainforest.” The report held that the Douglas Channel “must be protected from spills of crude oil from tankers” (ibid.). These justifications widely echoed core claims made by organizations in the anti-NGP coalition.

In that same announcement in November 2016, the federal government also reiterated its intention for a moratorium on “crude and persistent oil tankers” along B.C.’s north coast (Government of Canada, 2016). This left no uncertainty about the project’s future. Previously, Liberal MPs had supported the idea of a tanker moratorium on the north coast. As I described in Chapter 5, Liberals voted in favour of NDP MP Nathan Cullen’s motion in December 2010. Soon after, Liberal MP for Vancouver Quadra Joyce Murray brought a private member’s bill, which died when Prime Minister Harper prorogued Parliament. After the 2011 election, the majority Conservative government made legislative efforts for a tanker ban meaningless. Only a change in government, or government strength, would provide an opportunity to legislate the ban. This opportunity arrived with the 2015 election. Though not in the official platform, on the campaign trail in June 2015, Trudeau promised a moratorium on oil tankers along the northern coast of British Columbia (Do, 2015). Once in power, in Trudeau’s mandate letter to Transport Minister Marc Garneau in November 2015, he directed him to “formalize a moratorium on crude oil tanker traffic on British Columbia’s North Coast” (Trudeau, 2015c). The statement was widely reported to “effectively kill” Northern Gateway (e.g., Morgan, 2015; see also Gordon, 2015). Coalition members like ForestEthics and the Union of B.C. Indian Chiefs reinforced this narrative (Prystupa, 2015b). Days after the mandate letter, Enbridge maintained its confident stance publicly, suggesting that through federal consultations with affected Indigenous groups, those that supported the project would advocate against a legislated moratorium (CBC News, 2015). However, a year later, when the federal government announced its intention to pursue the tanker moratorium, coupled with its decision not to renew consultations with Indigenous groups about the NGP, it was clear the project was dead.

8.4 Alternative explanation? Commercial and financial context and viability

In December 2014, John Carruthers, Northern Gateway's project president, disclosed the company was taking "a step back" from the project and was looking to reduce its role (Cattaneo, 2014). This was due to opposition from First Nations and its "negative impact on Enbridge's brand" (ibid.). About the decision, Carruthers commented, "we do recognize now, more than we did originally, that there needs to be a strong [A]boriginal and B.C. voice in the leadership" (ibid.). This was by no means a promise that the project was dead. It does, however, make clear that the project, as it stood, could not proceed. Before concluding this chapter, I review a potential 'alternative' explanation concerning the project's financial and commercial context and viability. Because the government cancelled the project, we cannot know if the project would have ultimately received the necessary commercial contracts and financial support. There were significant challenges to that end, which I outline here.

The decline in crude oil prices began in the summer of 2014 and presented a significant obstacle for Canada's oil and gas industry. Oil dropped from its high of 110 USD per barrel to a low of 30 USD in February 2016.²⁴² This precipitous drop made new oil sands developments unviable. In January 2015, the Canadian Association of Petroleum Producers (CAPP) predicted that oil sands producers would reduce their investments by 33 percent (Healing, 2015). Nonetheless, producers expected production to grow due to projects already under construction. CAPP also revised its forecast from the previous year, reflecting lower predicted future production because of lower oil prices (CAPP, 2015).²⁴³ The NEB's annual report on Canada's energy future highlighted uncertainty about future oil production levels for 2016 (NEB, 2016b: 4). The report noted that the availability, specifically the lack thereof, of new oil pipeline infrastructure would shape production growth (ibid.: 5). Throughout 2015, Enbridge maintained its need for new pipeline infrastructure because its pipeline system was nearing capacity (NEB, 2016b; Enbridge, 2016).

Northern Gateway's project costs increased steadily over time. Throughout the project's development, the capital cost estimate grew from \$2.5 billion in 2005 to \$5.5 billion in 2009, \$6.6 billion in 2012, to \$7.9 billion in 2013.²⁴⁴ In October 2014, Enbridge recalculated the costs of the project and determined they were "substantially higher" than the company stated in its estimate

²⁴² WTI would not start to recover until February 2016. Price trends available at <https://www.macrotrends.net/2516/wti-crude-oil-prices-10-year-daily-chart>

²⁴³ CAPP develops its forecasts based on survey data provided by oil producers about their desired expected production.

²⁴⁴ In 2010, Enbridge estimated the project would cost \$5.5 billion (Enbridge Northern Gateway LP, 2010b: Section 3.3). The estimate was from the fourth quarter of 2009.

from their JRP proposal of \$7.9 billion (Enbridge Inc. 2015: 62). Fulfilling the NEB's 209 conditions would also increase the project's cost. It is not unusual for projects to have significantly increased costs or delays; what is particularly concerning for a proponent is not having a definite construction date. After Enbridge restarted in 2008, the company estimated the project could be in-service in 2014 or 2015 (Enbridge Inc., 2009).²⁴⁵ By its 2014 report, Enbridge pushed the earliest in-service date back to 2019 (Enbridge Inc., 2015). Enbridge's report for 2015 did not estimate an in-service date for the project. Instead, Enbridge revealed the date would be dependent on the:

timing and outcomes of judicial reviews, continued commercial support, receipt of regulatory and other approvals, and adequately addressing landowner and local community concerns (including those of Aboriginal communities) (Enbridge, 2016: 47).

In short, a damning confluence of factors had been brewing for Enbridge since before the project's approval in 2014. There were important interconnections between these factors and the project's in-service date and cost estimates; most directly, ongoing court challenges impacted the project's schedule, as greater uncertainty and risks compounded delays and cost overruns.

The NEB assigned a deadline of the end of 2016 for Northern Gateway to begin construction. That May, Northern Gateway asked to extend this deadline. In the filing, Enbridge and the Aboriginal Equity Partners disclosed they had 31 equity partners (Northern Gateway Pipelines Inc., 2016).²⁴⁶ This represented some progress. However, it was not the 45 partners that Enbridge's President, Al Monaco had aspired to have. Building support among affected Indigenous communities remained the company's publicly stated priority (Bloomberg News, 2016). Enbridge and the AEP had increased the equality package and introduced several improvements to the project, which contributed to increased support from equity partners.²⁴⁷ Their letter also revealed the core risks and challenges the project faced: the ongoing legal challenges in front of the Federal Court of Appeal, the proposed tanker moratorium, and the new Environmental Assessment from the

²⁴⁵ In Enbridge's 2005 annual report, the company estimated the project would be in-service in 2010 (Enbridge Inc., 2006).

²⁴⁶ Again, Enbridge did not disclose specific groups. The 31 groups included 13 of 27 eligible groups in British Columbia and all 18 eligible groups in Alberta. This announcement was based on a regulatory filing to the NEB regarding the project certificate's sunset clause. According to project condition 2, the project had until the end of 2016 to begin construction. In May 2016, the proponent applied to the NEB to ask for a three-year extension. Enbridge did not include a break-down of the stated \$2 billion in economic benefits in the filing.

²⁴⁷ The package included increased equity stake for "Aboriginal partners," a joint governance structure, and a doubling of estimated economic benefits for First Nations and Métis communities (equal to \$2 billion).

British Columbia government (Northern Gateway Pipelines Inc., 2016). As a result, shippers remained unwilling to sign firm contracts.

At the time of the project's cancellation in November 2016, Enbridge still did not have firm contracts with shippers (Northern Gateway Pipelines Inc., 2015). Enbridge never made a final investment decision to proceed with the project. Enbridge made little progress towards the conditions and had regulatory filings related to only 15 of the 209 conditions.²⁴⁸ The project faced significant uncertainty, had no clear timeline, had increased significantly in cost, and did not have the anticipated and necessary support from Indigenous communities. These were arguably insurmountable obstacles for Enbridge. I find it highly doubtful that, absent a federal decision, the project could have proceeded on its own. Moreover, the financial and regulatory burdens that the project faced were largely a result of the coalition activity.

8.5 Conclusion

The campaign coalition 'failed' in stopping the Northern Gateway Pipelines project after it received regulatory and federal approval in 2014. Once again, the campaign engaged in strategic adaptation. To understand the outcome of the NGP, I review the campaign coalition's key strategies, which ultimately resulted in the project being cancelled—political access and legal challenges—and the mechanisms and conditions that shaped the project's outcome. The promised civil disobedience and protest did not occur; this is likely because protests were less necessary as the project was largely stalled after it received federal approval in 2014. There was also relatively little investor engagement after 2012. So, I focus on the role of political access and legal challenges.

Legal challenges are very resource-intensive in terms of expertise and personnel. The campaign coalition's fundraising efforts helped members access this venue. The court's ruling in *Gitxaala Nation v. Canada* was quite striking and also quite rare in Canadian administrative law. The success of the legal strategy for the campaign coalition was largely the result of an opening legal opportunity. The evolution of case law around the Duty to Consult, the willingness of the courts to intervene and the willingness of the courts to overturn a regulatory decision were all necessary for the success of this strategy. There were also quite significant shortcomings in the federal government's Duty to Consult. A successful legal challenge also requires political allies to implement, which I turn to below.

²⁴⁸ Author's search <https://apps.cer-rec.gc.ca/REGDOCS/Item/View/2398286>

To appreciate the outcome of the NGP project, it is necessary to understand how the political and legal opportunities aligned for the campaign coalition. Importantly, *Gitxaala Nation* revoked the project's certificate. I do not know whether or how the Trudeau government would have opposed the project absent this court decision; however, the judicial review provided a key opportunity for the federal government to veto the project (cf., Hoberg, 2013). The success of this venue shift to the courts was due to the political opportunity with the 2015 election. This political opportunity was not entirely exogenous as Trudeau's position on NGP and broader promise of change on key issues like the environment, climate change, and Indigenous rights drew electoral support. The new political opportunity was in part endemic to the NGP as the new government sought to differentiate itself from the previous government and also sought to renew a "nation-to-nation" relationship with Indigenous peoples. Approving the NGP with its "wall of opposition" and effective solidarity amongst Indigenous communities provided a political threat to this commitment.

The anti-NGP campaign had a long history of political access. Recalling Chapter 5, the Tanker Ban campaign was very successful in gaining political allies and creating multi-party support for a moratorium on tanker traffic prior to the 2015 election. There is an important element of contingency here linked to the 2015 election. Once a federal Conservative majority was elected in 2011, the campaign coalition abandoned the legislative strategy of a tanker ban. However, the campaign coalition's strategy gained new life four years later when the federal government changed.²⁴⁹ The sustained and resilient campaign indirectly provided an opportunity for the federal government to implement the tanker ban. Considering how resource-intensive the campaign was (in terms of material, human, organizational, and moral resources), its success is quite remarkable.

The campaign coalition's political access was further illustrated when the then-new Liberal federal government adopted the campaign's frames, which were built on a previous advocacy campaign about protecting the Great Bear Rainforest. The campaign coalition developed key frames about environmental protection and the significance of the Great Bear Rainforest that Trudeau and the federal government took up to justify its position. Former WWF-Canada executive Gerald Butts inadvertently provided a new form of political access for the campaign coalition by being appointed Trudeau's senior advisor. The influence of Gerald Butts, who campaigned against the NGP at WWF and helped develop the NGP-GBR frame, likely contributed to this frame's salience. This was a very contingent and unintended outcome of the broader network against the NGP.

²⁴⁹ The government introduced C-48 *An Act respecting the regulation of vessels that transport crude oil or persistent oil to or from ports or marine installations located along British Columbia's north coast* in May 2017 (Parliament of Canada, 2019).

The broader political and pipeline context made terminating the Northern Gateway proposal somewhat politically easier. Other mega pipeline projects allowed the government to signal its support for oil sands development. The federal government approved two other pipelines the same day it cancelled Northern Gateway, the TMEP and the Line 3 Replacement. This speaks to the importance of understanding pipeline proposals not as individual projects but as part of networks of oil and gas infrastructure. Finally, the absence of strong support from the government of B.C., and the lack of strong public support for the project were also conducive for Trudeau's decision. This reinforces the expectation I held in Chapter 3 about the role of issue salience and public opinion. Dogwood Initiative in particular developed the Vote BC campaign to leverage public opinion which was increasingly in the campaign coalition's favour.

The NGP project was also facing arguably insurmountable obstacles for a private company to successfully complete. The case of the TMEP provides an opportunity to better understand how increasing risks, costs, and delays interact and impact project development, to which I now turn.

CHAPTER NINE: The outcome of the Trans Mountain Expansion Project

At the end of November 2016, the federal government approved the Trans Mountain Expansion Project (TMEP). The anti-TMEP campaign coalition once again shifted their efforts, this time to directly target the pipeline company itself, Kinder Morgan. Resistance accelerated in 2017 with two significant developments. In May, the provincial election in British Columbia brought a powerful new actor opposing the project. At the same time, Kinder Morgan made its final investment decision to proceed with the project and began to prepare for construction. This chapter shows how the coalition campaign combined institutional and extra-institutional tactics to create risk and uncertainty for Kinder Morgan. The new strategic alliance with the provincial government increased political risk by promising new regulatory measures and legal challenges. Combined with rising project costs, Kinder Morgan privately threatened the federal government it would abandon the TMEP. The federal government indicated it would work with the company to find a “potential solution” (Kinder Morgan, 2018; 12). Two months later, the government purchased the entire project from Kinder Morgan.

In section 9.1, I first describe the pathway the federal government laid to approve the TMEP. The multi-step policy strategy signified the government’s commitment to the project and its place in the government’s agenda. I then briefly review the judicial challenges against the project in section 9.2. In section 9.3, I identify a set of structural vulnerabilities facing Kinder Morgan before opposition increased in 2017 with the B.C. election and the company’s pre-construction work. I then review the various risks the campaign coalition and its allies created for Kinder Morgan; I present this material sequentially to make explicit the compounding risks facing the company. Finally, in section 9.4, I review Kinder Morgan’s ultimatum to the federal government.

9.1 Trudeau’s TMEP approval

The federal government approved the TMEP at the end of November 2016, stating, “aside from the many and obvious economic benefits, we approved this project because it meets the strictest of environmental standards, and fits within our national climate plan” (Trudeau, 2016b). Prime Minister Trudeau framed his approval of the TMEP as evidence of his government’s approach of fostering both resource development and environmental protection. The government’s framing strategy emphasized the project’s economic benefits and minimized or mitigated its environmental effects. Like the previous government, the Trudeau government also wanted to design an enabling

policy context to approve mega oil sands projects, despite significant opposition. Here, I briefly review the pathway to the Trans Mountain approval and its impact on the campaign coalition. This consisted of three pieces: policy development, federal-provincial negotiations, and electoral concerns.

9.1.1 The policy pathway to the TMEP

On the campaign trail in the summer of 2015, Liberal leader Minister Justin Trudeau said, “The environment and the economy, they go together. They go together like paddles and canoes. If you don’t take care of both, you’re never going to get to where you’re going” (Do, 2015). This idea of balance was central to Trudeau’s platform and governing once in office. Prime Minister Trudeau repeatedly reinforced the importance of getting Canadian exports to market. He had been laying a policy pathway to marry “responsible resource development,” a legacy of the Harper government, with “strong environmental protection” (Trudeau, 2016b). This approach created an uncertain political context for both pipeline proponents and opponents, as approving a pipeline would demonstrate that the government supported “responsible resource development”; however, it also was more likely the federal government would be wary about alienating those who voted for the Liberals with concern for “environmental protection.” However, this broad framing also gave the government discursive room to maneuver, which it would use to later justify its support of the TMEP.

Prime Minister Trudeau’s November 29, 2016 announcements were a defining moment for the federal government; approximately one year after the election, it was the most consequential set of domestic policy decisions they had made.²⁵⁰ Trudeau made four announcements: (1) he approved two mega oil sands pipelines previously recommended by the NEB; (2) he directed the National Energy Board to dismiss the Northern Gateway project; and (3) he announced a tanker ban on British Columbia’s north coast.

In the months before the federal government’s approval of the TMEP, the government addressed marine protection, the regulatory process’s legitimacy, and the project’s greenhouse gas emissions. In late October 2016, several federal departments began meeting weekly to facilitate coordination for a “critical path for pipelines and related announcements.”²⁵¹ The Oceans Protection

²⁵⁰ Author’s search of speeches available at <https://pm.gc.ca/en/news/speeches>

²⁵¹ Author’s inference based on a partially redacted memo from the Deputy Minister of NRCan. The ministries involved were: Department of Fisheries and Oceans (DFO) (now Fisheries and Oceans Canada), Transport Canada, Environment

Plan (OPP), formerly known as the “Coastal Strategy,” was a key policy tranche (ATIP 480: 21). Prime Minister Trudeau announced the OPP in Vancouver on November 7, 2016, three weeks before approving the TMEP (Trudeau, 2016a). The program would provide \$1.5 billion in funding over five years to “protect and restore marine ecosystems vulnerable to increased marine shipping and development” (Trudeau, 2016a). The plan included improving emergency preparedness and response, “modernizing Canada’s marine safety regulation,” and funding research about oil spill clean-up (Government of Canada, 2020).

The government used the OPP implicitly to address concerns and opposition around the TMEP. At the November 29 announcement, Trudeau stated: “We also could not approve this project without the best in class marine safety standards and capability we are putting in place through the Government of Canada’s new Oceans Protection Plan” (Trudeau, 2016b). Internally, the linkage was explicit. In a memorandum to the Deputy Minister of Natural Resources Canada (NRCan) notes, “we will also work with Transport Canada to leverage the OPP initiatives as part of a future announcement on TMEP, should the project be approved” (ATIP 480: 28).²⁵² The NRCan memorandum carefully explained the OPP was “not related to any one project,” but it “contains some initiatives that will address concerns raised by Indigenous groups and other stakeholders” regarding the TMEP (ATIP 480: 21). Most directly, the OPP addressed concerns about marine oil spill from related tanker traffic. The OPP was largely a response to the British Columbia government’s condition to establish “world-class marine oil spill response, prevention and recovery systems for B.C.’s coastline” (ATIP 114: 72).

The government also leveraged legislation the previous government introduced: the Pipeline Safety Act. The legislation came into force in June 2015 and significantly increased liability for pipeline companies in case of a spill (Parliament of Canada, 2015).²⁵³ The Pipeline Safety Act was part of Prime Minister Harper government’s commitment to a “world-class” safety system for pipelines (Government of Canada, 2014b). In advance of the NGP approval, in May 2014, the federal Conservative government announced both new rules for marine spill response and for pipeline safety. For all of the new government’s rhetoric as a departure from the Conservative

and Climate Change Canada (ECCC), Indigenous and Northern Affairs Canada (INAC) (now Crown-Indigenous Relations and Northern Development Canada), Privy Council Office, and Department of Justice.

²⁵² Emilee Gilpin (2018a) reported the Assistant Deputy Minister also suggested “re-announcing select OPP initiatives and providing additional details on how the overall marine safety system in southern British Columbia is being improved.”

²⁵³ In the event of a spill, regardless of whether there is proof of its fault or negligence, the pipeline company is now required to pay up to \$1 billion.

government, its policy pathway to approving the TMEP closely followed the previous government's approach to approving the NGP.

The day after the Trudeau government announced the OPP, they announced the NEB Modernization Panel. The panel was to inform potential policy and legislative measures by amending the NEB Act (Natural Resources Canada, 2016). The government framed the announcement around concerns of “middle-class Canadians” (another central plank of their platform), the environment, and the economy. Though it would not affect the TMEP's review process, the Modernization Panel was designed to reassure the public about the process for other mega oil sands pipelines. Though Trudeau did not mention the Ministerial Panel in the TMEP's approval speech, he would later say the project underwent “the most rigorous federal regulatory review and consultation on a major project in Canadian regulatory history” (Trans Mountain, 2019; see also ATIP 088: 4). Both the modernization panel and the OPP were the two most direct public policy pieces linked to the TMEP decision.

To reiterate, the Trudeau government's strategy to see pipelines built was also predicated on building an enabling policy environment. In doing so, he addressed some of the core concerns of key actors. This approach differed from the previous government, which ignored relevant policy issues and demonized opponents (see Chapter 6). Trudeau also, albeit more subtly, tried to delegitimize project opponents. On November 29, 2016, he declared,

If I thought this project was unsafe for the B.C. coast, I would reject it. This is a decision based on rigorous debate, on science, and on evidence. We have not been and will not be swayed by political arguments—be they local, regional or national (Trudeau, 2016b).

In doing so, Trudeau dismissed what the Ministerial Panel had suggested were legitimate concerns as “political” (ibid.).

9.1.2 The political pathway to the TMEP

On November 29, Trudeau assured Canadians the TMEP was consistent with Canada's climate plan to 2030, though his government did not release any details. This statement was part of a meticulously managed strategy the Alberta government made possible. Aside from the federal government turnover, a second major political change came with the election of Premier Rachel Notley and the NDP in Alberta, which won an unexpected majority in May 2015. The election

concluded forty-four years of Progressive Conservative party governance in Alberta (Bratt et al., 2019). The election would prove crucial in the federal government's consideration of the TMEP.

In June 2015, the newly elected NDP government convened a panel called the Climate Change Advisory Panel to review the province's climate change policies and consult the public (Bratt, 2020; Leach et al., 2015). Privately, the Notley government was supportive of high-level talks between leaders of oil sands companies and ENGOs, meetings that began under the previous provincial government.²⁵⁴ As Bratt (2020: 12) writes, "both sides agreed to a cap on oil sands emissions in exchange for support (or at least an absence of opposition) for pipelines." This was a significant deal between two sets of actors with very different interests. In November 2015, the provincial government announced the Alberta Climate Leadership Panel, which was shaped by the report from the Climate Change Advisory Panel shaped, particularly the recommendation of a board-based carbon tax and formalized the cap that oil companies and environmental NGOs negotiated. Of the announcement, Premier Notley declared, "I'm hopeful these policies will lead to a new collaborative conversation about Canada's energy infrastructure on its merits and to a significant de-escalation of conflict worldwide about the Alberta oilsands" (Weber, 2015). A year later, when Prime Minister Trudeau approved the TMEP, he made clear, "[w]e could not have approved this project without the leadership of Premier Notley, and Alberta's Climate Leadership Plan" (Trudeau, 2016b). In early December 2016, the government released its Pan-Canadian Framework on Clean Growth and Climate Change, with carbon pricing as the central policy, with Alberta's support (Environment and Climate Change Canada, 2016).

The new NDP government in Alberta created a unique window for the federal and provincial governments to address the country's greenhouse gas emissions. The federal government required Alberta's support for a credible national plan because Alberta had, and still has as of this writing, the highest and fastest-growing emissions (Government of Canada, 2020). According to Alberta's then Environment Minister Shannon Phillips, the pipeline, greenhouse gas emissions, and royalty review files were closely intertwined (Phillips, 2019). In a candid moment during an interview, Trudeau confirmed that as early as 2015, Alberta's Climate Leadership Plan "was linked" with the federal government's TMEP approval (McSheffrey, 2018). Alberta's support was necessary

²⁵⁴ According to Bratt (2020: 12): "the previous Premier of Alberta, Jim Prentice, had started to convene meetings in fall 2014 with the leaders of the largest oil companies (CNRL, Cenovus, Shell and Suncor) and leaders of the environmental movement (Pembina Institute, Environmental Defence Canada, Équiterre, and ForestEthics)." According to Hislop (2018a), five oil sands producers (the four companies mentioned above and ConocoPhillips), who initiated the talks, with five environmental NGOs (it is not clear who the fifth NGO member was). Dave Collyer (then the CEO of CAPP) and Tzeporah Berman co-chaired the informal meetings (Hislop, 2018b).

for a national climate plan to have any credibility, domestically or internationally. Carbon pricing had been the government's crown carbon jewel since the election campaign (e.g., McCarthy, 2015; Harris, 2016). Major companies supported the idea of carbon pricing and had come to expect it (e.g., Manley, 2015; Janzwood and Janzwood, 2019). The climate policy-pipeline linkage came to be known as Trudeau's "grand bargain."²⁵⁵ Though government officials did not explicitly use the term, they expressly linked new mega oil pipelines, particularly the TMEP, and climate policy in their rhetoric.

The federal government negotiated with the British Columbian government and Premier Christy Clark. Their main bargaining chip appeared to be federal support for natural gas pipelines in the province. In September 2016, the federal government supported Petronas' contentious Pacific NorthWest Liquefied Natural Gas (LNG) project, which the provincial government viewed as a significant economic opportunity.²⁵⁶ According to reporting, "federal insiders" perceived this backing as a prerequisite for Premier Clark's support of the TMEP (O'Neil, 2017). Internal documents noted the federal government's appreciation of the B.C. government's collaboration on LNG competitiveness (ATIP 024: 196). After Trudeau approved the TMEP, Kinder Morgan provided Premier Clark's government with financial compensation, and Clark said her five conditions had been met by Kinder Morgan and the federal government.²⁵⁷ Premier Clark officially announced her support of the project in January 2017 (Hunter, 2017).

In short, the alignment of provincial and federal interests helped pave the way for the federal government's position on the TMEP. The federal government took seriously the B.C. government's condition for improved marine protection. The 2015 election in Alberta provided a rare policy window for national climate policy, which both the federal and provincial governments took advantage of, and which improved the political and policy context for the TMEP.

Underlying the TMEP's approval pathway was a political calculation on the part of Trudeau. Polling at the time generally supported the Prime Minister's rhetoric and approach to oil pipelines. Abacus Data conducted a poll in late May 2016 that found two-thirds of Canadians felt the country should build new pipeline capacity and invest in renewable energy and reduce greenhouse gas emissions (Anderson and Coletto, 2016). Opinions about pipelines fell along partisan lines and

²⁵⁵ The phrase "grand bargain" publicly originated from John Manley, president and CEO of the Business Council of Canada (Cattaneo, 2016).

²⁵⁶ Petronas cancelled the project in July 2017, citing "changes in market conditions" (BBC, 2017).

²⁵⁷ The government would receive as much as \$1 billion over 20 years through annual payments of \$25-50 million from shippers.

support for new pipeline capacity aligned with support of the Liberal party.²⁵⁸ This element of political opportunity worked against the campaign coalition. Throughout Canada, public support for the TMEP was slightly higher than the NGP project. In British Columbia, over sixty percent of respondents supported both these projects either outright or “under certain conditions” (ibid.). Around the same time, Angus Reid Institute self-commissioned a poll and similarly found that more British Columbians supported the TMEP (41 percent) than opposed it (34 percent).²⁵⁹ Again, there was more support for Trans Mountain than Northern Gateway, and the gap was slightly wider than in the Abacus poll.²⁶⁰ The federal government thus appeared to be responsive to the majority opinion. Trudeau’s base favoured pragmatic approaches, including building more pipelines provided there were conditions to mitigate environmental concerns. More generally, however, the federal Liberal party had more seats to lose in British Columbia than to gain in Alberta (Wells, P., 2018). For a while, this approach—environmental protection and pipeline development—seemed to reward Trudeau in the polls. Ipsos Reid conducted a poll in December 2016, which found that a narrow majority of 54 percent of British Columbians supported the government’s decision to approve the expansion (Ipsos, 2016). In short, the policy, political, and electoral considerations supported the federal government’s decision to approve the TMEP.

9.1.3 Campaign coalition response

Those opposed to the TMEP against the project for many reasons and vowed it would not be built. They were angered the government ignored the Ministerial Panel’s questions and reaffirmed the process when opponents collectively viewed the regulatory process as a “farce” (Allan, 2015a). The core coalition members would not accept the political bargain of pipelines for climate policy. They emphasized the incompatibilities between oil sands expansion and climate mitigation (e.g., Berman, 2016). Sierra Club BC called Trudeau’s climate and energy policy “incoherent” (Vernon, 2016). More generally, they emphasized that the costs and risks outweighed the benefits.

The core coalition members would not be assuaged by the government’s attempts to address concerns about spill risks. Georgia Strait Alliance decried the ‘world-class’ spill response noting

²⁵⁸ Another poll conducted in March 2016 found similar results (Bozinoff, 2016).

²⁵⁹ Without the promise of conditions, the project had less support. Nationally the same number agreed though fewer disagreed (only 24 percent) (Angus Reid Institute, 2016).

²⁶⁰ In B.C., 40 percent believed the government made the wrong decision in approving the Northern Gateway project, compared to 38 percent in support. For the TMEP, 34 percent thought the government made the wrong decision in approving it, and 41 percent thought it was the right decision (Angus Reid Institute, 2016).

“there are no strategies for effective clean-up of sunken diluted bitumen” (Wilhelmson, 2016; see also Ghossoub, 2016). Previously, the Georgia Strait Alliance called the plan “meaningless” if the government approved the TMEP (Woodsworth, 2016a). Wilderness Committee’s response, once again, signalled their skepticism, as they declared the OPP announcement “an act of theatre” (McCartney, 2016c).

Members of the coalition questioned why the project was needed in the short term, given the low-price environment (Kung, 2016). In late 2014, oil prices began a sustained downturn, magnified for heavy oil produced in Alberta.²⁶¹ In short, the downturn created concerns about the economic case for the pipeline.²⁶² However, the most salient economic criticism resulted from economic benefits the government cited in its November 29th announcement. The only benefit the government mentioned explicitly was the potential number of jobs the project would create: 15,000 “new, middle-class jobs” (Trudeau, 2016b). As the government acknowledged in an internal memo, this number was “questioned by the media on a number of occasions” (ATIP 114: 69). Public criticism about the 15,000 jobs figure stemmed from Robyn Allan’s August 2017 op-ed (Allan, 2017). The government derived the 15,000 jobs figure from an erroneous interpretation of a 2014 Conference Board of Canada report Kinder Morgan commissioned. Essentially, the government confused jobs for “years of employment.” Allan’s criticisms of the Trans Mountain project and the NEB review were previously used by the campaign coalition to build opposition. Media outlets and pipeline opponents widely circulated Allan’s criticism (e.g., Dogwood, 2017). The government later avoided a specific number, saying said the project had the “potential to create thousands of jobs” (e.g., Trudeau, 2019; ATIP 114: 70).

The loss of B.C. Premier Clark’s opposition was a significant setback for the coalition. Clark supported the pipeline despite significant pressure from environmental NGOs. The day after the federal TMEP approval (November 30th), the Canadian Centre for Policy Alternatives BC Office counted over 800 “lobbying-related contacts”²⁶³ between Kinder Morgan and the federal and British

²⁶¹ Western Canadian Select (WCS) is the benchmark used for diluted bitumen and conventional heavy oil produced in Alberta. WCS is commonly compared to West Texas Intermediate (WTI), the benchmark for light crude oil produced in the United States. WCS sells at a discount compared to WTI for several reasons, though the differential varies. Reasons for the differential include: (1) the quality of the product and (2) transportation costs, which depend on where the market is located and how the product is transported (Oil Sands Magazine, 2018).

²⁶² Oil prices (per barrel of WCS oil in U.S. dollars) available at <https://economicdashboard.alberta.ca/OilPrice>

²⁶³ “These included face-to-face meetings, but also written communications and reports sent to government officials” (Lang and Daub, 2016).

Columbia governments between 2011 and 2016 (Lang and Daub, 2016).²⁶⁴ The note's title, "826 Reasons Kinder Morgan got a Green Light for its Trans Mountain Pipeline Expansion," suggested the lobbying contacts contributed to the federal and provincial governments' support of the project.

There were comparatively small protests when the government approved TMEP, likely because the government announced its rejection of the NGP the same day.²⁶⁵ However, coalition members increased the intensity of their rhetoric and promised sustained opposition. Greenpeace Canada promised the project could expect to face a diverse set of tactics, including civil disobedience (Lindsay, 2016). Co-Executive Director of Wilderness Committee, Joe Foy, drew parallels to Clayoquot Sound, invoking images of mass mobilization and civil disobedience (ibid.). Charlene Aleck, a councillor with the Tsleil-Waututh First Nation suggested this was "the beginning of a long battle" for the nation (Johnson, 2016). The government's approval of TMEP provided an opportunity for legal challenges and for the on-the-ground blockades as Kinder Morgan began pre-construction work. The campaign coalition's framing also narrowed; it focused on Indigenous sovereignty and the leadership of Grand Chief Stewart Phillip of the Union of B.C. Indian Chiefs, and the TWN. The coalition reconfigured itself into two main coalitions of Indigenous and non-Indigenous organizations. Coast Protectors and Protect the Inlet, respectively, emerged in response to the approval. I further explore these dynamics in the next section. However, I want to emphasize at this point, the political context was fairly poor as the campaign had few political allies in power.²⁶⁶

9.2 Legal challenges

In June 2016, the Federal Court of Appeal quashed the NEB's certificate for the Northern Gateway Pipelines project because the previous federal government failed to adequately consult with First Nations about the project's impacts. *Gitxaala Nation v. Canada* became an important part of the legal context for groups to challenge the TMEP. The court in *Gitxaala Nation v. Canada* endorsed many parts of the regulatory process and limited opportunities for successful challenges. On the contrary, it also highlighted legal opportunities, though narrow, to successfully challenge a federally regulated

²⁶⁴ Kinder Morgan made 458 "lobbying contacts" between September 2011 and September 2016 in British Columbia, primarily to individual Members of the Legislative Assembly in regions and cities along the route of the TMEP. Kinder Morgan also had lobbying meetings with 368 federal officials between February 2011 and October 2016 (Lang and Daub, 2016).

²⁶⁵ According to media reporting, "several hundred" individuals protested in Vancouver, and small protests took place in other cities (Uechi, 2016).

²⁶⁶ They did however have Terry Beech, the Liberal MP for Burnaby North–Seymour who was a vocal opponent of the project, and Hedy Fry, the MP for Vancouver Centre.

pipeline. Some of the campaign coalition members that opposed both projects also learned from their legal challenges and adapted their legal strategy for the TMEP. For example, Raincoast Conservation Society's legal challenge targeted only the Southern Resident Killer Whales, rather than the many species at risk potentially affected.

Still, groups submitted a range of legal challenges concerning different aspects of the TMEP's approval. The regulatory process for the TMEP also provided new opportunities for legal challenges. For example, NGOs challenged the NEB panel's decision to scope out the project's impact on marine shipping on the coast of British Columbia. Applicants filed most cases after the federal Cabinet approved the project. There were seven challenges brought against the NEB (one was later withdrawn), nine against the federal cabinet approval, and three challenging the B.C. provincial approval. I only mention here the 16 judicial review proceedings against the NEB and Cabinet because they presented the most significant uncertainty for the project. These challenges had the potential to revoke the project's NEB Certificate.²⁶⁷

Seven First Nations brought challenges against TMEP's approval: the Tsleil-Watuth, Squamish, Musqueam, Coldwater Indian Band, Sto:lo, Stk'emlupsemc Te Secwepemc Nation, and Upper Nicola Indian band. Two cities, Vancouver and Burnaby, and two NGOs, Raincoast Conservation Society and Living Oceans Society, filed their own challenges. The First Nations complainants argued the government failed to address issues First Nations raised and infringed upon Aboriginal rights and breached its fiduciary duty to affected First Nations.²⁶⁸ The cities argued the NEB process was deficient. Raincoast Conservation Society and Living Oceans Society and others argued the NEB and Cabinet failed to comply with the Canadian Environmental Assessment Act (CEAA) 2012 and the Species at Risk Act. As with the legal challenges against Northern Gateway, WCEL partnered with RAVEN Trust to raise funds for the legal challenges. Their "Pull Together" campaign raised over \$700,000 CAD in 2017 to support the Tsleil-Watuth Nation and Coldwater Indian Band (Pull Together, 2020).

The Federal Court of Appeal (FCA) granted leave to all cases on February 22, 2017, meaning they allowed the cases to proceed.²⁶⁹ In early March 2017, the FCA ordered the proceedings to be

²⁶⁷ The applicants were TWN, Squamish, Coldwater Indian Band, Stó:lō Collective, Upper Nicola Band, Secwepemc Nation, Vancouver and Burnaby, Raincoast Conservation Foundation and Living Oceans Society.

²⁶⁸ Fiducial duty refers to the Crown's obligation to act in the best interest of a particular Indigenous community in cases of reserve lands or holders of Aboriginal title (McNeil, 2008).

²⁶⁹ Around the same time, Vancouver City Council adopted a motion that it would file a judicial review of the project with the Supreme Court of B.C., reviewing the project's provincial environmental assessment certificate issued in January.

consolidated, involving 16 separate applications and 31 parties. *Tsleil-Waututh Nation v. Canada* was the largest case before the court. The FCA also set an expedited schedule and hearings, which took place that October.²⁷⁰ The court's decision to hear the cases created greater risk for the project's Certificate to be overturned.

9.2.1 Consultation processes

Trans Mountain was required to consult with 120 Indigenous groups; Kinder Morgan and the federal government developed this list. Kinder Morgan's primary tool for working with affected Indigenous groups was Impact Benefit Agreements (IBAs), also known as Mutual Benefit Agreements. IBAs are commonly used in extractive industries. For the proponent, the more agreements it has, the more certainty it has about reducing potential opposition from First Nations and Métis groups. Those that sign IBAs agree their nation or community will not support protests or blockades or take legal action against the Crown. IBAs also help the proponent obtain the necessary approvals and financing. For Indigenous groups, the agreements provide business, employment, and training opportunities. IBAs may also include non-economic benefits such as environmental provisions. Successfully negotiating an IBA requires relationship-building, and often other agreements like capacity funding for First Nations to develop traditional use studies.²⁷¹ By the spring of 2016, 57 communities provided traditional ecological knowledge (NEB, 2016c: 34). The NEB report does not explicitly say how many signed IBAs. However, Trans Mountain "said it received 30 letters of support" from Indigenous groups (NEB, 2016: 34). These letters are usually a condition of an IBA.

The NEB (2016: 34) stated at least 24 Indigenous groups raised concerns about Trans Mountain's consultations. These figures illustrate that while Trans Mountain developed mitigation measures and made changes to the project, a number of concerns remained outstanding. The NEB report conceded that many Indigenous groups raised concerns about the project's impacts on Aboriginal and treaty rights and potential impacts on a range of issues, including traditional land and marine resource uses, cultural practices, and cumulative development (ibid.: 40). The Crown was to address these concerns in Phase III of consultation. Internal reporting revealed that 32 groups had IBAs with Kinder Morgan and thus could not legally oppose the project. Given that fewer than a

²⁷⁰ The court consolidated the nine applications against the Cabinet's decision with seven previously filed applications relating to the NEB's recommendation.

²⁷¹ Trans Mountain also negotiated community-specific protocols, capacity agreements, and Letters of Understanding.

third of the groups had signed IBAs (based on the 114 groups the government was required to consult with), this was a huge task for the government. This also presented significant risk for Kinder Morgan.

There were four phases of government consultation for the TMEP:

- (1) Early engagement (from the submission of project description until the start of the NEB hearing);
- (2) the NEB hearing;
- (3) the Governor in Council (GIC)'s consideration of the NEB report; and
- (4) regulatory permitting (i.e., post GIC approval).

The Crown relied on the NEB's review process for Phases I and II of its consultation process (NEB, 2016c: 37). Some Indigenous groups felt that it inappropriate for the NEB to recommend the project without the Crown having completed its consultation (ibid.: 44-5), despite the FCA reaffirmed the legality of this practice in *Gitxaala Nation v. Canada*. The Major Projects Management Office (MPMO) was responsible for coordinating all consultation meetings. The MPMO informed Indigenous groups of the consultation process on February 16, 2016.²⁷² The government began Phase III consultations in May 2016, with 114 potentially affected Indigenous nations and communities. December 19, 2016 was the legislated time limit for a GIC decision, three months after the NEB's report. The federal government had an option to request an extension, which it did not use.

The government was aware of some of the shortcomings of its Phase III consultation process. Senior officials at NRCan warned the MPMO in late October that "the process towards decision is moving fast," referencing the Gitxaala decision that quashed the certificate for Northern Gateway (De Souza, 2018; Natural Resources Canada, 2016: 4). Internal documents revealed memos at the end of November 2016 that describe inadequacies Indigenous groups perceived. For example, one memo noted:

most Indigenous groups with whom Crown officials have met indicated they do not believe the NEB or Crown consultation processes provided sufficient time for meaningful

²⁷² 114 Indigenous groups were on the Crown's consultation list. 73 groups participated as intervenors the NEB hearings and 35 groups and individuals provided oral traditional evidence (NEB, 2016c: 37).

consultation or reflect the Government's commitments to a nation-to-nation relationship (ATIP 480: 1).

As a result, many groups asked the government to extend the December 19 decision deadline (ATIP 480: 1). The same memo stated, "the majority of Indigenous groups expressed the view that the NEB and Crown consultation processes were inadequate to obtain a clear understanding of their concerns" (ATIP 480: 3). Thirty-two groups had IBAs, meaning that they did not oppose the project, while 59 asked for more time, indicating they had outstanding concerns with the project. Twenty-three groups had little or no interaction with the government despite "efforts to engage them," meaning their position was unclear (ATIP 480: 6; see also Gilpin, 2018a). Nevertheless, publicly, the government expressed confidence in its consultation process.

9.2.2 The campaign coalition leverages legal risk

For Kinder Morgan, the judicial reviews could quash the project's certificates. If a review was successful, the GIC may require additional regulatory review, changes to the project, or stop the project altogether. Even if the judicial review did not quash the project's certificate, applicants could appeal the decision to the Supreme Court of Canada. This created significant risk for Kinder Morgan. Campaign coalition members leveraged this risk in their engagement efforts with shareholders. In advance of Kinder Morgan's 2017 AGM, West Coast Environmental Law (WCEL), and Tsleil-Waututh Nation (TWN) Sacred Trust Initiative released a brief on the legal risks facing the project (WCEL and TWN, 2017).²⁷³

Since 2015, delegations travelled to Kinder Morgan's annual general meeting of shareholders in Houston, Texas, about the legal risks associated with the project. In 2015, Reuben George, manager of the Tsleil-Waututh Nation (TWN) Sacred Trust Initiative, delivered a petition signed by 60,000 people calling on Kinder Morgan to withdraw from the project (Kresnyak, 2015). In late April 2015, SumofUs, WCEL, and representatives from TWN met with "with some of Kinder Morgan's largest institutional shareholders, holding \$10B [billion] of Kinder Morgan stock" (WCEL, 2015: 17). Their message was clear: the project is legally and financially risky and "will face ongoing challenges and delays in the face of concerted opposition from First Nations and allies" (ibid.: 17). TWN also released results of an independent assessment as an "exercise of their own law" (Clogg et

²⁷³ TWN also initiated an International Treaty to Protect the Salish Sea, signed by nine First Nations and Tribes in 2014. This was an outcome of the Spiritual Leaders' Gathering on September 22, 2014 (cite WCEL).

al., 2016). According to WCEL’s Executive Director Jessica Clogg and her co-authors, the strategy was to “create uncertainty and legal risk for the Kinder Morgan TMEP proposal both as a matter of Coast Salish and Canadian constitutional law” (Clogg et al., 2016). The next year, in May 2016, Eugene Kung of WCEL, Reuben George of TWN, and a representative of SumOfUs attended the AGM “on behalf of two major U.S. pension funds” (Moore, 2016).

In 2017, the coalition did not send a delegation to Houston. Still, the existence of legal challenges created risks for the project. The judicial review was of particular importance. A staff lawyer at an ENGO reflects on the changes over the last several years:

whereas in 2013, we had to hustle a little bit to get those meetings [with investors]. In 2017 all of a sudden, I was getting cold calls from financial analysts from all over the world, but primarily the U.S., who were basically trying to make informed decisions about Kinder Morgan shares, who were interested in my take on the legal case (anonymous interview, 2019b).

In short, coalition campaign members used the challenges to inform investors of risks to the project. As I will describe below, throughout 2017, Kinder Morgan was struggling financially; this may have made investors wary of the risks associated with the project.

9.3 Corporate vulnerability and Kinder Morgan’s final investment decision

In 2012, Kinder Morgan Inc. (KMI) became the largest midstream energy company in North America (Kinder Morgan, 2020). In 2015, Kinder Morgan’s annual revenue was 14.4 billion USD and its assets included ten oil pipelines and over 22 natural gas pipelines (KMI, 2016b). However, Kinder Morgan Inc.’s stock price began a sustained drop in May 2015, falling from 43 USD to its lowest point, in January 2016, to 13 USD.²⁷⁴ Kinder Morgan struggled throughout 2015. The company had high spending, decreasing revenues and income, and was highly leveraged, meaning it had more debt than equity (Helman, 2015). Kinder Morgan announced in December 2015 that it had to significantly cut its dividend to shareholders so to fund the equity portion of its capital expansion projects and maintain its investment-grade credit rating (KMI, 2015). For dividends that were “thought to be sacrosanct,” according to a Forbes staff, the decision surprised shareholders

²⁷⁴ That was until the coronavirus disease (COVID-19) pandemic. In March 2020, Kinder Morgan Inc. (KMI) stock dropped to \$12 USD. Stock price available at <https://www.marketwatch.com/investing/stock/kmi>

(Helman, 2015; see also Carroll, 2016). Kinder Morgan's stock recovered somewhat through 2016, reaching 22 USD in October 2016, but began an incremental decline from the beginning of 2017. As I will describe in this section, Kinder Morgan's financial situation made it vulnerable to sustained opposition.

In January 2017, because of the Pipeline Safety Act, the NEB required Trans Mountain to keep 500 CAD million available in case of a spill, and an additional \$500 million in insurance (NEB, 2017). This was a significant additional financial requirement for the project, one which the company did not anticipate. The next month, reporting revealed that Kinder Morgan was planning to either find a joint partner for the TMEP or launch an initial public offering (IPO) (Thomson Reuters, 2017). This was part of the company's efforts to recover from its prior financial struggles.

Kinder Morgan approached several large pension funds in Canada, including the Canada Pension Plan Investment Board as potential joint venture partners (*ibid.*). Project costs were at 6.8 billion CAD and increased to \$7.4 billion by March (Trans Mountain, 2017). In May 2017, unable to find a joint venture partner for the project, Kinder Morgan proceeded with the IPO for the new company, Kinder Morgan Canada (KML).²⁷⁵ For Kinder Morgan, this route was less desirable because it required selling some of its ownership. However, given the parent company's heavy debt, the IPO reduced the parent company's financial risk.

In its May 2017 prospectus for the IPO, Kinder Morgan Canada revealed an extensive list of risks to the project (KML, 2017). Previously, Kinder Morgan had been reticent to discuss the risks facing the TMEP. This was, by far, the most extensive disclosure of the TMEP's project risks to date from Kinder Morgan. The order of risks presented in the IPO is also indicative. In order, the first four interrelated risks interrelated were: (1) delays with the TMEP, (2) public opposition (which may expose the company to "higher project or operating costs, project delays or operating costs"), (3) an increase in debt of the company or significant cost overrun, and (4) changes in public opinion or reputational damage to the company (*ibid.*: 10).

The company continued to detail how risks would affect the company and the project. It listed a number of circumstances that could delay or stop the project, including permitting, public opposition, blockades, and legal and regulatory proceedings. The latter category included "judicial reviews, injunctions, detailed route hearings, and land acquisition processes" (*ibid.*: 28). Reputation

²⁷⁵ An IPO is the first time a company "goes public" by selling stocks to the public (i.e. giving up some ownership to stockholders). IPOs are underwritten by investment banks. In this case, the IPO was underwritten Toronto-Dominion (TD) Bank and Royal Bank of Canada (RBC).

or changes in public opinion could lead to revenue loss or a reduction in its customer base (ibid.: 32). Reputational risk impacts other forms of risks, such as accessing capital (ibid.: 32). The IPO listed 32 different risk factors associated with the project, including issues related to Aboriginal rights, title and consultation, spills, industry, market and economic conditions and demand for heavy oil, and changing government support and regulations (ibid.: 10-11). Though Trans Mountain maintained that any other growth projects would face the same or similar risks, the IPO makes evident the project faced significant risks from multiple sources.

Kinder Morgan's IPO both reflected the outcomes of the coalition's efforts, and also provided new opportunities for opposition. Dogwood campaigner called Kinder Morgan's prospectus for the IPO an admission the project may be "doomed" (Nagata, 2017). Greenpeace challenged the oil projections in Kinder Morgan's IPO prospectus (Vamburkar, 2017). The Alberta Securities Commission reviewed the case, which drew negative attention to the company (Stewart, 2018). In May 2017, a new coalition formed a divestment campaign to "defund" tar sands pipelines, known as Mazaska Talks, meaning 'money' in Lakota (Treaty Alliance Against the Tar Sands, 2017). The campaign was primarily against Energy Transfer Partners but also Keystone XL, Line 3 Replacement, Energy East and TMEP (ibid.). As part of this new alliance, in June, the Tsleil-Waututh Nation, Union of B.C. Indian Chiefs, and 20 other Indigenous groups and NGOs called on 28 major banks not to finance the project (UBCIC, 2017).

Despite the pressure, Kinder Morgan successfully raised the capital later that month, due to Canada's five largest banks, which bought the majority of shares.²⁷⁶ Other institutions were more receptive: Dutch ING said would not fund pipelines as a result and Desjardins temporarily suspended its loans to the company (Lou, 2017). The IPO created \$1.75 billion in capital, which was used to pay off KMI's debt (Kinder Morgan Canada, 2017b).²⁷⁷ Still, the investment community met the IPO with mixed opinions, in part because of the project risks (e.g., Critchley, 2017). The IPO was also the final condition for Kinder Morgan to proceed with the project and make a Final Investment Decision.

At the end of May, Kinder Morgan Inc. made a positive Final Investment Decision (FID), meaning it was going to commit capital to the project's construction (KMI, 2017a). Usually when a

²⁷⁶ The majority is owned by TD Bank and RBC, followed by Scotiabank, CIBC, BMO and National Bank (plus National Bank) for a total worth \$1.28 billion.

²⁷⁷ Kinder Morgan Inc. initially wanted to retain 75 percent ownership shares of the company but settled for 70 percent (Bloomberg News, 2017). Kinder Morgan Canada also lowered the price to \$17 per share from its earlier target range of \$19 to \$22 (ibid.).

company makes a FID it has the permits in place to provide assurance to investors the project can be completed. However, this was not the case for TMEP. The project still required approval for the pipeline route. The TMEP also needed over 1,000 federal, provincial, and municipal permits (ATIP 114: 4). And there were 19 legal challenges against the project brought by Indigenous groups, environmental NGOs, and municipal governments.²⁷⁸

However, the most significant change was the B.C. provincial election. Earlier that May, an election took place in British Columbia, and at the end of the month, the NDP and Greens replaced the Liberal government and formed a coalition government. The election brought a surprising outcome and a powerful new adversary for the pipeline. Before the election the Green Party declared they would support “using whatever means are available to stop the expansion of crude oil tanker traffic on B.C.’s coast” (Hunter, 2013). During NDP leader John Horgan’s campaign, he vowed to try to halt the project using legal remedies (Kane, 2017). Of the final investment decision, Kinder Morgan acknowledged the “political climate was not ideal” but decided to proceed because of a deadline specified in shipper agreements for the expansion (KMI, 2017a). Kinder Morgan proceeded, despite significant political risk brought by the 2017 provincial election. They made this decision during a “seismic shift” in political risk, in the words of one investor (Donovan, 2017).

Once Kinder Morgan made the final investment decision, its corporate entities began trying to fund the project. Kinder Morgan said it expected the indirect subsidiary, Kinder Morgan Canada (KML), to fund the financing gap for the project (KMI, 2017c). In June 2017, several Kinder Morgan entities secured \$5.5 billion in syndicated loans that several major Canadian banks provided to support the TMEP (KMI, 2017b).²⁷⁹

While Kinder Morgan Canada was trying to secure capital for the project, the new B.C. government was developing its strategy to oppose the project. In July 2017, the government appointed George Heyman as Minister of Environment and Climate Change. Heyman was the Executive Director of Sierra Club BC from 2009 until 2013. Environmental NGOs “rejoiced” the move (Pynn, 2017). Previously, members of the campaign coalition, including Sierra Club BC, had lobbied and protested local NDP and Green Party MPs about the project. Notably, as I mentioned

²⁷⁸ Seven challenges were brought against the NEB for its recommendation (and 1 was withdrawn); nine challenges were brought against the federal cabinet for its approval, and three were brought against the province of British Columbia for its approval.

²⁷⁹ The entities were KML, Cochin ULC and Trans Mountain ULC. The credit agreements included: (i) a \$4 billion revolving or short-term credit facility for construction of the expansion, (ii) a \$1 billion contingency credit facility for additional project costs, and (iii) a \$500 million revolving facility for working capital and general corporate purposes (ibid.: 54).

in Chapter 5, NDP Leader Adrian Dix was an ally of the anti-TMEP campaign coalition. However, Dix lost to Clark in the 2013 provincial election; and his outright opposition to the TMEP, compared to Clark's more moderate approach, contributed to his loss (Hoberg, 2013).

In June 2017, WCEL released a “legal toolbox to defend B.C.” from the project (Clogg et al., 2017). They recommended: (1) adding conditions and processes to Trans Mountain's environmental assessment certificate; (2) “setting aside” the province's EA on the basis that the previous government did not meet its duty to consult and accommodate; and (3) using existing provisions in the Environmental Assessment Act to broaden the scope of reasons the government could be “amend, suspend or cancel” the environmental assessment certificate (ibid.). These strategies relied on the case of *Coastal First Nations v. British Columbia (Environment)* from Northern Gateway, where the B.C. Supreme Court could not accept the federal government's assessment for the project through the existing equivalency agreement. This development provided a new venue for legal strategy that WCEL attempted to leverage.

In August, the new provincial government started to take action to defend its interests. At a press conference, Heyman announced:

Our government made it clear that a seven-fold increase in heavy oil tankers in the Vancouver harbour is not in B.C.'s best interests... Not for our economy, our environment, or thousands of existing jobs. We will use all available tools to protect our coastal waters and our province's future (British Columbia, 2017).

The government announced it retained Thomas Berger as an advisor and they would seek intervenor status in the ongoing judicial reviews. As the media reported, this was a “highly symbolic gesture,” given the Berger Inquiry on the Mackenzie Valley Pipeline, which halted the project for a decade (Nair, 2017). Minister Heyman also noted that Kinder Morgan had only received provincial approval for three of eight environmental management plans the company needed to fulfil a condition of its provincial environmental assessment certificate (Penner, 2017). According to Heyman, the five outstanding plans have “not met the test of consultation with First Nations” (ibid.). At the end of August, the Federal Court of Appeal granted B.C. intervenor status, adding further risk for Kinder Morgan.

9.3.1 Disruption begins

Kinder Morgan began preparatory construction work at the Westridge Marine Terminal in late September 2017. A month later, eight kayakers disrupted construction and roped themselves to a Kinder Morgan barge (Devlin, 2017). Coast Protectors, a new group comprised of core coalition members, organized the flotilla and direct action. Coast Protectors formed at the end of 2016, shortly before Trudeau approved the TMEP. The Union of British Columbia Indian Chiefs (UBCIC) led the initiative with support from Stand.earth (formerly, ForestEthics) and Greenpeace.²⁸⁰ Coast Protectors first circulated a pledge declaring “with our voice, in the court or on the streets, on the water or the land. Whatever it takes, we will stop the Kinder Morgan pipeline expansion” (Coast Protectors, 2016a). Coast Protectors framed the petition as a rally behind Grand Chief Stewart Phillip, president of the UBCIC and the Tar Sands Treaty Alliance.²⁸¹ The coalition’s next step, in late October 2017, was a flotilla and blockade. According to organizers, approximately sixty boats comprised the flotilla (Coast Protectors, 2017). The on-the-water blockade resulted in five arrests (ibid.). By the beginning of December, the petition had almost 19,000 signatures (Coast Protectors, 2016b).

Significant resistance was also developing in B.C.’s interior, led by Tiny House Warriors (THW). The THW are a group of Indigenous Secwepemc Land Defenders, asserting title over their unceded territory against the proposed pipeline, which would cross 518 km of their territory (Manuel, 2017). Opposition began when the Secwepemc assembly declared its opposition to the pipeline in June 2017. Three of the territory’s 17 bands had signed agreements with Kinder Morgan (Kassam, 2018). The Secwepemc noted in their declaration, “Indian Band councils have no independent decision-making power regarding access to our Secwepemc territory” and avowed, “Kinder Morgan does not have the collective consent of the Secwepemc” (Secwepemcul’ecw Assembly, 2017a). Their opposition was rooted in defending their territory and economy and resisting tar sands expansion.

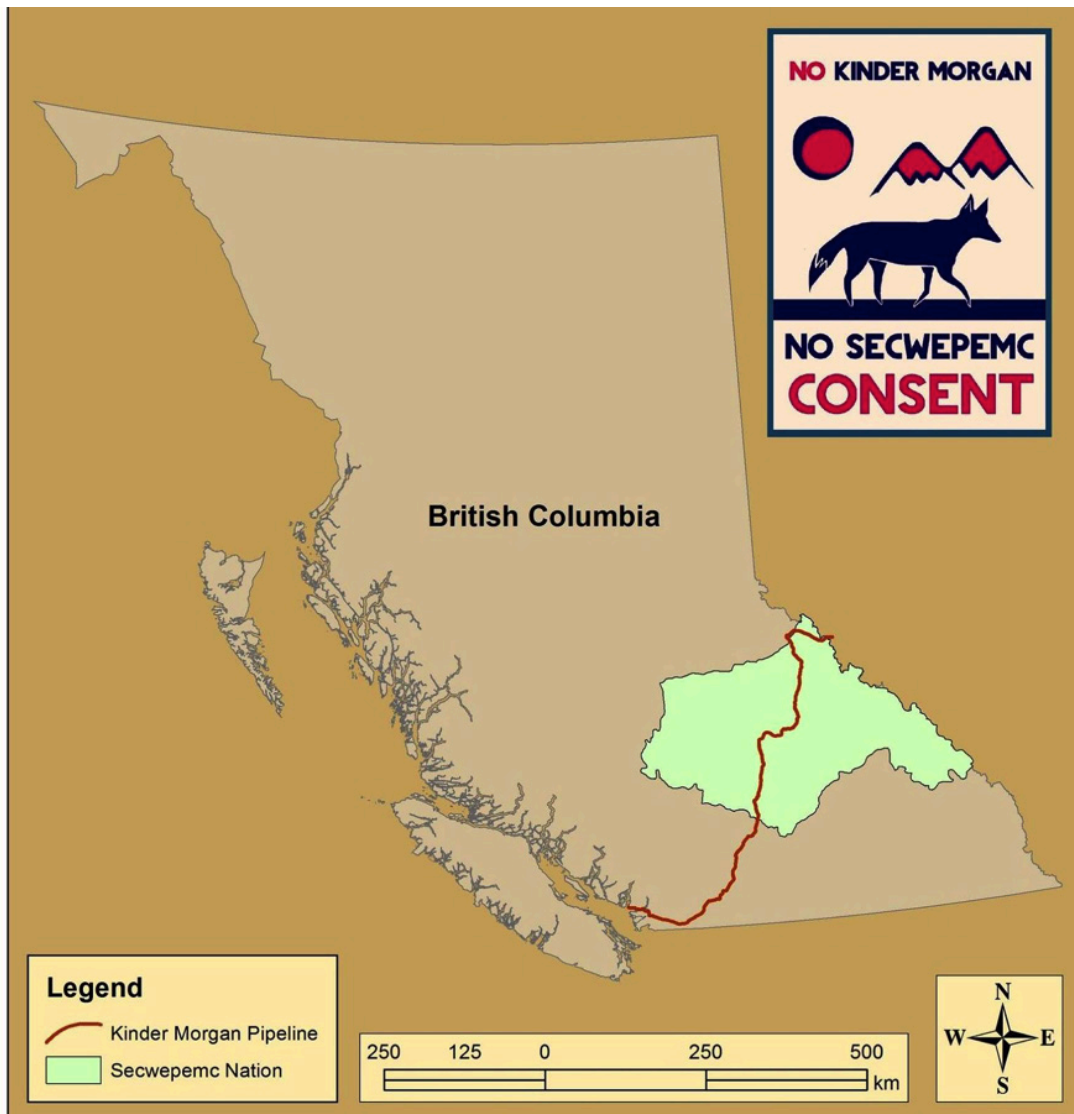
Beginning in September 2017, in anticipation of construction, THW began to assert their jurisdiction. THW built their first tiny homes near Clearwater, north of Kamloops. They were inspired by structures built by Standing Rock Sioux Tribe and their allies at the Standing Rock

²⁸⁰ Coast Protectors is “hosted” by UBCIC and Stand.earth and Greenpeace Canada provide support (Pawson, 2018).

²⁸¹ 121 First Nations and Tribes signed the Tar Sands Treaty Alliance as of 2017. Initially, 50 groups signed onto the alliance in September 2016. The alliance vows to “to stop all proposed tar sands pipeline, tanker and rail projects in their respective territorial lands and waters” (Tar Sands Treaty Alliance, 2016). It is an initiative of Sacred Trust, UBCIC, Yinka Dene Alliance, and others.

protest camp against the Dakota Access Pipeline (Morin, 2017). Greenpeace funded construction materials for the first tiny house (Kassam, 2018). THW raised funds for subsequent houses through crowdfunding (ibid.). They announced their intention to build ten houses along Trans Mountain's route and situate them strategically along the pipeline's path (Kane, 2017). They designed this innovation to avoid injunctions associated with single immobile structures (Kassam, 2018). Kanahus Manuel is THW's central spokesperson. A founding member of the Secwepemc Women Warrior's Society, Manuel helped expanded the frame through a feminist critique of work camps, or "man camps" as they have been called (Secwepemcul'ecw Assembly, 2017b). The temporary settlements are a mobile labour force of primarily men hired to work on the pipeline. UBCIC unanimously endorsed the resolution (Coast Protectors, 2018a).

Figure 15: Map of Secwepemcul'ecw showing proposed TMEP route (INET, 2017)



Secwepemc members leveraged their rights to create risk for investors. In the fall of 2017, Kanahus and her brother Ska7cis Manuel travelled to Europe with Cedar George of the Tsleil-Waututh First Nation to meet with investors and insurance companies “to create economic uncertainty for the pipeline proponents and assert their jurisdiction” (Pasternak and Scott, 2020: 2012; see also Lukacs, 2017; Manuel and Pasternak, 2018). According to Kanahus, the project’s “liabilities are us as Indigenous peoples” (Gilpin, 2018b). The Indigenous Network on Economies and Trade (INET)—an organization that Kanahus and Ska7cis’ father Arthur Manuel founded—produced a report in October 2017 titled “Standing Rock of the North” that overviewed the legal,

economic, political, reputational, regulatory, and climate risks associated with the project's construction (INET, 2017).²⁸² The report suggested Kinder Morgan Canada failed to inform investors of the project's risks, particularly due to the Secwepemc's land defence. The land defenders were not part of the campaign coalition, at least in the early years of its formation. However, their actions were aligned with the coalition's use of extra-institutional tactics as the project moved towards construction.

9.3.2 Project delays mount

Though Kinder Morgan had started construction at the Westridge Marine Terminal, it had difficulty obtaining municipal permits. Burnaby had created permitting delays, which produced risk for the project. In a 2017 affidavit, one of the company's lawyers submitted the delays were costing the company between 30 and 35 million CAD per month in salaries and other expenses (Bickis, 2017). They also suggested it was losing \$90 million in revenue for every delayed month (The Canadian Press, 2017). Elsewhere, Kinder Morgan estimated the figure was \$75 million (Bennett, 2018). Kinder Morgan filed a request to the NEB at the end of October 2017, asking the regulator to create certainty that Burnaby, nor the provincial government, could delay permitting. The province of British Columbia argued that Trans Mountain had no evidence to suggest the province had, or was, planning on delaying permitting to prevent the expansion (Bailey, 2018; NEB, 2018a). In December 2017, the NEB ruled that Kinder Morgan Canada could bypass Burnaby's bylaws (NEB, 2018b).

By the end of 2017, KML had raised 550 million CAD in preferred equity from Canadian banks to finance the expansion (KML, 2018b).²⁸³ These financial arrangements were achievements, given the risks facing the project. Concurrently, these loans also increased the economic stakes if the project was further delayed. Given these risks, at the end of 2017, KML announced a "primarily permitting" strategy for the first half of 2018, focused on "advancing the permitting process, rather than spending at full construction levels until it obtained greater clarity on outstanding permits, approvals, and judicial reviews" (KML, 2018a). Kinder Morgan did not yet have route approval. The NEB still had to approve the detailed route for the project before construction could begin. This

²⁸² INET engages in international advocacy to "promote and protect [I]ndigenous proprietary interests, in particular, Aboriginal and Treaty Rights, such as at the World Trade Organization and United Nations (Manuel, 2020). The organization's founder and Chair, Arthur Manuel, passed away in 2017. His son, Ska7cis Manuel is the current Acting Director (INET, 2018).

²⁸³ Led by Scotiabank, CIBC Capital Markets, RBC Capital Markets, and TD Securities.

involves a section-by-section hearing and approval process.²⁸⁴ The process could result in delays or increased costs and might require further modifications. Opposition to the route was already especially apparent in Chilliwack (Harrison, 2017).

At Kinder Morgan Inc.'s earnings call in January 2018, the company's CEO Steven Kean was fairly confident about the project. He said KML officials were waiting on a "broader motion at the NEB [...] to establish a clear, fair, and timely process for dealing with permits and approvals at the provincial and municipal level" (Davis, 2018).²⁸⁵ Kean was also confident about the outcomes of the judicial reviews saying, "[w]e believe strongly those reviews should end up affirming the government's actions to date" (ibid.). Kean said he expected the court to release its decision in the first half of 2018. Kean continued, describing how the "conditions supporting its construction or the need for it have improved from an economic standpoint" (ibid.). Less positively, Kinder Morgan disclosed to shareholders that it had spent 930 million CAD, to date, on the expansion project and had pushed back its in-service date by one year, to December 2020. This was the first major delay in the construction schedule.

9.3.3 Bitumen regulations, blockades, and the inter-provincial dispute

At the end of January 2018, B.C. Minister Heyman said his government was going to introduce new oil spill regulations, under the Environmental Management Act. Of the provincial government's five proposed regulations, the fifth was the most controversial. It included:

restrictions on the increase of diluted bitumen ("dilbit") transportation until the behaviour of spilled bitumen can be better understood and there is certainty regarding the ability to adequately mitigate spills (British Columbia, 2018).

The B.C. government proposed to establish a scientific panel to "help address the scientific uncertainties" outlined in the Royal Society of Canada's Expert Panel on the behaviour and impacts of marine oil spills.²⁸⁶ The report concluded the impact of a spill depends on the environment and conditions where the spill takes place and the emergency response time. It also recommended seven "high-priority" areas of research to understand better the impact of oil spills (ibid.: 26). WCEL said

²⁸⁴ As of April 2020, there were 22 active detailed route hearings remaining.

²⁸⁵ Later that month, the NEB answered Kinder Morgan's request.

²⁸⁶ Canadian Energy Pipeline Association (CEPA) and the Canadian Association of Petroleum Producers (CAPP) requested the expert panel, which released their report in November 2015 (Lee et al., 2015).

Heyman's announcement created "potentially insurmountable regulatory hurdles" for the project (Clogg and Kung, 2018). The NEB's recommendation report noted Environment and Climate Change Canada's admission that "significant gaps and uncertainties" remained in the science related to cleaning a bitumen spill (NEB, 2016c: 128). Also, the NEB imposed Condition 124 on improving its Emergency Management Program (ibid.: 479). At the end of December 2017, the federal government announced they planned to invest 45.5 CAD million to support oil spill research (Government of Canada, 2017). Despite these assurances, the provincial government maintained its opposition.

B.C.'s announcement sparked an inter-provincial dispute with Alberta. Premier Notley called it "both illegal and unconstitutional" (CBC News, 2018). In early February, Notley introduced a ban on importing B.C. wines into the province. Alberta suspended talks on a potential electricity purchase (Seskus, 2018). About two weeks later, Premier Horgan announced the province was filing a reference case to resolve the jurisdictional issue, dropping his promise to restrict any increase in bitumen shipments (National Observer, 2018). Shortly after, Notley ended the wine ban. As a memo to the Minister of NRCan about meeting with Steve Kean prepared in mid-February noted, "Trans Mountain is pleased that B.C. is no longer proposing to place regulatory restrictions on the expansion of diluted bitumen and will review any further information about the proposed reference to the Court and the consultation process" (ATIP 024: 05). The memo further emphasized that "in the short term, the judicial reviews of the provincial and federal decisions are key to regulatory confidence" (ibid.: 205). Yet, the next meeting between Kinder Morgan and the federal government, on March 8, had a very different tone.

On March 8, 2018, representatives from Kinder Morgan met with James Carr, Canada's Minister of Natural Resources, and Zoë Caron, the Minister's Chief of Staff, in Houston, Texas. Kinder Morgan requested support from the government to proceed with the TMEP. In particular, they sought "clarity and certainty on the paramountcy of federal approvals [...] rendering B.C.'s initiatives to stop the project ineffective" (KML, 2018b: 11). Internal government memos suggest "KML conveyed that if the outstanding judicial reviews returned adverse decisions (or even decisions that partially upheld the governments' decisions but required further work) it would be 'too much for the project to bear'" (ATIP 024: 259). The same memo suggested at the meeting Kinder Morgan "declined to specify what might be an acceptable solution" was (ATIP 024: 259). According to the memo:

KML replied generally that they would like to see a “pre-emptive” action that would address what B.C. has done or could do to block the project. KML state that it was open to discussions on financial participation in the project by Canada and/or Alberta.

In publicly available filings, Kinder Morgan indicated it asked for “a financial backstop arrangement that would keep shareholders whole in the event of a stoppage or suspension of the TMEP” (KML, 2018b: 11). The same day federal government met with Kinder Morgan, Premier Notley, in her throne speech, threatened legislative action limiting oil exports to British Columbia if the province took “extreme and illegal actions” to oppose the TMEP (Bellefontaine, 2018). In mid-March, Horgan reiterated only a court challenge and retained a lawyer to prepare the reference case (The Canadian Press, 2018). Kinder Morgan met with the federal government “regarding potential legislative and judicial responses” throughout the weeks of March 12, 19 and 26 (KML, 2018b: 12). It is likely that this political context and the rising inter-provincial tension created leverage for the company in its negotiations with the federal government.

As the negotiations between the federal government and Kinder Morgan progressed, members of the opposition coalition project intensified their opposition. Protect the Inlet built a traditional Coast Salish Watch House, or Kwekwecnewtxw,²⁸⁷ on March 10, 2018, on Burnaby Mountain. The Watch House served as a meeting point for ceremony and action at Kinder Morgan’s construction site on the mountain (Cantieri, 2018). Two Tsleil-Waututh members—Watch House guardian Will George and Elder Ta’ah Amy George—led Protect the Inlet (Protect the Inlet, 2020). Four allied groups supported Protect the Inlet: Coast Protectors, Greenpeace, 350 Canada, and Stand.earth (Stand.earth, 2018). Tzeporah Berman at Stand.earth played an essential supporting role.²⁸⁸ Stand.earth shared some resources and staff with Coast Protectors to promote their actions with digital media and media engagement. Protest organizers claim 10,000 people marched on March 10 behind Grand Chief Stewart Phillip. Burnaby Royal Canadian Mounted Police (RCMP) estimated at least 5,000 attended (CBC News, 2018). The Tsleil-Waututh, Musqueam, and Squamish First Nations organized the event (Firempong, 2018).

²⁸⁷ Kwekwecnewtxw is “a place to watch from” in the hənqəminəm language, used by members of the Coast Salish Peoples (Protect the Inlet, 2020).

²⁸⁸ Tzeporah Berman now works for Protect the Inlet in her capacity at Stand.earth (Johnston, 2018). Since May 2018, Berman has coordinated all of Stand.earth’s campaigns as the International Program Director (Berman, 2020). Berman was previously the Co-Chair of the Oilsands Advisory Working Group until July 2017 when she left.

The largest protest against the project to date, the Coast Protectors march marked the beginning of daily protests ahead of Kinder Morgan's tree clearing deadline. In late January 2018, Kinder Morgan filed a request with NEB to start construction on the Westridge Marine Terminal (WMT), which included clearing trees (Trans Mountain Pipeline ULC, 2018). Kinder Morgan noted project restrictions due to migratory birds, which would come into effect on March 26. If the company missed the deadline, construction at the WMT would be delayed until August. The campaign coalition was also aware of this deadline. The NEB approved Kinder Morgan's request in mid-February and the battle commenced in earnest. Politicians and members of Burnaby and Vancouver city councils supported the coalition. However, for the first time, there was also a pro-pipeline counter-rally of about 200 people (CBC News, 2018).

Instead of relying on public opinion polling for support of Kinder Morgan, the coalition emphasized the number of people willing to risk arrest. Following the March 10 protest, Coast Protectors declared, "[o]ne-in-ten British Columbians, and one-in-four opponents of Kinder Morgan's new pipeline in British Columbia say they would be willing to take peaceful civil disobedience to resist the pipeline" (Coast Protectors, 2018b).²⁸⁹ They said Kinder Morgan could expect "daily resistance from everyday residents of British Columbia" in the week ahead (ibid.).

On March 15, 2018, a B.C. Supreme Court judge granted an indefinite injunction to Trans Mountain because of work disruption and delays at both the Burnaby and Westridge terminals (Supreme Court of British Columbia, 2018). Kinder Morgan's lawyers, however, tried and failed to obtain a court order to have the Watch House, which is on the pipeline's right of way, removed. The court noted that people have a right to protest the project, but not to block construction. Protests continued under Protect the Inlet. RCMP arrested 28 individuals the first weekend after the injunction (Smart, 2018). Protests and arrests continued on Burnaby Mountain. Within a week, the RCMP arrested approximately 170 people who demonstrated at the Trans Mountain facilities. Arrests included two MPs: Green Party of Canada leader Elizabeth May and NDP and MP for Burnaby South, Kennedy Stewart. These arrests attracted national media attention (e.g., CBC News, 2018). Groups involved include Stand, 350, Greenpeace, BROKE, PIPE-UP, Dogwood Initiative, Lead Now, Georgia Strait Alliance, and the Union of BC Indian Chiefs (Anderson, 2018). Despite these disruptive protests, Kinder Morgan met its March 26th deadline.

²⁸⁹ The poll conducted by Insights West was commissioned for NDP MP Kennedy Stewart and found that 48 percent of respondents in B.C. support the project compared to 44 percent opposed (Crawford, 2018).

Throughout this time in March, Kinder Morgan and the federal government continued to negotiate about the project. At the end of March, the federal government began the formal process of exploring financial participation in the TMEP. A letter from Finance Minister Bill Morneau dated March 27, 2018, to Canada Development Investment Corporation (CDEV) asked about “options for the government’s participation in the TMEP” (ATIP 001: 1). CDEV is a Crown Corporation that manages other Crown Corporations and investments, and reports to the Minister of Finance. The next day, the government hired an investment advisor regarding Canada’s options to financially support Kinder Morgan, in what became known internally as “project last spike” (ibid.: 178). This was a reference to the completion of the Canadian Pacific Railway in British Columbia in 1885. The indemnity plan would be to “compensate KM for any losses incurred due to the Province’s political opposition to the project” (ATIP 217: 25). That same day, Premier Horgan publicly predicted a “crisis” from protests against the TMEP and said his government supported “peaceful, lawful demonstrations” (Bailey, 2018). Horgan stated:

This is not a threat by me. This is self-evident by the number of people who are collecting on Burnaby Mountain every day to express their disappointment over the federal government’s decision to proceed.

By the end of March, protests and arrests slowed from their peak in the middle of that month. The federal government anticipated members would continue to escalate tactics (ATIP 087: 6, 8, 10). How much the blockades were costing Kinder Morgan is not clear. An NRCan memo at the end of April 2018 stated, “protestors have been regularly blocking the entrance to Kinder Morgan’s Burnaby facility; though the protestors impact on the project is unknown” (ATIP 087: 6). Given the significant media coverage, some portion of that was critical of Trans Mountain, particularly due to coverage from provincial and local outlets like *Vancouver Observer* and *Burnaby Now* that were sympathetic to protests. Even though the company was somewhat insulated from risk, as it was a U.S. company operating in Canada, it is likely that investors were aware of the intensifying conflict given the significant media coverage.

9.4 Kinder Morgan's ultimatum

On April 8, Kinder Morgan Canada announced it stopped funding the project and gave the federal government a deadline of May 31 to come to an agreement with “various stakeholders” to allow the TMEP to proceed (KML, 2018a). KML's announcement is worth quoting at some length:

Rather than achieving greater clarity, the Project is now facing unquantifiable risk. Previously, opposition by the Province of British Columbia was manifesting itself largely through B.C.'s participation in an ongoing judicial review. Unfortunately, B.C. has now been asserting broad jurisdiction and reiterating its intention to use that jurisdiction to stop the Project. B.C.'s intention in that regard has been neither validated nor quashed, and the Province has continued to threaten unspecified additional actions to prevent Project success. Those actions have created even greater, and growing, uncertainty with respect to the regulatory landscape facing the Project. In addition, the parties still await judicial decisions on challenges to the original Order in Council and the B.C. Environmental Assessment Certificate approving the Project. These items, combined with the impending approach of critical construction windows, the lead-time required to ramp up spending, and the imperative that the company avoid incurring significant debt while lacking the necessary clarity, have brought KML to a decision point (ibid.).

According to an internal government document, the federal government “had an early signal” that Kinder Morgan was going to make the announcement (ATIP 024: 219). The day after the announcement, the Prime Minister called an emergency Cabinet meeting to discuss the project. Trudeau's office then convened a meeting with the Premiers of Alberta and British Columbia. On her way to Ottawa to meet with the Prime Minister, Premier Notley suggested her government was prepared to buy the pipeline if necessary (Bennett, 2018). After the April 15th meeting, Prime Minister Trudeau said the provinces were at an impasse that only the federal government had “the capacity and authority to resolve” (Wells, P., 2018). After the meeting, Premier Horgan reiterated his position, which was to defend his province's interests (ibid.).

Kinder Morgan framed the meeting as further evidence the company was being ‘caught in the middle’ of a political battle with provinces and the federal government. To investors on a quarterly earnings call on April 18th (2018), CEO Steve Kean said, “It's become clear this particular investment may be untenable for a private party to undertake. The events of the last 10 days have

confirmed those views” (Bickis, 2018). The company released a public statement that day that reiterated this point, stating: “As a private company, we cannot resolve the differences between governments that have continued since our announcement of April 8th” (Trans Mountain, 2018). This was likely intended to increase pressure on the federal government to agree to Kinder Morgan’s terms. A week before (April 10), the federal government—in private negotiations with the company—suggested it take majority ownership (51 percent) of the project (Kinder Morgan, 2018: 13). Three days later, Kinder Morgan asked the government for a “100 percent sale” (ibid.: 13). Negotiations continued throughout April and May. At the end of May, the Canadian government announced a deal to buy the pipeline and expansion project for 4.5 billion CAD.²⁹⁰ The deal was a favourable one for the company, resulting in approximately \$800 million in excess compensation (Muckerman, 2018).

9.4.1 Kinder Morgan’s 2018 AGM: “a rare upset”²⁹¹

While Kinder Morgan and the federal government were negotiating the purchase of the Trans Mountain Expansion Project, Kinder Morgan Inc.’s AGM on May 8, 2018, illustrated an important shift in investor sentiment towards the company. Shareholders passed two resolutions with approximately 60 percent support each, which reflected the growing opposition’s impact on shareholder confidence (KMI, 2018b). The New York State Common Retirement Fund brought a resolution requesting sustainability reporting. At the time, they were the third largest pension plan in the United States, with approximately 209 billion USD in assets under management (Wells, J., 2018). Neskonalith Band Chief Judy Wilson (the Secwepemc Nation) and Secretary-Treasurer of the Union of BC Indian Chiefs presented the resolution (WCEL, 2018).²⁹² The sustainability proposal asked Kinder Morgan to prepare an annual report to disclose environmental, social and governance risks (ESG), including those related to Indigenous rights. The proposal remarked that ESG issues:

²⁹⁰ This includes approximately \$3 billion for the existing line, and \$1.4 billion for the rights to the pipeline expansion. As of February 2020, the project expansion is estimated to cost \$12.6 billion (Craddock, 2020). This is a 70 percent increase from Kinder Morgan’s 2017 estimate of \$7.4 billion.

²⁹¹ In the words of *Star Metro Vancouver* reporter David Ball (Ball, 2018).

²⁹² On May 9, 2018, six kayaktivists blocked the entrance to the terminal and 30 protestors blocked access to the worksite on land and water. The action resulted in one arrest (Boothby, 2018). Coast Protectors organized the action to coincide with Kinder Morgan’s Annual General Meeting (AGM) in Houston, Texas, where representatives of the Secwepemc Nation presented a resolution to highlight risks to shareholders (Coast Protectors, 2018c).

can pose significant risks to business, and without proper disclosure, stakeholders and analysts cannot ascertain whether the company is managing its ESG exposure. One concrete example of this is that opposition to Kinder Morgan's Trans-Mountain Pipeline from Canadian and [I]ndigenous and community groups has already delayed its operations to 2019 (KMI, 2018a: 56).

As expected, Kinder Morgan's board asked shareholders to vote against the resolution, suggesting a sustainability report was not "in the best interest of our stockholders at this time" (KMI, 2018a: 57).

The second resolution, about climate change, was brought by Boston investment firm, Zevin Asset Management. The proposal asked the company to disclose the assessment of climate change policies and raised questions about the "long-term viability" of the Trans Mountain project because of opposition and low oil prices (KMI, 2018a: 60). The resolutions passing became significant victories for the campaign coalition. Coast Protectors called this an "unprecedented shift" in investor sentiment (Coast Protectors, 2018c). The latter resolution, in particular, echoed concerns that INET's report raised about KMI's improper disclosure of project risks.

Kinder Morgan did not have a history of environmental, social, and governance (ESG) reporting. In 2016, the company's two-page "sustainability report" contained a mere three bullet points on the environment (KMI, 2016a). The company listed its utmost environmental achievement as donating to a charity in Tucson, Arizona to help plant 600 trees. This reporting gap made the company vulnerable and Kinder Morgan's investors were increasingly concerned about ESG-related risks. For several years, shareholders had unsuccessfully asked the company to release a sustainability report and disclose its greenhouse gas emissions.²⁹³ Major fossil fuel energy companies are particularly vulnerable because they face the greatest risk from national and international action on climate change. Climate disclosure resolutions, in particular, have gained traction in the last three years.²⁹⁴ This trend is due, in part, to the Task Force on Climate-related Financial Disclosure (TCFD), which released its recommendations in 2017, providing a framework for companies to develop "more effective climate-related financial disclosures" (TCFD, 2018).

²⁹³ The climate proposal had been raised five times before 2018. Shareholder support increasing over time, reaching 38 percent in 2017 (First Affirmative Financial Network, 2017a; 2017b). New York State Common Retirement Fund submitted its resolution on sustainability reporting for five consecutive years; it also received 38 percent support in 2017 (DiNapoli, 2019; Wells, J., 2018).

²⁹⁴ In 2017, Canadian institutional investors brought 86 climate shareholder proposals against mostly U.S. companies, including Kinder Morgan. Only three received majority support (SHARE, 2018).

The resolutions' success in 2018 was due to a confluence of factors. Most directly, the resolutions were supported by large institutional funds in the U.S.²⁹⁵ SumOfUs launched a campaign to support the sustainability report resolution. They encouraged members to contact their pension fund managers and ask them to support the resolution (SumofUs, 2018). According to SumofUs, nearly 1,300 individuals did (ibid.). Other direct events created increased pressure in the leading up to the 2018 AGM. Earlier in 2018, the New York State Common Retirement Fund voted to “withhold support from incumbent board directors” at Kinder Morgan due to their “failures to appropriately manage and comprehensively report on climate and risks involving [I]ndigenous peoples’ rights” (DiNapoli, 2019: 10). Also, as I mentioned previously, Greenpeace Canada filed a complaint to the Alberta Securities Commission that Kinder Morgan failed to adequately disclose climate risks in its IPO (Stewart, 2018). The commission agreed to hear the complaint in April 2018, a month before Kinder Morgan’s AGM. At the same time, groups like WCEL were continuing to engage with investors about the project’s risks. To summarize, shareholders were becoming increasingly concerned, after multiple risks, including blockades, negative media reporting, and continuing legal uncertainty.

9.4.2 Final thoughts

A pipeline, once constructed, has a long-term, stable cash flow. Pipeline companies are fairly tolerant to particular types of risk.²⁹⁶ Yet before they are constructed, pipelines are more vulnerable. There are two significant, interrelated risks to a project in the development phase: in-service delays and cost overruns. These risks are tightly linked, as delays increase the company’s costs (Fogwill, 2018).²⁹⁷ Delays and cost overruns occur for many reasons, including regulatory delays, legal challenges, or other forms of opposition. Another source of project risk stems from obtaining regulatory approvals, or the introduction of new legislative or regulatory measures.

The Province of British Columbia, with its new government presented a new form of risk for the project. According to Kinder Morgan, the most significant political development for the

²⁹⁵ Several large pension funds supported both proposals including California Public Employee’s Retirement System and Norway’s Government Pension Fund Global, worth 457 billion USD and 1.3 trillion USD respectively (Ball, 2018; Pensions & Investments, 2018).

²⁹⁶ For example, as they are less susceptible to reputational risk than consumer-facing companies (Rice and Zegart, 2018).

²⁹⁷ This is because interest on the project spending during construction compounds, known as the Allowance for Funds Used During Construction (AFUDC). Delays also create costs because the company must spend a minimum amount even if construction has not started yet. Delays also create increase cost overruns and generate future revenue loss.

TMEP was the 2017 provincial election. The federal government similarly believed this. Internally and externally, they placed fault squarely on the province of B.C. An NRCan “Issue Brief” on TMEP listed the number one issue facing the project was the April 8 announcement which said the project was suspended due to “(1) uncertainty for the threat of additional regulatory actions by the B.C. government, and (2) a need to protect shareholders from losses due to the possibility of such actions by B.C.” (ATIP 114: 10). However, as part of messaging from Finance Canada on April 23, 2018, the government also acknowledged “we should bear in mind that few proponents would advance project construction too far while judicial reviews are ongoing” (ibid.: 303). The judicial review outcome was released the same day Kinder Morgan’s shareholders voted 99 percent in favour of the government’s purchase of the project (August 30, 2018), which quashed the project’s certificate. Had the government not stepped in, Kinder Morgan certainly would have abandoned its expansion plans.

At the time of Kinder Morgan’s announcement, there was no publicly available cost estimate. On April 8, the company announced that “given the current uncertain conditions,” it would not be updating its cost and schedule estimate for the TMEP at such time (KML, 2018a). This appears to be a strategic decision to hide increased project costs. The project increased from CAD 5.5 billion to 6.8 to 7.4 billion. For any costs that exceeded 7.4 billion CAD, Trans Mountain would have to start picking up a portion of the overruns.²⁹⁸ The budget was not final—costs would be expected to increase as contracts were signed. Trans Mountain could only cover costs from profits. Robyn Allan believed the company could not make their 12 to 15 percent rate of return as the capital costs were mounting, and so they wanted a way to exit the project (Allan, 2019). In short, Kinder Morgan was locked into costs that they did not want to pay. Costs increase for several reasons, such as costs of labour and materials. It is not clear how much the costs increased because Kinder Morgan did not disclose them.

This explanation fits with insights from an interview with a former senior manager at a pipeline company. According to the interviewee,

²⁹⁸ There are two sets of costs; the company must absorb the “capped costs” and the shippers must absorb the uncapped costs. In September 2017, Kinder Morgan’s Steven Kean said the uncapped costs were associated with “the more difficult and urban portions of the build” (Motley Fool, 2017).

at some point, it's like a cliff right—you drive off the cliff. At some point they [investors] say thanks very much, we aren't lending you any more money. And your shareholders are the same way (anonymous interview, 2019k).

This is because shareholders are expecting a steady return and dividends. The interviewee went on to explain:

You have to have a belief that you will ultimately be successful and can construct the project. And if you get to the point where you get for whatever reason, commercial, legal, political, regulatory, at some point you don't spend good money after bad. And that's the reality [...] when the straw breaks the camel's back, there's more than that final straw. There's a lot of straw on the camel. And the camel breaks. It's not the single straw, it's the entire load.

In short, increased costs, coupled with the continued risks and uncertainty brought by political opposition, legal challenges, and blockades were too much for the company. The Alberta and federal governments' willingness to take on the project positioned Kinder Morgan well for negotiating a deal.

The sale was a boon for Kinder Morgan, especially given the potential write-down the company faced. Although the federal government laid a political and policy path in preparation for the possibility of approving the project, and although it indicated it was willing to provide indemnity to Kinder Morgan, the government was reticent about buying the project outright. Although it is beyond the scope of this chapter to speculate about the private negotiations between the federal government and Kinder Morgan, it is striking to note that according to Shannon Phillips, Alberta's then Minister of Environment, the provincial government held the federal government's "boots to the fire" in the negotiations (Phillips, 2019). The federal government's willingness to take on the project was likely due to the policy pathway they laid, the rare opportunity to develop climate policy with the support of the Alberta government, and the struggles the oil industry in Alberta was facing at the time.

9.5 Conclusion

The campaign coalition faced an unfavourable political context with federal approval in November 2016 and the loss of B.C. Premier Clark as a potential ally when she officially announced her support for the project in January 2017. However, the campaign persisted. The campaign coalition's longevity and diversity in terms of actors and strategies ultimately helped them succeed in their goal of having Kinder Morgan abandon the project. In this conclusion, I summarize the campaign coalition's strategies—nonviolent civil disobedience, political access, legal challenges, and investor engagement—and the mechanisms and conditions that affected their influence. The campaign coalition illustrates how diversity or ecology of tactics matters;²⁹⁹ the interaction between tactics was particularly important because it created multiple, mutually reinforcing sources of risk. However, there were two very important conditions—Kinder Morgan's vulnerability stemming from its financial struggles in 2015 and the timing and outcome of the 2017 provincial election in B.C.

The campaign coalition faced a more ambiguous legal context. Despite the ultimate success of the *Gitxaala Nation v. Canada*, the FCA did not find many other legal arguments persuasive from the NGP. This narrowed the range of possible legal arguments for the TMEP. The federal government also had fairly clear guidance from the *Gitxaala* decision about its Duty to Consult. However, the regulatory process for the TMEP provided some new opportunities for legal challenges such as the NEB's decision not to include marine shipping in the scope of the project assessment. While the court was working its way through the many legal arguments and evidence from the consolidated cases (*Tsleil-Waututh Nation v. Canada*), the campaign coalition leveraged the existence of the legal challenges to communicate risks to investors, although the precise impact of this engagement is unclear. *Tsleil-Waututh Nation* eventually revoked the project's certificate, immediately after the government and Kinder Morgan finalized the sale. Although this was not part of the analysis in this chapter (the outcome was Kinder Morgan's decision to threaten to abandon the project), it is quite striking that the court chose once again to intervene and overturn the decision of a quasi-judicial board.

To understand the outcome of the TMEP, it is essential to understand the role of corporate context and vulnerability. Kinder Morgan was vulnerable to sustained contestation around the TMEP given its poor performance in 2015, which contributed to its need for an IPO for the TMEP.

²⁹⁹ The term “ecology of tactics” is a fairly recent term used by activists; for example, by Extinction Rebellion organizers (e.g., Miller, 2020). Extinction Rebellion is a “global environmental movement,” which aims to use nonviolent civil disobedience to address climate change and biodiversity loss.

The IPO both reflected the project's mounting risks and created new opportunities for contestation. The commercial context for the TMEP—specifically the timing of the shipper contracts—created a very unfortunate decision-making context for Kinder Morgan. The company chose to make its final investment decision amidst a rapidly changing socio-political context and significant legal uncertainty. This decision illustrates how project constraints coupled with changing political opportunities can increase project vulnerability.

In 2018, Kinder Morgan was the target of two successful shareholder resolutions around ESG and climate disclosure, which are relatively rare. The success of these resolutions largely aligns with expectations in Chapter 3 around shareholder engagement: the presence of large institutional shareholders, a history of similar shareholder resolutions, and increased salience of ESG risks in the broader sector. However, these factors do not explain the timing of the successful resolution. Reporting gaps within Kinder Morgan and a complaint to the Alberta Securities Commission that Kinder Morgan failed to adequately disclose climate risks in its IPO contributed to increased perceptions of risk among investors. Although Kinder Morgan tried to isolate itself from risk with KML, it is also possible that the TMEP's mounting project delays (and thus mounting costs) and the increase in financial vulnerability (as KML had entered into loan agreements to fund the project likely also contributed to investor perceptions. The impact of investor engagement on the project is unclear; but as Kinder Morgan was already in negotiations with the federal government to sell the project this likely reinforced Kinder Morgan's decision to publicly threaten to abandon the project.

The project's vulnerability increased as members of the campaign coalition intensified their opposition and engaged in sustained disruptive protests and civil disobedience. The turn to civil disobedience was fairly expected given the lack of opportunities elsewhere and the emergence of new sites for disruptive protests at Kinder Morgan's work sites. Temporal construction windows provided a clear opportunity for the campaign coalition to use disruptive action. However, this strategy began increasingly costly, particularly once Kinder Morgan secured an injunction, which raised the cost of civil disobedience. The protests failed to prevent Kinder Morgan from meeting its construction deadline but increased costs for the company and added to growing reputational risk. Perhaps more so than the protests, the City of Burnaby created delays in the permitting process, which contributed to growing project risks.

A fortuitous political opportunity for the campaign coalition with the election of the NDP-Green coalition government in British Columbia was one of the final straws for the project. This new political opportunity was not entirely exogenous to the campaign coalition as the NDP had

previously positioned themselves against the project in 2013 (though the strategy failed when the Liberals remained in power), in part due to lobbying from members of the campaign coalition. The campaign now had a powerful political ally. However, the actions of the new B.C. government increased the negotiating context for Kinder Morgan and the federal government. This highlights an interesting dynamic where the success of one strategy can inadvertently lead to an adverse project outcome (for the campaign coalition) with the unexpected decision of the federal government to purchase the project.

In short, the coalition's diversity of tactics, sustained campaign, and political access, combined with the new political opportunity with the 2017 provincial election and the TMEP's vulnerability to increasing risks, costs, and uncertainty, created insurmountable obstacles for Kinder Morgan.

CHAPTER TEN: Conclusion

In this dissertation, I set out to explain variation in the outcomes of mega oil sands pipelines. I was puzzled that new oil sands pipeline infrastructure has been stalled in North America since 2015. Given the rapid pace of oil sands development and the political alignment between industry and government preferences in the early 2000s, it is surprising that new pipelines have faced such great challenges to being built. While there has been significant contestation in response to a wave of pipeline proposals, the influence of contestation on the outcomes of pipeline projects is poorly understood. The central contribution I make is clarifying the causal impact of campaigns against new mega oil sands pipelines. In short, I argue that variation in pipeline outcomes can be explained—at least in part—by the influence of campaign coalitions. In both cases, a broad-based and diverse coalition of actors formed, evolved into a social movement, and used an effective combination of strategies that leveraged an increasingly amenable legal, political, and commercial contexts while also influencing and hastening those changes. This chapter summarizes the dissertation’s arguments, highlights key research findings and theoretical contributions, and identifies avenues for future research and broader implications.

10.1 Summary

I first used QCA to understand the conditions that projects that have been built successfully share (Chapter 2). Several mega infrastructure projects were built without contestation, including TransCanada’s original Keystone pipeline and Enbridge’s Alberta Clipper Expansion Project. The latter included over 1,000 km of new pipeline in Canada, built two years after Enbridge applied to the NEB in 2007. QCA helps illustrate the pathways for successfully built pipeline projects. This analysis revealed that a combination of conditions interact to determine whether pipelines are built or not. Successful projects required the absence of a combination of conditions, including protests *and* a major regulatory barrier (such as the Trans Mountain Anchor Loop). Or, pipelines that were not long distance *and* did not face a major regulatory barrier *and* did not face significant legal risk (such as the Line 9B Reversal).

I also analyzed projects that have been cancelled or have faced significant delays. I found that the absence of social mobilization (measured by protest events) is a necessary condition for pipelines to be built. Projects not yet built face the same combination of significant legal risk, levels of mobilization, regulatory barriers, and a commercial support condition. The findings from the

QCA led me to focus on campaign coalitions, which involve sustained cooperation and communication between resisting groups. Key factors revealed by the QCA—protests, court challenges, and major regulatory hurdles—are endogenous to the formation of campaign coalitions. Most directly, campaign coalitions organized protests. Similarly, actors in these coalitions launched legal challenges. And the major regulatory barriers in the NGP and TMEP cases were the result of legal challenges that revoked the pipelines' certificates. These linkages led me to focus on campaign coalitions to understand the outcomes of successfully built projects. However, as I illustrated, campaign coalitions both responded to and helped shape changing regulatory, legal, and political contexts.

Pairing QCA with two in-depth case studies—the Northern Gateway Pipelines project and the Trans Mountain Expansion Project—allowed me to trace the strategies the anti-pipeline coalitions employed to influence project outcomes, and the conditions that produced the project outcomes. In short, I used the NGP and TMEP cases to study coalition influence. The in-depth cases revealed important dynamics about the recursive relationship between regulatory institutions and campaign coalition strategies, the relationships between insider and outsider strategies, and how campaign coalitions adapted to and took advantage of changing political, legal, and regulatory opportunities.

Chapter 3 developed a theoretical framework to guide my study of coalition influence in the NGP and TMEP cases. I developed expectations for understanding coalition formation around the existence of political opportunities, processes of problem formulation, and the role of social context and organizational resources. These conditions and processes can also facilitate the formation of Indigenous-settler alliances. I also identified important linkages between coalition formation and influence. I then identified five dominant strategies through which coalitions exert influence on energy infrastructure projects—regulatory engagement, political access, protest, legal challenges, and shareholder engagement—and potential causal mechanisms and conditions for influence. I developed some initial expectations about the role of timing and sequencing, and relationships between strategies. I concluded this framework with a causal model of campaign coalition influence.

Chapter 4 illustrated how, in the mid-2000s, there were closed political opportunities and limited access to the policy-making process for groups concerned about the rapid expansion of the oil sands. An alliance of environmental NGOs and Indigenous groups formed the Tar Sands Campaign and reached out to allies in the United States. American philanthropic foundations initially provided financial capacity, which improved coordination among groups and their

organizational capacity. The Tar Sands Campaign identified fossil fuel infrastructure as a vulnerable point in oil supply chains. Meanwhile, a wave of new fossil fuel expansion was beginning, and two mega oil sands pipelines, Keystone XL and Northern Gateway, were being proposed by TransCanada and Enbridge.

In Chapter 5, I explained how opposition to both Northern Gateway and Trans Mountain was generated independent of the Tar Sands Campaign, though resources and support flowed from the networked campaign. I unpacked how the coalitions organized around NGP and TMEP formed based on the observation that the strategies coalitions use depend significantly on their members and the processes and conditions through which they are created. Both campaigns formed despite relatively closed political contexts, evidenced by federal and provincial governments unsympathetic to concerns about oil sands expansion. In the Northern Gateway case, I explained how a successful coalition formed largely due to the conducive social context, as a result of previous environmental advocacy campaigns in the region. Coalition members employed issue-linkage, expanding the scope of the threat by linking the pipeline proposal to increased tanker traffic to attract more organizations and support. The context for coalition formation against the Trans Mountain Expansion Project was more challenging. This was largely due to pre-existing tanker traffic in the Burrard Inlet, which reduced the perceived threat of oil tanker traffic. Still, a coalition of cities and municipalities, First Nations, ENGOs, and grassroots groups formed early in the project's development phase to oppose the expansion. Once again, spill risk played a role in mobilizing citizens, this time in the Lower Mainland of British Columbia. Previous experience with Trans Mountain incidents, and the more distant Deepwater Horizon disaster in the Gulf of Mexico, informed residents opposed to the project.

In Chapter 6, I explained how the campaign coalition attempted to influence the regulatory process for Northern Gateway. Core coalition members opposed to the NGP proposal tried to expand public participation in the hearing process. The federal government responded with a multi-pronged strategy to contain and manage the conflict and create an enabling context for Northern Gateway. This strategy largely backfired. Instead, the campaign coalition scaled up to the national level, which deepened opposition. Still, the NEB recommended the project be approved. However, the anti-Gateway coalition benefited when a new political opportunity emerged with the 2015 federal election.

I returned to the TMEP review process in Chapter 7, and I explored the campaign coalition's engagement with the project's regulatory process. I drew attention to the recursive

relationship between regulatory and political contexts. I showed how changes to the NEB Act and NEB's experience of the public hearing of the NGP shaped the NEB's approach to the TMEP review. In short, this created new constraints for the project's regulatory process. These constraints, in turn, shaped the campaign coalition's response. Coalition members publicly criticized the review process, calling the NEB a captured regulator. Prime Minister Trudeau announced an interim review process for the TMEP, certifying the NEB's looming legitimacy crisis, creating a four-month delay and a new opportunity for contestation. Nonetheless, the decision-making authority rested squarely with the federal government, which used the additional review to legitimize the project's approval.

In explaining the NGP project outcome in Chapter 8, I emphasized the confluence of conditions related to two strategies: legal challenges and political access. The judicial review outcome, which resulted from the Conservative federal government's inadequate Duty to Consult, provided a crucial opportunity for the newly elected Trudeau government to veto the Northern Gateway project (cf. Hoberg, 2013). The campaign gained political access, partnering with political allies (Members of Parliament) to propose a tanker ban, which gained multi-party support. Despite a closed political opportunity with a federal Conservative majority government, the No Tankers campaign laid the groundwork for the next government (elected four years later, in 2015) to implement the ban. Sustained campaigning and the lengthy regulatory process made this possible. The then-new Liberal federal government adopted the campaign's frames, which were built on a previous advocacy campaign about protecting the Great Bear Rainforest. The absence of strong support from the government of B.C., and the lack of strong public support for the project made terminating the Northern Gateway proposal politically easier. Lastly, other mega pipeline projects helped the government justify its approach to oil sands development. The federal government signalled this priority by approving two other pipelines (including the TMEP) the same day it cancelled Northern Gateway.

The TMEP outcome is more complex than the NGP, as it had proceeded further in the regulatory process and involved internal decision-making of federal and provincial governments and the corporate proponent. In Chapter 9, I discussed the roles of disruptive protests, legal challenges, political access, and investor engagement. I argued the interaction between these strategies was particularly important because it created multiple, mutually reinforcing sources of risk for Kinder Morgan. I also emphasized two key conditions: Kinder Morgan's corporate vulnerability and the outcome of the 2017 provincial election in British Columbia. Following the federal TMEP government's approval, the campaign coalition grew more assertive; at the same time, Kinder

Morgan's pre-construction work at the Westridge Marine Terminal provided new opportunities for civil disobedience. A new powerful political ally bolstered the coalition in May 2017, with the NDP and Greens forming a minority provincial government. Kinder Morgan faced a series of compounding risks, costs and delays due to legal challenges, protests and blockades, delays with municipal permitting in Burnaby, and potential provincial bitumen regulations. During this period of considerable uncertainty, Kinder Morgan approached the federal government for support. The federal and Alberta governments' willingness to undertake the project greatly benefited Kinder Morgan. The federal government purchased the project shortly before the Federal Court of Appeal revoked the project's certificate, which would have been an insurmountable setback for Kinder Morgan. In short, while the campaign coalitions used similar strategies in the NGP and TMEP cases, the outcomes were different given the differing levels of federal support for each.

10.2 Theoretical contributions

To understand the influence of campaign coalitions, I engaged in a theory-building exercise, developing a framework inductively using process tracing and expectations from several literatures. Anti-pipeline campaigns involve multiple targets where important players—governments, regulatory agencies, and corporations—make relevant decisions at different points in time. Pipeline campaigns also involve multiple policy and issue areas both within and outside of the regulatory system. And, opponents employ multiple 'insider' and 'outsider' strategies in multiple venues, from corporate boardrooms, to courts, to regulatory agencies, to blockades on the ground. Existing approaches to understanding coalition influence have limited explanatory power when understanding campaigns or cases with (1) shifting and multiple targets of contestation and (2) campaigns that employ a combination of institutional and extra (or non)-institutional strategies. As a result, these approaches do not identify relevant mechanisms and conditions for influence in contested energy infrastructure projects. However, I draw on the social movement and public policy literatures more generally to help develop my theoretical framework. By using campaign coalitions as the unit of analysis, I capture an emerging and influential organizational form. The campaign coalition concept may also be usefully be applied to other issue areas.

I used process tracing to understand sequences of events and combinations of conditions, mechanisms, and strategies to understand which are more or less influential. I thus addressed the challenges of assessing influence and identifying causal mechanisms through careful process tracing

and triangulation using a set of internal and public documents and semi-structured interviews (cf. Pacheco-Vega, 2015: 387). I paid close attention to the sequence of events and the timing of particular strategies, conditions, and events. I identified causal mechanisms, connections between the results of actions from particular actors and key decisions, and the specific contexts and conditions that enabled them in the NGP and TMEP cases. In doing so, I refine our understanding of the strategies that coalitions use to influence their targets and the conditions under which these strategies are successful (or not). In understanding the influence of campaign coalitions, I make several contributions to the scholarship on public policy and social movements (and, to a lesser extent, transnational activism and NGO advocacy). I describe these contributions below.

10.2.1 Campaign coalition formation

I refined our understanding of the processes and conditions that facilitate campaign coalition formation. As evidenced by my cases, campaign coalitions formed despite relatively closed political contexts, evidenced by federal and provincial governments' ambivalence to concerns about oil sands expansion. However, successful coalition formation is far from inevitable; instead, it relies on a conducive social context and how the threat or problem is articulated. Shared ties, built through previous advocacy campaigns, and brokers provided the coalitions with the necessary foundations to build bridges between diverse organizations. These pre-existing ties were more established in the NGP case. It is impossible to understand the coalition around the NGP project without understanding the history of activism and advocacy in northern British Columbia, particularly around resource and land use issues. Through previous advocacy campaigns, Indigenous and settler organizations learned about coalition-building between and recognized the strength of these alliances. Groups in B.C.'s Lower Mainland did not have a similar history of working together as groups in the 'north' did for the NGP proposal. Still, Indigenous nations formed a core part of the alliance along with ENGO municipal and grassroots allies.

Proposals for new linear infrastructure have significant mobilization potential given the number of communities and jurisdictions they affect. Anti-pipeline campaigns draw heavily on place-based risks (Hoberg, 2013). Campaign members often frame their claims around the significance of a particular region, such as the Great Bear Rainforest, the Douglas Channel, the Salish Sea, or the Ogallala Aquifer. These sites are valuable not merely for their economic significance, but also their environmental, cultural, and spiritual importance (cf. Grossman, 2017). Place-based risks are only one set of salient issues in anti-pipeline campaigns. For Indigenous

communities, pipelines can threaten rights, relationships, responsibilities, economies, sacred sites, and the safety of women (Pasternak and Scott, 2020: 212; Steinman, 2019: 1081-2). I find that coalitions are more successful when they use frames that have been successful in the past. This was evidenced by the Great Bear Rainforest campaign and its frames about the region's significance that were adapted in the Northern Gateway campaign.

The importance of these regions and place-based risk is constructed and amplified by pipeline opponents over time using research and visual images. In the NGP and TMEP cases, campaign coalition members increased the salience of tanker traffic and spill risks in the Douglas Channel and the Salish Sea through research from ENGOs about the impacts of oil spills in marine environments. These groups also raised public awareness of spill risk using “symbolic politics” by disseminating powerful images of oil spills (Keck and Sikkink, 1998: 22). Oil spills were a highly salient issue to pipeline opponents and publics in B.C., given the lack of certainty about the impact of bitumen in marine environments, and despite industry and government assertions that oil pipelines were relatively safe. Each new oil spill in Canada and the U.S. provided opponents (and the media) new opportunities to highlight pipeline development concerns, despite industry claims about their safety (e.g., CEPA, 2017).³⁰⁰ Early organized resistance helps bolster frames before counter-frames can emerge; most notably with the Kalamazoo spill—Enbridge's additional voluntary safety measures in response to concerns to the NGP were very late in the regulatory process. By this point, the campaign coalition had well established the frame that a spill was inevitable. Gaps in scientific knowledge about bitumen spill behaviour added to this frame's salience.

Oil spills, both abroad and locally, changed the political context for the proposals, providing new opportunities for groups to publicize their concerns. The pre-existing informal moratorium was a key strategic resource for the anti-NGP campaign. Early on, core coalition members linked the Northern Gateway proposal to the issue of tanker traffic. Both were cross-cutting issues and groups did not need to compete for “turf” where an issue “belongs” to a particular organization (cf. Carpenter et al., 2014). Spill risk also played a role in mobilizing opposition in the TMEP case. Residents in the Lower Mainland of British Columbia were very concerned about oil spills due to local spills on the existing Trans Mountain pipeline and the more distant Deepwater Horizon

³⁰⁰ However, other oil disasters may have mixed effects. In Energy East, the Lac-Mégantic disaster in July 2013, when a train carrying crude oil from the Bakken derailed resulting in 47 deaths in the eastern Québec town, was used to justify the positions of both proponents and opponents. Proponents used the disaster as an example to illustrate why railways are more dangerous than pipelines for transporting oil; opponents used it to argue any means of transportation was dangerous (e.g., Poitras, 2018: 202-3).

disaster in the Gulf of Mexico. Risk framing provided new political opportunities and expanding coalition support.

Lastly, successful campaigns require campaign coalitions with intra-organizational channels of communication, some degree of coordination, and shared resources. More professionalized organizations amplify local grassroots organizing and capacity while benefiting from the legitimacy of a broader base of support (cf. Neville and Weinthal, 2016). For example, in the Trans Mountain case, ENGOs partnered with local social justice organizations to hold town-hall-style events to raise awareness about the pipeline expansion. In both cases, philanthropic organizations that supported the Tar Sands Campaign also supported brokers to facilitate communication amongst the coalition members. Grant funding helped more professionalized organizations develop communication channels between diverse actors in each coalition. While foundation funding from American philanthropic organizations would later become a point of vulnerability for the campaign coalitions, the diverse membership, strategic adaptation, and intra-organizational communication channels contributed to the coalitions' resilience.

10.2.2 Linking coalition formation and influence

There are important linkages between the processes of coalition building and mechanisms of influence, which is poorly understood in social movement literature. I find that conditions and processes that contribute to coalition formation also (indirectly) contribute to coalition influence. These reaffirmed the expectations I set out in Chapter 3 (Table 8).

First, in both cases, I showed how a conducive social context facilitated early opposition. Early opposition impedes the pipeline company's ability to attract potential allies. For example, early opposition to the Northern Gateway project, through pre-existing and new Indigenous-led organizations and alliances, helps explain why Enbridge had difficulty gaining Indigenous communities to participate as equity partners. Notably absent in the TMEP case was an Indigenous political organization to spearhead nation-to-nation relationships. However, a broad-based coalition still formed early on with NGOs, grassroots groups, municipalities, and Indigenous organizations.

Coalition members engage in issue linkage to build broad-based coalitions. Anti-pipeline campaigns have members or alliances with actors across sectors (non-profit, for-profit) and sites of authority (e.g., Indigenous, municipal). Pipeline campaigns have allied with Indigenous organizations, municipalities, local businesses, politicians, social justice organizations, and grassroots

groups. While anti-pipeline campaigns have struggled to ally with labour organizations,³⁰¹ these campaigns seek diverse and broad-based membership. Frustrations with the regulatory process, particularly in the TMEP, amplified linkages through this commonly shared (largely negative) experience. Spill risk was a successful source of issue-linkage, allowing many groups to participate in the coalition in different ways (e.g., research, policy advocacy, public education, legal expertise etc.). However, spill risk was largely geographically bound to coastal regions. In-land, salmon also connected diverse groups, particularly in the NGP coalition.

Broad-based coalitions are more appealing to potential political allies because they represent more constituents. This is a strategy that advocacy organizations routinely use to build political power, evidenced in both the Trans Mountain and Northern Gateway cases. Broad-based opposition also increases the perception of a ‘wall’ of opposition, creating momentum for the campaign that attracts political allies. With a broad-based coalition, counter-veiling forces are less likely to undermine the coalition. For example, the federal government’s attacks on ENGOs in 2012 and 2013 in the anti-Northern Gateway coalition coincided with the Yinka Dena Alliance Freedom Train, which successfully maintained public attention on the anti-Gateway opposition. Intra-institutional channels of coalition engagement become especially important in navigating challenging political contexts. Coalitions may also gain traction when they appeal to shared enemies (in this case, an adversarial government) and use related frames to further polarize an issue.

Anti-pipeline campaigns require significant material, human, organizational, and moral resources to sustain. Both the campaign coalitions lasted several years. Partnerships between campaign members increase access and effectiveness in particular venues like courts. In both the NGP and TMEP, this strategy relied on the unique legal rights of Indigenous peoples in Canada and legal expertise, capacity and fundraising efforts from the wider campaign. Perhaps most significantly, organizational leadership is crucial to understanding how anti-pipeline campaigns navigate changing political, legal, and regulatory contexts. Publicly, there were multiple sources of leadership from core organizations involved in the campaign coalitions; privately, there was often internal communication with one or two central brokers.

³⁰¹ Yet two large unions, Unifor and the Alberta Labour Federation, opposed Northern Gateway and the Trans Mountain expansion, as construction jobs were to be short term and employment benefits would have been elsewhere because diluted bitumen would be upgraded outside of Canada. However, other unions like the International Union of Operating Engineers and Teamsters Canada supported the projects because some of their members were employed by the pipeline industry (e.g., EDI, 2014; Cameron, 2017).

10.2.3 Strategies, mechanisms, and conditions

I developed theoretical expectations about the conditions under which particular tactics and strategies influence targets and how this ultimately affects a project. Drawing on my cases, I summarize some of the novel insights about the conditions under which campaign coalition strategies were successful (or not). I also identify mutually beneficial relationships between campaign coalition strategies.

The outcomes of regulatory engagement were very different in the NGP and TMEP cases. A more open regulatory context created an opening for the campaign coalition to increase participation in the process. While this significant participation expanded the review process (adding several months to the hearing) and created opportunities for contestation outside the hearing process, the panel approved the project. In contrast, the regulatory engagement was much more contained in the TMEP case, with the notable exception of the civil disobedience on Burnaby Mountain. While the campaign coalition failed to challenge these participation rules in court, the campaign coalition successfully publicized its grievances in advance of the 2015 election. However, the regulatory process was a significant drain on organizational capacity, particularly in the TMEP case. In both cases, the regulatory process's structure provides important openings for legal challenges at a point of particular vulnerability for the corporate proponent. The more challenging mechanism to assess is to what extent delays in the regulatory process contributed to project outcomes. It was clear in both the NGP and TMEP cases the lengthy regulatory process provided opportunities for institutional and non-institutional forms of contestation. In short, campaign coalitions combined intra- and extra-institutional tactics in ways that were shaped by and reshaped institutional politics.

As the political mediation approach suggests, a coalition or movement's access to political allies is vital to political influence. I add to this scholarship how these allies develop and mechanisms of influence. As I expected, I found the availability of political allies depended on two types of political opportunities: whether the government of the day holds a majority or minority and the proximity to an election. In the NGP case, during the federal Conservative minority there were ready political allies from multiple parties as illustrated by the success of the No Tankers campaign. During the federal Conservative majority, federal political allies were practically irrelevant. It was not until the next federal election, when the Liberals gained power, that political access gained renewed importance. In the TMEP, the existence of the NGP made opposing both more politically challenging. Moreover, there was public support for a more pragmatic approach, illustrated by

Premier Clark's five conditions and Prime Minister Trudeau's assurances about process or policy gaps. Political access is not always successful. The TMEP campaign coalition's early strategic alliance with the provincial NDP backfired with the 2013 B.C. election. Still, a fortuitous political opportunity opened for the campaign coalition with the election of the NDP-Green coalition government in British Columbia.

For political access, I found evidence of both the certification and legislative mechanisms. Political allies can develop legislation that adds uncertainty for projects, as illustrated by the No Tankers campaign's success in the NGP case, and the threat of bitumen regulation in the TMEP case. Politicians can also add legitimacy to actors' claims or actions. For example, the Mayors of Burnaby and Vancouver supported protests against the TMEP. Members of Parliament also were arrested, further signalling support. However, political access is not always successful. For example, the 2013 election outcome in B.C. Also, the election of Justin Trudeau provided a challenging political context to navigate for the campaign coalition as the government had several pipeline decisions to make and sought to balance competing interests. The role of timing matters a great deal here; in both projects, the success of this strategy occurred late in the project's development phase when it was more vulnerable.

The direct impact of protests and civil disobedience is challenging to unpack, and its success was event specific. To review, the mechanisms are reputational damage (corporate proponent), increased issue salience (government target), and financial (project costs). In general, when civil disobedience had certification from politicians it boosted its impact, evidenced by media coverage. This should be tested in future research. The arrests on Burnaby Mountain galvanized opposition early on and provided momentum particularly during the constrained hearing process. When Kinder Morgan began pre-construction work on the TMEP, it allowed the campaign to move away from public opinion (where it was losing) to disruption. Importantly, political allies at several scales of governance (municipal councillors, MPs, and eventually, the Premier of B.C.) certified this shift.

In both the NGP and TMEP, legal challenges, in the form of judicial reviews, created significant risk and uncertainty for the proponent. This is because they often come at a particularly important point in the project's regulatory process, i.e., after approval, when the company is considering its final investment decision and will begin to arrange financing and begin construction. Legal challenges also provide an opportunity for the campaign coalition to leverage this risk to inform investor opinions. Importantly, successful legal challenges (judicial reviews) are rare and require political allies to implement. Judicial reviews are by no means a guaranteed pathway to

particular outcomes. The success of legal challenges depends on the availability of venues, the willingness of the court to intervene, and the relevant body of case law. Particular legal opportunities may open through the development of case law, as I illustrated with the Duty to Consult. However, these openings may also close. In the TMEP, after the Federal Court of Appeal revoked the project's certificate, several lawyers I interviewed believed that the courts were reluctant to intervene again. At the time of writing, courts have been unwilling to hear additional challenges brought by First Nations. These groups thus appear to have exhausted the legal strategy that had previously successfully revoked the project certificates for both the TMEP and NGP.

Of the five strategies, investor engagement had the least direct impact on the project outcomes. In the NGP and TMEP cases, investor engagement occurred at different points in the project's development phase. Somewhat surprising support for investor resolutions in the NGP (though they did not meet the 50 percent threshold) resulted in more transparency and risk disclosure from Enbridge about the project fairly early on in the project's development. In contrast, in the TMEP case, Kinder Morgan did not respond to requests for greater transparency and disclosure, which ultimately resulted in two successful shareholder resolutions around ESG and climate disclosure. This suggests that investors are perhaps more likely to be attuned to risks well into the projects' development.

10.2.4 Multiple strategies and coalition influence

Some degree of regulatory engagement is required in all cases of energy infrastructure in North America. Regulatory approval might represent a 'failure' of regulatory engagement on the part of the campaign coalition; however, these decisions may be challenged in court. Time itself is also a crucial resource in anti-pipeline campaigns—as time goes on, delays increase project costs. Timing matters more at particular points in the project's development, such as temporal provisions in contracts with shippers, loan repayment periods, and windows for beginning construction. Each of these creates new opportunities for contestation. It often takes several months between the time a legal challenge is filed and the ruling; however, during this period, the presence of legal challenges can create risk and uncertainty for a company or project. In both the NGP and TMEP, the volume of legal challenges created additional delays.

To understand coalition influence in energy projects, it is necessary to understand the project's place in the regulatory and planning processes. It is very unlikely that a proponent will cancel a project early in its development phase because actors opposed to the project have fewer

strategies and venues for conflict such as legal challenges or regulatory engagement (as projects have not started the regulatory process, which is both a source of engagement and, later, potential legal challenges). As the project requires relatively little capital in the development phase, groups are likely to have less leverage engaging with investors as the financial stakes are lower. As a project progresses through the regulatory process, and as costs mount and opposition builds, it becomes more challenging to complete the project. As a project moves from the development phase to construction, the company is more financially committed, thus the risks are higher. Consequently, as a project proceeds and opposition is sustained or builds, it is more likely that multiple strategies will impact the project. This was most clearly illustrated by the TMEP, where the FID set in motion a wave of events and opportunities for new contestation.

To return to the question of when and why campaign coalitions influence mega oil sands pipeline project outcomes, I suggest they require sustained, well-resourced, broad-based campaigns, which formed early on in the project's development and linked pipelines to salient issues. There is no single formula for understanding the influence of campaign coalitions on mega infrastructure project outcomes. Political, regulatory, legal, and corporate opportunities are continually changing. Outcomes cannot be determined simply by identifying the strategy that campaign coalition members use. These campaigns must successfully adapt to changing (political, regulatory, legal, and corporate) contexts, gain the support of political allies, and employ multiple strategies with mutually reinforcing mechanisms of influence. As evidenced by my cases, political access was necessary for coalition influence in terms of significantly delaying or cancelling a project. Regulatory engagement was also necessary but while it did not influence the decision-making for either project, it created important legal opportunities and opportunities for coalition members to publicize their grievances with the project and the process itself. Legal challenges were also a crucial part of the campaign's repertoire, which directly impacted both the NGP and TMEP cases by revoking the project certificates but also creating delays, risk, and uncertainty for both projects. Investor engagement provided momentum for the NGP early on but did not directly impact the project. Investor engagement in the later stages of the TMEP reflected growing contestation but again did not directly impact the project. Finally, the impact of protests differed slightly in each case, given the more disruptive and sustained blockades in the TMEP case. However, in both cases, it is likely that protests increased the salience of the project to political allies.

10.3 Beyond the NGP and TMEP: conditions for coalition influence

Although I provided in-depth case studies for only the NGP and TMEP, these cases highlight several core strategies and conditions that likely apply to other contested mega oil sands pipeline project outcomes. I arrive at these conclusions based both on the general conditions that the QCA identifies and the in-depth process tracing in the NGP and TMEP cases. As I described in Chapter 4, anti-oil sands campaigns in North America are connected through resources and personnel, making it more likely that the strategies I identify are used beyond the NGP and TMEP cases. However, without further in-depth case analysis, the generalizability of these claims should be taken with some caution. I identify three sets of (more generalizable) strategies and conditions (below) that increase the likelihood of influence for campaign coalitions. In short, influential campaign coalitions are likely to: (1) develop early in a project's development phase to oppose new linear infrastructure; (2) weather adversarial governments and gain support of political allies; and (3) leverage openings in regulatory processes to publicize their concerns and create delays. These dynamics might also be applied to other cases of contested linear infrastructure, although I leave this to other scholars to test.

10.3.1 New linear infrastructure and early opposition

Pipeline opponents have a significant advantage if a project requires new linear infrastructure because greenfield projects provide more opportunities for mobilization and are also more vulnerable to mobilization. If the company has to construct a new pipeline, they bear greater financial risk and are thus more vulnerable; opponents have more opportunities for mobilization and disruption because of the construction phase.

In response to increasing opposition, the pipeline industry has become more creative and less ambitious; they have found new ways to take advantage of existing infrastructure. So far, this has proved a successful strategy. A notable example, Enbridge's completion of the Line 9B Reversal and Capacity Expansion project, had a significant advantage because it did not require new infrastructure, which limited strategies and opportunities for opposition. Reflecting on Line 9B, Tzaporah Berman (2019) suggests opposition failed to stop the project because it did not start early enough. There was less opposition overall, though grassroots and social justice organizations like the Council of Canadians and Hamilton 350 still resisted the project. Indigenous and environmental activists and grassroots groups engaged in civil disobedience, primarily by disrupting work, on

several occasions (e.g., CBC News, 2013; Anishinabek Nation, 2013; The Canadian Press, 2013b). Nevertheless, Enbridge successfully completed the project.

In contrast, in the case of the Line 3 Replacement, though Enbridge framed the project as merely replacing an ageing pipeline, it was also a capacity expansion project and re-routed a significant portion of the line. The project faces significant opposition in Minnesota because it required new infrastructure which would bisect the state and cross Native lands. The project, proposed in 2014, has not yet been completed due to regulatory delays and legal challenges.

The proposed Energy East project, which Trans Canada cancelled in October 2017, illustrates the combination of early opposition to new mega infrastructure. Though the proposed pipeline would convert an existing natural gas pipeline to oil transmission, the project still required over 1,500 km of new pipeline, mostly in Quebec. The social context was conducive to resistance in Québec, with a history of Indigenous land-based movements and environmental and youth activism. Once again, a coalition of ENGOs, social justice organizations, and grassroots groups formed. Significant early opposition resulted in TransCanada cancelling its proposed marine and tank terminal at the Port of Gros Cacouna in April 2015 (CBC News, 2015). TransCanada changed the project's scope after public concerns about beluga whales (the port would affect their habitat and breeding grounds), and after the federal government designated them an endangered species. TransCanada's decision to abandon the Port of Gros Cacouna was a significant setback; it weakened the project's economic benefits in Quebec, created a delay, and ultimately led to a decisive victory for the campaign coalition. Forming a broad-based coalition and linking the pipeline to other salient issues, in this case, belugas was influential.

10.3.2 Weathering political adversaries and gaining political allies

Adversarial governments aim to contain or manage conflict in several ways, such as changing the rules of the game to limit access to certain venues or institutionalizing grievances in regulatory processes. Coalitions respond by challenging the legitimacy of the process or the regulatory institution, in part using experts to certify their claims. Coalition members may also respond by shifting focus to different venues and strategies. Another set of tactics used by adversarial governments includes delegitimizing opposition by labelling groups extremists or trying to suppress extra-institutional action through securitization or legal action. These strategies are part of a broader trend of government suppression of activism against resource extraction globally (Matejova et al.,

2018). However, broad-based coalitions are more resilient than narrow ones when facing adversarial political contexts.

The support of political allies, such as government leaders, members of government, or mayors, certainly increases the likelihood of success for campaign coalitions. In rare cases, the coalition can generate enough electoral or reputational risk to influence key decision-makers. This was the case when President Obama rejected the Keystone XL in 2015, shortly before the Paris climate negotiations. Looking beyond the cases I explore, in the Dakota Access Pipeline, the timing of the loss of a crucial political ally, President Obama, helped explain why the pipeline proceeded. Despite earlier significant resistance from Standing Rock Sioux Tribe and their allies, the election of President Trump revived the project after much of the camp had departed (Steinman, 2019).³⁰² Trump similarly revived the Keystone XL project, although construction on the U.S. portion of the project has not yet started due to continued regulatory barriers and legal challenges.

10.3.3 Leveraging regulatory engagement and project delays

Regulatory agencies often provide participants with little control over rules or access. They are often technical and quasi-judicial and require significant expertise and resources to participate. Still, they become sites of conflict, often over competing principles like efficiency and inclusion. For example, in the TMEP case, the NEB became (further) contested after introducing a narrow review process. Project opponents try to leverage the regulatory process. For example, the Mob the Mic campaign expanded participation in the NGP review process to B.C. citizens. Opposition coalitions also leverage blunders in the regulatory process. For example, the appointment of Steven Kelly to the NEB (Kelly had worked as a consultant for Kinder Morgan during the TMEP review) created a conflict of interest, adding further delay to the hearing process. Similarly, in the case of Energy East, after from the *National Observer* revealed a conflict of interest in the NEB panel, the panel stepped down in early September 2016 (De Souza, 2016). The NEB named the new panel in early January 2017, and it determined they would re-start the hearing. This created a significant delay for TransCanada and uncertainty about the rules of the regulatory process.³⁰³ Delays disrupt the pipeline

³⁰² Though Dakota Access Pipeline was completed and put in service, at the time of writing, its future remains uncertain. In July 2020, a U.S. District Judge, in an unprecedented ruling, ordered the pipeline operators to cease service on the line until the U.S. Army Corps of Engineers completed a full environmental review (Earthjustice, 2020b). A federal appeals court reversed the shutdown order one month later, but the Army Corps must still conduct the environmental assessment (Earthjustice, 2020a).

³⁰³ The new panel expanded the scope of issues to include climate impacts, shortly before TransCanada abandoned the entire project, citing “changed circumstances” (Marketwired, 2017).

company's expectations of project timelines, which may, in turn, have implications for investor confidence. For opponents, delays have become a "critical political resource" (Harrison, 2018). Of course, some delays matter more than others. Delays are most effective in frustrating pipeline development when compounded with other sources of uncertainty, such as from judicial reviews.

10.4 Avenues for future research

The empirical and analytical contributions I outlined lead to a host of questions and avenues for future research. I will focus on three avenues for scholars studying energy and climate politics: (1) the impacts of supply-side campaigns, (2) changing financial landscape for fossil fuel infrastructure, and (3) the comparative politics of anti-fossil fuel infrastructure campaigns.

Pipeline campaigns appear to have disrupted the political-cultural and economic power of the fossil fuel industry. As this dissertation evidences, pipeline resistance has successfully frustrated oil sands pipeline development. Political scientist Ian Urquhart (2018: 304) argues, however, that oil sands production has remained virtually unchanged. The change of provincial government in Alberta in 2019 with the return of Conservative leadership³⁰⁴ has brought a new wave of support for oil sands development at any cost, cutting regulations and reporting requirements (while denigrating environmental and climate activists and founding an "energy war room" to investigate the most vocal oil sands critics and counter their claims [Garossino, 2019]). Yet, a morass of economic concerns and risks continue to mount for the oil sands, and global oil supply and demand expectations are rapidly changing. Future research should further examine the influence of supply-side campaigns on the socio-political dimensions of oil and gas production and transportation. Future research should more closely interrogate the collective and individual industry responses to this changing landscape. As the oil and gas industries are closely intertwined, future research should also understand how contestation around oil sands pipelines has created opportunities and/or barriers around natural gas infrastructure.

A second avenue for research explores the rapidly changing dynamics at the intersection of social movement campaigns, fossil fuel infrastructure and assets, and the financial sector. Financial risk is rising from anti-pipeline campaigns and the divestment movement (Strauch et al., 2020). The former has increased project risks and costs, while the latter has tried to delegitimize the fossil fuel industry. Both campaigns have raised the issue of a "carbon-constrained" future based on global

³⁰⁴ The United Conservative Party was formed in Alberta in 2017 after the Progressive Conservative Party and the Wildrose Party merged following the 2015 provincial election.

climate goals and the incompatibility between investments to meet industry demand scenarios and 1.5 or 2°C pathways (ibid.). A fruitful avenue for research is understanding the opportunities and limits of contestation in the financial sector. This is particularly relevant given the remarkable risk tolerance of certain financial institutions to continue funding contested infrastructure (and the relative vulnerability of others) and the increasing role of state funding of contested infrastructure.

A third avenue for future research is comparative: beginning in the mid-2000s, a new wave of fossil fuel infrastructure project proposals emerged in countries that are significant producers and exporters of fossil fuels. Among these were proposals in Canada to move oil from the Alberta oil sands to export markets in the United States and China, and a series of coal mine proposals in Australia and coal export terminals in the U.S. Pacific Northwest. Many of these projects have generated significant opposition from risks to local or regional environmental impacts, socio-economic concerns, and increased greenhouse gas emissions. In all three countries, major campaigns opposing the new fossil fuel infrastructure projects emerged: the Tar Sands Campaign in Canada, the Lock the Gate Alliance in Australia, and the Power Past Coal campaign in the United States. These campaigns materialized around the same time and used similar strategies, but each contained their respective assemblages of actors operating in distinct political contexts. Future research should explore whether and how infrastructure protests in Australia and the United States have parallel or distinct institutional and mobilization dynamics to those I have explained in Canada. This research should explain variation in the impact of public mobilization and NGO campaigns on the policy outcomes of proposed fossil fuel infrastructure projects.

10.5 Broader implications

My dissertation also has implications for understanding a broader set of dynamics, including approval processes for contested infrastructure, the future of mega oil sands pipelines, Indigenous-led pipeline resistance, and supply-side campaigns. I conclude the dissertation by providing some thoughts on these dynamics.

10.5.1 Approving mega energy infrastructure

Regulatory processes in North America provide individuals and groups with an opportunity to present arguments and evidence before the panel comes to a decision and is a site of both conflict expansion and containment (cf. Pralle, 2006). The regulator must balance competing demands like efficiency and inclusion, demands which may change over time. In general, citizens have demanded

greater participation in energy projects (Cleland and Gattinger, 2017). This new interest stems from broader policy gaps like climate action, cumulative impacts, and oil spill response. These new demands layer onto the existing regulatory process.

Successive Canadian governments have “over-committed and underperformed on emissions reductions” (Cleland and Gattinger, 2019; see also Lemphers, 2020). Canada has continued to make international commitments, notably at the 2015 Paris climate negotiations. A disconnect still exists between these broader goals and evaluating specific projects. The NEB panel prohibited the climate impacts of continued fossil fuel infrastructure from being addressed in the regulatory process. A particularly notable and recent exception was when the NEB panel agreed to review both the upstream and downstream greenhouse gas (GHG) emissions associated with the Energy East project; this was the first time an NEB panel had done so, was in direct response to increased public concern about climate change.³⁰⁵

The NEB was established by federal legislation in 1959 when demands for broader public participation were relatively low. New authorities in energy governance, including provinces, municipalities and Indigenous groups, demand greater participation and may challenge the existing rules and the decision-making institutions’ authority (Fast, 2018). Likewise, the issues in which the public and affected actors are concerned with change over time. In Canada, there has been a shift from concerns about traditional energy decision-making based economics, energy security, and environmental impacts to a more recent focus on social acceptance and equity (Bird, 2018; Hunsberger and Awâsis, 2019). These gaps have presented regulators with significant challenges. Its decisions have been contested largely on elements of procedural justice but distributive justice as well. As I described in Chapters 6 and 7, the NEB has been a site of contestation, a cause for public scrutiny, and subject to multiple legislative reforms. The NEB Modernization Process, initiated by the federal government in 2015, was designed to restore public trust in the regulatory process. As the expert panel report from the process concluded, the NEB had “fundamentally lost the confidence of many Canadians” (Expert Panel on the Modernization of the National Energy Board, 2017: 7).

There are several lessons from the NEB’s experiences with the NGP and TMEP reviews, including about participation and decision-making. Increasing perception of legitimacy through greater engagement and supporting the involvement of all interested parties. Regulators can increase

³⁰⁵ According to someone intimately involved in the review process for Energy East (interview, 2019j).

trust in the process through an inclusive and fulsome project assessment. The NEB learned a difficult lesson about timelines; some institutional mechanism is necessary to prevent undue delays; however, timelines that force the regulator to compromise the integrity of the review is not beneficial for any actor. Efficiency is only one of many, often competing, principles in regulatory processes (Hunsberger et al., 2020). As the NEB discovered, disproportionate emphasis on efficiency creates procedural conflict can spill out into other (tactics and venues, e.g., the courts, or in civil disobedience) and slow down the process and create more ill will and legitimacy concerns.

The second set of lessons is around decision-making, specifically, about reconciling environmental assessment with energy regulation and reconciling climate and energy policy. As the NEB responds to policy, it must operate in a context where strong and clear environmental and climate policies exist. This will help determine how energy projects fit within energy future scenarios and national climate commitments. Strategic and regional impact assessments (conducted by a federal body with the relevant expertise) would also help improve decision-making. Excluding issues from project reviews such as greenhouse gas emissions creates opportunities for further contestation, including successful legal challenges in the case of marine shipping in the TMEP. With improved data, these assessments need not take significant additional time or resources. Greater access to centralized (across departments and governments), independent energy information would contribute to project assessments and evidence.³⁰⁶

For the most part, the changes resulting from these lessons are strongly opposed by the oil and gas industry for creating inefficiencies and uncertainty. The NEB modernization process culminated in bill C-69, which sought to reform how major energy projects, including pipelines, are regulated. The bill, “one of the most contentious, well-studied, and well-lobbied pieces of legislation in recent memory,” became a proxy for the future of the pipeline and oil and gas industries (Janzwood, 2019).³⁰⁷

10.5.2 The future of mega oil sands pipelines

I identified a distinct shift in the mid-2000s, where oil sands pipeline infrastructure became much more scrutinized and contested by NGOs and Indigenous groups. In the last fifteen years, new oil

³⁰⁶ The government is currently testing the Canadian Energy Information Portal available at <https://www.statcan.gc.ca/eng/topics-start/energy>

³⁰⁷ An amended version of the bill (*An Act to enact the Impact Assessment Act and the Canadian Energy Regulator Act, to amend the Navigation Protection Act and to make consequential amendments to other Acts*) has become law, and the NEB has been renamed the Canadian Energy Regulator. I leave an analysis of the changes brought by C-69 to others.

sands pipelines have attracted unprecedented opposition. As a result, oil sands pipeline projects have become significantly more challenging to build, particularly those that require laying new pipeline. Through collective attribution, groups recognized oil sands pipelines as threats to particular places, the people and animals inhabiting these places, and the climate. Since 2014, no new mega oil sands pipeline projects have been submitted to the NEB.

The COVID-19 pandemic, and subsequent global economic “turmoil,” have created even more significant commercial challenges for oil sands development (United Nations, 2020). In the midst of the pandemic, Alberta cut production by about 25 percent, or one million barrels per day, and the Canadian Association of Petroleum Producers (CAPP) indefinitely deferred its long-term production forecast (Tienhaara et al., 2020). Even before COVID-19, it appeared likely that the era of mega oil sands projects was over. In 2019, major transportation companies focused on other markets or incremental growth. Kinder Morgan sold its Trans Mountain pipeline system, exiting the Canadian market. TransCanada changed its name to TC Energy in the middle of that year to signal its shift to markets in the United States and Mexico (Williams, 2019). By the year’s close, TC Energy’s CEO Russ Girling told investors the company would focus on expanding existing infrastructure, rather than proposing greenfield projects or those that do not build on existing infrastructure.³⁰⁸ Enbridge has shifted its focus to incremental improvements to its oil Mainline System and developing the company’s natural gas transmission and utility businesses (Enbridge Inc., 2020). Enbridge has also expanded its presence in the United States and sold some of its natural gas facilities and assets in Canada (ibid.: 3, 22). These shifts are likely due to the changing economics of oil sands production and the immense difficulty of building greenfield linear infrastructure projects. In short, while the era of new mega oil sands pipelines appears to be over, we can expect that pipeline companies will continue to develop incremental capacity expansion and continue to take advantage of the significant pre-existing network of oil transportation infrastructure.

It also remains to be seen whether three remaining mega oil sands expansion projects—KXL, TMEP, and Line 3—will be completed. While campaign coalitions have been successful in frustrating pipeline development, the ultimate success of these coalitions remains mixed and uncertain. As pipeline development has stalled, governments have intervened to financially support and even outright buy these projects. This has created significant challenges for campaign coalitions and their theories of change that have been predicated on corporate, not state, ownership.

³⁰⁸ One month later, the company announced it would sell its majority ownership in the contested Coastal GasLink project (Bloomberg News and Buurma, 2019).

10.5.3 Indigenous-led pipeline resistance

Indigenous-led pipeline resistance is part of a larger trend of Indigenous resurgence and self-determination (Asch et al., 2018). The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) bolsters Indigenous sovereignty claims and is an example of how international norms have domestic influence (Bernstein and Cashore, 2012). Since 2010, Members of Parliament's attempts to pass UNDRIP legislation in Canada have been unsuccessful.³⁰⁹ Even without domestic legislation, frames around Indigenous rights, consent, and sovereignty are highly salient. These are not just tied to UNDRIP but are part of the broader resurgence movement.

Often at the core of anti-pipeline campaign coalitions are alliances between ENGOs and Indigenous nations or organizations. Anti-pipeline campaigns have often decentered “white, settler approaches to environmentalism” (Curnow and Helferty, 2018: 146). These partnerships have been largely successful in frustrating pipeline development and benefit the Indigenous actors who align with this approach. These relationships are not without consequence for Indigenous communities that support a particular pipeline or those that have not taken a public position. ENGOs usually take hard-line positions and tactics and a zero-sum approach to pipeline development and distance themselves from those who do not. For affected communities, Indigenous and non-Indigenous alike, there are often divisions and disagreements about whether to support a particular project. For Indigenous communities, competing incentives to bargain with the project proponent add complexity. Pro-fossil development counter-coalitions have formed in response to anti-fossil fuel campaigns, amplifying the Indigenous voices that support them (e.g., Cattaneo, 2018). Calvin Helin, president of the Eagle Spirit project, used “eco-colonialism” to describe pipeline resistance (Staples, 2019). Though the Eagle Spirit project still lacks commercial support, this rhetoric creates a more challenging discursive environment for anti-pipeline activists.

Recent anti-pipeline resistance has come to centre more directly on Indigenous and grassroots activists. Standing Rock is a notable instance of national American Indian grassroots activism (Steinman, 2019). In Canada, grassroots and social justice and Indigenous allies held widespread solidarity protests with the Wet'suwet'en hereditary chiefs in their land conflict in 2020

³⁰⁹ The 2015 Truth and Reconciliation Commission (TRC) called on Canada to implement the declaration, which can only be legally binding in legislation (TRC, 2015: 4). In April 2016, NDP and Cree MP Romeo Saganash brought a private member's Bill C-262. It was passed in the House of Commons. Still, it was stalled during the Senate Committee review stage before the committee recessed for the 2019 federal election (UBCIC, 2019). The British Columbia government, however, passed legislation in November 2019 to implement UNDRIP (Bill-41).

around the Coastal GasLink project.³¹⁰ The increased salience of Indigenous rights and discourses help explain the emergence and prominence of these movements. Victories in other campaigns or sites provide momentum for similar campaigns by expanding and deepening framings and social ties within and across movements (cf. Steinman, 2019). For example, Standing Rock re-energized resistance to the Line 3 Replacement, which LaDuke called a “Selma moment” for Indigenous activists (Murphy and Dunlea, 2020).

Indigenous-led resistance continues to disrupt the territorial authority of settler states (Pasternak and Scott, 2020: 205). More recently, the notion of reconciliation has been institutionalized in government rhetoric and policy commitments; however, critical scholars suggest that the current federal government’s notion of reconciliation is at odds with UNDRIP; in particular, the idea of obtaining free, prior and informed consent of Indigenous groups before adopting and implementing legislative or administrative measures that affect them (McCrossan, 2019). In the TMEP case, both pipeline proponents and opponents have used reconciliation rhetoric to support their positions (e.g., Hall, 2020; Corbella, 2019).

10.5.4 Supply-side campaigns

The urgency of the climate crisis is difficult to overstate. Climate change is already creating food supply instabilities, desertification, water insecurity, land degradation, and has increased the frequency and intensity of extreme weather events (Intergovernmental Panel on Climate Change [IPCC] 2020; Seneviratne et al., 2012: 111). We are quickly approaching a planetary threshold that would be irreversible if crossed and cause massive social, economic, and ecological disruption (Steffen et al., 2018: 8257). To keep warming below 1.5° Celsius (above pre-industrial levels), globally, we must reach net-zero emissions around 2050 (IPCC, 2018: 12).

There is increasing recognition that significant amounts of existing oil, gas, and coal reserves must remain in the ground to maintain climate stability (Carter and McKenzie, 2020: 1). Christophe McGlade and Paul Ekins (2015)’s influential study suggests the majority of bitumen production is incompatible with a 2° Celsius target. Targeting the supply of fossil fuel production is increasingly viewed by policy scholars and practitioners as a necessary complement to demand-side policies (such

³¹⁰ In January 2019, the RCMP enforced an injunction (obtained by Coastal GasLink, owned by TransCanada [now TC Energy]) to dismantle a barricade at the Wet’suwet’en camp. In February 2020, the RCMP enforced a second injunction and arrested 28 Wet’suwet’en supporters. In response, solidarity blockades (at rail lines and ports) and demonstrations sprang up across Canada, disrupting parts of the economy.

as energy efficiency and carbon pricing) to address climate change (e.g., Piggot, 2017; Carter and McKenzie, 2020).

Oil and gas industries debate whose reserves should remain in the ground, and fossil fuel exporters, including Canada, continue to justify their current production. Canada has been unable to meaningfully reduce its greenhouse gas emissions and has failed to meet any of its emissions reduction commitments, including the 2020 target (Office of the Auditor General of Canada, 2017; Cleland and Gattinger, 2019). The federal government has repeatedly stated they have accounted for the TMEP in their climate plan. However, at the end of 2019, Canada was still on track to miss its 2030 target (Walsh, 2019).³¹¹ Opponents argue that new fossil fuel development, locked in with pipeline infrastructure, is incompatible with mitigating the climate crisis (e.g., Global Oil and Gas Network, 2019). The absence of political allies and the presence of counter-frames (e.g., about existing climate policy or the pace of the energy transition) pose challenges to anti-pipeline campaigns.

Anti-pipeline campaigns have certainly disrupted the economics of the oil industry by contributing to the price differential. This disruption has been compounded with challenges and changing economics of the oil sands (Heyes and Leach, 2018). The pipeline industry has responded with incremental improvements, divesting their assets and/or diversifying their markets. Oil companies have responded by either doubling down, diversifying, or divesting from the oil sands. Governments have responded with intervention. In response to low prices, the Alberta government has curtailed oil production since late 2018. The provincial government also committed to investing \$3.7 billion in rail cars to increase the shipment of oil by rail.³¹² In the last two years, Canadian state institutions have committed to purchasing outright or financially supporting contested fossil fuel infrastructure, including the Trans Mountain, Coastal GasLink, and Keystone XL pipelines. These state interventions create new challenges for supply-side campaigns. In some ways, governments are a more challenging target than private project proponents as they are less financially vulnerable.

It is less evident if or in what ways anti-pipeline campaigns have weakened the political power of the oil industry. Organized interests still have significant resources for political advocacy, as illustrated by their concentrated efforts to oppose regulatory reform (Bill C-69) and the tanker ban (Bill C-48). More generally, anti-pipeline campaigns have often pitted proposed economic

³¹¹ This mismatch between rhetoric and action, what Hayley Stevenson (2020) calls 'bullshit', is also a feature of global climate governance.

³¹² The new Kenney government has been attempting to sell the contracts to the private sector (Graney, 2020).

benefits against environmental and social risks. In doing so, they have alienated fossil fuel workers. Particularly in Alberta, these dynamics have contributed to a populist backlash and a change of government that has created a challenging provincial political context for ENGOs and other concerned groups. An important lesson from anti-pipeline campaigns is that supply-side campaigns must incorporate labour groups to move from economic development versus the environment frame that has pervaded pipeline debates. At the same time, anti-pipeline campaigns have opened political and policy space for reconciling climate and energy policy opportunities for recovery and transition. There is a crucial political opening with the changing supply and demand forecasts brought by the global pandemic. The oil industry and their allies are scrambling to reposition themselves and frame the debate around energy transitions. Divisions have emerged and not all companies have responded in the same way, openings that counter-campaigns can leverage. In short, the rapidly changing economics and politics of oil and gas development and infrastructure present both continued challenges and opportunities to move towards a more just energy transition.

Works Cited

- 350.org. 2016. "A Review of Some Birddogging Victories!" 350 Action. 2016. <https://350action.org/a-review-of-some-birddogging-victories/>.
- . 2019. "People's Injunction." 350.org. 2019. <https://350.org/peoples-injunction/>.
- Abele, Frances. 2014. "The Lasting Impact of the Berger Inquiry into the Construction of a Pipeline in the Mackenzie Valley." In *Commissions of Inquiry and Policy Change*, edited by Gregory J. Inwood and Carolyn M. Johns, 88–112. Toronto: University of Toronto Press. <https://doi.org/10.3138/9781442668867-008>.
- Adkin, Laurie Elizabeth, ed. 2016. *First World Petro-Politics: The Political Ecology and Governance of Alberta*. Toronto; Buffalo: University of Toronto Press.
- Adrangi, Maryam. 2013. "Enbridge Panel to Be Greeted with Loud Demonstration." The Council of Canadians. January 7, 2013. <https://rabble.ca/blogs/bloggers/council-canadians/2013/01/enbridge-panel-be-greeted-loud-demonstration>.
- Aijazi, Omer, and Martin David. 2015. "A New Clayoquot? Examining the Convergence of First Nations and Environmental NGOs in Vancouver's Anti-Pipeline Protests." In *Cultural Dynamics of Climate Change and the Environment in Northern America*, edited by Bernd Sommer. BRILL. https://doi.org/10.1163/9789004300712_012.
- Alberta Government. 2012. "Talk about Royalties." September 2012. https://web.archive.org/web/20130430052508/http://www.energy.alberta.ca/Org/pdfs/FS_Royalties.pdf.
- Alder, Ben. 2015. "The Inside Story of How the Keystone Fight Was Won." *Grist* (blog). November 6, 2015. <https://grist.org/climate-energy/the-inside-story-of-how-the-keystone-fight-was-won/>.
- Alfred, Gerald R. 1999. *Peace, Power, Righteousness: An Indigenous Manifesto*. Don Mills, Ont: Oxford University Press.
- Allan, Robyn. 2015a. "Letter of Withdrawal (A70071)." National Energy Board. <https://apps.cer-rec.gc.ca/REGDOCS/Item/View/2776410>.
- . 2015b. "NEB in Survival Mode after Hiring Kinder Morgan Consultant." National Observer. August 24, 2015. <https://www.nationalobserver.com/2015/08/24/opinion/neb-survival-mode-after-hiring-kinder-morgan-consultant>.
- . 2015c. "Open Letter to Justin Trudeau: Fix the NEB, ASAP." National Observer. October 25, 2015. <https://www.nationalobserver.com/2015/10/25/opinion/open-letter-justin-trudeau-fix-neb-asap>.
- . 2017. "Opinion: 15,000 Trans Mountain Jobs Are an Illusion." *Times Colonist*, sec. Opinion. August 31, 2017. <http://www.timescolonist.com/opinion/columnists/opinion-15-000-trans-mountain-jobs-are-an-illusion-1.22286166>.
- Allen, JoAnne. 2011. "State Dept Eyes Rerouting Keystone XL Pipeline." *Reuters*, November 9, 2011. <https://www.reuters.com/article/us-usa-keystone-rerouting-idUSTRE7A81G120111109>.
- Almeida, Paul. 2008. "The Sequencing of Success: Organizing Templates and Neoliberal Policy Outcomes." *Mobilization: An International Quarterly* 13 (2): 165–87.
- Almeida, Paul, and Linda Brewster Stearns. 1998. "Political Opportunities and Local Grassroots Environmental Movements: The Case of Minamata." *Social Problems* 45 (1): 37–60.
- Amenta, Edwin, Neal Caren, Elizabeth Chiarello, and Yang Su. 2010. "The Political Consequences of Social Movements." *Annual Review of Sociology* 36 (1): 287–307. <https://doi.org/10.1146/annurev-soc-070308-120029>.
- Amenta, Edwin, Neal Caren, and Sheera Joy Olasky. 2005. "Age for Leisure? Political Mediation and the Impact of the Pension Movement on U.S. Old-Age Policy." *American Sociological Review* 70 (3): 516–38.

- Amenta, Edwin, Bruce G. Carruthers, and Yvonne Zylan. 1992. "A Hero for the Aged? The Townsend Movement, the Political Mediation Model, and U.S. Old-Age Policy, 1934-1950." *American Journal of Sociology* 98 (2): 308–39. <https://doi.org/10.1086/230010>.
- Amenta, Edwin, Kathleen Dunleavy, and Mary Bernstein. 1994. "Stolen Thunder? Huey Long's 'Share Our Wealth,' Political Mediation, and the Second New Deal." *American Sociological Review* 59 (5): 678. <https://doi.org/10.2307/2096443>.
- Amenta, Edwin, Kenneth T. Andrews, and Neal Caren. 2019. "The Political Institutions, Processes, and Outcomes Movements Seek to Influence." In *The Wiley Blackwell Companion to Social Movements*, edited by David A. Snow, Sarah A. Soule, Hanspeter Kriesi, and Holly J McCammon, Second, 449–65. Oxford: Blackwell Publishing Ltd.
- Andersen, Ellen Ann. 2006. *Out of the Closets & into the Courts: Legal Opportunity Structure and Gay Rights Litigation*. 1st pbk. ed. Ann Arbor: University of Michigan Press.
- Anderson, Bruce, and David Coletto. 2016. "Pipeline Politics in 2016." *Abacus Data* (blog). May 24, 2016. <https://abacusdata.ca/pipeline-politics-in-2016/>.
- Anderson, Duncan. 2018. "Arrests to Continue as Kinder Morgan Protests Heat Up." *The Tyee*. April 4, 2018. <https://thetyee.ca/News/2018/04/04/Kinder-Morgan-Protest-Arrests/>.
- Andrews, Kenneth T. 2001. "Social Movements and Policy Implementation: The Mississippi Civil Rights Movement and the War on Poverty, 1965 to 1971." *American Sociological Review* 66 (1): 71. <https://doi.org/10.2307/2657394>.
- Andrews, Kenneth T., and Neal Caren. 2010. "Making the News: Movement Organizations, Media Attention, and the Public Agenda." *American Sociological Review* 75 (6): 841–66.
- Andrews, Kenneth T., and Bob Edwards. 2004. "Advocacy Organizations in the U.S. Political Process." *Annual Review of Sociology* 30 (1): 479–506. <https://doi.org/10.1146/annurev.soc.30.012703.110542>.
- Andrews, Kenneth T., Marshall Ganz, Matthew Baggetta, Hahrie Han, and Chaeyoon Lim. 2010. "Leadership, Membership, and Voice: Civic Associations That Work." *American Journal of Sociology* 115 (4): 1191–1242. <https://doi.org/10.1086/649060>.
- Angus Reid Institute. 2016. "Rocky Mountain Rumble: Alberta, B.C. Residents at Odds over TransMountain Pipeline." *Angus Reid Institute* (blog). June 16, 2016. <http://angusreid.org/transmountain-pipeline/>.
- Anishinabek Nation. 2017. "Gray Charges Dropped in Court," January 1, 2017. <http://anishinabeknews.ca/2017/01/16/gray-charges-dropped-in-court/>.
- Anner, Mark, and Peter Evans. 2004. "Building Bridges across a Double Divide: Alliances between US and Latin American Labour and NGOs." *Development in Practice* 14 (1/2): 34–47.
- Annis, Roger. 2012. "A Movement Against Tar Sands Oil, Pipelines and Tankers Is on the Rise in Canada." *Socialist Project The Bullet*. November 2, 2012. <https://socialistproject.ca/2012/11/b720/>.
- Aronczyk, Melissa, and Graeme Auld. 2014. "Re-thinking Mediation Opportunity Structures: An Illustrative Exploration of Contestations over the Canadian Tar Sands." In *Annual Convention of the International Studies Association*. Toronto, Canada.
- Assembly of First Nations (AFN). 2019. "Discussion Paper: Comprehensive Land Claims Policy/ Canada's Approach to Reform." https://www.afn.ca/wp-content/uploads/2019/05/Policy_Discussion-Paper_ENG_FINAL.pdf.
- Athabasca Chipewyan First Nation (ACFN). 2012. "Enbridge Northern Gateway Pipeline Rally on Jan. 24 in Edmonton." *Athabasca Chipewyan First Nation and the Tar Sands* (blog). January 18, 2012. <https://acfnchallenge.wordpress.com/2012/01/18/enbrige-rally-on-jan-24-in-emonton/>.
- Atleo, Clifford (Kam'ayaam/Chachim'multniü). 2015. "Aboriginal Economic Development and Living Nuu-Chah-Nulth-Aht." In *More Will Sing Their Way to Freedom: Indigenous Resistance and Resurgence*, edited by Elaine Coburn. Black Point: Fernwood Publishing.

- Audette, Trish. 2012. "Northern Gateway Pipeline Hearings Begin in Edmonton." *Vancouver Sun*, January 24, 2012. <https://vancouversun.com/news/northern-gateway-pipeline-hearings-begin-in-edmonton/wcm/e53fd382-c924-41a4-97ae-486508f04a03/>.
- Audette-Longo, Patricia H. 2018. "Fighting the Same Old Battle': Obscured Oil Sands Entanglements in Press Coverage of Indigenous Resistance in the Winter of 1983." *Canadian Journal of Communication* 43 (1). <https://doi.org/10.22230/cjc.2018v43n1a3311>.
- Bailey, Ian. 2014. "'The War Is on': Protesters Set Sights on Harper after Northern Gateway Decision." *The Globe and Mail*, June 18, 2014. <https://www.theglobeandmail.com/news/british-columbia/the-war-is-on-protesters-set-sights-on-harper-after-northern-gateway-decision/article19214575/>.
- . 2017. "Kinder Morgan, Burnaby Clash in NEB Hearing over Trans Mountain Project." *CTV News*, December 4, 2017. <https://www.ctvnews.ca/mobile/business/kinder-morgan-burnaby-clash-in-neb-hearing-over-trans-mountain-project-1.3706599?cache=yes?clipId=89619>.
- . 2018a. "B.C. Decries New, Quicker National Energy Board Process for Trans Mountain Pipeline Project." *The Globe and Mail*, January 19, 2018. <https://www.theglobeandmail.com/news/british-columbia/bc-decries-national-energy-board-process-for-trans-mountain-pipeline-project/article37674251/>.
- . 2018b. "B.C. Premier John Horgan Predicts 'Crisis' from Anti-Pipeline Protests." *The Globe and Mail*, March 28, 2018. <https://www.theglobeandmail.com/canada/british-columbia/article-bc-premier-john-horgan-predicts-crisis-from-anti-pipeline-protests/>.
- Baird, Kim, Tony Penikett, and Annette Trimbee. 2016. "Report from the Ministerial Panel for the Trans Mountain Expansion Project," November, 60.
- Bakker, Frank G. A. de, Frank den Hond, Brayden King, and Klaus Weber. 2013. "Social Movements, Civil Society and Corporations: Taking Stock and Looking Ahead." *Organization Studies* 34 (5–6): 573–93. <https://doi.org/10.1177/0170840613479222>.
- Bakx, Kyle. 2016. "National Energy Board Far from a Fan Favourite with Canadians." *CBC News*, March 17, 2016. <https://www.cbc.ca/news/business/neb-ekos-poll-confidence-trust-1.3493834>.
- Balboa, Cristina M. 2018. *The Paradox of Scale: How NGOs Build, Maintain, and Lose Authority in Environmental Governance*. Cambridge, MA: MIT Press.
- Ball, David P. 2018. "Kinder Morgan Shareholders' Eco-Resolutions Pass in Rare Investor Upset." *The Star*, May 9, 2018, sec. Vancouver. <https://www.thestar.com/vancouver/2018/05/09/kinder-morgan-shareholders-eco-resolutions-pass-in-rare-investor-upset.html>.
- Barker, Adam J. 2015. "'A Direct Act of Resurgence, a Direct Act of Sovereignty': Reflections on Idle No More, Indigenous Activism, and Canadian Settler Colonialism." *Globalizations* 12 (1): 43–65. <https://doi.org/10.1080/14747731.2014.971531>.
- Barker, Adam J, and Russell Meyers Ross. 2017. "Reoccupation and Resurgence: Indigenous Protest Camps in Canada." In *Protest Camps in International Context*, 1st ed. Bristol University Press. <https://doi.org/10.2307/j.ctt1t89745>.
- Barrera, Jorge. 2018. "B.C. First Nation Says Passage of Trans Mountain Project through Reserve Not Done Deal, Others Weigh Options." *CBC News*, April 19, 2018. <https://www.cbc.ca/news/indigenous/bc-first-nations-kinder-morgan-pipeline-1.4626497>.
- Bartley, Tim. 2007. "How Foundations Shape Social Movements: The Construction of an Organizational Field and the Rise of Forest Certification." *Social Problems* 54 (3): 229–55. <https://doi.org/10.1525/sp.2007.54.3.229>.
- Baumgartner, Frank R., Jeffrey M. Berry, Marie Hojnacki, David C. Kimball, and Beth L. Leech, eds. 2009. *Lobbying and Policy Change: Who Wins, Who Loses, and Why*. Chicago; London: University of Chicago Press.
- BBC News. 2017. "Petronas Cancels Pacific NorthWest LNG Project in Canada," July 25, 2017. <https://www.bbc.com/news/world-us-canada-40719926>.

- BC Treaty Commission. 2020. "FAQ." BC Treaty Commission. 2020. <http://www.bctreaty.ca/faq>.
- Beach, Derek. 2016. "It's All about Mechanisms – What Process-Tracing Case Studies Should Be Tracing." *New Political Economy* 21 (5): 463–72. <https://doi.org/10.1080/13563467.2015.1134466>.
- Beacon News. 2012. "More Schools Likely along Kinder Morgan Pipeline." *Beacon News*, November 24, 2012. <https://www.wildernesscommittee.org/news/more-schools-likely-along-kinder-morgan-pipeline>.
- Beeby, Dean. 2014a. "Canadian Charities Feel 'Chill' as Tax Audits Widen into Political Activities." *The Star*, July 10, 2014. https://www.thestar.com/news/canada/2014/07/10/canadian_charities_feel_chill_as_tax_audits_widen_into_political_activities.html.
- . 2014b. "Canada Revenue Agency Accused of 'political' Targeting of Charities." *The Canadian Press*, August 3, 2014. <https://www.macleans.ca/news/canada/canada-revenue-agencys-political-targeting-of-charities-under-scrutiny/>.
- Beers, David. 2013. "Don't Blame Pipeline Stance for NDP 'Collapse': Dogwood Campaign Director." *The Hook, A Tyee Blog* (blog). May 14, 2013. <https://thetyee.ca/Blogs/TheHook/2013/05/14/Dogwood-Election/>.
- Bellefontaine, Michelle. 2018. "Alberta Premier Threatens to Cut off Oil to B.C. in Fight over Pipeline: Throne Speech." *CBC News*, March 8, 2018. <https://www.cbc.ca/news/canada/edmonton/alberta-throne-speech-2018-1.4567873>.
- Bellrichard, Chantelle. 2020. "Wet'suwet'en Hereditary Chiefs Moving Ahead with Rights and Title MOU with B.C. and Canada." *CBC News*, May 13, 2020. <https://www.cbc.ca/news/indigenous/wet-suwet-en-hereditary-chiefs-moving-ahead-with-rights-and-title-mou-with-b-c-and-canada-1.5567296>.
- Benford, Robert D., and David A. Snow. 2000. "Framing Processes and Social Movements: An Overview and Assessment." *Annual Review of Sociology* 26: 611–39.
- Bennett, Dean. 2016. "Alberta Premier Rachel Notley Rethinking Stance on Northern Gateway Pipeline." *Global News*. April 21, 2016. <https://globalnews.ca/news/2654945/alberta-premier-rachel-notley-rethinking-stance-on-northern-gateway-pipeline/>.
- Bennett, Andrew, and Jeffrey T. Checkel, eds. 2014. *Process Tracing: From Metaphor to Analytic Tool*. Cambridge: Cambridge University Press. <https://doi.org/10.1017/CBO9781139858472>.
- Bennett, Mia M. 2018. "From State-Initiated to Indigenous-Driven Infrastructure: The Inuvialuit and Canada's First Highway to the Arctic Ocean." *World Development* 109 (September): 134–48. <https://doi.org/10.1016/j.worlddev.2018.04.003>.
- Bennett, W. Lance, Victor W. Pickard, David P. Iozzi, Carl L. Schroeder, Taso Lagos, and C. Evans Caswell. 2004. "Managing the Public Sphere: Journalistic Construction of the Great Globalization Debate." *Journal of Communication* 54 (3): 437–55. <https://doi.org/10.1111/j.1460-2466.2004.tb02638.x>.
- Benton-Connell, Kylie, and D. T. Cochrane. 2020. "'Canada Has a Pipeline Problem': Valuation and Vulnerability of Extractive Infrastructure." *South Atlantic Quarterly* 119 (2): 325–52. <https://doi.org/10.1215/00382876-8177783>.
- Berman, Tzaporah, and Mark Leiren-Young. 2011. *This Crazy Time: Living Our Environmental Challenge*. Toronto: Knopf Canada. <http://search.ebscohost.com/login.aspx?direct=true&scope=site&db=nlebk&db=nlabk&AN=752035>.
- Bernstein, Steven, and Benjamin Cashore. 2000. "Globalization, Four Paths of Internationalization and Domestic Policy Change: The Case of EcoForestry in British Columbia, Canada." *Canadian Journal of Political Science / Revue Canadienne de Science Politique* 33 (1): 67–99.
- . 2012. "Complex Global Governance and Domestic Policies: Four Pathways of Influence." *International Affairs* 88 (3): 585–604. <https://doi.org/10.1111/j.1468-2346.2012.01090.x>.

- Berthiaume, Lee. 2014. "Archival: Why Gerald Butts Was Trudeau's Most Trusted Adviser." *Ottawa Citizen*. October 21, 2014. <https://ottawacitizen.com/news/politics/the-man-behind-the-curtain-why-gerald-butts-is-trudeaus-most-trusted-adviser>.
- Bickis, Ian. 2018. "Kinder Morgan CEO Says Recent Events Confirm Trans Mountain May Be 'Untenable.'" *The Canadian Press*, April 18, 2018. <https://business.financialpost.com/pmn/business-pmn/kinder-morgan-ceo-says-recent-events-confirm-trans-mountain-may-be-untenable>.
- Bird, Stephen. 2018. "The Policy-Regulatory Nexus in Canada's Energy Decision-Making: From Best Practices to Next Practices." *Positive Energy*, Université d'Ottawa | University of Ottawa. https://www.uottawa.ca/positive-energy/sites/www.uottawa.ca/positive-energy/files/pe_the_policy_regulatory_nexus_in_canada_final.pdf.
- Black, Toban, Naomi Klein, Bill McKibben, Joshua Kahn Russell, Stephen D'Arcy, and Anthony John Weis, eds. 2014. *A Line in the Tar Sands: Struggles for Environmental Justice*. Toronto, Ontario, Canada ; Oakland, CA: PM Press.
- BlackOutSpeakOut. 2012a. "Latest News." 2012. <http://www.blackoutspeakout.ca/news.php>.
- . 2012b. "Passing of Budget Bill Is Bad News for Canadians and the Environment." June 19, 2012. <https://www.newswire.ca/news-releases/passing-of-budget-bill-is-bad-news-for-canadians-and-the-environment-510392641.html>.
- Bliss, Sam. 2015. "Spending Time in a Controversial Camp That's Blocking Tar-Sands Pipelines." *Grist* (blog). August 21, 2015. <https://grist.org/climate-energy/spending-time-in-a-controversial-camp-thats-blocking-tar-sands-pipelines/>.
- Bloodgood, Elizabeth A. 2011. "The Interest Group Analogy: International Non-Governmental Advocacy Organisations in International Politics." *Review of International Studies* 37 (1): 93–120. <https://doi.org/10.1017/S0260210510001051>.
- Bloomberg News. 2014a. "Stephen Harper Faces B.C. Backlash during 2015 Election If Northern Gateway Pipeline Approved: Poll," June 4, 2014. <https://financialpost.com/commodities/energy/stephen-harper-northern-gateway>.
- . 2014b. "How Alberta's Oil Patch Teamed up with the 'Little Guys' for an End Run around Obama." *Bloomberg News*, October 7, 2014. <https://business.financialpost.com/commodities/energy/energy-east-keystone>.
- . 2016. "Enbridge's Northern Gateway May Be Resuscitated as Trudeau Wavers on Tanker Moratorium." April 25, 2016. <https://financialpost.com/commodities/energy/enbridges-northern-gateway-resuscitated-as-trudeau-wavers-on-tanker-moratorium>.
- Bloomberg News, and Christine Buurma. 2019. "TransCanada Puts Stake in \$6.2 Billion Coastal GasLink Pipeline up for Sale." *Financial Post*, January 29, 2019. <https://business.financialpost.com/commodities/energy/transcanada-taps-rbc-to-sell-stake-in-4-7-billion-gas-pipeline>.
- Bloomfield, Michael John. 2017. *Dirty Gold: How Activism Transformed the Jewelry Industry*. Earth System Governance. Cambridge, MA: MIT Press.
- Boesveld, Sarah. 2012. "David Suzuki Resigns to Save Foundation from 'Bully' Charitable Status Threats." *National Post*, April 14, 2012. <https://nationalpost.com/news/canada/david-suzuki-resigns-to-save-foundation-from-bully-charitable-status-threats>.
- Bojar, Abel, and Hanspeter Kriesi. 2020. "Action Repertoires in Contentious Episodes: What Determines Governments' and Challengers' Action Strategies? A Cross-National Analysis." *European Journal of Political Research*, 1–23. <https://doi.org/10.1111/1475-6765.12386>.
- Boothby, Lauren. 2018. "Kayactivists' Block Entrance to Westridge Marine Terminal in Burnaby." *Burnaby Now*. May 9, 2018. <http://www.burnabynow.com/news/kayactivists-block-entrance-to-westridge-marine-terminal-in-burnaby-1.23296384>.

- Borland, Elizabeth. 2008. "Social Movement Organizations and Coalitions: Comparisons from the Women's Movement in Buenos Aires, Argentina." In *Research in Social Movements, Conflicts and Change*, edited by Patrick G. Coy, 28:83–112. Research in Social Movements, Conflicts and Change. Emerald Group Publishing Limited. [https://doi.org/10.1016/S0163-786X\(08\)28003-1](https://doi.org/10.1016/S0163-786X(08)28003-1).
- Borrows, John. 1997. "Frozen Rights in Canada: Constitutional Interpretation and the Trickster." *American Indian Law Review* 22 (1): 37–64. <https://doi.org/10.2307/20068838>.
- . 2002. *Recovering Canada: The Resurgence of Indigenous Law*. Toronto; Buffalo: University of Toronto Press.
- . 2016. *Freedom and Indigenous Constitutionalism*. Toronto; Buffalo ; London: University of Toronto Press.
- Bosi, Lorenzo, Marco Giugni, and Katrin Uba, eds. 2016. *The Consequences of Social Movements*. New York: Cambridge University Press.
- Bowles, Paul, and Fiona MacPhail. 2017. "The Town That Said 'No' to the Enbridge Northern Gateway Pipeline: The Kitimat Plebiscite of 2014." *The Extractive Industries and Society* 4 (1): 15–23. <https://doi.org/10.1016/j.exis.2016.11.009>.
- . 2018. "Contesting Natural Resource Development in Canada: The Legacies and Limits of the Staples Approach." *British Journal of Canadian Studies* 31 (2): 167–79. <https://doi.org/10.3828/bjcs.2018.12>.
- Bowles, Paul, and Henry Veltmeyer, eds. 2014. *The Answer Is Still No: Voices of Pipeline Resistance*.
- . 2016. "Pipelines and Protest: Enbridge and After." In *Resource Communities in a Globalizing Region: Development, Agency, and Contestation in Northern British Columbia*, edited by Gary N. Wilson and Paul Bowles. Vancouver; Toronto: UBC Press.
- Boykoff, Jules. 2007. "Limiting Dissent: The Mechanisms of State Repression in the USA." *Social Movement Studies* 6 (3): 281–310. <https://doi.org/10.1080/14742830701666988>.
- Bozinoff, Lorne. 2016. "Majority Approve of All Three Controversial Pipelines." The Forum Poll™. March 17, 2016. <http://poll.forumresearch.com/post/2480/most-see-pipelines-as-safer-than-rail-for-moving-crude/>.
- Braid, Kyle. 2012. "British Columbians on the Northern Gateway Pipelines Project." Ipsos Reid Public Affairs. January 5, 2012. <https://www.newswire.ca/fr/news-releases/british-columbians-on-the-northern-gateway-pipelines-project-509408631.html>.
- Bramley, Matthew, Derek Neabel, and Dan Woynillowicz. 2005. "The Climate Implications of Canada's Oil Sands Development." The Pembina Institute. <https://www.pembina.org/reports/oilsands-climate-implications-backgrounder.pdf>
- Bratt, Duane. 2020. "Addressing Polarization: What Works? Cast Study: The Alberta Climate Leadership Plan." Positive Energy. Ottawa. <https://www.uottawa.ca/positive-energy/content/addressing-polarization-what-works-alberta-climate-leadership-plan>
- Bratt, Duane, Keith Brownsey, Richard Sutherland, and David Taras, eds. 2019. *Orange Chinook: Politics in the New Alberta*. Arts in Action, no. 2. Calgary, Alberta, Canada: University of Alberta Press.
- British Columbia, Attorney General. 2011. "HST Referendum Legislation Introduced." April 27, 2011. <https://news.gov.bc.ca/releases/2011AG0007-000447>.
- British Columbia, Ministry of Environment. 2016. "Province Reaffirms Trans Mountain Pipeline Must Meet Five Conditions." January 11, 2016. https://archive.news.gov.bc.ca/releases/news_releases_2013-2017/2016ENV0001-000020.htm.
- British Columbia, Ministry of Environment and Climate Change Strategy. 2017. "Government Takes Action to Protect B.C. over Kinder Morgan Pipeline and Tanker Traffic Expansion." August 10, 2017. <https://news.gov.bc.ca/releases/2017ENV0046-001417>.

- Broder, John M. 2013. "Obama's Remarks Offer Hope to Opponents of Oil Pipeline." *The New York Times*, July 5, 2013, sec. U.S. <https://www.nytimes.com/2013/07/06/us/obamas-remarks-offer-hope-to-opponents-of-oil-pipeline.html>.
- Brooke, James. 2001. "Digging for Oil; Canada Is Unlocking Petroleum From Sand." *The New York Times*, January 23, 2001, sec. Business. <https://www.nytimes.com/2001/01/23/business/digging-for-oil-canada-is-unlocking-petroleum-from-sand.html>.
- Brooker, Megan E., and David S. Meyer. 2019. "Coalitions and the Organization of Collective Action." In *The Wiley Blackwell Companion to Social Movements*, edited by David A. Snow, Sarah A. Soule, Hanspeter Kriesi, and Holly J. McCammon, Second, 252–68. Oxford: Wiley Blackwell.
- Brotten, Delores. 2012. "Comox, B.C. Speaks out against Northern Gateway Pipeline." *Rabble.Ca*. April 9, 2012. <https://rabble.ca/news/2012/04/comox-bc-speaks-out-against-northern-gateway-pipeline>.
- Brown, Greg, Jeremy Moorhouse, and Jennifer Grant. 2009. "Opening the Door for Oil Sands Expansion." Pembina Institute.
- Brownlee, Kimberley. 2013. "Civil Disobedience." In *The Stanford Encyclopedia of Philosophy*, edited by Edward N. Zalta. Metaphysics Research Lab, Stanford University. <https://plato.stanford.edu/archives/fall2017/entries/civil-disobedience/>.
- Burgmann, Tamsyn. 2012. "Oil Protesters Push Dix for Kinder Morgan Answer." *British Columbia*. October 24, 2012. <https://bc.ctvnews.ca/oil-protesters-push-dix-for-kinder-morgan-answer-1.1009285>.
- Burgmann, Tamsyn. 2015. "Justin Trudeau Unveils Liberals' Environmental Platform." *The Canadian Press*, June 29, 2015. <https://www.thestar.com/news/canada/2015/06/29/justin-trudeau-unveils-liberals-environmental-platform.html>.
- Burstein, Paul. 1999. "Social Movements and Public Policy." In *How Social Movements Matter*, edited by Marco Giugni, Doug McAdam, and Charles Tilly, 3–21. Social Movements, Protest, and Contention. Minneapolis, Minn: University of Minnesota Press.
- Burstein, Paul. 2014. *American Public Opinion, Advocacy, and Policy in Congress: What the Public Wants and What It Gets*. New York, NY USA: Cambridge University Press.
- Business Wire. 2005. "Enbridge and PetroChina Sign Gateway Pipeline Cooperation Agreement." April 14, 2005. <https://www.businesswire.com/news/home/20050414005512/en/Enbridge-PetroChina-Sign-Gateway-Pipeline-Cooperation-Agreement>.
- Butts, Gerald. 2009. "Carbon Capture No Silver Bullet for Tar Sands." *The Star*, February 27, 2009, sec. Opinion. https://www.thestar.com/opinion/2009/02/27/carbon_capture_no_silver_bullet_for_tar_sands.html.
- . 2012. "Our Ecological Treasure Is the Issue with Northern Gateway." *The Globe and Mail*, January 11, 2012. <https://www.theglobeandmail.com/opinion/our-ecological-treasure-is-the-issue-with-northern-gateway/article554316/>.
- Cameron, Grant. 2017. "Campaign Launched by Unions Over BC Pipeline." *International Union of Operating Engineers (IUOE) Local 793* (blog). April 15, 2017. <https://iuoelocal793.org/campaign-launched-by-unions-over-bc-pipeline/>.
- Campbell, Karen. 2010. "Enbridge Northern Gateway Pipeline Project CEAR Reference Number 06-05-21799," January 22, 2010. <https://www.pembina.org/reports/upstreamimpacts-tor-final.pdf>.
- Campbell, Karen. 2014. "Pipelines and the Erosion of the National Energy Board's Credibility." *DeSmog Canada*, November 27, 2014. <https://web.archive.org/web/20141214133316/http://www.desmog.ca/2014/11/27/pipelines-and-erosion-national-energy-board-s-credibility>.
- Canada NewsWire. 2015. "Government of Canada Announces Appointment of New Member to the National Energy Board." July 31, 2015.

- <https://web.archive.org/web/20150806004035/https://www.marketwatch.com/story/government-of-canada-announces-appointment-of-new-member-to-the-national-energy-board-2015-07-31>.
- Canada Revenue Agency (CRA), Government of Canada. 2003. "Political Activities." September 15, 2003. <https://www.canada.ca/en/revenue-agency/services/charities-giving/charities/policies-guidance/policy-statement-022-political-activities.html#toc42>.
- Canadian Association of Petroleum Producers (CAPP). 2008. "Crude Oil Forecast, Markets & Pipeline Expansions." Calgary, Alberta.
- . 2015. "Crude Oil Forecast, Markets & Transportation." Calgary, Alberta. <https://web.archive.org/web/20150814224928/http://www.capp.ca/publications-and-statistics/crude-oil-forecast>.
- Canadian Business. 2012. "Big Loser: Enbridge," December 13, 2012. <https://www.canadianbusiness.com/lists-and-rankings/enbridge-big-loser/>.
- Canadian Civil Liberties Association. 2016. "Protest Rights: An Interview with Alan Dutton." May 5, 2016. <https://web.archive.org/web/20160505230910/https://ccla.org/an-interview-with-alan-dutton/>.
- Canadian Energy Pipeline Association. 2018. "Submission to the Parliamentary Committee on Environment and Sustainable Development Bill C-69." <https://cepa.com/wp-content/uploads/2018/03/Submission-to-Parliamentary-Committee-Bill-C-69-Final.pdf>.
- Canadian Energy Pipeline Association (CEPA). 2011. "ATIP CEPA DFAIT Oct 2011 (Department of Foreign Affairs, Trade and Development)." ATIP. https://docs.google.com/file/d/0B_0MqnZ4wmcMRIZfWlFrWmM2Nnc/edit.
- . 2017. "2017 Transmission Pipeline Industry Performance Report." https://pr17.cepa.com/cepa/wp-content/uploads/2017/07/CEPA_PerformanceData_E.pdf.
- Canadian Petroleum Products Institute (CPPI), Canadian Association of Petroleum Producers (CAPP), Canadian Energy Pipeline Association (CEPA), and Canadian Gas Association (CGA). 2011. "Industry Letter on Environmental Regulations to Kent and Oliver P1 (ATIP)," December 12, 2011. <https://assets.documentcloud.org/documents/552378/pages/atip-industry-letter-on-enviro-regs-to-oliver-p1-normal.gif>.
- Cantieri, Janice. 2018. "Tribes Build a Traditional Watch House to Stop Kinder Morgan Pipeline Expansion." *Yes! Magazine* (blog). March 13, 2018. <https://www.yesmagazine.org/environment/2018/03/13/tribes-build-a-traditional-watch-house-to-stop-kinder-morgan-pipeline-expansion>.
- Cardinal, Jesse. 2014. "The Tar Sands Healing Walk." In *A Line in the Tar Sands: Struggles for Environmental Justice*, edited by Toban Black, Naomi Klein, Bill McKibben, Joshua Kahn Russell, Stephen D'Arcy, and Anthony John Weis, 127–33. Toronto, Ontario, Canada; Oakland, CA: PM Press.
- Caren, Neal, and Aaron Panofsky. 2005. "TQCA: A Technique for Adding Temporality to Qualitative Comparative Analysis." *Sociological Methods & Research* 34 (2): 147–72. <https://doi.org/10.1177/0049124105277197>.
- Carpenter, Charli, Sirin Duygulu, Alexander H. Montgomery, and Anna Rapp. 2014. "Explaining the Advocacy Agenda: Insights from the Human Security Network." *International Organization* 68 (2): 449–70. <https://doi.org/10.1017/S0020818313000453>.
- Carpenter, R. Charli. 2011. "Vetting the Advocacy Agenda: Network Centrality and the Paradox of Weapons Norms." *International Organization* 65 (1): 69–102. <https://doi.org/10.1017/S0020818310000329>.
- . 2014. *Lost Causes: Agenda Vetting in Global Issue Networks and the Shaping of Human Security*. Ithaca; London: Cornell University Press.

- Carr, Jim. 2015. "Jim Carr, 'The Environment' on Dec. 9th, 2015." December 9, 2015. Openparliament.ca. Accessed October 3, 2020. <https://openparliament.ca/debates/2015/12/9/jim-carr-2/>.
- Carrier Sekani Tribal Council (CSTC). 2006a. "Carrier Sekani Tribal Council Aboriginal Interests & Use Study on the Enbridge Gateway Pipeline." <http://www.carriersekani.ca/images/docs/enbridge/AIUS%20COMPLETE%20FINAL%20inc%20maps.pdf>.
- . 2006b. "Carrier Sekani Tribal Council Commences Federal Court Challenge in Enbridge Gateway Pipeline Project." October 26, 2006. <http://www.carriersekani.ca/images/docs/enbridge/Press%20Release%20Fed%20Ct%20Challenge%20Oct%2026%202006.pdf>.
- . 2010. "No to Enbridge Pipeline - Current Issues." January 2010. <http://www.carriersekani.ca/current-issues/no-to-enbridge-pipeline/>.
- . 2012. "Yinka Dene Alliance Freedom Train - Current Issues." 2012. <http://www.carriersekani.ca/current-issues/yinka-dene-alliance-freedom-train/>.
- Carroll, Joe. 2016. "Kinder Morgan Defends \$3-Billion Dividend Cut That Shocked Investors." *The Globe and Mail*, January 27, 2016. <https://www.theglobeandmail.com/globe-investor/investment-ideas/kinder-morgan-defends-3-billion-dividend-cut-that-shocked-investors/article28420223/>.
- Carter, Angela. Forthcoming. "Canadian Ecological Political Economy." In *Canadian Political Economy: Cutting Edge Issues and Debates*.
- Carter, Angela V. 2020. *Fossilized Environmental Policy in Canada's Petro-Provinces*. Vancouver; UBC Press.
- Carter, Angela V., and Janetta McKenzie. 2020. "Amplifying 'Keep It in the Ground' First-Movers: Toward a Comparative Framework." *Society & Natural Resources*, June, 1–20. <https://doi.org/10.1080/08941920.2020.1772924>.
- Carter, Terrance S., and Karen J. Cooper. 2012. "Playing By the Rules: Political Activities Fair Game for Charities." *Carters Professional Corporation Charity Law Bulletin*, June 28, 2012. http://www.carters.ca/pub/bulletin/charity/2012/chylb286.htm#_ftn8.
- Cattaneo, Claudia. 2014. "Enbridge Plans Northern Gateway Shakeup, Giving Greater Control to Aboriginal Partners," December 6, 2014. <https://financialpost.com/commodities/energy/enbridge-plans-northern-gateway-shakeup-giving-greater-control-to-aboriginal-partners>.
- Cattaneo, Claudia. 2015. "Conflict of Interest Charges Mar National Energy Board Panel." *Financial Post*, August 27, 2015. <https://financialpost.com/commodities/energy/conflict-of-interest-charges-mar-national-energy-board-panel>.
- . 2016. "'A Key Test': Canadian Oil Executives Await Trudeau's Grand Bargain on Pipelines." *Financial Post*, November 28, 2016. <https://financialpost.com/commodities/energy/canadian-oil-executives-await-trudeaus-grand-bargain-on-pipelines>.
- . 2018. "'Eco-Colonialism': Rift Grows between Indigenous Leaders and Activists." *Financial Post*, January 4, 2018. <https://financialpost.com/feature/eco-colonialism-rift-grows-between-indigenous-leaders-and-green-activists>.
- Cayley-Daoust, Daniel. 2013. "New Year, New Beginnings - Launch of 'TTS' Campaign." *Polaris Institute* (blog). February 6, 2013. https://www.polarisinstitute.org/new_year_new_beginnings_launch_of_its_campaign.
- CBC News. 2007. "CBC News In Depth: Kyoto." *CBC News*, February 14, 2007. <https://www.cbc.ca/news2/background/kyoto/timeline.html>.
- . 2009. "Canada Tagged as 'Fossil of the Year.'" *CBC News*, December 18, 2009. <https://www.cbc.ca/news/canada/canada-tagged-as-fossil-of-the-year-1.827062>.

- . 2011a. “First Nations Group Protests Pipeline Proposal.” CBC News. May 11, 2011. <https://www.cbc.ca/news/canada/calgary/first-nations-group-protests-pipeline-proposal-1.1121839>.
- . 2011b. “No Coverup in N.W.T. Pipeline Leak: Enbridge,” June 7, 2011. <https://www.cbc.ca/news/canada/north/no-coverup-in-n-w-t-pipeline-leak-enbridge-1.1029611>.
- . 2011c. “Keystone Pipeline Protest Nets 117 Arrests on Hill.” CBC, September 26, 2011. <https://www.cbc.ca/news/canada/ottawa/keystone-pipeline-protest-nets-117-arrests-on-hill-1.981642>.
- . 2012a. “Hundreds Rally against Enbridge Northern Gateway Pipeline.” February 4, 2012. <https://www.cbc.ca/news/canada/british-columbia/hundreds-rally-against-enbridge-northern-gateway-pipeline-1.1171043>.
- . 2012b. “Environmental Charities ‘laundering’ Foreign Funds, Kent Says.” CBC News, May 1, 2012. <https://www.cbc.ca/news/politics/environmental-charities-laundering-foreign-funds-kent-says-1.1165691>.
- . 2012c. “B.C. Seeks ‘fair Share’ in New Gateway Pipeline Deal,” July 23, 2012. <https://www.cbc.ca/news/canada/british-columbia/b-c-seeks-fair-share-in-new-gateway-pipeline-deal-1.1205829>.
- . 2013a. “B.C. NDP Leader Slammed for Opposition to Pipeline | CBC News.” CBC News, April 24, 2013. <https://www.cbc.ca/news/canada/british-columbia/b-c-ndp-leader-slammed-for-opposition-to-pipeline-1.1311565>.
- . 2013b. “Line 9 Pipeline Work Halted by Protests in Toronto,” December 3, 2013. <https://www.cbc.ca/news/canada/toronto/line-9-pipeline-work-halted-by-protests-in-toronto-1.2449229>.
- . 2015a. “Belugas, Environmental Concerns Cited as TransCanada Drops Cacouna Port Plans.” CBC, April 2, 2015. <https://www.cbc.ca/news/canada/montreal/transcanada-confirms-cacouna-port-dropped-over-beluga-concerns-1.3019185>.
- . 2015b. “Tanker Ban for B.C.’s North Coast Could Impact Northern Gateway Pipeline.” CBC News, November 13, 2015. <https://www.cbc.ca/news/canada/british-columbia/crude-oil-tanker-traffic-moratorium-bc-north-coast-1.3318086>.
- . 2018a. “Notley Slams B.C. Proposal to Restrict Shipments of Diluted Bitumen as Unconstitutional.” January 30, 2018. <https://www.cbc.ca/news/canada/edmonton/b-c-notley-bitumen-alberta-kinder-morgan-1.4510884>.
- . 2018b. “Indigenous Pipeline Protester Arrested near Kamloops, B.C., Released by RCMP.” CBC, July 14, 2018. <https://www.cbc.ca/news/canada/british-columbia/indigenous-pipeline-protester-arrested-near-kamloops-b-c-released-by-rcmp-1.4747317>.
- Ceric, Irina. 2020. “Beyond Contempt: Injunctions, Land Defense, and the Criminalization of Indigenous Resistance.” *South Atlantic Quarterly* 119 (2): 353–69. <https://doi.org/10.1215/00382876-8177795>.
- Chan, Kai M.A. 2014. “Who Reviews the Review? We Do.” WWF-Canada Blog. June 12, 2014. <https://blog.wwf.ca/blog/2014/06/12/reviews-review/>.
- Chan, Kai MA, Anne Salomon, and Eric B. Taylor. 2014. “Open Letter on Joint Review Panel Report Regarding the Northern Gateway Project.” May 26, 2014. https://chanslab.ires.ubc.ca/files/2014/05/JRP-Letter-to-Federal-Govt_May28_all-signaturesKCASET.pdf.
- Charity Intelligence Canada. 2020. “MakeWay.” 2020. <https://www.charityintelligence.ca/charity-details/65-tides-canada>.
- Cheon, Andrew, and Johannes Urpelainen. 2018. *Activism and the Fossil Fuel Industry*. London; New York: Routledge, Taylor & Francis Group.

- Chong, Jed, and Nicole Sweeney. 2017. "Legislative Summary for Bill C-48: An Act Respecting the Regulation of Vessels That Transport Crude Oil or Persistent Oil to or from Ports or Marine Installations Located along British Columbia's North Coast." Publication No. 42-1-C48-E. https://lop.parl.ca/sites/PublicWebsite/default/en_CA/ResearchPublications/LegislativeSummaries/421C48E#ftn3.
- Choudry, Aziz. 2015. *Learning Activism: The Intellectual Life of Contemporary Social Movements*. Guelph, Ontario: University of Toronto Press.
- Christie, Gordon. 2013. "Indigenous Authority, Canadian Law, and Pipeline Proposals." *Journal of Environmental Law and Practice* 25.
- City of Burnaby. 2012. "'Open' Council Minutes for March 5, 2012." <https://search.heritageburnaby.ca/media/hpo/Data/CouncilMinutesAndReports/Unrestricted/2012/5-Mar-2012.pdf>.
- . 2015. "Mayors Stand Together Against Kinder Morgan Pipeline Proposal." <https://www.burnaby.ca/Assets/TMEP/Mayors+Stand+Together+Against+Kinder+Morgan+Pipeline+Proposal.pdf>.
- Clapperton, Jonathan. 2019. "Environmental Activism as Anti-Conquest: The Nuu-Chah-Nulth and Environmentalists in the Contact Zone of Clayoquot Sound." In *Environmental Activism on the Ground: Small Green and Indigenous Organizing*, edited by Jonathan Clapperton and Liza Piper, 181–206. Calgary, AB: University of Calgary Press. <https://www.jstor.org/stable/j.ctvbd8j4n>.
- Clapperton, Jonathan, and Liza Piper, eds. 2019. *Environmental Activism on the Ground: Small Green and Indigenous Organizing*. <https://www.jstor.org/stable/j.ctvbd8j4n>.
- Clark, Brett. 2002. "The Indigenous Environmental Movement in the United States: Transcending Borders in Struggles Against Mining, Manufacturing, and the Capitalist State." *Organization & Environment* 15 (4): 410–42.
- Clarke, Harold D., Timothy B. Gravelle, Thomas J. Scotto, Marianne C. Stewart, and Jason Reifler. 2017. "Like Father, Like Son: Justin Trudeau and Valence Voting in Canada's 2015 Federal Election." *PS: Political Science & Politics* 50 (03): 701–7. <https://doi.org/10.1017/S1049096517000452>.
- Cleland, Michael, and Monica Gattinger. 2017. "System Under Stress: Energy Decision-Making in Canada and the Need for Informed Reform." *University of Ottawa, Positive Energy*, March, 46.
- . 2019. "Canada's Energy Future in an Age of Climate Change: Public Confidence and Institutional Foundations for Change." *Energy Regulation Quarterly* (blog). October 23, 2019. <https://www.energyregulationquarterly.ca/articles/canadas-energy-future-in-an-age-of-climate-change-public-confidence-and-institutional-foundations-for-change>.
- Clogg, Jessica. 2014. "Tsilhqot'in Nation v. British Columbia: Implications for the Enbridge Tankers and Pipelines Project." *West Coast Environmental Law*. June 26, 2014. <https://www.wcel.org/blog/tsilhqotin-nation-v-british-columbia-implications-enbridge-tankers-and-pipelines-project>.
- Clogg, Jessica, Eugene Kung, Gavin Smith & Andrew Gage. 2017. "A Legal Toolbox to Defend BC from the Kinder Morgan Trans Mountain Pipeline & Tankers Project." *West Coast Environmental Law (WCEL)*. https://doi.org/10.1163/9789004322714_cclc_2017-0168-010.
- Clogg, Jessica, Hannah Askew, Eugene Kung, and Gavin Smith. 2016. "Indigenous Legal Traditions and the Future of Environmental Governance in Canada." *Environmental Law and Practice* 29.
- Clogg, Jessica, and Kung, Eugene. 2018. "Proposed BC Oil Transport Regulations a Wake-up Call for Kinder Morgan." *West Coast Environmental Law (WCEL)*. January 30, 2018. <https://www.wcel.org/media-release/proposed-bc-oil-transport-regulations-wake-call-kinder-morgan>.

- Coast Funds. 2020. "Coastal First Nations Great Bear Rainforest - \$120 Million to Support First Nations." March 3, 2020. <https://coastfunds.ca/first-nations/coastal-first-nations-great-bear-rainforest-initiative/>.
- Coast Protectors. 2016. "We Are Coast Protectors." December 7, 2016. <https://web.archive.org/web/20161207014705/http://www.coastprotectors.ca:80/>.
- . 2017. "Stop Kinder Morgan Flotilla." *Coast Protectors* (blog). October 28, 2017. https://www.coastprotectors.ca/stop_kinder_morgan_flotilla.
- . 2018a. "UBCIC Joins the Fight Against Kinder Morgan Man Camps." *Coast Protectors* (blog). March 3, 2018. https://www.coastprotectors.ca/ubcic_joins_the_fight_against_kinder_morgan_man_camps.
- . 2018b. "Arrests Begin on Burnaby Mountain." *Coast Protectors* (blog). March 17, 2018. https://www.coastprotectors.ca/arrests_begin_on_burnaby_mountain.
- . 2018c. "Indigenous Leadership Opposing Trans Mountain Receives Support from Kinder Morgan at AGM in Houston." May 9, 2018. https://www.coastprotectors.ca/indigenous_leadership_opposing_trans_mountain_receives_support_from_kinder_morgan_at_agm_in_houston.
- Coastal First Nations. 2010. "First Nations Say They Will Not Allow Pipelines and Oil Tankers Carrying Alberta's Tar Sands Oil - News." Friends of Wild Salmon. March 23, 2010. http://friendsofwildsalmon.ca/news/articlefirst_nations_say_they_will_not_allow_pipelines_and_oil_tankers_carrying_al.
- Coastal First Nations Great Bear Initiative (CFN-GBI). 2017. "Why A Coastal Alliance?" 2017. <https://coastalfirstnations.ca/our-communities/why-a-coastal-alliance/>.
- Coburn, David H. 2014. "Supplemental Information in Support of Enbridge Energy, Limited Partnership's November 20, 2012 Application for a Presidential Permit,," June 16, 2014. <https://2009-2017.state.gov/documents/organization/230810.pdf>.
- Coglianesi, Cary. 2001. "Social Movements, Law, and Society: The Institutionalization of the Environmental Movement." *University of Pennsylvania Law Review* 150: 85–118.
- Cole, Yolande. 2012a. "Green Politicians Voice Opposition to Kinder Morgan Pipeline Expansion." *Straight.Com*, September 12, 2012. <https://web.archive.org/web/20120918025802/https://www.straight.com/article-778961/vancouver/green-politicians-voice-opposition-kinder-morgan-pipeline-expansion>.
- . 2012b. "Trans Mountain Pipeline Foes Set up Outside Kinder Morgan Info Sessions." *Georgia Straight*, November 14, 2012. <https://www.wildernesscommittee.org/news/trans-mountain-pipeline-foes-set-outside-kinder-morgan-info-sessions>.
- Colli, Francesca, and Johan Adriaensen. 2020. "Lobbying the State or the Market? A Framework to Study Civil Society Organizations' Strategic Behavior." *Regulation & Governance* 14 (3): 501–13. <https://doi.org/10.1111/rego.12227>.
- Corbella. 2019. "Project Reconciliation Indigenous TMX Deal Now on Trudeau's Desk." *Calgary Herald*, July 9, 2019. <https://calgaryherald.com/news/local-news/corbella-project-reconciliation-indigenous-tmx-deal-now-on-trudeaus-desk>.
- CorpEthics. 2016. "The Tar Sands Campaign | CorpEthics | Michael Marx." *CorpEthics* (blog). 2016. <https://corpethics.org/the-tar-sands-campaign/>.
- Cotter, John. 2011. "Thousands to Speak on Proposed Northern Gateway Pipeline," October 18, 2011. <https://www.theglobeandmail.com/globe-investor/thousands-to-speak-on-proposed-northern-gateway-pipeline/article557865/>.
- Council on Foundations. 2019. "Nonprofit Law in Canada." Council on Foundations. July 2019. <https://www.cof.org/content/nonprofit-law-canada>.

- Court of Appeal for British Columbia. 2014. “2014 BCCA 465 Burnaby (City) v. Trans Mountain Pipeline ULC.” November 27, 2014. <https://www.bccourts.ca/jdb-txt/CA/14/04/2014BCCA0465.htm>.
- Court of Appeal, The Courts of British Columbia. 2019. “Court of Appeal File No. CA 45253.” April 26, 2019. https://www.courts.gov.bc.ca/Court_of_Appeal/announcements/Requisition_re_Environmental_Management_Act.pdf.
- Cox, Ethan. 2012. “Defend Our Coast: A National Movement Is Building.” Rabble.Ca. October 23, 2012. <https://rabble.ca/blogs/bloggers/ethan-cox/2012/10/defend-our-coast-national-movement-building>.
- Craddock, Derek. 2020. “Trans Mountain Pipeline Expansion Cost Estimate Rises to \$12.6B.” *CTV News*, February 7, 2020. <https://edmonton.citynews.ca/2020/02/07/trans-mountain-project-to-cost-12-6-billion/>.
- Crawford, Tiffany. 2013. “Thousands Rally to Protest Enbridge, Climate Change.” *Www.VancouverSun.Com*. November 16, 2013. <http://www.vancouver.sun.com/technology/Thousands+rally+protest+Enbridge+climate+change/9175775/story.html>.
- . 2014. “More than a Thousand Protesters Rally against Northern Gateway Pipeline in Vancouver.” *Www.VancouverSun.Com*. May 10, 2014. <http://www.vancouver.sun.com/news/More+than+thousand+protesters+rally+against+Northern+Gateway+pipeline+Vancouver/9827485/story.html>.
- Crawford, Tiffany. 2018. “British Columbians Still Split on Kinder Morgan Pipeline Expansion: Poll.” *Vancouver Sun*, February 15, 2018. <https://vancouver.sun.com/news/local-news/british-columbians-still-split-on-kinder-morgan-pipeline-expansion-poll>.
- Cress, Daniel M., and David A. Snow. 2000. “The Outcomes of Homeless Mobilization: The Influence of Organization, Disruption, Political Mediation, and Framing.” *American Journal of Sociology* 105 (4): 1063–1104. <https://doi.org/10.1086/210399>.
- CrimethInc. 2013. “Standing on the Land to Stand Up Against Pipelines: A Report from the Unist’ot’en Camp.” *CrimethInc*. July 9, 2013. <https://crimethinc.com/2013/07/09/standing-on-the-land-to-stand-up-against-pipelines-a-report-from-the-unistoten-camp>.
- Critchley, Barry. 2017. “Kinder Morgan Shares to Start Trading on Tuesday: How Well Shares Have Been Placed Will Be on Display | Financial Post.” *Financial Post*, May 26, 2017. <https://financialpost.com/news/fp-street/kinder-morgan-shares-to-start-trading-on-tuesday-how-well-shares-have-been-placed-will-be-on-display>.
- Crosby, Andrew C., and Jeffrey Monaghan. 2018. *Policing Indigenous Movements: Dissent and the Security State*. Halifax & Winnipeg: Fernwood Publishing.
- Cross, William. 2016. “The Importance of Local Party Activity in Understanding Canadian Politics: Winning from the Ground Up in the 2015 Federal Election: Presidential Address to the Canadian Political Science Association Calgary, 31 May 2016.” *Canadian Journal of Political Science* 49 (4): 601–20. <https://doi.org/10.1017/S0008423916000962>.
- Crossley, Nick, and Mario Diani. 2019. “Networks and Fields.” In *The Wiley Blackwell Companion to Social Movements*, edited by David A. Snow, Sarah A. Soule, Hanspeter Kriesi, and Holly J. McCammon, 151–66. Blackwell Publishing Ltd.
- Crowe, Keith. 2015. “Comprehensive Land Claims: Modern Treaties.” *The Canadian Encyclopedia*. March 2, 2015. <https://www.thecanadianencyclopedia.ca/en/article/comprehensive-land-claims-modern-treaties>.
- CTVNews. 2012. “Thousands Expected at Anti-Pipeline Protest in B.C.” *CTVNews*. October 21, 2012. <https://www.ctvnews.ca/canada/thousands-expected-at-anti-pipeline-protest-in-b-c-1.1004488>.

- . 2013. “Protesters Arrested after Storming Pipeline Hearings in Vancouver.” *CTVNews*, January 15, 2013, sec. Canada. <https://www.ctvnews.ca/canada/protesters-arrested-after-storming-pipeline-hearings-in-vancouver-1.1114746>.
- Cuffe, Sandra. 2012. “‘Stand With Us to Fight’: Hundreds Protest Enbridge Pipeline and Oil Tankers at Heiltsuk-Led Rally.” *Vancouver Media Co-Op*, March 26, 2012. <http://vancouver.mediacoop.ca/story/stand-us-fight/10336>.
- Cullen, Nathan. 2010a. “Letter from MP Cullen to CSTC Dated January 26, 2010.” January 26, 2010. http://www.carriersekani.ca/images/docs/enbridge/SupportCSTC_response_to_Enbridge_Pipeline.pdf.
- . 2010b. “Nathan Cullen, Opposition Motion-West Coast Oil Tanker Traffic, Business of Supply.” *Openparliament.ca*. December 2, 2010. <https://openparliament.ca/debates/2010/12/2/nathan-cullen-1/>.
- Curnow, Joe, and Anjali Helferty. 2018. “Contradictions of Solidarity.” *Environment and Society* 9 (1): 145–63. <https://doi.org/10.3167/ares.2018.090110>.
- Curran, Deborah, Eugene Kung, and Čáǵvi Marilyn Slett. 2020. “Čvił’ás and Snəwayəł: Indigenous Laws, Economies, and Relationships with Place Speaking to State Extractions.” *South Atlantic Quarterly* 119 (2): 215–41. <https://doi.org/10.1215/00382876-8177735>.
- Daigle, Michelle. 2016. “Awawenitakik: The Spatial Politics of Recognition and Relational Geographies of Indigenous Self-Determination.” *The Canadian Geographer / Le Géographe Canadien* 60 (2): 259–69. <https://doi.org/10.1111/cag.12260>.
- Dauvergne, Peter, and Genevieve LeBaron. 2014. *Protest Inc.: The Corporatization of Activism*. Malden, MA: Polity Press.
- Davis, Carolyn. 2018. “Kinder Morgan Sees Synergies for Natural Gas System from Texas Permian Project.” *Natural Gas Intelligence* (blog). January 18, 2018. <https://www.naturalgasintel.com/kinder-morgan-sees-synergies-for-natural-gas-system-from-texas-permian-project/>.
- Davis, Lynne. 2009. “The High Stakes of Protecting Indigenous Homelands: Coastal First Nations’ Turning Point Initiative and Environmental Groups on the B.C. West Coast.” *International Journal of Canadian Studies*, no. 39–40: 137–159. <https://doi.org/10.7202/040827ar>.
- . 2011. “Home or Global Treasure? Understanding Relationships between the Heiltsuk Nation and Environmentalists.” *BC Studies*, no. 171: 9–26.
- Davis, Lynne, Vivian O’Donnell, and Heather Shpuniarsky. 2007. “Aboriginal-Social Justice Alliances: Understanding the Landscape of Relationships through the Coalition for a Public Inquiry into Ipperwash.” *International Journal of Canadian Studies*, no. 36: 95. <https://doi.org/10.7202/040778ar>.
- Day, Jim. 2014. “Enbridge Says Line 3 Oil Sands Pipeline Won’t Need New Presidential Permit.” *IHS Markit* (blog). August 26, 2014. <https://ihsmarkit.com/research-analysis/enbridge-says-line-3-oil-sands-pipeline-wont-need-new-presidential-permit.html>.
- De Souza, Mike. 2012a. “Feds List First Nations, Green Groups as ‘Adversaries’ in Oil Sands PR Strategy.” *Postmedia News*, January 26, 2012. <http://www.calgaryherald.com/business/Feds+list+First+Nations+green+groups+oilsands+adversaries/6055184/story.html>.
- . 2012b. “Pipeline Development Was ‘Top of Mind’ in Stephen Harper’s Budget Bill, Say ‘Secret’ Records.” *Canada.Com*, September 26, 2012. <https://o.canada.com/news/pipeline-development-was-top-of-mind-in-budget-bill-says-secret-records>.
- De Souza, Mike. 2013. “Bureaucrats Told Stephen Harper’s Government Environmental Reforms Would Be ‘Very Controversial,’ Records Reveal | Canada.Com.” January 29, 2013. <https://o.canada.com/news/national/bureaucrats-told-stephen-harpers-government-environmental-reforms-would-be-very-controversial-records-reveal>.

- . 2014. “Harper’s Timeline: Canada on Climate Change from 2006-2014.” *The Narwhal*, September 19, 2014. <https://thenarwhal.ca/harper-s-timeline-canada-climate-change-2006-2014/>.
- . 2016. “Pipeline Panel Recuses Itself, Chairman Reassigned from Energy East Duties.” *National Observer*, September 9, 2016. <https://www.nationalobserver.com/2016/09/09/news/pipeline-panel-recuses-itself-chairman-reassigned>.
- . 2018. “Senior Officials Warned Trudeau Government of Concerns That Kinder Morgan Process Was ‘Moving Fast.’” *National Observer*, April 13, 2018. <https://www.nationalobserver.com/2018/04/13/news/senior-officials-warned-trudeau-government-concerns-kinder-morgan-process-was-moving#:~:text=Senior%20public%20servants%20warned%20the,a%20newly%2Dreleased%20internal%20email>.
- Defend Our Climate. 2013. “Home | Defend Our Climate, Defend Our Communities.” November 4, 2013. <https://web.archive.org/web/20131104000116/http://www.defendourclimate.ca/>.
- Defend Our Coast. 2015. “About Us | Defend Our Coast.” February 4, 2015. <https://web.archive.org/web/20150204094949/http://defendourcoast.ca/about-us/>.
- Della Porta, Donatella, Joseba Fernández, Hara Kouki, and Lorenzo Mosca. 2017. *Movement Parties against Austerity*. Cambridge, UK ; Malden, MA: Polity.
- Dembicki, Geoff. 2020. “Alberta Pouring Billions into Keystone XL an ‘Idiotic Waste’: Financial Analyst.” *The Tyee*. The Tyee. July 9, 2020. <https://thetyee.ca/News/2020/07/09/Alberta-Pouring-Billions-Into-Keystone-XL/>.
- Dempsey, Jessica. 2011. “The Politics of Nature in British Columbia’s Great Bear Rainforest.” *Geoforum* 42 (2): 211–21. <https://doi.org/10.1016/j.geoforum.2010.12.003>.
- Devlin, Megan. 2017. “Five Demonstrators Arrested at Kinder Morgan Kayak Protest.” *CTV News*, October 28, 2017. <https://bc.ctvnews.ca/five-demonstrators-arrested-at-kinder-morgan-kayak-protest-1.3653746>.
- DiNapoli, Thomas P. 2019. “2018 Corporate Governance Stewardship Report.” Office of the New York State Comptroller. <https://www.osc.state.ny.us/files/reports/special-topics/pdf/esg-report-jan-2019.pdf>.
- Dixon, Marc, William F. Danaher, and Ben Lennox Kail. 2013. “Allies, Targets, And The Effectiveness Of Coalition Protest: A Comparative Analysis Of Labor Unrest In The U.S. South.” *Mobilization: An International Journal* 18 (3): 331–50.
- Dixon, Marc, Andrew W. Martin, and Michael Nau. 2016. “Social Protest and Corporate Change: Brand Visibility, Third-Party Influence, and the Responsiveness of Corporations to Activist Campaigns*.” *Mobilization: An International Quarterly* 21 (1): 65–82. <https://doi.org/10.17813/1086-671X-21-1-65>.
- Do, Trinh Theresa. 2015. “Justin Trudeau Says Environment and Economy ‘like Paddles and Canoes.’” *CBC News*, June 29, 2015. <https://www.cbc.ca/news/politics/justin-trudeau-s-environment-plan-end-fossil-fuel-subsidies-invest-in-clean-tech-1.3131607>.
- Doern, G. Bruce, Graeme Auld, and Christopher Stoney. 2015. “The Energy-Environment Regime.” In *Green-Lite: Complexity in Fifty Years of Canadian Environmental Policy, Governance, and Democracy*, 146–86. Carleton Library Series. Montreal; Chicago: McGill-Queen’s University Press.
- Dogwood Initiative. 2006. “34-Year Old Oil Tanker Moratorium Being Violated.” September 6, 2006. <https://dogwoodbc.ca/news/moratoriumviolated/>.
- . 2009a. “Dogwood Initiative Annual Report 2008-09.” Victoria, British Columbia.
- . 2009b. “Mint Backs Down.” Dogwood. March 18, 2009. <https://dogwoodbc.ca/news/mint-backs-down/>.
- . 2011. “Dogwood 2011 Annual Report.” Dogwood Initiative. <https://dogwoodbc.ca/wp-content/uploads/2016/06/DogwoodAnnualReport2011-web-1.pdf>.

- . 2012a. “2012 Annual Report.” <https://dogwoodbc.ca/wp-content/uploads/2016/06/2012-Annual-Report-1.pdf>.
- . 2012b. “Dogwood Initiative 2012 Annual Report.” <https://dogwoodbc.ca/wp-content/uploads/2016/06/2012-Annual-Report-1.pdf>.
- . 2014a. “Let BC Vote.” April 14, 2014. <https://web.archive.org/web/20140414190113/http://www.letbcvote.ca/>.
- . 2014b. “Time for Clark to Make Good on Her Enbridge Election Promise.” *Dogwood* (blog). June 17, 2014. <https://dogwoodbc.ca/news/eng-announcement/>.
- . 2015. “Citizen Groups Unconvinced by Pipeline Regulator’s PR Push.” *Dogwood*. April 27, 2015. <https://dogwoodbc.ca/news/neb-victoria-stop/>.
- Donovan, Jesse. 2017. “Kinder Morgan Trans Mountain Pipeline Expansion Imperiled By Political, Social, And Legal Factors (NYSE:KMI).” *Seeking Alpha*. June 16, 2017. <https://seekingalpha.com/article/4081993-kinder-morgan-trans-mountain-pipeline-expansion-imperiled-political-social-and-legal-factors>.
- Drews, Keven, and Vivian Luk. 2014. “Kinder Morgan to File Court Action against B.C. Protesters Blocking Pipeline Work.” *The Globe and Mail*, October 31, 2014. <https://www.theglobeandmail.com/report-on-business/industry-news/energy-and-resources/kinder-morgan-to-file-court-action-against-bc-protesters-blocking-pipeline-work/article21397835/>.
- Droitsch, Danielle, and Terra Simieritsch. 2010. “Canadian Aboriginal Concerns With Oil Sands.” The Pembina Institute.
- Duffin, Erin. 2019. “Canadian Government Revenue from Oil and Gas Royalties 2018.” Statista. November 27, 2019. <https://www.statista.com/statistics/481672/canadian-government-revenue-from-oil-and-gas-royalties/>.
- Dupont, Serge. 2011. “Serge Dupont’s PR Plan.” Scribd (ATIP uploaded by Mike DeSouza). <https://www.scribd.com/document/149249243/Serge-Dupont-s-PR-plan>.
- Duşa, Adrian. 2019. *QCA with R*. Cham: Springer International Publishing. <https://doi.org/10.1007/978-3-319-75668-4>.
- Earthjustice. 2020a. “Judge Orders Dakota Access Pipeline to Shut Down.” July 6, 2020. <https://earthjustice.org/news/press/2020/judge-orders-dakota-access-pipeline-to-shut-down>.
- . 2020b. “D.C. Circuit Issues Mixed Decision on Dakota Access Shutdown Order.” August 5, 2020. <https://earthjustice.org/news/press/2020/dc-circuit-mixed-decision-dakota-access-shutdown-order>.
- Ebner, David. 2010. “Ignatieff Supports Oil Tanker Ban off B.C. Coast.” *The Globe and Mail*, June 21, 2010. <https://www.theglobeandmail.com/news/british-columbia/ignatieff-supports-oil-tanker-ban-off-bc-coast/article1215907/>.
- Ecojustice Canada. 2011. “Letters Re TransMountain Pipeline Firm Service and Endangered Resident Killer Whales,” December 21, 2011. <https://apps.cer-rec.gc.ca/REGDOCS/Item/View/775472>.
- Ecojustice, and West Coast Environmental Law (WCEL). 2012. “What Bill C-38 Means for the Environment.” *West Coast Environmental Law*. May 1, 2012. <https://www.wcel.org/publication/what-bill-c-38-means-environment>.
- EDI. 2014. “Contractors, Steel Workers Unions Support Northern Gateway Pipeline.” *EDI Weekly: Engineered Design Insider* (blog). June 24, 2014. <https://www.ediweekly.com/contractors-steel-workers-unions-support-northern-gateway-pipeline/>.
- Edwards, Bob, John D. McCarthy, and Dane R. Mataic. 2019. “The Resource Context of Social Movements.” In *The Wiley Blackwell Companion to Social Movements*, edited by David A. Snow, Sarah A. Soule, Hanspeter Kriesi, and Holly J. McCammon, Second, 79–97. Oxford: Wiley Blackwell.

- Eesley, Charles, and Michael J. Lenox. 2006. "Firm Responses to Secondary Stakeholder Action." *Strategic Management Journal* 27 (8): 765–81. <https://doi.org/10.1002/smj.536>.
- Eliesen, Marc. 2016. "Letter of Withdrawal (A64000)." National Energy Board. <https://apps.cer-rec.gc.ca/REGDOCS/Item/View/2543157>.
- Emerson, David. 2011. "Why Canada Needs an Energy Strategy." Policy Options. February 1, 2011. <https://policyoptions.irpp.org/fr/magazines/from-climate-change-to-clean-energy/why-canada-needs-an-energy-strategy/>.
- Enbridge Inc. 2006. "ENB: Value for Customers, Value for Shareholders. 2005 Annual Report." <https://www.enbridge.com/investment-center/reports-and-sec-filings>.
- . 2009a. "Management Information Circular." https://www.sec.gov/Archives/edgar/data/0000895728/000104746909003409/a2191940zex-99_1.htm.
- . 2009b. "Sure and Steady: Enbridge Inc. 2008 Annual Report." <http://www.annualreports.com/Company/enbridge-inc>.
- . 2010. "Management Information Circular." https://www.sec.gov/Archives/edgar/data/895728/000104746910002860/a2197429zex-99_1.htm.
- . 2011. "The Energy You Can Count On: Enbridge Inc. 2010 Annual Report."
- . 2012. "Management Information Circular." <https://www.sec.gov/Archives/edgar/data/0000895728/000104746912003580/a2208561z6-k.htm>.
- . 2014. "Enbridge Corporate Social Responsibility Report: 2013 Corporate Performance Data on Key Governance, Environmental, Social and Economic Subjects." <https://www.enbridge.com/~media/CSR/PDFs/Enbridge2013CSRreport>.
- . 2015. "Enbridge Inc. 2014 Annual Report." 2015. <http://www.annualreports.com/Company/enbridge-inc>.
- . 2016. "Enbridge Inc. 2015 Annual Report, Consistency, Strength, Value." <http://www.annualreports.com/Company/enbridge-inc>.
- . 2020. "Enbridge 2019 Annual Report." <https://www.enbridge.com/reports/annual-report-2019>.
- Enbridge Northern Gateway LP. 2010. "Enbridge Northern Gateway Project Application - Volume 1: Overview and General Information (A25244)." National Energy Board. <https://apps.cer-rec.gc.ca/REGDOCS/Item/View/619886>.
- Energy East Pipeline Ltd. 2016. "Consolidated Project and Asset Transfer Applications, Volume 1, Application and Project Overview." Canada Energy Regulator. <https://apps.cer-rec.gc.ca/REGDOCS/Item/View/2957695>.
- Energy Policy Institute of Canada (EPIC). 2012. "A Canadian Energy Strategy Framework: A Guide to Building Canada's Energy Future as a Global Energy Leader." <https://issuu.com/energypolicyinstitutecanada/docs/canadianenergystrategy>.
- Engler, Yves. 2014. "Canadian Diplomatic Efforts to Sell the Tar Sands." In *A Line in the Tar Sands: Struggles for Environmental Justice*, edited by Toban Black, Naomi Klein, Bill McKibben, Joshua Kahn Russell, Stephen D'Arcy, and Anthony John Weis, 55–63. Toronto, Ontario, Canada; Oakland, CA: PM Press.
- Engstrom, David Freeman. 2013. "Corralling Capture." *Harvard Journal of Law and Public Policy* 36.
- Entman, Robert M. 1993. "Framing: Toward Clarification of a Fractured Paradigm." *Journal of Communication* 43 (4): 51–58. <https://doi.org/10.1111/j.1460-2466.1993.tb01304.x>.
- EnviroEmerg Consulting Services. 2008. "Major Marine Vessel Casualty Risk and Response Preparedness in British Columbia." Living Oceans Society. https://livingoceans.org/sites/default/files/LOS_marine_vessels_report.pdf.

- Environment and Climate Change Canada, Government of Canada. 2016. "Pan-Canadian Framework on Clean Growth and Climate Change." Gatineau, Quebec.
<https://www.canada.ca/en/services/environment/weather/climatechange/pan-canadian-framework.html>.
- Environment Canada. 2010. "Enbridge Northern Gateway Pipeline Briefing." Scribd (ATIP Uploaded by Mike De Souza). October 2010. <https://www.scribd.com/doc/81770976/Enbridge-Northern-Gateway-Pipeline-briefing>.
- . 2012a. "Peter Kent Pipelines Meeting." ATIP (uploaded by Mike De Souza).
<https://www.scribd.com/document/107088634/Peter-Kent-pipelines-meeting>.
- . 2012b. "CAPP Omnibus and Other Lobbying." ATIP (uploaded by Mike De Souza).
<https://www.scribd.com/document/283459996/CAPP-Omnibus-and-Other-Lobbying>.
- Environmental Defence, and ForestEthics. 2012. "Our Nation Their Interest: The Case Against the Northern Gateway Pipeline."
- EthicalOil. 2012. "EthicalOil.Org Launches Ad Campaign That Reveals Foreign Interests Sabotaging Canada's Economy." January 2, 2012.
<https://web.archive.org/web/20120105111351/http://www.ethicaloil.org/news/ethicaloil-org-laucnhes-ad-campaign-that-reveals-foreign-interests-sabotaging-canada%E2%80%99s-economy/>.
- EthicalOil.org. 2012a. "Letter of Complaint - CRA Environmental Defence." Scribd. March 21, 2012.
<https://www.scribd.com/doc/86324883/Letter-of-Complaint-CRA-Environmental-Defence>.
- . 2012b. "Letter to CRA - DSF." Scribd. April 24, 2012.
<https://www.scribd.com/doc/91136043/Letter-to-CRA-DSF>.
- . 2012c. "CRA -Complaint Against Tides Canada." Scribd. August 8, 2012.
<https://www.scribd.com/document/102350770/CRA-Complaint-Against-Tides-Canada>.
- Evans, Iris. 2011. *The 27th Legislature, Alberta Hansard*. Province of Alberta.
https://docs.assembly.ab.ca/LADDAR_files/docs/hansards/han/legislature_27/session_4/20110512_1330_01_han.pdf.
- Expert Panel on the Modernization of the National Energy Board, Government of Canada. 2017. *Forward, Together: Enabling Canada's Clean, Safe, and Secure Energy Future: Report of the Expert Panel on the Modernization of the National Energy Board*.
http://publications.gc.ca/collections/collection_2017/rncan-nrcan/M4-149-2017-1-eng.pdf.
- EY. 2014. "Spotlight on Oil and Gas Megaprojects." 2014.
[https://www.ey.com/Publication/vwLUAssets/EY-spotlight-on-oil-and-gas-megaprojects/\\$FILE/EY-spotlight-on-oil-and-gas-megaprojects.pdf](https://www.ey.com/Publication/vwLUAssets/EY-spotlight-on-oil-and-gas-megaprojects/$FILE/EY-spotlight-on-oil-and-gas-megaprojects.pdf).
- Eyford, Douglas. 2014. "Forging Partnerships Building Relationships: Aboriginal Canadians and Energy Development," 58.
- . 2015. "A New Direction: Advancing Aboriginal and Treaty Rights." 2015. <https://www.rcaanc-cirnac.gc.ca/eng/1426169199009/1529420750631?wbdisable=true>.
- . 2016. "Northern Gateway Depends on Better Aboriginal Consultation." *The Globe and Mail*, July 22, 2016. <https://www.theglobeandmail.com/opinion/northern-gateway-depends-on-better-aboriginal-consultation/article31086859/>.
- Falleti, Tulia G., and Julia F. Lynch. 2009. "Context and Causal Mechanisms in Political Analysis." *Comparative Political Studies* 42 (9): 1143–66. <https://doi.org/10.1177/0010414009331724>.
- Fassiotto, Magali, and Sarah A. Soule. 2017. "Loud and Clear: The Effect of Protest Signals on Congressional Attention." *Mobilization: An International Quarterly* 22 (1): 17–38.
<https://doi.org/10.17813/1086-671X-22-1-17>.
- Fast, Stewart. 2018. "Who Decides? Balancing and Bridging Local, Indigenous and Broader Societal Interests in Canadian Energy Decision-Making." *Energy Regulation Quarterly*, March.

<https://www.energyregulationquarterly.ca/articles/who-decides-balancing-and-bridging-local-indigenous-and-broader-societal-interests-in-canadian-energy-decision-making>.

- Federal Court of Appeal. 2014. "Forest Ethics Advocacy Assn v Canada (National Energy Board)." October 31, 2014. <https://www.canlii.org/en/ca/fca/doc/2014/2014fca245/2014fca245.pdf>.
- . 2016a. *Gitxaala Nation v. Canada* [Short Title], Citation: 2016 FCA 187. <http://www.jfklaw.ca/wp-content/uploads/2016/06/here.pdf>.
- Federal Court of Appeal, Canada. 2016b. *Gitxaala Nation v. Canada*. 2016 FCA 187. <https://decisions.fct-cf.gc.ca/fca-caf/decisions/en/item/145744/index.do>.
- Feinberg, Jennifer. 2014. "How-to Session for Kinder Morgan Hearing in Chilliwack." *Chilliwack Progress*, January 31, 2014. <https://www.theprogress.com/news/how-to-session-for-kinder-morgan-hearing-in-chilliwack/amp/>.
- Fekete, Jason. 2016a. "Enbridge Eyes Alternate B.C. Ports for Northern Gateway as Notley Discusses Possibility with Trudeau." *Ottawa Citizen*, April 26, 2016. <https://nationalpost.com/news/politics/alternative-endpoint-for-northern-gateway-pipeline-examined>.
- . 2016b. "Trudeau Says Rainforest No Place for Pipelines, as Enbridge Eyes Alternative Endpoints for Gateway." *Ottawa Citizen*, April 26, 2016. <https://nationalpost.com/news/politics/trudeau-says-rainforest-no-place-for-pipelines-as-enbridge-eyes-alternative-endpoints-for-gateway>.
- Fekete, Jason, and Chris Varcoe. 2016. "How an Alberta PR Stunt Backfired in the U.S., Sparking a Decade of Oilsands Opposition." *Postmedia News*, July 6, 2016. <https://nationalpost.com/news/canada/a-decade-of-bitumen-battles-how-10-years-of-fighting-over-oilsands-affects-energy-environment-debate-today>.
- Ferguson, Dan. 2013. "Pipeline Opponents Speak out at Forum." *Langley Times*, March 12, 2013. <https://www.wildernesscommittee.org/news/pipeline-opponents-speak-out-forum>.
- Firemping, Jesse. 2018. "10,000 People Stand Strong to Protect Land and Water from Kinder Morgan." Greenpeace Canada. March 12, 2018. <https://www.greenpeace.org/canada/en/story/630/10000-people-stand-strong-to-protect-land-and-water-from-kinder-morgan/>.
- First Affirmative Financial Network. 2017a. "Proxy Memorandum to Kinder Morgan Inc. Shareholders." March 17, 2017. https://www.iccr.org/sites/default/files/page_attachments/kmi_climate_change.pdf.
- . 2017b. "Shareholder Resolution Update Proxy Resolutions Filed or Co-Filed by First Affirmative Financial Network as of June 30, 2017." June 30, 2017. [https://cdn2.hubspot.net/hubfs/2719600/First%20Affirmative/Downloads%20\(PDFs\)/Advocacy%20-%20Resolution%20Update%2020170630.pdf](https://cdn2.hubspot.net/hubfs/2719600/First%20Affirmative/Downloads%20(PDFs)/Advocacy%20-%20Resolution%20Update%2020170630.pdf).
- First Nations Summit. 2010. "First Nations Leadership Says Ottawa Must Not Approve Enbridge Pipelines and Tankers." Wayback Machine. October 1, 2010. https://web.archive.org/web/20120208025805/http://www.fns.bc.ca/pdf/JointPRreFNS_Enbridge_Resolution10_1_10.pdf.
- Fischer, Manuel, and Martino Maggetti. 2017. "Qualitative Comparative Analysis and the Study of Policy Processes." *Journal of Comparative Policy Analysis: Research and Practice* 19 (4): 345–61. <https://doi.org/10.1080/13876988.2016.1149281>.
- Fitzpatrick, Meagan. 2012. "Oilsands 'allies' and 'Adversaries' Named in Federal Documents." CBC News. January 26, 2012. <https://www.cbc.ca/news/politics/oilsands-allies-and-adversaries-named-in-federal-documents-1.1156539>.
- Flowers, Rachel. 2015. "Refusal to Forgive: Indigenous Women's Love and Rage." *Decolonization: Indigeneity, Education & Society* 4 (2): 32–49.

- Flyvbjerg, Bent. 2011. "Over Budget, Over Time, Over and Over Again." In *The Oxford Handbook of Project Management*, edited by Peter W. G. Morris, Jeffrey K. Pinto, and Jonas Söderlund. Oxford University Press.
<http://www.oxfordhandbooks.com/view/10.1093/oxfordhb/9780199563142.001.0001/oxfordhb-9780199563142-e-14>.
- . 2017. "Introduction: The Iron Law of Megaproject Management." In *The Oxford Handbook of Megaproject Management*, edited by Bent Flyvbjerg. Vol. 1. Oxford University Press.
<https://doi.org/10.1093/oxfordhb/9780198732242.013.1>.
- Fogwill, Allan. 2018. "Policy Debates and Business Timelines, CERI Crude Oil Report." Canadian Energy Research Institute (CERI).
- ForestEthics. 2012. "We Will Not Be Silenced." February 2012.
<http://web.archive.org/web/20120204125121/http://wewillnotbesilenced.ca/>.
- ForestEthics Advocacy. 2013. "Who Writes the Rules: A Report on Oil Industry Influence, Government and of Public Process." December 2013.
https://issuu.com/stand.earth/docs/who_writes_the_rules.
- Foster, Peter. 2016. "Peter Foster: How Alberta's New Oilsands Adviser Dreamed up the 'Great Bear Rainforest' to Rein in Our Resources." *Financial Post*, July 14, 2016.
<https://financialpost.com/opinion/peter-foster-how-albertas-new-oilsands-adviser-dreamed-up-the-great-bear-rainforest-to-rein-in-our-resources>.
- Fowlie, Jonathan. 2012. "Thousands Gather in Victoria at Legislature to Protest Pipelines (with Video)." *Www.VancouverSun.Com*. October 24, 2012.
<http://www.vancouver.sun.com/business/thousands+gather+victoria+legislature+protest+pipelines+with+video/7426400/story.html>.
- Fox, Jonathan. 2010. "Coalitions and Networks." In *International Encyclopedia of Civil Society*, edited by Helmut K. Anheier and Stefan Toepler. New York, NY: Springer.
- Foytlin, Cherri, Yudith Nieto, Kerry Lemon, and Will Wooten. 2014. "Gulf Coast Resistance and the Southern Leg of the Keystone XL Pipeline." In *A Line in the Tar Sands: Struggles for Environmental Justice*, edited by Toban Black, Naomi Klein, Bill McKibben, Joshua Kahn Russell, Stephen D'Arcy, and Anthony John Weis, 181–94. Toronto, Ontario, Canada; Oakland, CA: PM Press.
- Framework Agreement Lands Advisory Board. 2016. "Genesis of the Duty to Consult and the Supreme Court." 2016. <https://labrc.com/wp-content/uploads/2016/04/Genesis-of-the-Duty-to-Consult-and-the-Supreme-Court-Final.pdf>.
- Frank, Andrew. 2012. "Whistleblower's Open Letter to Canadians." *Scribd*. January 24, 2012.
<https://www.scribd.com/document/79228736/Whistleblower-s-Open-Letter-to-Canadians>.
- Freedom Train. 2012. "Freedom Train 2012 Petition." May 20, 2012.
<https://web.archive.org/web/20120520110250/http://freedomtrain2012.nationbuilder.com:80/>.
- Friends of Wild Salmon (FOWS). 2006. "2005-2006: An Overview of Northwest Opposition to Fish Farms."
https://friendsofwildsalmon.ca/images/uploads/resources/FOWS_2006_progressreport_sm.pdf.
- Furnari, Santi. 2018. "Four Approaches to Longitudinal QCA: Opportunities and Challenges." In *Academy of Management Meeting*. Chicago.
https://www.researchgate.net/publication/327106518_Four_Approaches_to_Longitudinal_QCA_Opportunities_and_Challenges.
- Gage, Andrew. 2012. "Enbridge Foes: Schedule Your Statement so You Don't Get Calgariéd." *West Coast Environmental Law* (blog). July 31, 2012. <https://www.wcel.org/blog/enbridge-foes-schedule-your-statement-so-you-dont-get-calgariéd>.

- Galloway, Gloria, and Leblanc, Daniel. 2012. "The Tale of 2012's Omnibus Budget Bill." *The Globe and Mail*, June 12, 2012. <https://www.theglobeandmail.com/news/politics/the-tale-of-2012s-omnibus-budget-bill/article4249856/>.
- Gamson, William A. 1975. *The Strategy of Social Protest*. The Dorsey Series in Sociology. Homewood, Ill: Dorsey Press.
- . 1992. *Talking Politics*. Cambridge University Press.
- . 2004. "Bystanders, Public Opinion, and the Media." In *The Blackwell Companion to Social Movements*, edited by Snow, David A., Sarah A. Soule, and Hanspeter Kriesi. (Blackwell Companions to Sociology) Wiley-Blackwell.
- Ganz, Marshall. 2000. "Resources and Resourcefulness: Strategic Capacity in the Unionization of California Agriculture, 1959-1966." *American Journal of Sociology* 105 (4): 1003–62.
- Ganz, Marshall, and Elizabeth McKenna. 2019. "Bringing Leadership Back In." In *The Wiley Blackwell Companion to Social Movements*, edited by David A. Snow, Sarah A. Soule, Hanspeter Kriesi, and Holly J. McCammon, Second, 185–202. Oxford: Wiley Blackwell.
- Garossino, Sandy. 2019. "A Data-Based Dismantling of Jason Kenney's Foreign-Funding Conspiracy Theory." *National Observer*, October 3, 2019. <https://www.nationalobserver.com/2019/10/03/analysis/data-based-dismantling-jason-kenneys-foreign-funding-conspiracy-theory>.
- Gateway Pipeline Limited Partnership. 2005. "Preliminary Information Package: Enbridge Gateway Project" https://www.acee-ceaa.gc.ca/050/documents_staticpost/cearref_21799/2075.pdf (October): 142.
- George, Alexander L., and Andrew Bennett. 2005. *Case Studies and Theory Development in the Social Sciences*. BCSIA Studies in International Security. Cambridge, Mass: MIT Press.
- Georgia Straight. 2012. "Grand Chief Stewart Phillip: Stephen Harper Attacked First Nations Rights in 2012." *Georgia Straight*, December 31, 2012. <https://www.straight.com/news/grand-chief-stewart-phillip-stephen-harper-attacked-first-nations-rights-2012>.
- Georgia Strait Alliance. 2015. "New Poll Shows Majority of British Columbians Want Kinder Morgan Review Halted." Georgia Strait Alliance. December 7, 2015. <https://georgiastrait.org/press/new-poll-shows-majority-of-british-columbians-want-kinder-morgan-review-halted/>.
- Germanos, Andrea. 2014. "In Small Canadian Town Democracy Wins, Tar Sands Loses." *Common Dreams*. April 14, 2014. <https://www.commondreams.org/news/2014/04/14/small-canadian-town-democracy-wins-tar-sands-loses>.
- . 2018. "Opposition Forces Kinder Morgan to Halt Trans Mountain Pipeline." *Common Dreams*, April 9, 2018, sec. Energy. <https://www.ecowatch.com/trans-mountain-pipeline-halted-2558346085.html>.
- Gerrits, Lasse, and Stefan Verweij. 2018. *The Evaluation of Complex Infrastructure Projects: A Guide to Qualitative Comparative Analysis*. Transport Economics, Management, and Policy. Cheltenham, UK: Edward Elgar Publishing.
- Ghoussoub, Michelle. 2016. "B.C. Oil Spill Response Times 'a Huge Risk,' Say Environmentalists." *CBC News*, December 14, 2016. <https://www.cbc.ca/news/canada/british-columbia/b-c-oil-spill-response-times-a-huge-risk-say-environmentalists-1.3895557>.
- Gilchrist, Emma. 2012. "In Your Words: Say Thank You to Joe Oliver." *Dogwood*. February 16, 2012. <https://dogwoodbc.ca/news/in-your-words-thanks-joe/>.
- . 2014. "Oral Hearings Quietly Vanish From Kinder Morgan Trans Mountain Pipeline Review." *The Narwhal* (blog). April 14, 2014. <https://thenarwhal.ca/oral-hearings-quietly-vanish-kinder-morgan-trans-mountain-pipeline-review/>.
- . 2015. "Is the Enbridge Northern Gateway Pipeline Finally Dead?" *DeSmog*, October 20, 2015. <https://www.desmogblog.com/2015/10/20/enbridge-northern-gateway-pipeline-finally-dead>.

- Gillion, Daniel Q. 2013. *The Political Power of Protest: Minority Activism and Shifts in Public Policy*. Cambridge Studies in Contentious Politics. Cambridge ; New York: Cambridge University Press.
- Gilpin, Emilee. 2018a. "'Paternalistic' First Nations Plan Flagged in Trudeau Minister's Kinder Morgan Memos." *National Observer*, January 22, 2018. <https://www.nationalobserver.com/2018/01/22/news/paternalistic-first-nations-plan-flagged-trudeau-ministers-kinder-morgan-memos>.
- . 2018b. "In Conversation with Kanahus Manuel — a Woman of Many Names." *National Observer*, August 24, 2018. <https://www.nationalobserver.com/2018/08/24/conversation-kanahus-manuel-woman-many-names>.
- Gitga'at First Nation. 2014. "Chain of Hope | Say 'No' to Oil Tankers on BC's North Coast!" June 19, 2014. <https://web.archive.org/web/20140619183335/http://www.chainofhope.ca/>.
- Gitxsan. 2005. "History of Resistance." 2005. <http://www.gitxsan.com/culture/culture-history/gitxsan-history-of-resistance/>.
- Giugni, Marco. 2007. "Useless Protest? A Time Series Analysis of the Policy Outcomes of Ecology, Antinuclear, and Peace Movements in the United States, 1977-1995." *Mobilization* 12 (1): 53–78.
- Giugni, Marco, Doug McAdam, and Charles Tilly, eds. 1999. *How Social Movements Matter*. Social Movements, Protest, and Contention. Minneapolis; University of Minnesota Press.
- Global Oil and Gas Network. 2019. "Oil, Gas and the Climate: An Analysis of Oil and Gas Industry Plans for Expansion and Compatibility with Global Emission Limits."
- Goodine, Claudia. 2012. "Burnaby MP Asks What BC Gets out of Kinder Morgan's Pipeline Expansion." *The Vancouver Observer*. July 31, 2012. <https://www.vancouverobserver.com/sustainability/burnaby-mp-asks-what-bc-gets-out-kinder-morgans-pipeline>.
- Gordon, Julie. 2015. "UPDATE 2-Canada to Implement Oil Tanker Ban on Northern B.C. Coast." *Reuters*, November 13, 2015. <https://www.reuters.com/article/canada-energy-tanker-idUSL1N13827E20151113>.
- Goudge, Stephen. 2016. "The Berger Inquiry in Retrospect: Its Legacy." *Canadian Journal of Women and the Law* 28 (2): 393–407. <https://doi.org/10.3138/cjwl.28.2.393>.
- Government of Canada. 2011a. "Oil Sands Advocacy Strategy." ATIP. https://drive.google.com/file/d/0B_0MqnZ4wmcMYjY0NjY4Y2MtOWQzMi00NmU0LTlhNW_MtNzExN2EwYWI5N2Ex/view?usp=embed_facebook.
- . 2011b. "Pan-European Oil Sands Team Backgrounder." ATIP (uploaded by Climate Action Network). <https://climateactionnetwork.ca/wp-content/uploads/2012/02/2011-05-24-Pan-European-Oil-Sands-Team-Backgrounder.pdf>.
- . 2014a. "Canada Gazette – ORDERS IN COUNCIL." Government of Canada, Public Works and Government Services Canada, Integrated Services Branch, Canada Gazette. June 28, 2014. <http://canadagazetteducanada.gc.ca/rp-pr/p1/2014/2014-06-28/html/order-decret-eng.html>.
- . 2014b. "Pipeline Safety Act." Backgrounders. Genws. December 8, 2014. <https://www.canada.ca/en/news/archive/2014/12/pipeline-safety-act.html>.
- . 2016. "Orders In Council - 2016-1047." November 25, 2016. <https://orders-in-council.canada.ca/attachment.php?attach=32747&lang=en>.
- . 2020a. "Oceans Protection Plan." July 8, 2020. <https://tc.canada.ca/en/initiatives/oceans-protection-plan>.
- Government of Canada, Environment and Climate Change. 2007. "Canada's New Government Announces Mandatory Industrial Targets to Tackle Climate Change and Reduce Air Pollution." April 26, 2007. <https://www.canada.ca/en/news/archive/2007/04/canada-new-government-announces-mandatory-industrial-targets-tackle-climate-change-reduce-air-pollution.html>.

- . 2020b. “Greenhouse Gas Emissions.” 2015 2020. <https://www.canada.ca/en/environment-climate-change/services/environmental-indicators/greenhouse-gas-emissions.html>.
- Graham, Nicolas, William K Carroll, and David Chen. 2019. *Big Oil’s Political Reach: Mapping Fossil Fuel Lobbying from Harper to Trudeau*. <http://www.deslibris.ca/ID/10102708>.
- Graham, Nicolas, Shannon Daub, and Bill Carroll. 2017. *Mapping Political Influence: Political Donations and Lobbying by the Fossil Fuel Industry in BC*. <http://www.deslibris.ca/ID/10089783>.
- Graney, Emma. 2020. “Losses on Alberta Oil-by-Rail Deal Prompt Questions.” *The Globe and Mail*, August 28, 2020. <https://www.theglobeandmail.com/business/industry-news/energy-and-resources/article-losses-on-alberta-oil-by-rail-deal-prompt-questions/>.
- Grant, Peter R. 2015. “The Anniversary of *Delgamuukw v The Queen*: Two Legacies.” CanLII Connects. March 1, 2015. <http://canliiconnects.org>.
- Gravelle, Timothy B., and Erick Lachapelle. 2015. “Politics, Proximity and the Pipeline: Mapping Public Attitudes toward Keystone XL.” *Energy Policy* 83 (August): 99–108. <https://doi.org/10.1016/j.enpol.2015.04.004>.
- Gregoire, Lisa. 2014. “The Hunt Revisited.” *The Walrus* (blog). October 28, 2014. <https://thewalrus.ca/the-hunt-revisited/>.
- Grenier, Éric. 2015. “Election Numbers Suggest Significant Jump in Aboriginal Voter Turnout: Eric Grenier.” *CBC News*, December 16, 2015. <https://www.cbc.ca/news/politics/grenier-indigenous-turnout-1.3365926>.
- Griffiths, Mary, and Dan Woynillowicz. 2003. “Oil and Troubled Waters.” Pembina Institute. <https://www.pembina.org/pub/154>.
- Grofman, Bernard, and Carsten Q. Schneider. 2009. “An Introduction to Crisp Set QCA, with a Comparison to Binary Logistic Regression.” *Political Research Quarterly* 62 (4): 662–72.
- Grossman, Zoltán. 2017. *Unlikely Alliances: Native Nations and White Communities Join to Defend Rural Lands*. 1st edition. Seattle ; London: University of Washington Press.
- . 2019. “Native/Non-Native Alliances Challenging Fossil Fuel Industry Shipping at Pacific Northwest Ports.” In *Environmental Activism on the Ground: Small Green and Indigenous Organizing*, edited by Jonathan Clapperton and Liza Piper, 47–72. <https://www.jstor.org/stable/j.ctvbd8j4n>.
- Gunn, Kate, and Bruce McIvor. 2019. “Recognition without Reconciliation?: The New Rights Policy for BC Treaty Negotiations.” *First Peoples Law* (blog). September 18, 2019. <https://www.firstpeopleslaw.com/index/articles/412.php>.
- . 2020. “Reconciliation on Trial: Wet’suwet’en, Aboriginal Title & The Rule of Law.” First Peoples Law Corporation. https://www.firstpeopleslaw.com/database/files/library/Reconciliation_on_Trial_First_Peoples_Law.pdf.
- Gutstein, Donald. 2014. *Harperism: How Stephen Harper and His Think Tank Colleagues Have Transformed Canada*. Toronto: James Lorimer & Company Ltd., Publishers.
- Gutstein, Donald. 2015. “Shooting the Messenger: Tracing Canada’s Anti-Enviro Movement.” *The Narwhal*, May 14, 2015. <https://thenarwhal.ca/shooting-messenger-tracing-canada-s-anti-enviro-movement/>.
- Hadden, Jennifer. 2015. *Networks in Contention: The Divisive Politics of Climate Change*. Cambridge University Press.
- Haggett, Scott. 2008. “Greenpeace Protest Targets Syncrude Oil Sands Mine.” *Reuters*, July 24, 2008. <https://www.reuters.com/article/us-environment-oilsands-idUSN2450928120080724>.
- Hall, Chris. 2016. “Natural Resources Minister Appoints 3 to Trans Mountain Pipeline Review Panel.” *CBC News*, May 17, 2016. <https://www.cbc.ca/news/politics/trans-mountain-kinder-morgan-pipeline-review-panel-1.3585154>.

- Hall, Chris. 2020. "One Step Forward, Another One Back: What the 'Trans Mountain Ruling Means for Trudeau | CBC News." *CBC News*, February 5, 2020. <https://www.cbc.ca/news/politics/trans-mountain-pipeline-trudeau-kenney-1.5451926>.
- Haluza-DeLay, Randolph, and Angela Carter. 2014. "Joining Up and Scaling Up: Analyzing Resistance to Canada's 'Dirty Oil.'" In , 343–62. https://doi.org/10.1007/978-94-007-4360-1_19.
- Hardin, Karl. 2011. "Why I'm Making My Opposition to Gateway Official." Dogwood BC. September 19, 2011. <https://dogwoodbc.ca/news/opposition-on-record/>.
- . 2013. "Frequently Asked Questions about Dogwood's New Strategy." *Dogwood Initiative* (blog). December 19, 2013. <https://dogwoodbc.ca/news/new-strategy-faq/>.
- Harris, Kathleen. 2016. "Trudeau Sets 'floor' Carbon Price of \$10 a Tonne by 2018, \$50 by 2022." *CBC News*, October 3, 2016. <https://www.cbc.ca/news/politics/canada-trudeau-climate-change-1.3788825>.
- Harris, Scott. 2011. "First Nations Say 'no' to Pipeline Plans at Enbridge AGM." The Council of Canadians. 2011. <https://canadians.org/analysis/first-nations-say-no-pipeline-plans-enbridge-agm>.
- Harrison, Kathryn. 2020. "Political Institutions and Supply-Side Climate Politics: Lessons from Coal Ports in Canada and the United States." *Global Environmental Politics* 20 (4): 51–72. https://doi.org/10.1162/glep_a_00579.
- Harrison, Sophie. 2017. "Calling Kinder Morgan's Bluff." *Dogwood* (blog). August 31, 2017. <https://dogwoodbc.ca/news/calling-kinder-morgan-bluff/>.
- Hart, Stephen. 1996. "The Cultural Dimension of Social Movements: A Theoretical Reassessment and Literature Review." *Sociology of Religion* 57 (1): 87–100. <https://doi.org/10.2307/3712006>.
- Hathaway, Will, and David S. Meyer. 1993. "Competition and Cooperation in Social Movement Coalitions: Lobbying for Peace in the 1980s." *Berkeley Journal of Sociology* 38: 157–83.
- Haydu, Jeffrey. 2012. "Frame Brokerage in the Pure Food Movement, 1879–1906." *Social Movement Studies* 11 (1): 97–112. <https://doi.org/10.1080/14742837.2012.640536>.
- Healing, Dan. 2015. "CAPP Predicts \$23 Billion Decline in Oilpatch Investment." *Calgary Herald*, January 21, 2015. <https://calgaryherald.com/business/energy/capp-predicts-23-billion-decline-in-oilpatch-investment>.
- Heijden, Hein-Anton van der. 2014. "Environmental Networks and Social Movement Theory." *Environmental Politics* 23 (6): 1111–13. <https://doi.org/10.1080/09644016.2014.939417>.
- Helman, Christopher. 2015. "Kinder Morgan Collapse Will Force Dividend Cut, Says Gadfly Analyst." *Forbes*. December 7, 2015. <https://www.forbes.com/sites/christopherhelman/2015/12/07/kinder-morgan-collapse-will-force-dividend-cut-says-gadfly-analyst/>.
- Henderson, Paul. 2012. "Thousands Participate in Pipeline Conference Call." *The Chilliwack Times*, May 1, 2012. <https://bit.ly/2VYyztm>.
- Henderson, William B. 2006. "Indian Act | The Canadian Encyclopedia." February 7, 2006. <https://www.thecanadianencyclopedia.ca/en/article/indian-act>.
- Heyes, Anthony, and Brayden King. 2020. "Understanding the Organization of Green Activism: Sociological and Economic Perspectives." *Organization & Environment* 33 (1): 7–30. <https://doi.org/10.1177/1086026618788859>.
- Heyes, Anthony, Andrew Leach, and Charles F Mason. 2018. "The Economics of Canadian Oil Sands." *Review of Environmental Economics and Policy* 12 (2): 242–63. <https://doi.org/10.1093/reep/rey006>.
- Hislop, Markham. 2016. "How the Trudeau Government Tore up the Rulebook on Pipelines." July 21, 2016. <https://www.canadianbusiness.com/economy/how-the-trudeau-government-tore-up-the-rulebook-on-pipelines/>.
- . 2017. "Energy East Pipeline: Risky Business Gamble or Liberal Regulatory, Political Machinations? - Covering Energy's Tomorrow." *EnergiMedia*, October 10, 2017. <https://energi.media/markham-on-energy/energy-east-liberal-regulations-10oct17/>.

- . 2018a. “Phillips Says Kenney Wrong about Berman and OSAG, CEOs Were Real Drivers of Oil Sands Emissions Policy Ideas.” *Energi Media*, July 6, 2018. <https://energi.media/markham-on-energy/phillips-kenney-tzeporah-berman-osag-06jul18/>.
- . 2018b. “‘Carbon Policy for Higher Oil Sands Production’ Deal between Industry, ENGOs, Notley Govt Negotiated Long before OSAG.” *EnergiMedia* (blog). July 7, 2018. <https://energi.media/markham-on-energy/carbon-policy-for-higher-oil-sands-production-deal-between-industry-engos-notley-govt-negotiated-at-osag-table/>.
- . 2019a. “Debunked: Vivian Krause’s Tar Sands Campaign Conspiracy Narrative.” *EnergiMedia*, May 14, 2019. <https://energi.media/deep-dives/debunked-vivian-krauses-tar-sands-campaign-conspiracy-narrative/>.
- . 2019b. “Postmedia Newspapers Have for Years Provided a Platform to Spread Vivan Krause’s Conspiracy Narrative about Tides Canada.” *EnergiMedia* (blog). June 23, 2019. <https://energi.media/markham-on-energy/pulling-back-the-curtain-on-tides-canada/>.
- Hoberg, George. 2013. “The Battle Over Oil Sands Access to Tidewater: A Political Risk Analysis of Pipeline Alternatives.” *Canadian Public Policy / Analyse de Politiques* 39 (3): 371–91.
- . 2018. “Pipelines and the Politics of Structure: Constitutional Conflicts in the Canadian Oil Sector.” *Review of Constitutional Studies* 23 (1): 39.
- Hoberg, George, and Jeffrey Phillips. 2011. “Playing Defence: Early Responses to Conflict Expansion in the Oil Sands Policy Subsystem.” *Canadian Journal of Political Science* 44 (03): 507–27. <https://doi.org/10.1017/S0008423911000473>.
- Hoehn, Felix. 2012. *Reconciling Sovereignties: Aboriginal Nations and Canada*. Saskatoon: Native Law Centre, University of Saskatchewan.
- Hoekstra, Gordon. 2014. “Majority of British Columbians Oppose Northern Gateway Pipeline: Poll.” *Vancouver Sun*, February 5, 2014. <http://www.vancouversun.com/technology/Majority+British+Columbians+oppose+Northern+Gateway+pipeline+poll/9469513/story.html>.
- Hojnacki, Marie, David C. Kimball, Frank R. Baumgartner, Jeffrey M. Berry, and Beth L. Leech. 2012. “Studying Organizational Advocacy and Influence: Re-examining Interest Group Research.” *Annual Review of Political Science* 15 (1): 379–99. <https://doi.org/10.1146/annurev-polisci-070910-104051>.
- Hong, Beth. 2012. “Burnaby Mayor Slams Kinder Morgan and Harper Government at Town Hall.” *The Vancouver Observer*. October 11, 2012. <https://www.vancouverobserver.com/politics/burnaby-mayor-slams-kinder-morgan-and-harper-government-town-hall>.
- Hopes, Vikki. 2012. “Stop Trans Mountain Pipeline Expansion, Say Panelists.” *Abbotsford News*, April 12, 2012. <https://www.wildernesscommittee.org/news/stop-trans-mountain-pipeline-expansion-say-panelists>.
- Horter, Will. 2012. “Reflections on Victory in the Sacred Headwaters Dogwood.” *Dogwood BC*. December 21, 2012. <https://dogwoodbc.ca/news/sacredheadwaters/>.
- . 2016a. “Conflict of Interest: Kinder Morgan Panellist Should Step Down.” *Dogwood*. July 14, 2016. <https://dogwoodbc.ca/news/conflict-interest-kinder-morgan/>.
- . 2016b. “Worse than the National Energy Board?” *Dogwood*. July 17, 2016. <https://dogwoodbc.ca/news/worse-than-the-neb/>.
- Housty, Jess. 2014. “I Signed the ‘Let BC Vote’ Pledge, And Here’s Why.” *The Narwhal* (blog). July 14, 2014. <https://thenarwhal.ca/i-signed-let-bc-vote-pledge-and-here-s-why/>.
- Hovey, Art. 2010. “Hillary Clinton’s Comments Did Refer to Keystone XL Pipeline.” *Lincoln Journal Star*. October 21, 2010. https://journalstar.com/news/local/hillary-clintons-comments-did-refer-to-keystone-xl-pipeline/article_cda4324a-dd70-11df-80f4-001cc4c03286.html.

- HuffPost Canada. 2012. "Peter Kent At The Huffington Post Canada: The Environment Minister Answers Your Questions," February 2, 2012. https://www.huffingtonpost.ca/2012/02/22/peter-kent-huffington-post-questions_n_1291632.html.
- Hui, Stephen. 2010. "Oil Tankers in Burrard Inlet to Be Discussed by Vancouver Council." *The Georgia Straight*, June 25, 2010. <https://www.straight.com/article-331170/vancouver/oil-tankers-burrard-inlet-be-discussed-vancouver-council>.
- . 2012. "Vision Vancouver Posts Online Petition against Kinder Morgan Oil Pipeline Expansion." *The Georgia Straight*, April 25, 2012. <https://www.straight.com/blogra/vision-vancouver-posts-online-petition-against-kinder-morgan-oil-pipeline-expansion>.
- Hume, Mark. 2006. "B.C. Residents Want to Ban Tanker Traffic, Poll Finds." *The Globe and Mail*, January 20, 2006. <https://www.theglobeandmail.com/news/national/bc-residents-want-to-ban-tanker-traffic-poll-finds/article18153226/>.
- Hunsberger, Carol, and Sâkhitowin Awâsis. 2019. "Energy Justice and Canada's National Energy Board: A Critical Analysis of the Line 9 Pipeline Decision." *Sustainability*, Hunsberger and, 11 (3): 783. <https://doi.org/10.3390/su11030783>.
- Hunsberger, Carol, Sarah Froese, and George Hoberg. 2020. "Toward 'Good Process' in Regulatory Reviews: Is Canada's New System Any Better than the Old?" *Environmental Impact Assessment Review* 82 (May): 106379. <https://doi.org/10.1016/j.eiar.2020.106379>.
- Hunter, Justine. 2014. "A Relationship Cut Short in B.C. with One Fell Swoop by Enbridge." *The Globe and Mail*, June 22, 2014. <https://www.theglobeandmail.com/news/british-columbia/a-relationship-cut-short-in-bc-with-one-fell-swoop-by-enbridge/article19285392/>.
- Hunter, Justine. 2013. "Riding Profile: NDP Feels Environmentalist Heat Again in Victoria's Oak Bay-Gordon Head." *The Globe and Mail*, April 17, 2013. <https://www.theglobeandmail.com/news/british-columbia/riding-profile-ndp-feels-environmentalist-heat-again-in-victorias-oak-bay-gordon-head/article11298102/>.
- . 2017. "B.C. Approves Kinder Morgan Pipeline Expansion," January 11, 2017. <https://www.theglobeandmail.com/news/british-columbia/bc-gives-kinder-morgan-environmental-green-light/article33588586/>.
- . 2018. "In the Trans Mountain Feud, a B.C. First Nation Paves Its Own Path of Resistance and Prosperity." *The Globe and Mail*, September 28, 2018. <https://www.theglobeandmail.com/canada/british-columbia/article-in-the-trans-mountain-feud-a-bc-first-nation-paves-its-own-path-of/>.
- Hunter, Justine, and Wendy Stueck. 2014. "B.C. Government to Northern Gateway Pipeline Proposal: 'No.'" *The Globe and Mail*, June 17, 2014. <https://www.theglobeandmail.com/news/british-columbia/bc-to-northern-gateway-no/article19213866/>.
- Huot, Marc, and Jennifer Grant. 2012. "Clearing the Air on Oilsands Emissions." *Pembina Institute*, November.
- Hussain, Yadullah, and Jeff Lewis. 2014. "First Nations Proposes Northern Gateway Pipeline Alternative Following Plebiscite Setback." *Financial Post*, April 14, 2014. <https://financialpost.com/commodities/energy/northern-gateway-plebiscite-setback-could-open-door-for-aboriginal-mega-project>.
- Ide, Tobias. 2015. "Why Do Conflicts over Scarce Renewable Resources Turn Violent? A Qualitative Comparative Analysis." *Global Environmental Change* 33 (July): 61–70. <https://doi.org/10.1016/j.gloenvcha.2015.04.008>.
- Impact Assessment Agency of Canada. 2013. "Participant Funding Program: Aboriginal Funding Envelope - Funding Review Committee's Report on the Allocation of Additional Federal Funds for the Environmental Assessment of the Northern Gateway Pipeline Project." August 26, 2013. <https://iaac-aeic.gc.ca/050/evaluations/document/54049?culture=en-CA>.

- Indigenous and Northern Affairs Canada (INAC). 2011. "INAC 2011-1387." Previously requested through the Access to Information and Privacy Act.
<https://policingindigenousmovements.files.wordpress.com/2018/05/inac-2011-1387.pdf>.
- Indigenous and Northern Affairs Canada (INAC), Government of Canada. 2012. "INAC 2012-88." Access to Information and Privacy (ATIP).
<https://policingindigenousmovements.files.wordpress.com/2018/05/inac-2012-88.pdf>.
- Indigenous Network on Economies and Trade (INET). 2017. "Standing Rock of the North."
https://www.banktrack.org/download/standing_rock_of_the_north/tmep_secwepemc_risk_assessment_report_oct_2017.pdf.
- . 2018. "Trans Mountain Expansion Project and Investors Continue to Face Untenable Risk for Failing to Recognize Indigenous Jurisdiction." Coast Protectors. April 13, 2018.
https://www.coastprotectors.ca/trans_mountain_expansion_project_and_investors_continue_to_face_untenable_risk_for_failing_to_recognize_indigenous_jurisdiction.
- Ingold, Karin, Manuel Fischer, and Paul Cairney. 2017. "Drivers for Policy Agreement in Nascent Subsystems: An Application of the Advocacy Coalition Framework to Fracking Policy in Switzerland and the UK." *Policy Studies Journal* 45 (3): 442–63. <https://doi.org/10.1111/psj.12173>.
- Intergovernmental Panel on Climate Change (IPCCC). 2018. "Global Warming of 1.5°C. An IPCC Special Report on the Impacts of Global Warming of 1.5°C above Pre-Industrial Levels and Related Global Greenhouse Gas Emission Pathways, in the Context of Strengthening the Global Response to the Threat of Climate Change, Sustainable Development, and Efforts to Eradicate Poverty."
<https://www.ipcc.ch/sr15/>.
- . 2020. "Summary for Policymakers — Special Report on Climate Change and Land." 2020.
<https://www.ipcc.ch/srccl/chapter/summary-for-policymakers/>.
- International League of Conservation Photographers (ILCP). 2011. "Great Bear Rainforest." 2011.
<https://conservationphotographers.org/?expedition=great-bear-rainforest-tis>.
- Inwood, Damian. 2010. "Tanker-Traffic Ban Sought." *The Vancouver Province*, September 24, 2010.
<https://www.wildernesscommittee.org/news/tanker-traffic-ban-sought>.
- Ipsos. 2016. "Canadians React Positively to Recent Trudeau Pipeline Announcements." *Ipsos* (blog). December 15, 2016. <https://www.ipsos.com/en-ca/news-polls/canadians-react-positively-recent-trudeau-pipeline-announcements>.
- Israel, Benjamin, Jan Gorski, Nina Lothian, Chris Severson-Baker, and Nikki Way. 2020. "The Oilsands in a Carbon Constrained Canada: The Collision Course Between Overall Emissions and National Climate Commitments." Pembina Institute. <http://www.deslibris.ca/ID/10103395>.
- Jacob, Gibby. 2014. "Update Regarding Kinder Morgan's Proposed Trans Mountain Pipeline Expansion Project," February 19, 2014. http://www.squamish.net/wp-content/uploads/2014/02/NEB_Update_to_Membership_Feb_19_2014_FINAL.pdf.
- Jackson, Emily. 2012. "BC NDP Leader Adrian Dix Invites Pipeline Protesters into Vancouver Office." *Metro News Vancouver*, October 24, 2012. <https://www.wildernesscommittee.org/news/bc-ndp-leader-adrian-dix-invites-pipeline-protesters-vancouver-office>.
- James, Peter. 2013. "Enbridge Opponents Hold Protest." *Prince George Citizen*, June 17, 2013, sec. News. <https://www.princegeorgecitizen.com/news/local-news/enbridge-opponents-hold-protest-1.1032216>.
- Janet Eaton. 2012. "The Harper Budget: Assault on the Environment for Big Oil Profits: Roundup of Canadian Environmental NGO Responses." *Janet Eaton's Blog* (blog). April 16, 2012.
<https://beyondcollapse.wordpress.com/2012/04/16/the-harper-budget-assault-on-the-environment-for-big-oil-profits-roundup-of-canadian-environmental-ngo-responses/>.
- Janzwood, Amy. 2017. "Carbon Disclosure and Global Decarbonization: The Case of CDP." Toronto: Environmental Governance Lab.

- . 2019. “Bill C-69 Can’t Fix What’s Really Plaguing Pipelines.” *The Hill Times* (blog). June 6, 2019. <http://www.hilltimes.com/2019/06/06/bill-c-69-cant-fix-whats-really-plaguing-pipelines/203252>.
- . 2020. “Explaining Variation in Oil Sands Pipeline Projects.” *Canadian Journal of Political Science*, May, 1–20. <https://doi.org/10.1017/S0008423920000190>.
- Janzwood, Amy, and Janzwood, Scott. 2019. “Redrawing the Battle Lines in the Fight over Canada’s Price on Carbon.” *OpenCanada*, March 19, 2019. <https://www.opencanada.org/features/redrawing-the-battle-lines-in-the-fight-over-canadas-price-on-carbon/>.
- JFK Law. 2015. “Duty to Consult Case Overview 2014.” JFK Law. February 20, 2015. <http://jfkclaw.ca/duty-consult-case-overview-2014/>.
- . 2016. “Making Space for Indigenous Law.” *JFK Law Corporation* (blog). January 12, 2016. <http://jfkclaw.ca/making-space-for-indigenous-law/>.
- Johnson, E. W., J. Agnone, and J. D. McCarthy. 2010. “Movement Organizations, Synergistic Tactics and Environmental Public Policy.” *Social Forces* 88 (5): 2267–92. <https://doi.org/10.1353/sof.2010.0038>.
- Johnson, Lisa. 2016. “First Nations, Environmentalists Vow ‘long Battle’ on Approved Kinder Morgan Pipeline | CBC News.” *CBC News*, November 29, 2016. <https://www.cbc.ca/news/canada/british-columbia/kinder-morgan-approval-bc-1.3873267>.
- Johnson, Tracy. 2015. “Is Northern Gateway Quietly Being Shelved?” *CBC News*, February 20, 2015. <https://www.cbc.ca/news/business/is-northern-gateway-quietly-being-shelved-1.2965355>.
- Johnston, Jessie. 2018. “Swapping Her Suits for Boots: A Q&A with Tzeporah Berman.” *Asparagus Magazine*, December 11, 2018. <https://medium.com/asparagus-magazine/swapping-her-suits-for-boots-a-q-a-with-tzeporah-berman-5602d5f82f70>.
- Joint Review Panel, Government of Canada. 2013a. “Joint Review Panel Report on the Enbridge Northern Gateway Project - Volume 1 Connections.” December 19, 2013. <https://apps.cer-rec.gc.ca/REGDOCS/Item/View/2396699>.
- . 2013b. “Joint Review Panel Report on the Enbridge Northern Gateway Project - Volume 2 Considerations.” December 19, 2013. <https://apps.cer-rec.gc.ca/REGDOCS/Item/View/2396699>.
- Jones, Jeffrey. 2012. “Canada PM Laments ‘Foreign Money’ at Oil Hearings.” Reuters. January 6, 2012. <https://business.financialpost.com/commodities/energy/canada-pm-laments-foreign-money-at-oil-hearings>.
- Judd, Amy. 2014. “WATCH: Justin Trudeau Says If He Becomes PM, Northern Gateway Pipeline Will Not Happen.” *Global News*, June 17, 2014. <https://globalnews.ca/news/1400502/watch-justin-trudeau-says-if-he-becomes-pm-northern-gateway-pipeline-will-not-happen/>.
- Justin Trudeau, Prime Minister of Canada. 2015. “ARCHIVED - Minister of Transport Mandate Letter.” Prime Minister of Canada. December 11, 2015. <https://pm.gc.ca/en/mandate-letters/2015/11/12/archived-minister-transport-mandate-letter>.
- Kane, Laura. 2017. “B.C. NDP Vows to Fight Pipeline, but Won’t Say How.” *CTV News*, May 4, 2017. <https://bc.ctvnews.ca/b-c-ndp-vows-to-fight-pipeline-but-won-t-say-how-1.3399090>.
- Kane, Laura. 2017. “Indigenous Protesters Build Homes in Trans Mountain Pipeline’s Path.” *The Globe and Mail*, September 7, 2017. <https://www.theglobeandmail.com/news/british-columbia/indigenous-protesters-build-homes-in-trans-mountain-pipelines-path/article36207510/>.
- Karcher, Katharina. 2019. “Violence for a Good Cause? The Role of Violent Tactics in West German Solidarity Campaigns for Better Working and Living Conditions in the Global South in the 1980s.” *Contemporary European History* 28 (4): 566–80. <https://doi.org/10.1017/S0960777319000237>.
- Kassam, Ashifa. 2018. “‘Our Land Is Our Home’: Canadians Build Tiny Homes in Bid to Thwart Pipeline.” *The Guardian*, May 8, 2018, sec. World news. <https://www.theguardian.com/world/2018/may/08/canadian-activists-pipeline-tiny-homes-british-columbia>.

- Katz-Rosene, Ryan M. 2014. "The Rise of Reactionary Environmentalism in the 'Tar Sands.'" In *A Line in the Tar Sands: Struggles for Environmental Justice*, edited by Toban Black, Naomi Klein, Bill McKibben, Joshua Kahn Russell, Stephen D'Arcy, and Anthony John Weis, 45–54. Toronto, Ontario, Canada; Oakland, CA: PM Press.
- Keck, Margaret E., and Kathryn Sikkink. 1998. *Activists beyond Borders*. Cornell University Press.
www.jstor.org/stable/10.7591/j.ctt5hh13f.
- . 1999. "Transnational Advocacy Networks in International and Regional Politics." *International Social Science Journal* 51 (159): 89–101. <https://doi.org/10.1111/1468-2451.00179>.
- Keller, James. 2014. "B.C. Judge Drops Charges against Anti-Pipeline Protesters." *The Canadian Press*, November 27, 2014. <https://www.theglobeandmail.com/news/british-columbia/bc-judge-drops-charges-against-anti-pipeline-protesters/article21820012/>.
- Kelly, Erin N., Jeffrey W. Short, David W. Schindler, Peter V. Hodson, Mingsheng Ma, Alvin K. Kwan, and Barbra L. Fortin. 2009. "Oil Sands Development Contributes Polycyclic Aromatic Compounds to the Athabasca River and Its Tributaries." *Proceedings of the National Academy of Sciences* 106 (52): 22346–51. <https://doi.org/10.1073/pnas.0912050106>.
- Kennedy, Mike. 2010. "The Economics of an Oil Spill." *Pembina Institute* (blog). May 4, 2010. <https://www.pembina.org/blog/economics-of-an-oil-spill>.
- Kerr, Joanna, Gray, Tim, and Wilhelmsen, Christianne. 2015. "Joint KM EE Letter to PM Trudeau." November 12, 2015. https://www.wildernesscommittee.org/sites/all/files/Joint-KM_EE-letter-to-PM-Trudeau.pdf.
- Khagram, Sanjeev, James V. Riker, and Kathryn Sikkink, eds. 2002. *Restructuring World Politics: Transnational Social Movements, Networks, and Norms*. Social Movements, Protest, and Contention. Minneapolis: University of Minnesota Press.
- Kinder Morgan Canada Limited (KML). 2017. "Prospectus, Kinder Morgan Canada Limited." <https://bit.ly/2Sxvwbm>.
- . 2018a. "Kinder Morgan Canada Limited Suspends Non-Essential Spending on Trans Mountain Expansion Project." April 8, 2018. <https://www.transmountain.com/news/2018/kinder-morgan-canada-limited-suspends-non-essential-spending-on-trans-mountain-expansion-project?>
- . 2018b. "Schedule 14A." United States Securities and Exchange Commission. <https://www.sec.gov/Archives/edgar/data/1714973/000104746918005465/a2236353zdefm14a.htm>.
- Kinder Morgan Inc. 2018. "Form 8-K." United States Securities and Exchange Commission. <https://d18rn0p25nwr6d.cloudfront.net/CIK-0001506307/14680d84-a36b-4c94-b509-251bb32a8f48.pdf>.
- Kinder Morgan Inc. (KMI). 2015. "Kinder Morgan Announces 2016 Outlook." December 8, 2015. <https://ir.kindermorgan.com/news/news-details/2015/Kinder-Morgan-Announces-2016-Outlook/default.aspx>.
- . 2016a. "Operational Excellence 2016." 2016. https://www.kindermorgan.com/content/docs/2016_Achievements.pdf.
- . 2016b. "Form 10-K. Annual Report Pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934, for the Fiscal Year Ended December 31, 2015." United States Securities and Exchange Commission. <https://ir.kindermorgan.com/financials/annual-reports/default.aspx>.
- . 2017a. "Kinder Morgan, Inc. Makes Final Investment Decision on Trans Mountain Expansion Project." May 25, 2017. <https://ir.kindermorgan.com/news/news-details/2017/Kinder-Morgan-Inc-Makes-Final-Investment-Decision-on-Trans-Mountain-Expansion-Project/default.aspx>.
- . 2017b. "Form 8-K." United States Securities and Exchange Commission. <https://seekingalpha.com/filing/3602718>.

- . 2017c. “Kinder Morgan’s (KMI) CEO Steve Kean on Q2 2017 Results - Earnings Call Transcript.” Seeking Alpha. July 20, 2017. <https://seekingalpha.com/article/4088915-kinder-morgans-kmi-ceo-steve-kean-q2-2017-results-earnings-call-transcript>.
- . 2018. “Schedule 14A.” United States Securities and Exchange Commission (SEC). <https://www.sec.gov/Archives/edgar/data/1506307/000104746918002313/a2234931zdef14a.htm>.
- . 2020. “Kinder Morgan History.” 2020. <https://www.kindermorgan.com/About-Us/History>.
- King, Brayden G. 2008. “A Political Mediation Model of Corporate Response to Social Movement Activism.” *Administrative Science Quarterly* 53 (3): 395–421.
- . 2011. “The Tactical Disruptiveness of Social Movements: Sources of Market and Mediated Disruption in Corporate Boycotts.” *Social Problems* 58 (4): 491–517. <https://doi.org/10.1525/sp.2011.58.4.491>.
- King, Brayden G., and Sarah A. Soule. 2007. “Social Movements as Extra-Institutional Entrepreneurs: The Effect of Protests on Stock Price Returns.” *Administrative Science Quarterly* 52 (3): 413–42.
- Kirkby, Gareth. 2014. “An Uncharitable Chill: A Critical Exploration of How Changes in Federal Policy and Political Climate Are Affecting Advocacy-Oriented Charities.” A major project submitted in partial fulfillment of the requirements for the degree of Master of Arts in Professional Communication. Royal Roads University. <http://garethkirkby.ca/thesis/posting-final-version/>.
- Kitschelt, Herbert P. 1986. “Political Opportunity Structures and Political Protest: Anti-Nuclear Movements in Four Democracies.” *British Journal of Political Science* 16 (1): 57–85.
- Kling, Joseph. 2003. “Poor People’s Movements 25 Years Later: Historical Context, Contemporary Issues.” Edited by Frances Fox Piven and Richard A. Cloward. *Perspectives on Politics* 1 (4): 727–32.
- Kohl-Arenas, Erica. 2014. “Will the Revolution Be Funded? Resource Mobilization and the California Farm Worker Movement.” *Social Movement Studies* 13 (4): 482–98. <https://doi.org/10.1080/14742837.2013.863727>.
- Kolb, Felix. 2007. *Protest and Opportunities: The Political Outcomes of Social Movements*. Frankfurt; New York: Campus Verlag.
- Kramer, Roderick M., Marilyn B. Brewer, and Benjamin A. Hanna. 1996. “Collective Trust and Collective Action: The Decision to Trust as a Social Decision.” In *Trust in Organizations: Frontiers of Theory and Research*, by Kramer, Roderick M. and Tom Tyler. Thousand Oaks California: SAGE Publications, Inc. <https://doi.org/10.4135/9781452243610>.
- Krause, Vivian. 2010. “U.S. Foundations against the Oil Sands.” Financial Post. October 15, 2010. <https://financialpost.com/opinion/u-s-foundations-against-the-oil-sands>.
- . 2012a. “Why I Disagree That Tides Canada Has ‘No Position’ On Alberta Oilsands.” Rethink Campaigns. February 27, 2012. https://fairquestions.typepad.com/rethink_campaigns/2012/02/tides-canada-no-position-on-the-oilsands.html.
- . 2012b. “\$10 Million Granted to Living Oceans by American Foundations, Since 2000 - Rethink Campaigns.” April 17, 2012. https://fairquestions.typepad.com/rethink_campaigns/2012/04/usa-grants-to-living-oceans-society.html.
- Krause, Vivian. 2018. “The Tar Sands Campaign Against the Overseas Export of Canadian Oil: Activism or Economic Sabotage?”
- Krause, Vivian. 2010. “Evidence - RNNR (40-3) - No. 37 - House of Commons of Canada.” Standing Committee on Natural Resources. December 7, 2010. <https://www.ourcommons.ca/DocumentViewer/en/40-3/RNNR/meeting-37/evidence>.
- Kresnyak, Danny. 2015. “Rueben George Blasts Pipeline Expansion Project at Kinder Morgan AGM.” *National Observer*, May 7, 2015. <https://www.nationalobserver.com/2015/05/07/news/rueben-george-blasts-pipeline-expansion-project-kinder-morgan-agm>.

- Kriesi, Hanspeter, Swen Hutter, and Abel Bojar. 2019. "Contentious Episode Analysis." *Mobilization: An International Quarterly* 24 (3): 251–73. <https://doi.org/10.17813/1086-671X-24-3-251>.
- Kübler, Daniel. 2001. "Understanding Policy Change with the Advocacy Coalition Framework: An Application to Swiss Drug Policy." *Journal of European Public Policy* 8 (4): 623–41. <https://doi.org/10.1080/13501760110064429>.
- Kung, Eugene. 2016. "West Coast Conversations: 6 Questions That Define the Fight against Kinder Morgan." *West Coast Environmental Law (WCEL)* (blog). November 14, 2016. <https://www.wcel.org/blog/west-coast-conversations-6-questions-define-fight-against-kinder-morgan>.
- Laboucan-Massimo, Melina. 2014. "Awaiting Justice: The Ceaseless Struggles of the Lubicon Cree." In *A Line in the Tar Sands: Struggles for Environmental Justice*, edited by Toban Black, Naomi Klein, Bill McKibben, Joshua Kahn Russell, Stephen D'Arcy, and Anthony John Weis, 113–17. Toronto, Ontario, Canada; Oakland, CA: PM Press.
- Lakes District Clean Waters Coalition. 2020. "Lakes District Clean Waters Coalition - About." Facebook. March 1, 2020. https://www.facebook.com/pg/Lakes-District-Clean-Waters-Coalition-120720968029114/about/?ref=page_internal.
- Lambrecht, Kirk N. 2013. *Aboriginal Consultation, Environmental Assessment, and Regulatory Review in Canada*. [Canadian Plains Studies, 66]. Regina, Saskatchewan: University of Regina Press.
- Lane Jr., Phil. 2011. "Naomi Klein and First Nations Leaders Unite at Anti-Pipeline Forum." December 2, 2011. <https://www.fwi.net/profiles/blogs/naomi-klein-and-first-nations-leaders-unite-at-anti-pipeline-foru>.
- Lang, Mike, and Shannon Daub. 2016. "826 Reasons Kinder Morgan Got a Green Light for Its Trans Mountain Pipeline Expansion." Policy Note. November 30, 2016. <https://www.policynote.ca/826-reasons-kinder-morgan-got-a-green-light-for-its-trans-mountain-pipeline-expansion/>.
- Larsen, Soren C. 2003. "Promoting Aboriginal Territoriality Through Interethnic Alliances: The Case of the Cheslatta T'en in Northern British Columbia." *Human Organization* 62 (1): 74–84. <https://doi.org/10.17730/humo.62.1.63afcv8lk0dh97cy>.
- Larsen, Soren C., and Jay T. Johnson. 2017. *Being Together in Place: Indigenous Coexistence in a More than Human World*. Minneapolis: University of Minnesota Press.
- Lattanzio, Richard K. 2014. "Keystone XL: Greenhouse Gas Emissions Assessments in the Final Environmental Impact Statement." *Congressional Research Service*, March.
- Le Billon, Phillip, and Angela Carter. 2012. "Securing Alberta's Tar Sands: Resistance and Criminalization on a New Energy Frontier." In *Natural Resources and Social Conflict*, edited by Matthew A. Schnurr and Larry A. Swatuk, 170–92. London: Palgrave Macmillan UK. https://doi.org/10.1057/9781137002464_9.
- Leach, Andrew. 2017. "How Donald Trump Killed the Energy East Pipeline." *The Globe and Mail*, October 9, 2017. <https://www.theglobeandmail.com/report-on-business/rob-commentary/how-donald-trump-killed-the-energy-east-pipeline/article36527153/>.
- . 2019. "Senate Testimony on Bill C-48." April 30, 2019. <http://andrewleach.ca/uncategorized/senate-testimony-on-bill-c-48/>.
- Leach, Andrew, Angela Adams, Stephanie Cairns, Linda Coady, and Gordon Lambert. 2015. "Climate Leadership Report to Minister." Alberta Government. <https://open.alberta.ca/dataset/212a6266-b8d3-4822-b208-9221da2a0966/resource/9f52cd8e-5477-45a6-a337-f2d64d091cf9/download/2015-climate-leadership-report-to-minister.pdf>.
- LeadNow. 2015. "Defeating Harper: Reflections on the Vote Together Campaign." December 2015. <https://s3.amazonaws.com/leadnow/vtreport/vtreport.pdf>.
- . n.d. "Frequently Asked Questions." Leadnow.Ca. Accessed June 3, 2020. <https://act.leadnow.ca/faq/>.

- LeadNow, and ForestEthics. 2014. "The Enbridge 21 Need to Hear from You Right Now!" June 1, 2014. <https://web.archive.org/web/20140601161200/http://www.enbridge21.ca/>.
- Leblanc, Daniel. 2006. "Top Lobbyists Brace for New Set of Rules." *The Globe and Mail*, January 20, 2006. <https://www.theglobeandmail.com/news/national/top-lobbyists-brace-for-new-set-of-rules/article702075/>.
- Leblanc, Daniel, Steven Chase, and Gloria Galloway. 2015. "Trudeau Faces Attacks over Resignation of Former Staffer Dan Gagnier." *The Globe and Mail*, October 16, 2015. <https://www.theglobeandmail.com/news/politics/trudeau-faces-attacks-over-former-campaign-co-chair-dan-gagnier/article26860513/>.
- Lecy, Jesse D., George E. Mitchell, and Hans Peter Schmitz. 2010. "Advocacy Organizations, Networks, and the Firm Analogy." In *Advocacy Organizations and Collective Action*, edited by Asem Prakash and Mary Kay Gugerty, 205–28. New York, NY: Cambridge University Press.
- Lee, Damien. 2011. "Windigo Faces: Environmental Non-Governmental Organizations Serving Canadian Colonialism." *The Canadian Journal of Native Studies* 31 (2): 133–53.
- Lee, Jung-eun. 2011. "Insularity or Solidarity? The Impacts of Political Opportunity Structure and Social Movement Sector on Alliance Formation." *Mobilization: An International Quarterly* 16 (3): 303–24. <https://doi.org/10.17813/maiq.16.3.458783qv58255m58>.
- Lee, Kenneth, Michel Boufadel, Bing Chen, Julia Foght, Peter Hodson, Stella Swanson, and Albert Venosa. 2015. "The Behaviour and Environmental Impacts of Crude Oil Released into Aqueous Environments." Ottawa: The Royal Society of Canada. https://rsc-src.ca/sites/default/files/OIW%20Report_1.pdf.
- Lee, Marc. 2016. "Petronas' Pacific NorthWest LNG: Profile of a Carbon Bomb." *Policy Note* (blog). February 23, 2016. <https://www.policynote.ca/petronas-pacific-northwest-lng-profile-of-a-carbon-bomb/>.
- Lemphers, Nathan C. 2020. "Beyond the Carbon Curse: A Study of the Governance Foundations of Climate Change Politics in Australia, Canada and Norway." A thesis submitted in conformity with the requirements for the degree of Doctor of Philosophy, University of Toronto.
- Levi, Margaret, and Gillian H. Murphy. 2006. "Coalitions of Contention: The Case of the WTO Protests in Seattle." *Political Studies* 54 (4): 651–70. <https://doi.org/10.1111/j.1467-9248.2006.00629.x>.
- Liberal Party of Canada. 2015. "New Plan for a Strong Middle Class." <https://www.liberal.ca/wp-content/uploads/2015/10/New-plan-for-a-strong-middle-class.pdf>.
- Lindell, Rebecca. 2010. "Tanker Traffic in an Oil-Spill-Sensitive World." *The Globe and Mail*, August 5, 2010. <https://www.theglobeandmail.com/news/british-columbia/tanker-traffic-in-an-oil-spill-sensitive-world/article1316201/>.
- Lindsay, Bethany. 2016. "Kinder Morgan Protesters Aim to Revive Spirit of Clayoquot Sound in Fight against Pipeline Expansion." *Vancouver Sun*, December 1, 2016. <https://vancouversun.com/news/local-news/kinder-morgan-protesters-aim-to-revive-spirit-of-clayoquot-sound-in-fight-against-pipeline-expansion/>.
- Linnett, Carol. 2016. "Trudeau Is 'Breaking the Promise He Made' By Allowing Trans Mountain Pipeline Review to Continue Under Old Rules." *The Narwhal* (blog). January 16, 2016. <https://thenarwhal.ca/trudeau-breaking-promise-he-made-allowing-trans-mountain-pipeline-review-continue-under-old-rules/>.
- Living Oceans Society (LOS). 2006. "Living Oceans Society 2006 Annual Report." 2006. https://livingoceans.org/sites/default/files/LOS_2006_annual_report.pdf.
- . 2008. "Legislation Introduced to ban oil tanker traffic from the Great Bear Rainforest's coastal waters." June 20, 2008. <https://livingoceans.org/fr/node/243?language=fr>.
- . 2011. "Living Oceans Society 2011 Annual Report." 2011. https://livingoceans.org/sites/default/files/LOS_2011_report.pdf.

- Lou, Ethan. 2017. "Canada's Desjardins May Stop Pipeline Loans, Cites Environment." *Reuters*, July 8, 2017. <https://ca.reuters.com/article/businessNews/idCAKBN19U00I-OCABS>.
- Low, Margaret, and Karena Shaw. 2011. "Lessons from the Great Bear Rainforest." *BC Studies* Winter 2011/2012 (172): 9–33.
- Lucas, Alastair R., and Chidinma B. Thompson. 2016. "Infrastructure, Governance and Global Energy Futures: Regulating the Oil Sands Pipelines." *Journal of Environmental Law and Practice* 28 (3): 355–94.
- Luk, Senwung. 2014. "The Law of the Land: New Jurisprudence on Aboriginal Title," 30.
- Lukacs, Martin. 2019a. *The Trudeau Formula: Seduction and Betrayal in an Age of Discontent*.
- . 2019b. "Before Trudeau, Gerald Butts Abandoned Tar Sands Action As Head Of WWF." *Canadaland*, September 5, 2019. <https://www.canadalandshow.com/before-trudeau-gerald-butts-abandoned-tar-sands-action-as-head-of-world-wildlife-fund/>.
- Lukacs, Martin, and Tim Groves. 2012. "RCMP Spied on B.C. Natives Protesting Pipeline Plan, Documents Show." *Thestar.Com*, May 9, 2012, sec. Canada. https://www.thestar.com/news/canada/2012/05/09/rcmp_spied_on_bc_natives_protesting_pipeline_plan_documents_show.html.
- MacCharles, Tonda, and Ballingall, Alex. 2017. "Complaints of Foreign Influence on Third-Party Advertising in 2015 Federal Campaign Soar." *Thestar.Com*. May 23, 2017. <https://www.thestar.com/news/canada/2017/05/23/complaints-of-foreign-influence-on-third-party-advertising-in-2015-federal-campaign-soar.html>.
- MacCrimmon, Gail, and Thomas Marr-Laing. 2000. "Patchwork Policy, Fragmented Forests: In-Situ Oilsands, Industrial Development and the Ecological Integrity of Alberta's Boreal Forest." Pembina Institute. <https://www.pembina.org/pub/patchwork-policy-fragmented-forests>.
- Macdonald, Amanda, and Rachel Forbes. 2012. "Vancouver Joins Local Governments Opposed to Increase in Oil Pipelines and Tankers." *West Coast Environmental Law* (blog). May 13, 2012. <https://www.wcel.org/blog/vancouver-joins-local-governments-opposed-increase-oil-pipelines-and-tankers>.
- Madden, Eoin. 2015. "Wilderness Committee - Letter of Withdrawal, - Canadian Parks and Wilderness Society - BC Chapter and Others (A71801)." August 12, 2015. <https://apps.cer-rec.gc.ca/REGDOCS/Item/View/2810545>.
- Mahoney, Christine. 2008. *Brussels Versus the Beltway*. Georgetown University Press. www.jstor.org/stable/j.ctt2tt58r.
- Mair, Raf. 2015. "West, Weyler Team up to Battle Kinder Morgan." *The Common Sense Canadian* (blog). January 3, 2015. <https://commonsensecanadian.ca/west-weyler-team-battle-kinder-morgan/>.
- Makholm, Jeff D. 2012. *The Political Economy of Pipelines: A Century of Comparative Institutional Development*. Chicago ; London: The University of Chicago Press.
- Manley, John. 2015. "Trudeau Wants to Get Serious about Climate Change. This Is How He Should Start." *IPolitics* (blog). November 3, 2015. <https://ipolitics.ca/2015/11/03/trudeau-wants-to-get-serious-about-climate-change-this-is-how-he-should-start/>.
- Manuel, Kanahus. 2017. "First Nation's Tiny House Symbolizes Resistance to Pipeline." *The Star*, September 10, 2017, sec. Commentary. <https://www.thestar.com/opinion/commentary/2017/09/10/first-nations-tiny-house-symbolizes-resistance-to-pipeline.html>.
- Marketwired. 2016. "Northern Gateway and Aboriginal Equity Partners File Request for Extension with National Energy Board." May 6, 2016. <https://www.globenewswire.com/news-release/2016/05/06/1390549/0/en/Northern-Gateway-and-Aboriginal-Equity-Partners-File-Request-for-Extension-With-National-Energy-Board.html>.

- . 2017. “TransCanada Announces Termination of Energy East Pipeline and Eastern Mainline Projects Toronto Stock Exchange: TRP.” October 5, 2017. <https://www.globenewswire.com/news-release/2017/10/05/1300421/0/en/TransCanada-Announces-Termination-of-Energy-East-Pipeline-and-Eastern-Mainline-Projects.html>.
- Marler, Janet H., and Christophe Faugère. 2010. “Shareholder Activism and Middle Management Equity Incentives: SHAREHOLDER ACTIVISM AND EQUITY INCENTIVES.” *Corporate Governance: An International Review* 18 (4): 313–28. <https://doi.org/10.1111/j.1467-8683.2010.00794.x>.
- Martin, David J. 2016. “Comment: What Happened to Liberal Promises on NEB?” *Times Colonist*. January 12, 2016. <http://www.timescolonist.com/opinion/op-ed/comment-what-happened-to-liberal-promises-on-neb-1.2148542>.
- Marx, Axel, and Adrian Duşa. 2011. “Crisp-Set Qualitative Comparative Analysis (CsQCA), Contradictions and Consistency Benchmarks for Model Specification.” *Methodological Innovations Online* 6 (2): 103–48. <https://doi.org/10.4256/mio.2010.0037>.
- Marx, Michael J. 2008. “Tar Sands Campaign Strategy 2.1.” Corporate Ethics International. <http://www.offsettingresistance.ca/TarSandsCoalition-StrategyPaper2008.pdf>.
- Mason, Gary. 2012. “B.C. Premier Christy Clark Warns of National Crisis over Pipeline.” *The Globe and Mail*, October 22, 2012. <https://www.theglobeandmail.com/news/british-columbia/bc-premier-christy-clark-warns-of-national-crisis-over-pipeline/article4627532/>.
- Massey, Josh. 2009. “Summit Targets Gateway Pipeline’s Environmental Risks.” *The Hook, A Tyee Blog*, June 8, 2009. <https://thetyee.ca/Blogs/TheHook/Environment/2009/06/08/SummitEnbridgePipeline/>.
- Matejova, Miriam, Stefan Parker, and Peter Dauvergne. 2018. “The Politics of Repressing Environmentalists as Agents of Foreign Influence.” *Australian Journal of International Affairs* 72 (2): 145–62. <https://doi.org/10.1080/10357718.2017.1421141>.
- Matthews, Lesley. 2017. “How to Restore Public Trust and Credibility at the National Energy Board.” *SSRN Electronic Journal*. <https://doi.org/10.2139/ssrn.2971200>.
- Mayer, Brian, Phil Brown, and Rachel Morello-Frosch. 2010. “Labor-Environmental Coalition Formation: Framing and the Right to Know1.” *Sociological Forum* 25 (4): 746–68. <https://doi.org/10.1111/j.1573-7861.2010.01210.x>.
- McAdam, Doug. 1982. *Political Process and the Development of Black Insurgency, 1930-1970*. 2nd ed. Chicago: University of Chicago Press.
- McAdam, Doug, and Hilary Boudet. 2012. *Putting Social Movements in Their Place: Explaining Opposition to Energy Projects in the United States, 2000-2005*. Cambridge Studies in Contentious Politics. Cambridge ; New York: Cambridge University Press.
- McAdam, Doug, John D. McCarthy, and Mayer N. Zald. 1996. *Comparative Perspectives on Social Movements: Political Opportunities, Mobilizing Structures, and Cultural Framings*. Cambridge [England]; New York: Cambridge University Press.
- McAdam, Doug, and Sidney Tarrow. 2019. “The Political Context of Social Movements.” In *The Wiley Blackwell Companion to Social Movements*, edited by David A. Snow, Sarah A. Soule, Hanspeter Kriesi, and Holly J. McCammon, Second, 19–42. Oxford: Wiley Blackwell.
- McAdam, Doug, Sidney G. Tarrow, and Charles Tilly. 2001. *Dynamics of Contention*. Cambridge Studies in Contentious Politics. Cambridge; New York: Cambridge University Press.
- McAteer, Emily, and Simone Pulver. 2009. “The Corporate Boomerang: Shareholder Transnational Advocacy Networks Targeting Oil Companies in the Ecuadorian Amazon.” *Global Environmental Politics* 9 (1): 1–30. <https://doi.org/10.1162/glep.2009.9.1.1>.
- McCammon, Holly. 2009. “Reviewed Work(s): Protest and Opportunities: The Political Outcomes of Social Movements by Felix Kolb.” *Contemporary Sociology* 38 (1): 61–63.

- McCammon, Holly, and Karen Campbell. 2002. "Allies On the Road to Victory: Coalition Formation Between The Suffragists and The Woman's Christian Temperance Union." *Mobilization: An International Quarterly* 7 (3): 231–51. <https://doi.org/10.17813/maiq.7.3.p61v8117914865qy>.
- McCammon, Holly J. 2012. *The U.S. Women's Jury Movements and Strategic Adaptation: A More Just Verdict*. Cambridge Studies in Contentious Politics. Cambridge; New York: Cambridge University Press.
- McCammon, Holly J., and Minyoung Moon. 2015. "Social Movement Coalitions." In *The Oxford Handbook of Social Movements*, edited by Donatella Della Porta and Mario Diani. Oxford: Oxford University Press. <https://doi.org/10.1093/oxfordhb/9780199678402.013.38>.
- McCammon, Holly, and Nella Van Dyke. 2010. "Applying Qualitative Comparative Analysis to Empirical Studies of Social Movement Coalition Formation." In *Strategic Alliances: Coalition Building and Social Movements*, edited by Nella Van Dyke and Holly McCammon, 292–315. University of Minnesota Press.
- McCarthy, John D., and Mayer N. Zald. 1977. "Resource Mobilization and Social Movements: A Partial Theory." *American Journal of Sociology* 82 (6): 1212–41.
- . 2001. "The Enduring Vitality of the Resource Mobilization Theory of Social Movements." In *Handbook of Sociological Theory*, edited by Jonathan H Turner. Dordrecht: Springer.
- McCarthy, Shawn. 2009. "At What Price 'White Man's Money'?" *The Globe and Mail*, July 18, 2009. <https://www.theglobeandmail.com/news/politics/at-what-price-white-mans-money/article4289136/>.
- . 2012. "CRA Audits Charitable Status of Tides Canada amid Tory Attack." *The Globe and Mail*, May 7, 2012. <https://www.theglobeandmail.com/news/politics/cra-audits-charitable-status-of-tides-canada-amid-tory-attack/article4105719/>.
- . 2015. "Trudeau Announces Carbon-Pricing Plan If Liberals Win Election." *The Globe and Mail*, February 6, 2015. <https://www.theglobeandmail.com/news/politics/trudeau-vows-to-adopt-carbon-pricing-if-liberals-win-election/article22842010/>.
- McCartney, Peter. 2016a. "New Federal Review Measures Miss the Mark on Climate." *Wilderness Committee* (blog). January 27, 2016. <https://www.wildernesscommittee.org/news/new-federal-review-measures-miss-mark-climate>.
- . 2016b. "PM's Pipeline Panel Has Only Made Things Worse." *Vancouver Observer*, November 3, 2016. <https://www.wildernesscommittee.org/news/pms-pipeline-panel-has-only-made-things-worse>.
- . 2016c. "Federal Government's Oceans Protection Plan an Act of Theatre." *Wilderness Committee* (blog). November 7, 2016. <https://www.wildernesscommittee.org/news/federal-governments-oceans-protection-plan-act-theatre>.
- McConaghy, Dennis. 2017. *Dysfunction: Canada after Keystone XL*. Toronto, Ontario: Dundurn.
- McCreary, Tyler. 2010. "Hundreds Protest Enbridge Northern Gateway Pipeline in Kitimat, B.C." *Rabble.Ca*. September 1, 2010. <https://rabble.ca/blogs/bloggers/tylermccreary/2010/09/hundreds-protest-enbridge-northern-gateway-pipeline-kitimat-bc>.
- . 2011. "Oil and Water Don't Mix." *Briar Patch Magazine*, March 1, 2011. <https://briarpatchmagazine.com/articles/view/oil-and-water>.
- McCreary, Tyler. 2014. "Beyond Token Recognition: The Growing Movement against the Enbridge Northern Gateway Project." In *A Line in the Tar Sands: Struggles for Environmental Justice*, edited by Stephen D'Arcy, Toban Black, Tony Weis, and Joshua Kahn Russell. Toronto: Between the Lines.
- McCreary, Tyler A., and Richard A. Milligan. 2014. "Pipelines, Permits, and Protests: Carrier Sekani Encounters with the Enbridge Northern Gateway Project." *Cultural Geographies* 21 (1): 115–29. <https://doi.org/10.1177/1474474013482807>.

- McCreary, Tyler, and Jerome Turner. 2018. "The Contested Scales of Indigenous and Settler Jurisdiction: Unist'ot'en Struggles with Canadian Pipeline Governance." *Studies in Political Economy* 99 (3): 223–45. <https://doi.org/10.1080/07078552.2018.1536367>.
- McCrossan, Michael. 2019. "Advancing Dishonourable Relations: Legal Reasoning, Indigenous Rights, and Strategic Uses of Reconciliation." *Studies in Political Economy* 100 (2): 93–110. <https://doi.org/10.1080/07078552.2019.1646454>.
- McCrossan, Michael, and Kiera L. Ladner. 2016. "Eliminating Indigenous Jurisdictions: Federalism, the Supreme Court of Canada, and Territorial Rationalities of Power." *Canadian Journal of Political Science* 49 (3): 411–31. <https://doi.org/10.1017/S0008423916000822>.
- McCurdy, Patrick. 2017. "Bearing Witness and the Logic of Celebrity in the Struggle Over Canada's Oil/Tar Sands." In *Carbon Capitalism and Communication: Confronting Climate Crisis*, edited by Benedetta Brevini and Graham Murdock, 131–45. Springer.
- McDiarmid, Margo. 2014. "B.C. First Nation Crochets Yarn 'blockade' of Northern Gateway Tankers." *CBC News*, June 20, 2014. <https://www.cbc.ca/news/politics/northern-gateway-tanker-threat-spurs-first-nation-s-yarn-blockade-1.2682777>.
- McEachern, Gillian. 2012. "Hope Aboard the Yinka Dene Train." HuffPost Canada. May 1, 2012. https://www.huffingtonpost.ca/gillian-mceachern/yinka-dene-protest_b_1464955.html?guccounter=1.
- McGlade, Christophe, and Paul Ekins. 2015. "The Geographical Distribution of Fossil Fuels Unused When Limiting Global Warming to 2 °C." *Nature* 517 (7533): 187–90. <https://doi.org/10.1038/nature14016>.
- McIvor, Bruce. 2018. *First Peoples Law: Essays on Canadian Law and Decolonization*. First Peoples Law Corporation.
- McKibben, Bill. 2011. "Join Us in Civil Disobedience to Stop the Keystone XL Tar-Sands Pipeline." *Grist*. June 23, 2011. <https://grist.org/climate-change/2011-06-23-join-us-in-civil-disobedience-to-stop-the-keystone-xl-tar-sands/>.
- . 2013. "On Keystone XL, Will Obama Stand up to Big Oil?" *The Guardian*. October 28, 2013. <https://www.theguardian.com/commentisfree/2013/oct/28/obama-keystone-xl-pipeline-climate-change>.
- McNeil, Kent. 1997. "Aboriginal Title and Aboriginal Rights: What's the Connection." *Alberta Law Review* 36 (1): 117. <https://doi.org/10.29173/alr1021>.
- . 1999. "The Onus of Proof of Aboriginal Title." *Osgoode Hall Law Journal* 37 (4): 775–803.
- . 2008. "Fiduciary Obligations and Aboriginal Peoples." In *The Law of Trusts: A Contextual Approach*, edited by Jeffrey B. Berryman, Mark R. Gillen, and Faye Gillen-Woodman, Second edition. Toronto, Ontario: Montgomery.
- . 2016. "The Doctrine of Discovery Reconsidered: Reflecting on Discovering Indigenous Lands: The Doctrine of Discovery in the English Colonies, by Robert J Miller, Jacinta Ruru, Larissa Behrendt, and Tracey Lindberg, and Reconciling Sovereignties: Aboriginal Natio." *Osgoode Hall Law Journal* 53 (2): 699–728.
- McSheffrey, Elizabeth. 2016. "Key Architects of Great Bear Rainforest Agreement Reflect on Its Lasting Impact." *National Observer*, March 7, 2016. <https://www.nationalobserver.com/2016/03/07/news/key-architects-great-bear-rainforest-agreement-reflect-its-lasting-impact>.
- McSheffrey, Elizabeth. 2016. "Trudeau Government Denies Conflict after Appointing Former Kinder Morgan Partner to Review Pipeline." *National Observer*. July 21, 2016. <https://www.nationalobserver.com/2016/07/21/news/natural-resources-canada-appoints-gas-lobbyist-kinder-morgan-review-panel-denies>.

- . 2018. “Trudeau Spills on Kinder Morgan Pipeline.” *National Observer*. February 14, 2018. <https://www.nationalobserver.com/2018/02/14/news/inside-interview-trudeau-spills-kinder-morgan-pipeline>.
- Meckling, Jonas. 2011. *Carbon Coalitions: Business, Climate Politics, and the Rise of Emissions Trading*. Cambridge, Mass: MIT Press.
- Mesec, Dan. 2009. “Energy Summit Takes Aim at ‘Dirty Oil.’” *The Interior News*, June 17, 2009. <http://www.wetsuweten.com/images/uploads/InteriorNews.pdf>.
- Meyer, Carl. 2018. “Canadian Election Watchdog Terminates Leadnow Investigation.” *National Observer*, October 23, 2018. <https://www.nationalobserver.com/2018/10/23/news/canadian-election-watchdog-terminates-leadnow-investigation>.
- Meyer, David, and Catherine Corrigan-Brown. 2005. “Coalitions and Political Context: U.S. Movements Against Wars in Iraq.” *Mobilization: An International Quarterly* 10 (3): 327–44. <https://doi.org/10.17813/maiq.10.3.f8u6t4u2708kw442>.
- Meyer, David S. 2005. “Introduction: Social Movements and Public Policy: Eggs, Chicken, and Theory.” In *Routing the Opposition: Social Movements, Public Policy, and Democracy*, edited by David S. Meyer, Valerie Jenness, and Helen M. Ingram, 1–26. Social Movements, Protest, and Contention, v. 23. Minneapolis: University of Minnesota Press.
- . 2014. *The Politics of Protest: Social Movements in America*. Second Edition. New York: Oxford University Press.
- Meyer, David S., and Debra C. Minkoff. 2004. “Conceptualizing Political Opportunity.” *Social Forces* 82 (4): 1457–92. <https://doi.org/10.1353/sof.2004.0082>.
- Millar, Matthew. 2013. “Harper Government’s Extensive Spying on Anti-Oilsands Groups Revealed in FOIs.” *The Vancouver Observer*, November 19, 2013. <https://www.vancouverobserver.com/politics/harper-governments-extensive-spying-anti-oilsands-groups-revealed-fois>.
- Miller, David. 2013. “It’s Time to Agree, the Great Bear Is No Place for Pipelines and Oil Tankers.” WWF-Canada Blog. November 25, 2013. <https://blog.wwf.ca/blog/2013/11/25/time-agree-great-bear-place-pipelines-oil-tankers/>.
- . 2014. “20,000 People #StandWithScience and Say ‘No’ to Northern Gateway. Will the Federal Government Do the Same?” WWF-Canada Blog. June 11, 2014. <https://blog.wwf.ca/blog/2014/06/11/20000-people-standwithscience-say-northern-gateway-will-federal-government/>.
- Miller, Robert. 2020. “Personal Behaviour Changes and the Climate Crisis.” *Pullback Podcast* (blog). April 21, 2020. <https://www.pullback.org/episode-notes/episode19>.
- Miller, Robert J., Jacinta Ruru, Larissa Behrendt, and Tracey Lindberg. 2010. *Discovering Indigenous Lands: The Doctrine of Discovery in the English Colonies*. Oxford: Oxford University Press.
- Mogus, Jason, and Tom Liacus. 2016. “Networked Change: How Progressive Campaigns Are Won in the 21st Century.” NetChange Consulting.
- Mok, Ka Yan, Geoffrey Qiping Shen, and Jing Yang. 2015. “Stakeholder Management Studies in Mega Construction Projects: A Review and Future Directions.” *International Journal of Project Management* 33 (2): 446–57. <https://doi.org/10.1016/j.ijproman.2014.08.007>.
- Montpetit, Eric. 2014. “Are Interest Groups Helpful or Harmful? Take Two.” In *Canadian Politics*, edited by James Bickerton and Alain Gagnon, Sixth edition. Toronto: University of Toronto Press.
- Moore, Dene. 2012. “Enbridge Questions Northern Gateway Pipeline Critics over Foreign Funding.” *The Globe and Mail*, October 8, 2012. <https://www.theglobeandmail.com/news/politics/enbridge-questions-northern-gateway-pipeline-critics-over-foreign-funding/article4597466/>.
- . 2013. “Northern Gateway Hearings: Vancouver Pipeline Protesters Greet Enbridge Panel.” *The Canadian Press*, January 14, 2013. <https://www.huffingtonpost.ca/entry/2475994?m=false>.

- . 2014. “Reject Northern Gateway, Scientists Urge PM in Open Letter.” *The Canadian Press*, June 3, 2014. <https://www.theglobeandmail.com/news/british-columbia/reject-northern-gateway-scientists-urge-pm-in-open-letter/article18972830/>.
- Moore, Sam. 2016. “Indigenous and Environmental Leaders Threaten Legal ‘onslaught’ to Block Kinder Morgan Pipeline.” *National Observer*, May 11, 2016. <https://www.nationalobserver.com/2016/05/11/news/indigenous-and-environmental-leaders-threaten-legal-onslaught-block-pipeline>.
- Moreau, Jennifer. 2014. “Judge Dismisses All Civil Contempt Charges against Burnaby Mountain Protesters.” *Burnaby Now*. November 27, 2014. <https://www.burnabynow.com/news/judge-dismisses-all-civil-contempt-charges-against-burnaby-mountain-protesters-1.1624814>.
- Moreau, Jennifer. 2016. “Provincial Pipeline Opposition a ‘victory’ for Burnaby, Says MP | Burnaby Now.” *Burnaby Now*, January 12, 2016. <https://www.burnabynow.com/news/provincial-pipeline-opposition-a-victory-for-burnaby-says-mp-1.2148910>.
- Morgan, Geoffrey. 2015. “Canada to Move Ahead with Oil Tanker Ban on Northern B.C. Coast, Crushing Northern Gateway Hopes.” *Financial Post*, November 14, 2015. <https://financialpost.com/commodities/energy/canada-to-move-ahead-with-oil-tanker-ban-on-northern-b-c-coast-crushing-northern-gateway-hopes>.
- Morin, Brandi. 2017. “Activists in B.C. Gear up for ‘the next Standing Rock’ with Tiny House Protest.” *CBC News*, September 7, 2017. <https://www.cbc.ca/news/indigenous/kinder-morgan-pipeline-activists-tiny-houses-1.4279740>.
- Motley Fool. 2017. “Kinder Morgan Q3 2017 Earnings Conference Call Transcript (KMI).” October 2017. https://www.nwintimes.com/business/investment/markets-and-stocks/kinder-morgan-q3-2017-earnings-conference-call-transcript-kmi/article_927b7603-dcec-59c2-a938-444c2404ca9c.html.
- Muckerman, Taylor. 2018. “Kinder Morgan’s Deal With the Canadian Government.” *The Motley Fool*. June 8, 2018. <https://www.fool.com/investing/2018/06/08/kinder-morgans-deal-with-the-canadian-government.aspx>.
- Murphy, Hannah, and Reed Dunlea. 2020. “The Fight Against Minnesota’s Line 3 Pipeline: Bill McKibben and Winona LaDuke in Conversation.” *Rolling Stone*, April 23, 2020. <https://www.rollingstone.com/politics/politics-news/minnesota-line-3-pipeline-winona-laduke-bill-mckibben-conversation-988155/>.
- Murray, Joyce. 2017. “Joyce Murray, ‘Oil Tanker Moratorium Act.’” *Openparliament.Ca*. October 4, 2017. <https://openparliament.ca/debates/2017/10/4/joyce-murray-2/>.
- Nace, Ted, Lydia Plante, and James Browning. 2019. “North America Is Betting Over \$1 Trillion on a Risky Fossil Infrastructure Boom.” *Global Energy Monitor*.
- Nadleh Whut’en First Nation. 2009. “‘Our Land Is Not for Sale’: Nadleh Whut’en Take Stand on Enbridge Pipeline.” April 3, 2009. <http://www.nadleh.ca/news-and-events/news/our-land-is-not-for-sale-nadleh-whuten-take-stand-on-enbridge-pipeline/>.
- Nagata, Kai. 2014a. “Unwanted Pipeline, Unwilling Province.” *Dogwood* (blog). June 16, 2014. <https://dogwoodbc.ca/news/unwanted-project-unwilling-province/>.
- . 2014b. “Three Political Paths to Stop Northern Gateway.” *The Tyee*. The Tyee. June 20, 2014. <http://thetyee.ca/Opinion/2014/06/20/Three-Political-Paths-to-Stop-Northern-Gateway/>.
- Nagata, Kai. 2015. “How Does the Let BC Vote Campaign Fit into Federal Election Organizing and Beyond?” *Dogwood*. February 12, 2015. <https://dogwoodbc.ca/news/let-bc-vote-reflections/>.
- . 2017. “Kinder Morgan Admits Its Pipeline May Be Doomed.” *Dogwood*. May 27, 2017. <https://dogwoodbc.ca/news/kinder-morgan-pipeline-doomed/>.
- Nair, Roshini. 2017. “B.C. Makes Symbolic Choice in Retaining Thomas Berger as Counsel in Trans Mountain Challenge.” *CBC News*, August 10, 2017. <https://www.cbc.ca/news/canada/british->

[columbia/b-c-makes-symbolic-choice-in-retaining-thomas-berger-as-counsel-in-trans-mountain-challenge-1.4242474](https://www.columbia/b-c-makes-symbolic-choice-in-retaining-thomas-berger-as-counsel-in-trans-mountain-challenge-1.4242474).

Nanos, Nik. 2014. "Bloomberg-Nanos BC Northern Gateway Pipeline Survey." Nanos Research. <https://secureservercdn.net/198.71.233.47/823.910.myftpupload.com/wp-content/uploads/2017/07/2014-525-Bloomberg-Nanos-Northern-Gateway-Report-1-of-2-Tuesday-Release-with-Tabs-R.pdf>.

Narwhal, The. 2016. "Enbridge and Kinder Morgan Lobby Hard As Feds Change Tune on Pipelines." *The Narwhal* (blog). May 9, 2016. <https://thenarwhal.ca/enbridge-and-kinder-morgan-lobby-hard-feds-change-tune-pipelines/>.

National Energy Board. 2018. "Letter - Trans Mountain Pipeline ULC – Trans Mountain Expansion Project - Notice of Constitutional Question MH-081-2017 – Reasons for Decision." January 18, 2018. <https://apps.cer-rec.gc.ca/REGDOCS/Item/View/3433834>.

National Energy Board (NEB). 2010. "Respecting All Voices: Our Journey to a Decision." <https://www.cer-rec.gc.ca/pplctnflng/mjrpp/archive/mcknzgs/rfd/rfdv1p1-eng.html>.

———. 2012. "FAQs – 2012 Changes to the National Energy Board Act."

———. 2013. "Application to Participate Notification for Trans Mountain Pipeline ULC - Trans Mountain Expansion Project (A56238)." December 31, 2013. <https://apps.cer-rec.gc.ca/REGDOCS/Item/View/2398619>.

———. 2014a. "Letters and Attachments to Aboriginal Groups Regarding Notice of Application to Participate - Trans Mountain Expansion Project (Filing 1 of 3) (A56633)." January 27, 2014. <https://apps.cer-rec.gc.ca/REGDOCS/Item/View/2404547>.

———. 2014b. "Letter - Application for Trans Mountain Expansion Project - Factors and Scope of the Factors for the Environmental Assessment Pursuant to the Canadian Environmental Assessment Act, 2012 (A59505)." April 3, 2014. <https://apps.cer-rec.gc.ca/REGDOCS/Item/Filing/A59505>.

———. 2014c. "Letter and Appendices - Application for Trans Mountain Expansion Project - Ruling on Participation (A59504)." April 3, 2014. <https://apps.cer-rec.gc.ca/REGDOCS/Item/Filing/A59504>.

———. 2014d. "Letter and Hearing Order OH-001-2014 - Application for Trans Mountain Expansion Project (A59503)." April 3, 2014. <https://apps.cer-rec.gc.ca/REGDOCS/Item/Filing/A59503>.

———. 2014e. "Ruling No. 34 - Lynne M. Quarmby and Others – Notices of Motion Dated 6 and 15 May 2014 (A63200)." October 12, 2014. <https://apps.cer-rec.gc.ca/REGDOCS/Item/View/2525008>.

———. 2014f. "Ruling No. 40 and Order MO-122-2014 - Trans Mountain Notice of Motion and Notice of Constitutional Question Dated 26 September 2014 (A63788)." October 23, 2014. <https://apps.cer-rec.gc.ca/REGDOCS/Item/View/2541380>.

———. 2015a. "NEB to Open Regional Offices in Vancouver and Montréal." January 16, 2015. <https://www.newswire.ca/news-releases/neb-to-open-regional-offices-in-vancouver-and-montreal-516552121.html>.

———. 2015b. "National Engagement Initiative Concludes with Successful Pipeline Safety Forum." June 3, 2015. <https://www.newswire.ca/news-releases/national-engagement-initiative-concludes-with-successful-pipeline-safety-forum-517849021.html>.

———. 2015c. "Striking of Evidence Prepared by or under the Direction of Mr. Steven J. Kelly and Postponement of Oral Summary Argument in Calgary and Burnaby (A72283)." August 12, 2015. <https://apps.cer-rec.gc.ca/REGDOCS/Item/View/2812678>.

———. 2016a. "National Energy Board Landowner Guide." Calgary, Alberta: National Energy Board.

———. 2016b. "An Energy Market Assessment: Canada's Energy Future 2016: Supply and Demand Projections to 2040." <https://www.cer-rec.gc.ca/nrg/ntgrtd/ft/2016/index-eng.html>.

- . 2016c. “NEB Report - Trans Mountain Expansion Project - OH-001-2014.” National Energy Board. <https://apps.cer-rec.gc.ca/REGDOCS/Item/View/2969867>.
- . 2017. “Letter and Order FRO-002-2017 to Trans Mountain Pipeline ULC - Implementation of Financial Resource Requirements.” <https://apps.cer-rec.gc.ca/REGDOCS/Item/View/3117838>.
- . 2018. “Letter - Trans Mountain Pipeline ULC – Trans Mountain Expansion Project - Decision on Motion.” January 18, 2018. <https://apps.cer-rec.gc.ca/REGDOCS/Item/View/3436359>.
- . 2020a. “Fact Sheet - The National Energy Board’s Participant Funding Program for the Trans Mountain Expansion Project.” January 8, 2020. <https://www.cer-rec.gc.ca/pplctnflng/mjrpp/trnsmntnxpnsn/trnsmntnxpnsnfctsht-eng.html>.
- . 2020b. “Canada’s Pipeline Transportation System 2016.” September 30, 2020. <https://www.cer-rec.gc.ca/en/data-analysis/energy-markets/transportation/2016/canadas-pipeline-transportation-system-2016-pipeline-capacity.html>.
- National Energy Board (NEB), and Canadian Environmental Assessment Agency (CEAA). 2011. “Hearing Order OH-4-2011 for the Northern Gateway Pipelines Inc. Enbridge Northern Gateway Project.” May 5, 2011. <https://www.ceaa-acee.gc.ca/050/documents/p21799/50036E.pdf>.
- National Energy Board (NEB), and Environmental Assessment Office of British Columbia. 2010. “Agreement between the National Energy Board and the Environmental Assessment Office of British Columbia - Environmental Assessment Equivalency Agreement.” June 21, 2010. <https://www.cer-rec.gc.ca/bts/ctrg/mmrndm/2010bcnvsssmntffc-eng.html>.
- National Energy Board (NEB), Government of Canada. 2013a. “Joint Review Panel Report on the Enbridge Northern Gateway Project (A56136), Volume 1 Connections.” <https://apps.cer-rec.gc.ca/REGDOCS/Item/View/2396699>.
- . 2013b. “Joint Review Panel Report on the Enbridge Northern Gateway Project (A56136), Volume 2 Considerations.” <https://apps.cer-rec.gc.ca/REGDOCS/Item/View/2396699>.
- National Observer. 2018. “Notley Ends B.C. Wine Ban.” *National Observer*, February 22, 2018. <https://www.nationalobserver.com/2018/02/22/news/notley-ends-bc-wine-ban>.
- National Post. 2014. “Donner, Harrison & Hoberg: Let’s Talk about Climate Change.” *National Post*, April 10, 2014. <https://nationalpost.com/opinion/donner-harrison-hoberg-lets-talk-about-climate-change>.
- National Transportation Safety Board (NTSB). 2012. “Enbridge Incorporated Hazardous Liquid Pipeline Rupture and Release, Marshall, Michigan, July 25, 2010.” Pipeline Accident Report NTSB/PAR-12/01. Washington D.C.: National Transportation Safety Board. <https://www.nts.gov/investigations/AccidentReports/Reports/PAR1201.pdf>.
- NationTalk. 2009. “CSTC At Copenhagen: Canada’s Dirty Oil Shame.” *NationTalk*, December 19, 2009. <http://nationtalk.ca/story/cstc-at-copenhagen-canadas-dirty-oil-shame>.
- Natural Resources Canada, Government of Canada. 2013. “Responsible Resource Development and Related Legislative, Regulatory and Policy Improvements to Modernize the Regulatory System for Project Reviews.” March 22, 2013. <https://www.nrcan.gc.ca/environmental-assessment/149>.
- . 2014. “Government of Canada Accepts Recommendation to Impose 209 Conditions on Northern Gateway Proposal.” August 8, 2014. <https://web.archive.org/web/20140808050315/http://www.marketwired.com/press-release/government-canada-accepts-recommendation-impose-209-conditions-on-northern-gateway-proposal-1921625.htm>.
- . 2016a. “NRCan Memo on Phone Call from Ian Anderson.” ATIP (uploaded by Mike De Souza). <https://www.scribd.com/document/377516686/NRCan-Memo-on-Phone-Call-From-Ian-Anderson>.
- . 2016b. “NRCan Moving Fast TMX.” ATIP (uploaded by Mike De Souza). <https://www.scribd.com/document/377585637/NRCan-Moving-Fast-TMX>.

- . 2017a. “Northern Gateway Pipelines Project.” July 24, 2017. <https://web.archive.org/web/20190922092846/https://www.nrcan.gc.ca/our-natural-resources/energy-sources-distribution/clean-fossil-fuels/pipelines/energy-pipeline-projects/northern-gateway-pipelines-project/19184>.
- . 2017b. “Energy and the Economy.” Natural Resources Canada. October 6, 2017. <https://www.nrcan.gc.ca/science-data/data-analysis/energy-data-analysis/energy-facts/energy-and-economy/20062#L3>.
- Natural Resources Defense Council (NRDC). 2015a. “Tar Sands Front Lines: British Columbia.” April 2015. <https://www.nrdc.org/sites/default/files/west-coast-tar-sands-threat-bc-FS.pdf>.
- . 2015b. “Killing KXL: How an Unlikely Coalition of Environmental Activists Stopped the Destructive Tar Sands Oil Pipeline.” August 12, 2015. <https://www.nrdc.org/stories/killing-kxl>.
- NEI Investments. 2012a. “Shareholder Resolution: Enbridge--Disclosure of Risks Surrounding the Northern Gateway Pipeline.” 2012. <https://www.neiinvestments.com/documents/ShareholderResolutions/2012/Shareholder%20Resolution%20Enbridge.pdf>.
- . 2012b. “Proxy Alert Enbridge.” May 2012. <https://www.neiinvestments.com/documents/ShareholderResolutions/2012/Proxy%20Alert%20Enbridge.pdf>.
- Neubauer, Robert, and Shane Gunster. 2019. “Enemies at the Gateway: Regional Populist Discourse and the Fight Against Oil Pipelines on Canada’s West Coast.” *Frontiers in Communication* 4. <https://doi.org/10.3389/fcomm.2019.00061>.
- Neufeld, Richard A. 2006. “Fraser Milner on Behalf of Gateway Letter of Project Updated (A14139).” National Energy Board. <https://apps.cer-rec.gc.ca/REGDOCS/Item/View/443034>.
- Neville, Kate J., Jackie Cook, Jennifer Baka, Karen Bakker, and Erika S. Weinthal. 2019. “Can Shareholder Advocacy Shape Energy Governance? The Case of the US Antifracking Movement.” *Review of International Political Economy* 26 (1): 104–33. <https://doi.org/10.1080/09692290.2018.1488757>.
- Neville, Kate J., and Erika Weinthal. 2016a. “Scaling up Site Disputes: Strategies to Redefine ‘Local’ in the Fight against Fracking.” *Environmental Politics* 25 (4): 569–92. <https://doi.org/10.1080/09644016.2016.1154124>.
- . 2016b. “Mitigating Mistrust? Participation and Expertise in Hydraulic Fracturing Governance: Mitigating Mistrust.” *Review of Policy Research* 33 (6): 578–602. <https://doi.org/10.1111/ropr.12201>.
- News 1130. 2012. “Pipeline Protestors Gather at Clark and Dix’s Offices.” *News 1130*, October 24, 2012. <https://www.wildernesscommittee.org/news/pipeline-protestors-gather-clark-and-dixs-offices>.
- Nichols, Joshua. 2018. “Sui Generis Sovereignties The Relationship between Treaty Interpretation and Canadian Sovereignty.” In *Reflections on Canada’s Past, Present and Future in International Law/Réflexions Sur Le Passé, Le Présent et l’avenir Du Canada En Droit International*, edited by Oonagh E. Fitzgerald, Valerie Hughes, and Mark Jewett. MQUP. <https://doi.org/10.2307/j.ctv2n7q7t>.
- Nielson, Mark. 2012. “Pipeline Focus of Protest in Fort St. James.” *Prince George Citizen*, February 2, 2012. <https://www.princegeorgecitizen.com/news/local-news/pipeline-focus-of-protest-in-fort-st-james-1.1038874>.
- Nikiforuk, Andrew. 2008. *Tar Sands: Dirty Oil and the Future of a Continent*. Vancouver, BC: Greystone Books and David Suzuki Foundation. <http://www.vlebooks.com/vleweb/product/openreader?id=none&isbn=9781553656272>.
- . 2009. “Dirty Oil: How the Tar Sands Are Fueling the Global Climate Crisis.” Greenpeace. <https://climateactionnetwork.ca/wp-content/uploads/2014/02/dirtyoil.pdf>.
- . 2012. “An Open Reply to Joe Oliver’s Propaganda for the Petro State.” The Tyee. The Tyee. January 11, 2012. <http://thetyee.ca/Opinion/2012/01/11/Joe-Oliver-Propaganda-State/>.

- . 2014. “No Cross-Exam in Trans Mountain Hearing Hurts NEB Credibility: Economist.” *The Tyee*. The Tyee. April 23, 2014. <http://thetyee.ca/News/2014/04/23/No-Cross-Exam-Hurts-NEB-Credibility/>.
- No Tanks! 2010. “Could an Oil Spill Happen in Vancouver? Yes. If You Let It.” Wayback Machine. May 31, 2010. <https://web.archive.org/web/20120424234213/http://bcwaters.org/2010Assessment/Crude%20Oil%20in%20Burrard%20Inlet%20Risk%20Assessment%20May%202010.pdf>.
- Norpoth, Helmut, and Jerrold G. Rusk. 1982. “Partisan Dealignment in the American Electorate: Itemizing the Deductions since 1964.” *The American Political Science Review* 76 (3): 522–37. <https://doi.org/10.2307/1963729>.
- Northern Gateway Pipelines Inc. 2016a. “NGP-AEP Condition 2 Request for Extension of the Sunset Clause.” National Energy Board. <https://apps.cer-rec.gc.ca/REGDOCS/Item/View/2955233>.
- . 2016b. “NGP-AEP Condition 2 Request for Extension of the Sunset Clause.” National Energy Board. May 6, 2016. <https://apps.cer-rec.gc.ca/REGDOCS/Item/View/2955233>.
- Northern Gateway Pipelines Limited Partnership. 2011. “Northern Gateway Additional Evidence - Updates to Volume 5A - Aboriginal Engagement and 5B - Aboriginal Traditional Knowledge (A29573).” National Energy Board. <https://apps.cer-rec.gc.ca/REGDOCS/Item/View/692099>.
- Northrop, Michael. 2008. “The Tar Sands Campaign.” Presented at the Rockefeller Brothers Fund, July. <https://fairquestions.typepad.com/files/pp-rbf-tar-sands.pdf>.
- Office of the Auditor General of Canada. 2017. “Video—2017 Fall Reports of the Commissioner of the Environment and Sustainable Development.” Government of Canada. 2017. http://www.oag-bvg.gc.ca/internet/English/parl_vid_e_42599.html.
- Office of the Wet’suwet’en. 2009. “Event Galvanizes Opposition to Enbridge Tar Sands Pipeline | Wilderness Committee.” July 7, 2009. <https://www.wildernesscommittee.org/news/event-galvanizes-opposition-enbridge-tar-sands-pipeline-0>.
- Oil Sands Magazine. 2018. “Differentials Explained: Why Alberta Crude Sells at a Deep Discount.” Oil Sands Magazine. December 13, 2018. <https://www.oilsandsmagazine.com/market-insights/crude-oil-pricing-differentials-why-alberta-crude-sells-at-deep-discount-to-wti>.
- O’Leary, Christopher. 2012. “The Keystone XL Pipeline.” *Encyclopedia Britannica*. December 14, 2012. <https://www.britannica.com/topic/Keystone-XL-Pipeline-The-1899306>.
- Olive, Andrea, Vagisha Gunasekara, and Leigh Raymond. 2012. “Normative Beliefs in State Policy Choice.” *Political Research Quarterly* 65 (3): 642–55. <https://doi.org/10.1177/1065912911408110>.
- Oliver, Joe. 2012. “An Open Letter from Natural Resources Minister Joe Oliver,” January 9, 2012. <https://www.theglobeandmail.com/news/politics/an-open-letter-from-natural-resources-minister-joe-oliver/article4085663/>.
- . 2013. “Joe Oliver: The End of Fossil Fuels Would Be an Economic and Social Catastrophe.” *The Globe and Mail*, May 21, 2013. <https://www.theglobeandmail.com/news/politics/joe-oliver-the-end-of-fossil-fuels-would-be-an-economic-and-social-catastrophe/article12046198/>.
- Oliver, Pamela, and Hank Johnston. 2000. “What a Good Idea! Ideologies and Frames in Social Movement Research.” *Mobilization: An International Quarterly* 5 (1): 37–54. <https://doi.org/10.17813/maiq.5.1.g54k222086346251>.
- Olzak, S., and E. Ryo. 2007. “Organizational Diversity, Vitality and Outcomes in the Civil Rights Movement.” *Social Forces* 85 (4): 1561–91. <https://doi.org/10.1353/sof.2007.0076>.
- O’Neil, Peter. 2012a. “B.C. Residents Support Northern Gateway Pipeline: Poll.” *Postmedia News*, January 5, 2012. <https://financialpost.com/news/b-c-residents-support-northern-gateway-pipeline-project-poll>.
- . 2012b. “Part 1: How the Conservatives’ Brief Love Affair with Environmentalism Came to an Ugly End.” *Vancouver Sun*, June 6, 2012.

- <http://www.vancouversun.com/business/Part+Conservatives+brief+love+affair+with+environmentalism+came+ugly/6728822/story.html>.
- . 2014. “Routing Change Puts Kinder Morgan Pipeline under Burnaby Mountain.” *Www.Vancouversun.Com*. May 30, 2014. <http://www.vancouversun.com/Routing+change+puts+Kinder+Morgan+pipeline+under+Burnaby+Mountain/9882683/story.html>.
- . 2017. “The inside Story of Kinder Morgan’s Approval.” *Vancouver Sun*. January 7, 2017. <https://vancouversun.com/news/local-news/the-inside-story-of-kinder-morgans-approval>.
- O’Neil, Peter, and Mike Hager. 2011. “B.C. First Nations Chiefs Deny Pledge to Support Northern Gateway Pipeline.” *Ottawa Citizen*, May 12, 2011. <http://www.ottawacitizen.com/life/First+Nations+chiefs+deny+pledge+support+Northern+Gateway+pipeline/5810102/story.html>.
- Our Decision. 2012. “Canada’s Northern Gateway Pipeline: Our Decision vs Foreign Interests.” January 8, 2012. <https://web.archive.org/web/20120211070420/http://www.ourdecision.ca/>.
- Pacheco-Vega, Raul. 2015. “Assessing ENGO Influence in North American Environmental Politics: The Double Grid Framework.” In *NAFTA and Sustainable Development*, edited by Hoi L. Kong and L. Kinvin Wroth, 373–90. Cambridge: Cambridge University Press. <https://doi.org/10.1017/CBO9781316157763.017>.
- Paley, Dawn. 2013. “Are Green Groups Ready for Tarsands Deal?” *Georgia Straight*. November 20, 2013. <https://www.straight.com/news/532761/are-green-groups-ready-tarsands-deal>.
- Palframan, Andrea. 2018. “What’s next for Pull Together?” *RAVEN* (blog). March 12, 2018. <https://raventrust.com/2018/03/12/whats-next-for-pull-together/>.
- Pallardy, Richard. 2010. “Deepwater Horizon Oil Spill.” In *Britannica*. <https://www.britannica.com/event/Deepwater-Horizon-oil-spill>.
- Palmer, Vaughn. 2013. “Vaughn Palmer: Politicking Trumps a Matter of Principle for Adrian Dix.” *Vancouver Sun*, April 23, 2013. <http://www.vancouversun.com/technology/Vaughn+Palmer+Politicking+trumps+matter+principle+Adrian/8279493/story.html>.
- Pammett, Jon H., and Chris Dornan, eds. 2016. *The Canadian Federal Election of 2015*. Toronto, Ontario: Dundurn.
- Panel-Commission. 2012. “Ruling No. 17 - Notice of Motion from Living Oceans Society, Raincoast Conservation Foundation and Forest Ethics Dated 27 January 2012 (A38978).” NEB. January 31, 2012. <https://apps.cer-rec.gc.ca/REGDOCS/Item/View/786952>.
- Parfomak, Paul W, Linda Luther, Richard K Lattanzio, Jonathan L Ramseur, Adam Vann, Robert Pirog, and Ian F Fergusson. 2015. “Keystone XL Pipeline: Overview and Recent Developments.” Congressional Research Service.
- Paris, Max. 2013. “Energy Industry Letter Suggested Environmental Law Changes.” *CBC News*, January 9, 2013.
- Park, Gary. 2011. “Canadian Minister Sees Northern Gateway Approval Process Expedited 1 Year.” *S&P Global Platts*, November 13, 2011. <https://www.spglobal.com/platts/en/market-insights/latest-news/oil/111311-canadian-minister-sees-northern-gateway-approval-process-expedited-1-year>.
- Parliament of Canada. 2008. “Private Member’s Bill C-571 (39-2) An Act to Amend the Canada Shipping Act, 2001 (Prohibition against Oil Tankers in Dixon Entrance, Hecate Strait and Queen Charlotte Sound).” LEGISinfo. June 18, 2008. <https://www.parl.ca/LegisInfo/BillDetails.aspx?Bill=C571&Language=E&Mode=1&Parl=39&Ses=2>.
- . 2009. “Private Member’s Bill C-458 (40-3) An Act to Amend the Canada Shipping Act, 2001 (Prohibition against Oil Tankers in Dixon Entrance, Hecate Strait and Queen Charlotte Sound).”

- LEGISinfo. October 7, 2009. <https://www.parl.ca/LegisInfo/BillDetails.aspx?Bill=C458&Language=E&Mode=1&Parl=40&Ses=3>.
- . 2010. “Private Member’s Bill C-606 (40-3) An Act to Amend the Canada Shipping Act, 2001 (Prohibition against the Transportation of Oil by Oil Tankers on Canada’s Pacific North Coast).” LEGISinfo. December 14, 2010. <https://www.parl.ca/DocumentViewer/en/40-3/bill/C-606/first-reading>.
- . 2012. *Government Bill (House of Commons) C-38 (41-1) - Royal Assent - Jobs, Growth and Long-Term Prosperity Act*. <https://www.parl.ca/DocumentViewer/en/41-1/bill/C-38/royal-assent>.
- . 2015. “Government Bill (House of Commons) C-46 (41-2) - First Reading - Pipeline Safety Act - Parliament of Canada.” June 18, 2015. <https://www.parl.ca/DocumentViewer/en/41-2/bill/C-46/first-reading>.
- . 2019. “LEGISinfo - House Government Bill C-48 (42-1).” June 21, 2019. <https://www.parl.ca/LegisInfo/BillDetails.aspx?Bill=C48&Language=E&Mode=1&Parl=42&Ses=1>.
- Pasternak, Shiri. 2020. “Assimilation and Partition: How Settler Colonialism and Racial Capitalism Co-Produce the Borders of Indigenous Economies.” *South Atlantic Quarterly* 119 (2): 301–24. <https://doi.org/10.1215/00382876-8177771>.
- Pasternak, Shiri, and Dayna Nadine Scott. 2020. “Introduction: Getting Back the Land.” *South Atlantic Quarterly* 119 (2): 205–13. <https://doi.org/10.1215/00382876-8177723>.
- Paterson, Josh. 2012. “Freedom Train 2012: Taking Enbridge Opposition Canada-Wide.” *West Coast Environmental Law* (blog). May 16, 2012. <https://www.wcel.org/blog/freedom-train-2012-taking-enbridge-opposition-canada-wide>.
- Patterson, Brent. 2018. “The Ongoing Fight to Shut down the Enbridge Line 9 Pipeline | Rabble.Ca.” *Rabble.Ca*, December 2, 2018. <https://rabble.ca/blogs/bloggers/brent-patterson/2018/12/ongoing-fight-shut-down-enbridge-line-9-pipeline>.
- Pawson, Chad. 2018. “Pipeline Protesters Predict Number of Arrests over Trans Mountain Will Eclipse War in the Woods | CBC News.” *CBC News*, July 16, 2018. <https://www.cbc.ca/news/canada/british-columbia/trans-mountain-pipeline-expansion-arrests-1.4747601>.
- Pemberton, Kim. 2013. “First Nations Leader: Northern Gateway Pipeline Project Is Dead.” *Times Colonist*. September 24, 2013. <https://www.timescolonist.com/news/b-c/first-nations-leader-northern-gateway-pipeline-project-is-dead-1.636072>.
- Penner, Derrick. 2012. “Public Hearings on Enbridge’s Northern Gateway Pipeline to Begin Jan. 10.” *Vancouver Sun*, March 4, 2012. <http://www.vancouversun.com/business/public+hearings+enbridge+northern+gateway+pipeline+begin/5932933/story.html>.
- Penner, Derrick. 2017. “B.C. Joins Legal Battles against Trans Mountain Pipeline Expansion.” *Vancouver Sun*, August 11, 2017. <https://vancouversun.com/news/local-news/live-b-c-government-to-announce-steps-against-trans-mountain-pipeline>.
- Pensions & Investments. 2018. “Shareholders Support Proposals for Kinder Morgan to Create Climate Change, Sustainability Reports.” Pensions & Investments. May 10, 2018. <https://www.pionline.com/article/20180510/ONLINE/180519971/shareholders-support-proposals-for-kinder-morgan-to-create-climate-change-sustainability-reports>.
- Pettinicchio, David. 2017. “Elites, Policy, and Social Movements.” In *Research in Political Sociology*, edited by Barbara Wejnert and Paolo Parigi, 24:155–90. Emerald Group Publishing Limited. <https://doi.org/10.1108/S0895-993520160000024006>.

- Piggot, Georgia. 2017. "The Influence of Social Movements on Policies That Constrain Fossil Fuel Supply." *Climate Policy* 18 (7): 942–54. <https://doi.org/10.1080/14693062.2017.1394255>.
- Pineault, Éric. 2018. "The Capitalist Pressure to Extract: The Ecological and Political Economy of Extreme Oil in Canada." *Studies in Political Economy* 99 (2): 130–50. <https://doi.org/10.1080/07078552.2018.1492063>.
- Pineault, Éric, and David Murray. 2016. *Le Piège Énergie Est: Sortir de l'impasse Des Sables Bitumineux*. Collection Polémos. Montréal, Québec: Écosociété.
- PIPE-UP Network. 2012. "Streamkeeper Group Hosts Forum on Pipeline Expansion." July 5, 2012. <https://pipeupnetwork.wordpress.com/2012/07/05/streamkeeper-group-hosts-forum-on-pipeline-expansion/>.
- . 2020. "Pro-Information, pro-Environment, United People (PIPE UP)." 2020. <https://pipe-up.net/>.
- Piven, Frances Fox, and Richard A. Cloward. 1979. *Poor People's Movements: Why They Succeed, How They Fail*. New York: Vintage books.
- Poitras, Jacques. 2018. *Pipe Dreams: The Fight for Canada's Energy Future*. Canada: Viking, an imprint of Penguin Canada.
- Poloni-Staudinger, Lori. 2009. "Why Cooperate? Cooperation Among Environmental Groups in the United Kingdom, France, and Germany." *Mobilization: An International Quarterly* 14 (3): 375–96.
- Postmedia News. 2011. "Critics Underestimate Support for Pipeline, Enbridge Chief Executive Says." *Www.VancouverSun.Com*. December 2, 2011. <http://www.vancouver.sun.com/Critics+underestimate+support+pipeline+Enbridge+chief+executive+says/5804865/story.html>.
- Powell, Brenda Heelan. 2014. "Omnibus Budgets Bills That Transformed Canada's Environmental Laws Visited by the Federal Court." *Environmental Law Centre* (blog). December 22, 2014. <http://elc.ab.ca/omnibus-budgets-bills-that-transformed-canadas-environmental-laws-visited-by-the-federal-court/>.
- Pralle, Sarah B. 2006. *Branching Out, Digging In: Environmental Advocacy and Agenda Setting*. Washington D.C.: Georgetown University Press.
- Pratt, Sheila. 2015. "'We Should Stop Forcing It' — Rachel Notley on Northern Gateway." *Edmonton Journal*. April 26, 2015. <https://edmontonjournal.com/business/energy/we-should-stop-forcing-it-rachel-notley-on-northern-gateway>.
- Prentice, Jim, and Jean-Sébastien Rioux. 2017. *Triple Crown: Winning Canada's Energy Future*. First edition. Toronto, Ontario, Canada: HarperCollins Publishers Ltd.
- Prime Minister of Canada. 2016. "Prime Minister Justin Trudeau's Pipeline Announcement." November 29, 2016. <https://pm.gc.ca/en/news/speeches/2016/11/29/prime-minister-justin-trudeaus-pipeline-announcement>.
- Protect the Inlet. n.d. "Protect the Water. Protect the Land. Protect the Climate. #ProtecttheInlet." Kwekwecnewtxw: Protect the Inlet. Accessed June 25, 2020. <https://protecttheinlet.ca/structure/>.
- Province of British Columbia. 2013. "Final Written Argument (A52139)." National Energy Board. <https://apps.cer-rec.gc.ca/REGDOCS/Item/View/960261>.
- Province of British Columbia, Ministry of Aboriginal Relations and Reconciliation. n.d. "Witset First Nation (Morisetown Band)." Province of British Columbia. Accessed June 5, 2020. <https://www2.gov.bc.ca/gov/content/environment/natural-resource-stewardship/consulting-with-first-nations/first-nations-negotiations/first-nations-a-z-listing/morisetown-band-administration>.
- Prystupa, Mychaylo. 2015a. "BREAKING: Harper Gov't Appoints Kinder Morgan Consultant to NEB." *National Observer*. August 1, 2015. <https://www.nationalobserver.com/2015/08/01/news/harper-gov%E2%80%99t-appoints-kinder-morgan-consultant-neb>.

- . 2015b. “Trudeau Orders Oil Tanker Ban That Could Kill Northern Gateway.” *National Observer*, November 13, 2015. <https://www.nationalobserver.com/2015/11/13/news/trudeau-orders-oil-tanker-ban-could-kill-northern-gateway>.
- Pull Together. 2020. “About – Pull Together.” 2020. <https://pull-together.ca/about/>.
- Pynn, Larry. 2013. “David Suzuki Slams Federal Review Panel as ‘Rubber Stamp’ and Enbridge as Having ‘No Credibility.’” *Vancouver Sun*, December 20, 2013. <http://www.vancouversun.com/business/David+Suzuki+slams+federal+review+panel+rubber+stamp+Enbridge+having+credibility/9311541/story.html>.
- . 2017. “Environmentalists Rejoice as George Heyman Becomes Minister of Environment and Climate Change.” *Vancouver Sun*, July 18, 2017. <https://vancouversun.com/news/local-news/environmentalists-rejoice-as-george-heyman-becomes-minister-of-environment-and-climate-change>.
- Quaranta, Mario. 2017. “Protest and Contentious Action.” In *Oxford Research Encyclopedia of Politics*, by Mario Quaranta. Oxford University Press. <https://doi.org/10.1093/acrefore/9780190228637.013.225>.
- Quarmby, Lynne, Eric Doherty, and others. 2014a. “Motion for Oral Hearing of May 6, 2014 Notice of Motion (A60423).” National Energy Board. 2015 2014. <https://apps.cer-rec.gc.ca/REGDOCS/Item/View/2461988>.
- . 2014b. “Motion (A60107).” National Energy Board. May 6, 2014. <https://apps.cer-rec.gc.ca/REGDOCS/Item/View/2452371>.
- Ragin, Charles C. 1987. *The Comparative Method: Moving Beyond Qualitative and Quantitative Strategies*. University of California Press. <https://www.jstor.org/stable/10.1525/j.ctt1pnx57>.
- . 2006. “Set Relations in Social Research: Evaluating Their Consistency and Coverage.” *Political Analysis* 14 (3): 291–310. <https://doi.org/10.1093/pan/mpi019>.
- Ragin, Charles C. 2009. “Qualitative Comparative Analysis Using Fuzzy Sets (FsQCA).” In *Configurational Comparative Methods: Qualitative Comparative Analysis (QCA) and Related Techniques*, edited by Benoît Rihoux and Charles C. Ragin. Thousand Oaks: Sage.
- Raincoast Conservation Foundation. 2010. “What’s at Stake? The Cost of Oil on British Columbia’s Priceless Coast.” Sidney, B.C.: Raincoast Conservation Foundation. http://epe.lac-bac.gc.ca/100/200/300/raincoast_conservation_foundation/what_s_at_stake/RCF_What_s_at_stake_Vers02.pdf.
- . 2011. “Letter RE- Trans Mountain Pipeline ULC (Trans Mountain) Firm Service Application (A29711).” National Energy Board. June 17, 2011. <https://apps.cer-rec.gc.ca/REGDOCS/Item/View/693698>.
- Rainforest Action Network, BankTrack, Sierra Club, and Oil Change International. 2017. “Banking on Climate Change: Fossil Fuel Finance Report Card 2017.” https://www.ran.org/wp-content/uploads/2018/06/RAN_Banking_On_Climate_Change_2017_final.pdf.
- Raj, Althia. 2014. “CRA Got Few Complaints About Charities’ Politics Prior To 2012.” *HuffPost Canada*, December 5, 2014. <https://bit.ly/37srLlj>.
- Reder, Eric. 2012. “Together with the Freedom Train.” Wilderness Committee. May 11, 2012. <https://www.wildernesscommittee.org/news/together-freedom-train>.
- Reed, Kurtis, Bradley Grant, Cameron Anderson, and Jonathan S. Drance. 2016. “Timing of Canadian Project Approvals: A Survey of Major Projects.” *Alberta Law Review*, November. <https://doi.org/10.29173/alr469>.
- Renewable Cities. n.d. “Supporting Vancouver’s 100% RE Strategy.” Accessed July 28, 2020. <https://www.renewablecities.ca/dialogues-projects/supporting-vancouvers-100-re-strategy>.
- Respecting Aboriginal Values and Environmental Needs (RAVEN). N.D. “History.” *RAVEN* (blog). N.D. <https://raventrust.com/about/history/>.

- . 2020. “Victories.” RAVEN (blog). 2020. <https://raventrust.com/victories/>.
- Richardson, Benjamin J. 2015. *Fiduciary Law and Responsible Investing*. Place of publication not identified: Routledge.
- Richez, Emmanuelle, Vincent Raynauld, Abunya Agi, and Arief B. Kartolo. 2020. “Unpacking the Political Effects of Social Movements with a Strong Digital Component: The Case of #IdleNoMore in Canada.” *Social Media + Society* 6 (2): 205630512091558. <https://doi.org/10.1177/2056305120915588>.
- Rihoux, Benoît, and Charles Ragin. 2009. *Configurational Comparative Methods: Qualitative Comparative Analysis (QCA) and Related Techniques*. 2455 Teller Road, Thousand Oaks California 91320 United States: SAGE Publications, Inc. <https://doi.org/10.4135/9781452226569>.
- Rihoux, Benoît, Ilona Rezsöhazy, and Damien Bol. 2011. “Qualitative Comparative Analysis (QCA) in Public Policy Analysis: An Extensive Review.” *German Policy Studies* 7 (3): 77.
- Rising Tide. 2014. “Port Metro Vancouver Expose True Colours in Efforts to Exploit Workers.” *Rabble.Ca*, March 12, 2014. <https://rabble.ca/blogs/bloggers/views-expressed/2014/03/port-metro-vancouver-expose-true-colours-efforts-to-exploit-w>.
- Robinson, Barry. 2016. “Pacific Future Energy Refinery Project,” July 20, 2016. <https://www.ceaa-acee.gc.ca/050/documents/p80127/115933E.pdf>.
- Roburn, Shirley. 2018. “Power from the North: The Energized Trajectory of Indigenous Sovereignty Movements.” *Canadian Journal of Communication* 43 (1). <https://doi.org/10.22230/cjc.2018v43n1a3310>.
- Rochon, Thomas R., and Daniel A. Mazmanian. 1993. “Social Movements and the Policy Process.” *The Annals of the American Academy of Political and Social Science* 528: 75–87.
- Rohlinger, Deana A., and Catherine Corrigan-Brown. 2019. “Social Movements and Mass Media in a Global Context.” In *The Wiley Blackwell Companion to Social Movements*, edited by David A. Snow, Sarah A. Soule, Hanspeter Kriesi, and Holly J. McCammon, 131–47. Chichester, UK: John Wiley & Sons, Ltd. <https://doi.org/10.1002/9781119168577.ch7>.
- Rossiter, David. 2004. “The Nature of Protest: Constructing the Spaces of British Columbia’s Rainforests.” *Cultural Geographies* 11 (2): 139–64. <https://doi.org/10.1191/14744744004eu298oa>.
- Rossiter, David A. 2008. “Negotiating Nature: Colonial Geographies and Environmental Politics in the Pacific Northwest.” *Ethics, Place & Environment* 11 (2): 113–28. <https://doi.org/10.1080/13668790802252439>.
- Rowland, Robin. 2012. “Hundreds Protest in Victoria to Stop the Northern Gateway Pipeline and to Protect ‘Mother Earth’ | Northwest Coast Energy News.” *Northwest Coast Energy News* (blog). April 18, 2012. <http://nwcoastenergynews.com/2012/04/18/2331/hundreds-protest-victoria-stop-northern-gateway-pipeline-protect-mother-earth/>.
- Royal Canadian Mounted Police (RCMP). 2013. “RCMP 2013-5745.” Access to Information and Privacy (ATIP). <https://policingindigenoumovements.files.wordpress.com/2018/05/rcmp-2013-57451.pdf>.
- . 2018. “Burnaby RCMP - Two People Arrested at Demonstration Site.” October 29, 2018. <https://web.archive.org/web/20181029055944/http://bc.rcmp-grc.gc.ca/ViewPage.action?languageId=1&siteNodeId=2114&contentId=53946>.
- Rucht, Dieter. 1999. “The Impact of Environmental Movements in Western Societies.” In *How Social Movements Matter*, edited by Marco Giugni, Doug McAdam, and Charles Tilly, 204–25. Minneapolis: University of Minnesota Press.
- Russell, Joshua Kahn, Linda Capato, Matt Leonard, and Rae Breaux. 2014. “Lessons from Direct Action at the White House.” In *A Line in the Tar Sands: Struggles for Environmental Justice*, edited by Toban

- Black, Naomi Klein, Bill McKibben, Joshua Kahn Russell, Stephen D'Arcy, and Anthony John Weis, 166–80. Toronto, Ontario, Canada ; Oakland, CA: PM Press.
- Ryckewaert, Laura. 2013. "Telford to Be Liberal National Campaign Director in 2015 Election, Trudeau Hires Cyrus Reporter as Chief of Staff." *The Hill Times*, April 26, 2013. <http://www.hilltimes.com/2013/04/26/telford-to-be-liberal-national-campaign-director-in-2015-election-trudeau-hires-cyrus-reporter-as-chief-of-staff/24532>.
- Sabatier, Paul A. 1988. "An Advocacy Coalition Framework of Policy Change and the Role of Policy-Oriented Learning Therein." *Policy Sciences* 21 (2/3): 129–68.
- Sabatier, Paul A., and Hank C. Jenkins-Smith, eds. 1993. *Policy Change and Learning: An Advocacy Coalition Approach*. Theoretical Lenses on Public Policy. Boulder, Colo: Westview Press.
- Saunders, Clare. 2013. *Environmental Networks and Social Movement Theory*. London: Bloomsbury Academic.
- Savage, Sonya. 2016. "Bill C-38 and the Evolution of the National Energy Board: The Changing Role of the National Energy Board from 1959 to 2015." *Canadian Institute of Resources Law*, Occasional Paper 52, , 1–70.
- Save the Fraser. n.d. "Save the Fraser Declaration." Accessed October 2, 2020. https://savethefraser.ca/fraser_declaration.pdf.
- Saxifrage, Carrie. 2012. "Nation Building: How the Enbridge Pipeline Issue Unified Northern B.C." *Vancouver Observer*, February 13, 2012. http://friendsofwildsalmon.ca/news/article/http_www.vancouverobserver.com_politics_2012_02_13_nation-building-how-en.
- Saxifrage, Carrie, Alexis Stoymenoff, Tzaporah Berman, David P. Ball, Jenny Uechi, and Beth Hong. 2012. *Extract: The Pipeline Wars Vol. 1 Enbridge*. Edited by Vancouver Observer and Linda Solomon. Vancouver Observer. <https://www.amazon.ca/dp/B00ABPGKJE/ref=dp-kindle-redirect?encoding=UTF8&btkr=1>.
- Schattschneider, E. E. 1975. *The Semisovereign People: A Realist's View of Democracy in America*. Hinsdale, Ill: Dryden Press.
- Schmid, Benjamin, and Basil Bornemann. 2019. "What Political Settings Promote Renewable Energy Investments by Energy Utilities? A Qualitative Comparative Analysis in Swiss Cantons." *European Policy Analysis*, January. <https://doi.org/10.1002/epa2.1055>.
- Schneider, Carsten Q., and Ingo Rohlfing. 2013. "Combining QCA and Process Tracing in Set-Theoretic Multi-Method Research." *Sociological Methods & Research* 42 (4): 559–97. <https://doi.org/10.1177/0049124113481341>.
- Schneider, Carsten Q., and Claudius Wagemann. 2010. "Standards of Good Practice in Qualitative Comparative Analysis (QCA) and Fuzzy-Sets." *Comparative Sociology* 9 (3): 397–418. <https://doi.org/10.1163/156913210X12493538729793>.
- . 2012. *Set-Theoretic Methods for the Social Sciences: A Guide to Qualitative Comparative Analysis*. Cambridge University Press.
- Schor, Elana, and Sarah Wheaton. 2015. "How Obama's Waiting Game Killed Keystone." POLITICO. November 6, 2015. <https://politi.co/2TVg9HO>.
- Scofield, Heather. 2013. "Pipeline Industry Drove Changes to Navigable Waters Protection Act, Documents Show." *The Star*. February 20, 2013. https://www.thestar.com/news/canada/2013/02/20/pipeline_industry_drove_changes_to_navigable_waters_protection_act_documents_show.html.
- Sea to Sands Conservation Alliance - About. 2020. "Sea to Sands Conservation Alliance." Facebook. March 1, 2020. <https://www.facebook.com/groups/sea2sands.ca/about/>.
- Seawright, Jason. 2005. "Qualitative Comparative Analysis Vis-à-Vis Regression." *Studies in Comparative International Development* 40 (1): 3–26. <https://doi.org/10.1007/BF02686284>.

- Secwepemc'ecw Assembly. 2017a. "Secwepemc Declaration Against Kinder Morgan." June 2017. <https://web.archive.org/web/20191113061124/https://www.secwepemculecw.org/>.
- . 2017b. "Historic Secwepemc Declaration Against Kinder Morgan." November 2017. <https://web.archive.org/web/20171130032414/https://www.secwepemculecw.org/women-s-declaration>.
- Senate of Canada. 2012. "Debates - Issue 54 - Involvement of Foreign Foundations in Canada's Domestic Affairs." February 28, 2012. https://sencanada.ca/en/Content/Sen/chamber/411/debates/054db_2012-02-28-e#70.
- Seneviratne, Sonia I., Neville Nicholls, David Easterling, Clare M. Goodess, Shinjiro Kanae, James Kossin, Yali Luo, et al. 2012. "Changes in Climate Extremes and Their Impacts on the Natural Physical Environment." In *Managing the Risks of Extreme Events and Disasters to Advance Climate Change Adaptation*, edited by Christopher B. Field, Vicente Barros, Thomas F. Stocker, and Qin Dahe, 109–230. Cambridge: Cambridge University Press. <https://doi.org/10.1017/CBO9781139177245.006>.
- Seskus, Tony. 2018. "Oil, Water and Wine: Escalating Alberta-B.C. Feud Threatens Future of Trans Mountain Pipeline." *CBC News*, February 7, 2018. <https://www.cbc.ca/news/business/pipeline-notley-horgan-1.4519530>.
- Shabecoff, Philip. 2003. *A Fierce Green Fire: The American Environmental Movement*. Rev. ed. Washington: Island Press.
- Shapiro, R. Y. 2011. "Public Opinion and American Democracy." *Public Opinion Quarterly* 75 (5): 982–1017. <https://doi.org/10.1093/poq/nfr053>.
- Shareholder Association for Research and Education (SHARE). 2018. "Climate Voting by Large Canadian Investors 2016-2017." Prepared for Commonwealth Climate Law Initiative. https://share.ca/documents/investor_briefs/Environment/2018/Climate_Voting_Canada_2018.pdf.
- Sierra Club BC. 2015. "Credibility Crisis: Major Flaws Threaten Credibility of NEB Assessment Process for Kinder Morgan Trans Mountain Pipeline and Tankers Proposal." <https://sierraclub.bc.ca/wp-content/uploads/2015/08/NEB-Flaws-Report-June-27.pdf>.
- . 2016a. "Kinder Morgan Faces Wall of Opposition in BC." *Sierra Club BC* (blog). September 16, 2016. <https://sierraclub.bc.ca/kinder-morgan-faces-wall-opposition/>.
- . 2016b. "Kinder Morgan Report Raises Questions That Make Pipeline Approval Impossible." *Sierra Club BC* (blog). November 3, 2016. <https://sierraclub.bc.ca/tag/no-tankers/>.
- Simmons, Erica. 2014. "Grievances Do Matter in Mobilization." *Theory and Society* 43 (5): 513–46. <https://doi.org/10.1007/s11186-014-9231-6>.
- Skeena Watershed Conservation Coalition (SWCC). n.d. "Sacred Headwaters Initiative." Accessed July 27, 2020. https://skeenawatershed.com/initiatives/sacred_headwaters_initiative.
- Skocpol, Theda. 2013. "What It Will Take to Counter Extremism and Engage Americans in the Fight against Global Warming." Prepared for the Symposium on The Politics of America's Fight Against Global Warming co-sponsored by the Columbia School of Journalism and the Scholars Strategy Network.
- Suce, Nikki. 2012a. "Oil Pipeline, Tankers Threaten Rural Way of Life." *Vancouver Sun*, March 31, 2012. <https://vancouversun.com/news/oil-pipeline-tankers-threaten-rural-way-of-life/>.
- . 2012b. "Who Benefits: An Investigation of Foreign Ownership in the Tar Sands." ForestEthics Advocacy. https://web.archive.org/web/20120712235551/http://forestethics.org/sites/forestethics.huang.radicaldesigns.org/files/FEA_TarSands_funding_briefing.pdf.
- Smart, Amy. 2018. "28 Pipeline Protesters Arrested near Trans Mountain Site: Activist." CTVNews. March 17, 2018. <https://www.ctvnews.ca/canada/28-pipeline-protesters-arrested-near-trans-mountain-site-activist-1.3847529>.

- Smith, Catherine. 2010. "2009 Key Proxy Vote Survey." Vancouver, BC: Shareholder Association for Research and Education. http://www.share.ca/files/2009_Key_Proxy_Vote_Survey_Report.pdf.
- Smith, Charlie. 2010. "Mayor Gregor Robertson Claims There's a Campaign to 'Besmirch' Tides Canada Foundation." *The Georgia Straight*, November 25, 2010. <https://www.straight.com/article-361551/vancouver/mayor-gregor-robertson-claims-theres-campaign-besmirch-tides-canada-foundation>.
- Smith, Gavin. 2014. "Report from an All Clans Gathering: Why Ignoring Indigenous Laws on the Enbridge Pipeline Is Risky Business." *West Coast Environmental Law*. May 19, 2014. <https://www.wcel.org/blog/report-all-clans-gathering-why-ignoring-indigenous-laws-enbridge-pipeline-risky-business>.
- Smith, Gavin, and Justine Desmond. 2015. "Legal Backgrounder: What Are the Northern Gateway Court Challenges About?" *West Coast Environmental Law*. July 2015. <https://www.wcel.org/publication/legal-backgrounder-what-are-northern-gateway-court-challenges-about>.
- Smith, Merran, and Darcy Dobell. 2010. "Place of Power: Lessons from the Great Bear Rainforest." Vancouver: Tides Canada Foundation.
- Smith, Merran, Art Sterritt, and Patrick Armstrong. 2016. "From Conflict to Collaboration: The Story of the Great Bear Rainforest." <https://coastfunds.ca/wp-content/uploads/2016/02/StoryoftheGBR.pdf>.
- Smith, Miriam. 2009. *Political Institutions and Lesbian and Gay Rights in the United States and Canada*. New York: Routledge.
- Sniderman, Andrew Stobo. 2012. "Tzeporah Berman's Last Canadian Project Could Have Changed Canada's Climate Politics. So Why Did It Flop?" *This Magazine*. March 23, 2012. <https://this.org/2012/03/23/tzeporah-bermans-last-canadian-project-could-have-changed-canadas-climate-politics-so-why-did-it-flop/>.
- Snow, David A. 2013. "Grievances, Individual and Mobilizing." In *The Wiley-Blackwell Encyclopedia of Social and Political Movements*, edited by David A Snow, Donatella Della Porta, Bert Klandermans, and Doug McAdam, 540–42. Hoboken, NJ: John Wiley & Sons. <http://www.oapen.org/search?identifier=627002>.
- Snow, David A., Rens Vliengenthart, and Pauline Ketelaars. 2019. "The Framing Perspective on Social Movements: Its Conceptual Roots and Architecture." In *The Wiley Blackwell Companion to Social Movements*, edited by David A. Snow, Sarah A. Soule, Hanspeter Kriesi, and Holly J. McCammon, Second, 392–410. Oxford: Wiley Blackwell.
- Snow, David A., and Robert D. Benford. 1988. "Ideology, Frame Resonance and Participant Mobilization." *International Social Movement Research* 1 (1): 197–217.
- . 2000. "Clarifying the Relationship between Framing and Ideology: Comment on Oliver and Johnston." *Mobilization* 5 (1): 55–60.
- Snow, David A., E. Burke Rochford, Steven K. Worden, and Robert D. Benford. 1986. "Frame Alignment Processes, Micromobilization, and Movement Participation." *American Sociological Review* 51 (4): 464–81. <https://doi.org/10.2307/2095581>.
- Solomon, Evan, and Kristen Everson. 2014. "7 Environmental Charities Face Canada Revenue Agency Audits." *CBC News*, February 6, 2014. <https://www.cbc.ca/news/politics/7-environmental-charities-face-canada-revenue-agency-audits-1.2526330>.
- Soule, Sarah A. 2009. *Contention and Corporate Social Responsibility*. Cambridge University Press.
- Soule, Sarah A, and Brayden King. 2015. "Markets, Business, and Social Movements." In *The Oxford Handbook of Social Movements*, edited by Donatella Della Porta and Mario Diani. Oxford University Press. <https://doi.org/10.1093/oxfordhb/9780199678402.013.21>.

- Soule, Sarah A., and Susan Olzak. 2004. "When Do Movements Matter? The Politics of Contingency and the Equal Rights Amendment." *American Sociological Review* 69 (4): 473–97. <https://doi.org/10.1177/000312240406900401>.
- Sparke, Matthew. 2008. "Political Geography — Political Geographies of Globalization III: Resistance." *Progress in Human Geography* 32 (3): 423–40. <https://doi.org/10.1177/0309132507086878>.
- Spivak, Gayatri Chakravorty. 1985. "Three Women's Texts and a Critique of Imperialism." *Critical Inquiry* 12 (1): 243–61.
- Staggenborg, Suzanne. 1986. "Coalition Work in the Pro-Choice Movement: Organizational and Environmental Opportunities and Obstacles." *Social Problems* 33 (5): 374–90. <https://doi.org/10.2307/800657>.
- . 2015. "Event Coalitions in the Pittsburgh G20 Protests." *The Sociological Quarterly* 56 (2): 386–411. <https://doi.org/10.1111/tsq.12090>.
- Stand.earth. 2010. *First Nations Opposition to Enbridge Northern Gateway Pipelines*. <https://www.youtube.com/watch?v=3fHAtCHgzyY>.
- . 2018. "Kwekwecnewtxw - Fighting the Trudeau's Pipeline." Stand.earth. June 4, 2018. <https://www.stand.earth/page/communities-standing-up-to-big-oil/trans-mountain-pipeline/kwekwecnewtxw-fighting-trudeau>.
- Staples, David. 2019. "'Eco-Colonialists' Blocking Jobs and Prosperity on First Nations, Businessman Says." *Edmonton Journal*, April 19, 2019. <https://edmontonjournal.com/business/local-business/david-staples-eco-colonialists-blocking-jobs-and-prosperity-on-first-nations-businessman-says>.
- Stearns, Linda Brewster, and Paul D. Almeida. 2004. "The Formation of State Actor-Social Movement Coalitions and Favorable Policy Outcomes." *Social Problems* 51 (4): 478–504. <https://doi.org/10.1525/sp.2004.51.4.478>.
- Steffen, Will, Johan Rockström, Katherine Richardson, Timothy M. Lenton, Carl Folke, Diana Liverman, Colin P. Summerhayes, et al. 2018. "Trajectories of the Earth System in the Anthropocene." *Proceedings of the National Academy of Sciences* 115 (33): 8252–59. <https://doi.org/10.1073/pnas.1810141115>.
- Steinman, Erich. 2019. "Why Was Standing Rock and the #NoDAPL Campaign so Historic? Factors Affecting American Indian Participation in Social Movement Collaborations and Coalitions." *Ethnic and Racial Studies* 42 (7): 1070–90. <https://doi.org/10.1080/01419870.2018.1471215>.
- Stekelenburg, Jacquelin van. 2014. "Going All the Way: Politicizing, Polarizing, and Radicalizing Identity Offline and Online: Politicization, Polarization, and Radicalization." *Sociology Compass* 8 (5): 540–55. <https://doi.org/10.1111/soc4.12157>.
- Stevenson, Hayley. 2020. "Reforming Global Climate Governance in an Age of Bullshit." *Globalizations* 0 (0): 1–17. <https://doi.org/10.1080/14747731.2020.1774315>.
- Stevenson, Richard W. 2005. "Bush Signs an Energy Bill That Had Been a Longtime Priority." *The New York Times*, August 9, 2005, sec. U.S. <https://www.nytimes.com/2005/08/09/politics/bush-signs-an-energy-bill-that-had-been-a-longtime-priority.html>.
- Steward, Gillian. 2015. "Why B.C. First Nations Oppose the Northern Gateway Pipeline." *The Star*, August 28, 2015. <https://www.thestar.com/news/atkinsonseries/2015/08/28/why-bc-first-nations-oppose-the-northern-gateway-pipeline.html>.
- Stewart, Keith. 2013. "What the Oil Industry Wants, the Harper Government Gives." *Greenpeace Canada* (blog). January 9, 2013. <https://web.archive.org/web/20130113020235/https://www.greenpeace.org/canada/en/Blog/wh-at-the-oil-industry-wants-the-harper-govern/blog/43617/>.
- . 2018. "PRESS RELEASE: Alberta Securities Commission Reviewing Greenpeace Complaint of Inadequate Disclosure of Climate Risk by Kinder Morgan." *Greenpeace Canada* (blog). April 9, 2018.

- <https://www.greenpeace.org/canada/en/press-release/285/press-release-alberta-securities-commission-reviewing-greenpeace-complaint-of-inadequate-disclosure-of-climate-risk-by-kinder-morgan/>.
- Stimson, James A., Michael B. Mackuen, and Robert S. Erikson. 1995. "Dynamic Representation." *American Political Science Review* 89 (3): 543–65. <https://doi.org/10.2307/2082973>.
- Stoner, Sarah, Pat Moss, and Caitlyn Vernon. 2013. "Our-Final-Argument-Media-Backgrounder-June-14-2013.Pdf." Pacific Wild, North West Institute and Sierra Club BC.
- stoneycreekencom. 2012. *Mayor Derek Corrigan on Kinder Morgan*. <https://www.youtube.com/watch?v=MIHHfLojnpk>.
- Stoymenoff, Alexis. 2012a. "Tory-Linked 'Ethical Oil' Website Slams Canadian Enviros over 'Foreign Funding.'" *The Vancouver Observer*, January 4, 2012. <https://www.vancouverobserver.com/sustainability/2012/01/03/tory-linked-ethical-oil-website-slams-canadian-enviros-over-foreign>.
- . 2012b. "George Soros' Open Society Foundation Responds to Joe Oliver's Claims about Enviro Funding." *The Vancouver Observer*. January 11, 2012. <https://www.vancouverobserver.com/sustainability/2012/01/11/george-soros-open-society-foundation-denies-involvement-northern-gateway>.
- . 2012c. "Enbridge Northern Gateway Protest in Bella Bella Was 'Absolutely Peaceful.'" *The Vancouver Observer*. April 2, 2012. <https://www.vancouverobserver.com/sustainability/2012/04/02/enbridge-northern-gateway-protest-bella-bella-was-absolutely-peaceful>.
- . 2012d. "Concerned BC Citizens Opposing Enbridge Oilsands Pipeline Infuriated by 'Radical Label.'" *Vancouver Observer*, June 5, 2012. <https://www.vancouverobserver.com/sustainability/concerned-bc-citizens-opposing-enbridge-oilsands-pipeline-infuriated-radical-label>.
- Strahl, Chris. 2013. "How Pipelines Flowed Directly into Christy Clark's Message," May 16, 2013. <https://www.theglobeandmail.com/opinion/how-pipelines-flowed-directly-into-christy-clarks-message/article11965022/>.
- Strauch, Yonatan, Truzaar Dordi, and Angela Carter. 2020. "Constraining Fossil Fuels Based on 2 °C Carbon Budgets: The Rapid Adoption of a Transformative Concept in Politics and Finance." *Climatic Change* 160 (2): 181–201. <https://doi.org/10.1007/s10584-020-02695-5>.
- Strøm, Kaare W., and Benjamin Nyblade. 2009. "Coalition Theory and Government Formation." In *The Oxford Handbook of Comparative Politics*, edited by Carles Boix and Susan C. Stokes. Vol. 1. Oxford University Press. <https://doi.org/10.1093/oxfordhb/9780199566020.003.0032>.
- Strong, Walter. 2017. "Mackenzie Valley Pipeline Project Officially One for the History." *CBC News*, December 28, 2017. <https://www.cbc.ca/news/canada/north/mackenzie-valley-gas-project-no-more-1.4465997>.
- Stroup, Sarah S., and Wendy H. Wong. 2017. *The Authority Trap: Strategic Choices of International NGOs*. Ithaca: Cornell University Press.
- SumOfUs. 2018. "KMI Shareholders Call for Greater Sustainability Disclosure." May 7, 2018. <https://www.sumofus.org/media/kmi-shareholders-call-for-greater-sustainability-disclosure/>.
- Supreme Court of British Columbia. 2016. "Coastal First Nations v. British Columbia (Environment) (2016 BCSC 34)." January 13, 2016. <https://www.bccourts.ca/jdb-txt/sc/16/00/2016BCSC0034cor1.htm>.
- . 2018. "Trans Mountain Pipeline ULC v. Mivasair (2018 BCSC 1070)." June 18, 2018. <https://www.bccourts.ca/jdb-txt/sc/18/10/2018BCSC1070.htm>.
- Supreme Court of Canada. 1997. "Delgamuukw v. British Columbia." December 11, 1997. <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/1569/index.do>.

- Swanson, Eric. 2009. "Complexities of Enbridge's Gateway Project." *Dogwood* (blog). April 17, 2009. <https://dogwoodbc.ca/news/complexities-faced-by-enbridge-gateway/>.
- Swanson, Eric. 2010. "Dogwood Goes to Enbridge 2010 AGM." *Dogwood Initiative* (blog). June 3, 2010. <https://dogwoodbc.ca/news/enbridge-agm-2010-1/>.
- Swanson, Eric. 2011a. "126 Teams Created to Oppose Enbridge Dogwood." Dogwood BC. September 20, 2011. <https://dogwoodbc.ca/news/over-120-teams-created-to-oppose-gateway/>.
- . 2011b. "Stepping up to the Mic." Dogwood. October 14, 2011. <https://dogwoodbc.ca/news/mob-the-mic-success/>.
- Swift, Anthony, Nathan Lemphers, Susan Casey-Lefkowitz, Katie Terhune, and Danielle Droitsch. 2011. "Pipeline and Tanker Trouble: The Impact to British Columbia's Communities, Rivers, and Pacific Coastline from Tar Sands Oil Transport."
- Taber, Jane. 2006. "PM Brands Canada an 'Energy Superpower.'" *The Globe and Mail*, July 15, 2006. <https://www.theglobeandmail.com/news/world/pm-brands-canada-an-energy-superpower/article1105875/>.
- Talbot, Chris. 2012. "Freedom Train Gathers Support at Enbridge AGM." *Northern Journal* (blog). May 15, 2012. <https://norj.ca/2012/05/freedom-train-gathers-support-at-enbridge-agm/>.
- Tansey, Oisín. 2007. "Process Tracing and Elite Interviewing: A Case for Non-Probability Sampling." *PS: Political Science & Politics* 40 (04): 765–72. <https://doi.org/10.1017/S1049096507071211>.
- Tar Sands Treaty Alliance. n.d. "First Nations and Tribes Sign New Treaty Joining Forces to Stop All Tar Sands Pipelines." Accessed June 25, 2020. <http://www.treatyalliance.org/wp-content/uploads/2016/09/TAATSE-PR-Treaty-Signing-EN-FINAL.pdf>.
- Tarrow, Sidney. 2019. "Mobilization Forum: Comments on Kriesi, Hutter, and Bojar." *Mobilization: An International Quarterly* 24 (3): 274–92. <https://doi.org/10.17813/1086-671X-24-3-274>.
- Tarrow, Sidney G. 2005. *The New Transnational Activism*. Cambridge: Cambridge University Press.
- . 2011. *Power in Movement Social Movements and Contentious Politics*. Revised and Updated Third Edition. Cambridge University Press.
- Task Force on Climate-related Financial Disclosure (TCFD). 2018. "TCFD: 2018 Status Report (September 2018)." September 2018. <https://www.fsb-tcfd.org/publications/tcfd-2018-status-report/>.
- Tasker, John Paul. 2016. "Ottawa Won't Appeal Court Decision Blocking Northern Gateway Pipeline." *CBC News*, September 20, 2016. <https://www.cbc.ca/news/politics/enbridge-northern-gateway-federal-court-1.3770543>.
- Taylor, Amy, Mary Griffiths, Mark S. Winfield, Dan Woynillowicz, and Chris Severson-Baker. 2004. "When the Government Is the Landlord: Economic Rent, Non-Renewable Permanent Funds, and Environmental Impacts Related to Oil and Gas Developments in Canada." Pembina Institute. <https://www.pembina.org/pub/when-government-landlord>.
- Taylor, Dhyana, and Jacob Kerr. 2015. "Environmental Activists Arrested Outside John Kerry's House | HuffPost Canada." *HuffPost*, August 25, 2015. https://www.huffingtonpost.ca/entry/environmental-protesters-john-kerry_n_55dcf3c8e4b0a40aa3aca74a?ri18n=true.
- Taylor, Verta. 2016. "Contention, Tactical Repertoires Of." In *The Blackwell Encyclopedia of Sociology*, 1–4. American Cancer Society. <https://doi.org/10.1002/9781405165518.wbeosc128.pub2>.
- Tedesco, Delacey. 2015. "American Foundations in the Great Bear Rainforest: Philanthrocapitalism, Governmentality, and Democracy." *Geoforum* 65 (October): 12–24. <https://doi.org/10.1016/j.geoforum.2015.07.003>.
- Terrace Daily News. 2012. *Freda Huson Speaking at the Defend Our Coast Gathering in Victoria, BC October 22, 2012*. Victoria, British Columbia. <https://www.youtube.com/watch?v=TSDE30Q0oDU>.

- The Canadian Press. 2012a. "Affidavit Accuses PMO of Threatening Environmental Group." CTV News. January 24, 2012. <https://www.ctvnews.ca/affidavit-accuses-pmo-of-threatening-environmental-group-1.758063>.
- . 2012b. "Radical Federal Remarks Boost Support for Enviro Groups." *CTV News*, January 27, 2012. <https://www.ctvnews.ca/radical-federal-remarks-boost-support-for-enviro-groups-1.759711>.
- . 2012c. "B.C. Premier Critical of Enbridge 2010 Spill Response." CBC News. July 12, 2012. <https://www.cbc.ca/news/canada/british-columbia/b-c-premier-critical-of-enbridge-2010-spill-response-1.1298287>.
- . 2012d. "Zero-Risk Oil Pipeline Not Possible, Enbridge Says." *CBC News*, October 13, 2012. <https://www.cbc.ca/news/canada/british-columbia/zero-risk-oil-pipeline-not-possible-enbridge-says-1.1205826>.
- . 2013a. "Protesters Shut down Enbridge Pumping Station near Hamilton." *CTV News*, June 20, 2013. <https://toronto.ctvnews.ca/protesters-shut-down-enbridge-pumping-station-near-hamilton-1.1334545>.
- . 2013b. "Northern Gateway Equity Offer Would Give First Nations about \$70,000 a Year: Report." June 24, 2013. <https://financialpost.com/commodities/energy/northern-gateway-equity-offer-would-give-first-nations-about-70000-a-year-report>.
- . 2014a. "Enbridge's Alberta-Wisconsin Pipeline Expansion Delayed by U.S. Regulators." *CBC News*, February 14, 2014. <https://www.cbc.ca/news/business/enbridge-s-alberta-wisconsin-pipeline-expansion-delayed-by-u-s-regulators-1.2537838>.
- . 2014b. "Jim Prentice to Run for Alberta Progressive Conservative Leadership, Source Says," April 28, 2014. <https://nationalpost.com/news/politics/jim-prentice-to-run-for-alberta-progressive-conservative-leadership-source-says>.
- . 2014c. "Protesters Stop Kinder Morgan Survey Work on Possible Pipeline Route." *CTV News*, October 29, 2014. <https://www.ctvnews.ca/business/protesters-stop-kinder-morgan-survey-work-on-possible-pipeline-route-1.2077895>.
- . 2017. "Kinder Morgan and Burnaby Clash in NEB Hearing over Trans Mountain Project | CBC News," December 4, 2017. <https://www.cbc.ca/news/canada/calgary/trans-mountain-neb-hearing-1.4432809>.
- . 2018. "B.C. Premier Says Court Is the Best Place for Pipeline Debate," March 13, 2018. <https://www.ctvnews.ca/politics/b-c-premier-says-court-is-the-best-place-for-pipeline-debate-1.3841631>.
- The Council of Canadians. n.d. "About Us | The Council of Canadians." Accessed June 3, 2020. <https://canadians.org/about>.
- The Globe and Mail. 2013. "Climate Scientists' Letter to Resources Minister: 'We Are at a Critical Moment,'" May 9, 2013. <https://www.theglobeandmail.com/news/politics/climate-scientists-letter-to-resources-minister-we-are-at-a-critical-moment/article11816560/>.
- The Office of the Wet'suwet'en. 2009. "All Nations Energy Summit, Moricetown Multiplex, June 5-6, 2009." 2009. http://www.wetsuweten.com/files/energy_summit/energysummit_agenda.pdf.
- . 2014. "Wet'suwet'en Title and Rights and Coastal GasLink, Submission to BC EAO and Coastal GasLink Pipeline." [http://www.wetsuweten.com/files/Wetsuweten Title and Rights report to EAO for Coastal GasLink Application.pdf](http://www.wetsuweten.com/files/Wetsuweten%20Title%20and%20Rights%20report%20to%20EAO%20for%20Coastal%20GasLink%20Application.pdf).
- The Union of British Columbia Indian Chiefs (UBCIC). 2009. "Support Efforts That Call on the Crown to Work Collaboratively with First Nations to Develop a Comprehensive Review and Decision-Making Process for the Proposed Enbridge Northern Gateway Pipeline Project." UBCIC Resolutions 1969-Present. June 30, 2009. <https://airtable.com/shrj93j8aLAxx7F9o/tblC3TPO72vC4oG3c?blocks=hide>.

- The University of British Columbia (UBC), First Nations & Indigenous Studies. 2009. "Terminology." 2009. <https://indigenousfoundations.arts.ubc.ca/terminology/#firstnations>.
- The University of British Columbia (UBC), First Nations & Indigenous Studies Program. 2009. "Union of British Columbia Indian Chiefs." 2009. https://indigenousfoundations.arts.ubc.ca/union_of_british_columbia_indian_chiefs/.
- The White House, President Obama. 2012. "Presidential Memorandum -- Expediting Review of Pipeline Projects from Cushing, Oklahoma, to Port Arthur, Texas, and Other Domestic Pipeline Infrastructure Projects." Whitehouse.Gov. March 22, 2012. <https://obamawhitehouse.archives.gov/the-press-office/2012/03/22/presidential-memorandum-expediting-review-pipeline-projects-cushing-okla>.
- . 2015. "Statement by the President on the Keystone XL Pipeline." Whitehouse.Gov. November 6, 2015. <https://obamawhitehouse.archives.gov/the-press-office/2015/11/06/statement-president-keystone-xl-pipeline>.
- Thiem, Alrik, and Adrian Duşa. 2013. "QCA: A Package for Qualitative Comparative Analysis." *The R Journal* 5: 11.
- Thomann, Eva, Nadine van Engen, and Lars Tummens. 2018. "The Necessity of Discretion: A Behavioral Evaluation of Bottom-Up Implementation Theory." *Journal of Public Administration Research and Theory* 28 (4): 583–601. <https://doi.org/10.1093/jopart/muy024>.
- Thomann, Eva, and Martino Maggetti. 2017. "Designing Research With Qualitative Comparative Analysis (QCA): Approaches, Challenges, and Tools." *Sociological Methods & Research*, October, 004912411772970. <https://doi.org/10.1177/0049124117729700>.
- Thomas, James, Alison O'Mara-Eves, and Ginny Brunton. 2014. "Using Qualitative Comparative Analysis (QCA) in Systematic Reviews of Complex Interventions: A Worked Example." *Systematic Reviews* 3 (June): 67. <https://doi.org/10.1186/2046-4053-3-67>.
- Thomas, Shaun. 2014. "Prince Rupert Left out of Federal Leaders' Visits." *Prince Rupert Northern View*, August 8, 2014. <https://www.thenorthernview.com/news/prince-rupert-left-out-of-federal-leaders-visits/>.
- Thomas-Muller, Clayton. 2014. "The Rise of the Native Rights-Based Strategic Framework: Our Last Best Hope to Save Our Water, Air, and Earth." In *A Line in the Tar Sands: Struggles for Environmental Justice*, edited by Toban Black, Naomi Klein, Bill McKibben, Joshua Kahn Russell, Stephen D'Arcy, and Anthony John Weis, 240–52. Toronto, Ontario; Oakland, CA: PM Press.
- Thomson Reuters. 2013. "ENB.TO - Enbridge Inc. Annual Meeting of Shareholders," 26.
- . 2014. "ENB.TO - Enbridge, Inc. Annual and Special Shareholder Meeting," 30.
- . 2017. "Kinder Morgan Reported in Talks on \$6.8B Trans Mountain Pipeline Financing." February 17, 2017. <https://www.cbc.ca/news/business/kinder-morgan-trans-mountain-financing-1.3988295>.
- Tieleman, Bill. 2013. "How the BC NDP Blew the Election." *The Tyee*. The Tyee. May 21, 2013. <http://thetyee.ca/Opinion/2013/05/21/BC-NDP-Blew-Election/>.
- Tienhaara, Kyla, Amy Janzwood, and Angela Carter. 2020. "How to Build a Better Canada after COVID-19: Launch a Fossil-Free Future." *The Conversation* (blog). June 30, 2020. <https://theconversation.com/how-to-build-a-better-canada-after-covid-19-launch-a-fossil-free-future-140691>.
- Tilly, Charles. 1978. *From Mobilization to Revolution*. Massachusetts: Addison-Wesley.
- Trans Mountain. 2017a. "Trans Mountain Completes Final Cost Estimate Review with Shippers; Maintains Strong Commercial Support for Expansion Project." March 9, 2017. <https://www.transmountain.com/news/2017/trans-mountain-completes-final-cost-estimate-review-with-shippers-maintains-strong-commercial-support-for-expansion-project?>

- . 2017b. “Westridge 2007 Spill.” June 28, 2017. <https://www.transmountain.com/westridge-2007-spill?>
- . 2019. “How We Got Here.” June 18, 2019. <https://www.transmountain.com/news/2019/how-we-got-here>.
- . n.d. “Operations.” Accessed February 16, 2020a. <https://www.transmountain.com/existing-pipeline?>
- . n.d. “Our History.” Accessed February 16, 2020b. <https://www.transmountain.com/history?>
- Trans Mountain Pipeline ULC. 2014a. “Trans Mountain Pipeline ULC Responses to National Energy Board Information Request No. 1 - Part 1 of 2 (A60392).” National Energy Board. May 14, 2014. <https://apps.cer-rec.gc.ca/REGDOCS/Item/View/2454322>.
- . 2014b. “Response to NEB Information Request Regarding Project Corridor (June 3, 2014) (A60995).” National Energy Board. June 10, 2014. <https://apps.cer-rec.gc.ca/REGDOCS/Item/Filing/A60995>.
- . 2014c. “Letter to NEB Re Update Regarding Access to City of Burnaby Lands (A61994).” National Energy Board. July 25, 2014. <https://apps.cer-rec.gc.ca/REGDOCS/Item/View/2487454>.
- . 2015. “Response to National Energy Board Letter Dated August 21, 2015 (A72352).” August 28, 2015. <https://apps.cer-rec.gc.ca/REGDOCS/Item/View/2813321>.
- . 2018. “Letter Request for WMT Tunnel Portal Early Works.” January 25, 2018. <https://apps.cer-rec.gc.ca/REGDOCS/Item/Filing/A89558>.
- TransCanada. 2010. “Re: ML-NE-MR-00035.000.” Keystone Landowner Letter. July 21, 2010. Uploaded by Andy Kroll. <https://www.scribd.com/doc/36518980/Keystone-Landowner-Letter1>
- Transport Canada, Government of Canada. 2017. “Crude Oil Tanker Moratorium on British Columbia’s North Coast.” May 12, 2017. https://www.canada.ca/en/transport-canada/news/2017/05/crude_oil_tankermoratoriumonbritishcolumbiasnorthcoast.html.
- Trillium Asset Management. 2009. “Enbridge - Free Prior & Informed Consent.” 2009. <https://web.archive.org/web/20180917151148/http://www.trilliuminvest.com:80/shareholder-proposal/disclosure-of-and-approach-to-material-risks-related-to-free-prior-and-informed-consent-of-first-nations/>.
- Trudeau, Justin. 2013. “Liberal Party of Canada Leader Justin Trudeau’s Speech to the Calgary Petroleum Club.” October 30, 2013. <https://www.liberal.ca/liberal-party-canada-leader-justin-trudeaus-speech-calgary-petroleum-club/>.
- Trudeau, Justin, Prime Minister of Canada. 2015a. “ARCHIVED - Minister of Environment and Climate Change Mandate Letter.” Prime Minister of Canada. December 11, 2015. <https://pm.gc.ca/en/mandate-letters/2015/11/12/archived-minister-environment-and-climate-change-mandate-letter>.
- . 2015b. “ARCHIVED - Minister of Natural Resources Mandate Letter.” Prime Minister of Canada. December 11, 2015. <https://pm.gc.ca/en/mandate-letters/2015/11/12/archived-minister-natural-resources-mandate-letter>.
- . 2015c. “ARCHIVED - Minister of Transport Mandate Letter.” Prime Minister of Canada. December 11, 2015. <https://pm.gc.ca/en/mandate-letters/2015/11/12/archived-minister-transport-mandate-letter>.
- . 2016a. “The Prime Minister of Canada Announces the National Oceans Protection Plan.” Prime Minister of Canada. July 11, 2016. <https://pm.gc.ca/en/news/news-releases/2016/11/07/prime-minister-canada-announces-national-oceans-protection-plan>.
- . 2016b. “Prime Minister Justin Trudeau’s Pipeline Announcement.” Prime Minister of Canada. November 30, 2016. <https://pm.gc.ca/en/news/speeches/2016/11/29/prime-minister-justin-trudeaus-pipeline-announcement>.

- . 2019. “Justin Trudeau on the Trans Mountain Expansion Project.” Liberal Party of Canada. June 20, 2019. <https://liberal.ca/justin-trudeau-on-the-trans-mountain-expansion-project/>.
- Truth and Reconciliation Commission (TRC). 2015. “Truth and Reconciliation Commission of Canada: Calls to Action.” Winnipeg, Manitoba. http://trc.ca/assets/pdf/Calls_to_Action_English2.pdf.
- TruthFool. 2012. “About Us.” Tumblr. 2012. <https://truthfool-blog.tumblr.com/about-us>.
- Tsleil-Waututh Nation Sacred Trust. n.d. “About Us.” *Sacred Trust* (blog). Accessed April 23, 2020. <https://twnsacredtrust.ca/about-us/>.
- Tsleil-Waututh Nation (TWN). 2016. “Assessment of the Trans Mountain Expansion Pipeline and Tanker Expansion Proposal.” Tsleil-Waututh Nation. <https://twnsacredtrust.ca/assessment-report-download/>
- Turner, Chris. 2013. *The War on Science: Muzzled Scientists and Wilful Blindness in Stephen Harper’s Canada*. Vancouver: Greystone Books.
- Turner, Dale A. 2006. *This Is Not a Peace Pipe: Towards a Critical Indigenous Philosophy*. Toronto: University of Toronto Press.
- Turtle Island Native Network. 2010. “First Nations Oppose Enbridge Pipeline Project.” Discussion Board - Web Archives. 2010. <https://web.archive.org/web/20110827231252/http://www.turtleisland.org/discussion/viewtopic.php?f=14&t=7302&sid=0b60cc983bac6617db8787f9e4a99019>.
- Tuytel, Dyna. 2014. “The Fish Are Fine, Kinder Morgan Says.” *The Narwhal* (blog). July 9, 2014.
- Uechi, Jenny. 2013. “Tar Sands Solutions Network Launches Oil Sands News Aggregation Site.” Vancouver Observer. May 14, 2013. <https://www.vancouverobserver.com/environment/tar-sands-solutions-network-launches-oil-sands-news-aggregation-site>.
- . 2014. “Complaint against RCMP and CSIS Spying Moves to the next Level.” *Vancouver Observer*, March 28, 2014, sec. Media Coverage. <https://bccla.org/2014/03/complaint-against-rcmp-and-csis-spying-moves-to-the-next-level/>.
- Uechi, Jenny. 2016. “Trudeau’s Pipeline Approvals Spark Protests across Canada.” *National Observer*, November 30, 2016. <https://www.nationalobserver.com/2016/11/30/news/trudeaus-pipeline-approvals-spark-protests-across-canada>.
- Union of British Columbia Indian Chiefs (UBCIC). 2012. “UBCIC Fully Supports Yinka Dene Opposition to Proposed Enbridge Pipeline.” May 9, 2012. <https://www.newswire.ca/news-releases/ubcic-fully-supports-yinka-dene-opposition-to-proposed-enbridge-pipeline-510210331.html>.
- . 2017. “28 Major Banks Warned Not to Finance Trans Mountain Pipeline Expansion.” UBCIC. June 2017. <https://www.ubcic.bc.ca/bankswarnedtransmountain>.
- . 2019. “Death of Bill C-262 a Clear Step Backwards for Reconciliation.” UBCIC (blog). June 20, 2019. <https://www.ubcic.bc.ca/death-of-bill-c-262-a-clear-step-backwards-for-reconciliation>.
- Union of British Columbia Municipalities (UBCM). 2010. “2010 Resolutions.” 2010. <https://www.ubcm.ca/assets/Resolutions~and~Policy/Resolutions/2010%20Resolutions%20from%20Minutes.pdf>.
- . 2014. “Minutes of the 2014 UBCM Annual Convention.” September 24, 2014. <https://www.ubcm.ca/assets/Convention/Convention~Minutes/2010s/Minutes%20of%20the%202014%20UBCM%20Annual%20Convention.pdf>.
- Union of International Associations (UIA). 2020. “Types of International Organization.” 2020. <https://uia.org/archive/types-organization/cc>.
- Unist’ot’en Camp. 2017. “UNIST’OT’EN CAMP — Heal the People, Heal the Land.” Mother Theme. 2017. <https://unistoten.camp>.
- Unist’ot’en Camp. 2019. “Heal the People Heal the Land: Unist’ot’en Camp,” 2019. http://unistoten.camp/wp-content/uploads/2019/01/UZINE_View.pdf.

- United Nations. 2007. "United Nations Declaration on the Rights of Indigenous Peoples." September 13, 2007. <https://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html>.
- United Nations, Department of Economic and Social Affairs. 2020. "Corona Crisis Causes Turmoil in Financial Markets." Policy Brief No. 59.
- United States Coast Guard. 2011. "On Scene Coordinator Report Deepwater Horizon Oil Spill." Submitted to the National Response Team. <https://repository.library.noaa.gov/view/noaa/283>.
- United States Department Of State, Bureau of Oceans and International Environmental and Scientific Affairs. 2014. "Final Supplemental Environmental Impact Statement for the Keystone XL Project, Executive Summary." Department Of State. The Office of Website Management, Bureau of Public Affairs. January 2014. <https://www.keystonepipeline-xl.state.gov/finalseis/>.
- United States Department Of State, Bureau of Public Affairs. 2015a. "Department of the Interior Tribal - Part 2 [HTML]." Department Of State. The Office of Electronic Information, Bureau of Public Affairs. November 6, 2015. <https://2012-keystonepipeline-xl.state.gov/nid/249275.htm>.
- . 2015b. "Department of the Interior Tribal - Part 3 [HTML]." Department Of State. The Office of Electronic Information, Bureau of Public Affairs. November 6, 2015. <https://2012-keystonepipeline-xl.state.gov/nid/249276.htm>.
- Urquhart, Ian T. 2018. *Costly Fix: Power, Politics, and Nature in the Tar Sands*. North York, Ontario, Canada: University of Toronto Press.
- U.S. Energy Information Administration. 2019a. "Petroleum & Other Liquids: U.S. Imports by Country of Origin." March 8, 2019. https://www.eia.gov/dnav/pet/pet_move_impcus_a2_nus_ep00_im0_mbb1_m.htm.
- . 2019b. "Total Energy, Monthly Energy Review." December 23, 2019. <https://www.eia.gov/totalenergy/data/monthly/index.php>.
- Vamburkar, Meenal. 2017. "Alberta Regulator to Review Greenpeace's Kinder Morgan IPO Challenge." *The Globe and Mail*, May 18, 2017. <https://www.theglobeandmail.com/news/british-columbia/alberta-regulator-to-review-greenpeaces-kinder-morgan-ipo-challenge/article35055396/>.
- Van Dyke, Nella. 2003. "Crossing Movement Boundaries: Factors That Facilitate Coalition Protest by American College Students, 1930–1990." *Social Problems* 50 (2): 226–50. <https://doi.org/10.1525/sp.2003.50.2.226>.
- Van Dyke, Nella, and Bryan Amos. 2017. "Social Movement Coalitions: Formation, Longevity, and Success." *Sociology Compass* 11 (7): e12489. <https://doi.org/10.1111/soc4.12489>.
- Van Dyke, Nella, and Holly J. McCammon, eds. 2010. *Strategic Alliances: Coalition Building and Social Movements*. Social Movements, Protest, and Contention, v. 34. Minneapolis: University of Minnesota Press.
- Vancouver Observer. 2014. "Massive Crowd on Burnaby Mountain, as Kinder Morgan Injunction Takes Effect." *The Vancouver Observer*, November 17, 2014. <https://www.vancouverobserver.com/news/massive-crowd-burnaby-mountain-kinder-morgan-injunction-takes-effect>.
- VanderKlippe, Nathan. 2011. "Enbridge Offer to Native Groups: \$1-Billion." *The Globe and Mail*, February 9, 2011. <https://www.theglobeandmail.com/globe-investor/enbridge-offer-to-native-groups-1-billion/article565683/>.
- VanderKlippe, Nathan. 2012. "Haisla First Nation Withdraws from Anti-Northern Gateway Group." *The Globe and Mail*, December 5, 2012. <https://www.theglobeandmail.com/globe-investor/haisla-first-nation-withdraws-from-anti-northern-gateway-group/article6012622/>.
- VanderKlippe, Nathan. 2013. "How Enbridge's Northern Gateway Pipeline Lost Its Way." *The Globe and Mail*, August 10, 2013. <https://www.theglobeandmail.com/report-on-business/industry->

news/energy-and-resources/how-enbridges-northern-gateway-pipeline-lost-its-way/article13700746/.

- Vanhala, Lisa. 2012. "Legal Opportunity Structures and the Paradox of Legal Mobilization by the Environmental Movement in the UK." *Law & Society Review* 46 (3): 523–56. <https://doi.org/10.1111/j.1540-5893.2012.00505.x>.
- Vasey, Dave. 2014. "The Environmental NGO Industry and Frontline Communities." In *A Line in the Tar Sands: Struggles for Environmental Justice*, edited by Toban Black, Naomi Klein, Bill McKibben, Joshua Kahn Russell, Stephen D'Arcy, and Anthony John Weis, 64–75. Toronto, Ontario, Canada ; Oakland, CA: PM Press.
- Vernon, Caitlyn. 2016a. "Kinder Morgan Panel Report Raises Crucial Questions for Cabinet." *Sierra Club BC* (blog). November 4, 2016. <https://sierraclub.bc.ca/kinder-morgan-panel-report/>.
- . 2016b. "B.C. Made into Sacrifice Zone for Trudeau's Incoherent Climate and Energy Policy." *Sierra Club BC* (blog). November 30, 2016. <https://sierraclub.bc.ca/bc-made-into-sacrifice-zone/>.
- Vernon, Caitlyn, and Torrance Coste. 2014. "Why May 10 Is a Critical Day to Defend Our Climate." *The Georgia Straight*, May 5, 2014. <https://www.straight.com/news/638851/why-may-10-critical-day-defend-our-climate>.
- Virtual Museum of Canada. n.d. "Solidarity: The Largest Political Protest in British Columbia's History." Solidarity: The Largest Political Protest in British Columbia's History. Accessed July 26, 2020. http://www.virtualmuseum.ca/community-stories_histoires-de-chez-nous/solidarity-bc-protest_solidarite-protestation-cb/.
- Vowel, Chelsea. 2016. *Indigenous Writes: A Guide to First Nations, Métis & Inuit Issues in Canada*. The Debwe Series. Winnipeg, Manitoba: HighWater Press.
- Wagemans, Frank A. J., C. S. A. (Kris) van Koppen, and Arthur P. J. Mol. 2013. "The Effectiveness of Socially Responsible Investment: A Review." *Journal of Integrative Environmental Sciences* 10 (3–4): 235–52. <https://doi.org/10.1080/1943815X.2013.844169>.
- Walsh, Marieke. 2019. "Canada on Track to Substantially Miss 2030 Emissions Reduction Targets, Government Data Shows." *The Globe and Mail*, December 20, 2019. <https://www.theglobeandmail.com/politics/article-canada-on-track-to-substantially-miss-2030-emissions-reduction-targets/>.
- Wang, Dan J., and Sarah A. Soule. 2012. "Social Movement Organizational Collaboration: Networks of Learning and the Diffusion of Protest Tactics, 1960–1995." *American Journal of Sociology* 117 (6): 1674–1722. <https://doi.org/10.1086/664685>.
- Waterman, James. 2012. "Americans Funding Pipeline Opponents." *Pipeline News North*, January 27, 2012. <https://www.pipelinenewsnorth.ca/news/industry-news/americans-funding-pipeline-opponents-1.1122704>.
- Watson, Peter. 2015. "National Energy Board Ministerial Briefing Binder." November 4, 2015. <https://www.cer-rec.gc.ca/bts/whwr/gvrnnc/brfngbndr/brfngbndr-eng.pdf>.
- Webb, Kate. 2013. "One Year and \$5 Million Later, Harper's Charity Crackdown Nets Just One Bad Egg." *Metro News*, March 29, 2013. <https://web.archive.org/web/20151013220032/http://www.metronews.ca/news/canada/2013/03/30/one-year-and-5-million-later-harpers-charity-crackdown-nets-just-one-bad-egg.html>.
- Weber, Bob. 2015. "Alberta to Implement Carbon Tax in Climate Change Policy." The Canadian Press. November 22, 2015. <https://www.canadianbusiness.com/business-news/alberta-to-release-climate-change-policy-at-edmonton-science-centre/>.
- Wells, Jeff, Susan Casey-Lefkowitz, Gabriela Chavarria, and Simon Dyer. 2008. "Impact on Birds of Tar Sands Oil Development in Canada's Boreal Forest." *NRDC, Boreal Songbird Initiative, and the Pembina Institute*, December, 39.

- Wells, Jennifer. 2018. "Kinder Morgan Vote Signals a Long-Overdue Shift in Reality." *The Star*, May 11, 2018, sec. Opinion. <https://www.thestar.com/business/opinion/2018/05/11/kinder-morgan-vote-signals-a-long-overdue-shift-in-reality.html>.
- Wells, Paul. 2018. "Trudeau, Notley, Horgan: The Sunday Matinée." *Macleans.ca*, April 15, 2018. <https://www.macleans.ca/politics/ottawa/trudeau-notley-horgan-the-sunday-matinee/>.
- West, Ben. 2012. "Wednesday Oct. 24: Defend Our Coast Rallies Across BC." *Wilderness Committee* (blog). October 22, 2012. <https://www.wildernesscommittee.org/news/wednesday-oct-24-defend-our-coast-rallies-across-bc>.
- West Coast Environmental Law (WCEL). 2007. "West Coast Environmental Law Annual Reports 2006-2007." Vancouver, BC. https://www.wcel.org/sites/default/files/wcel_2006-2007_annual_report.pdf.
- . 2009a. "Enbridge Northern Gateway Pipeline – Getting the Decision Right." West Coast Environmental Law (WCEL). <https://www.wcel.org/sites/default/files/publications/Enbridge%20Northern%20Gateway%20Pipeline%20%E2%80%93%20Getting%20the%20Decision%20Right.pdf>.
- . 2009b. "The Enbridge Northern Gateway Pipeline: Do British Columbians Stand to Gain?" Vancouver, BC. <https://www.wcel.org/sites/default/files/publications/The%20Enbridge%20Northern%20Gateway%20Pipeline%20-%20Do%20British%20Columbians%20Stand%20to%20Gain.pdf>.
- . 2010. "West Coast Environmental Law Annual Report 2009-2010." Vancouver, BC.
- . 2011a. "Annual Report 2010-2011." Vancouver, BC. https://www.wcel.org/sites/default/files/wcel_2010-2011_annual_report_0.pdf.
- . 2011b. "The Joint Review Panel's Decision on the Scope of the Environmental Assessment for Enbridge Northern Gateway Pipelines." Vancouver, BC. <https://www.wcel.org/publication/west-coast-background-joint-review-panels-decision-scope-environmental-assessment>.
- . 2011c. "When the Enbridge Review Panel Comes to Your Backyard - How to Participate in the Joint Review Panel Process for the Enbridge Northern Gateway Pipelines." May 1, 2011. <https://www.wcel.org/publication/when-enbridge-review-panel-comes-your-backyard-how-participate-joint-review-panel>.
- . 2012. "How to Write a Letter of Comment to the Enbridge Hearing Panel." West Coast Environmental Law. February 1, 2012. <https://www.wcel.org/publication/how-write-letter-comment-enbridge-hearing-panel>.
- . 2015. "West Coast Environmental Law Impact Report 2014-2015." 2015. <https://www.wcel.org/sites/default/files/2014-2015-impactreport-web.pdf>.
- . n.d. "Coastal First Nations Globe and Mail Ad." Accessed October 2, 2020. https://www.wcel.org/sites/default/files/downloadable_files/Coastal%20First%20Nations%20Globe%20and%20Mail%20Ad.pdf.
- West Coast Environmental Law (WCEL), and Tsleil-Waututh Nation (TWN) Sacred Trust. 2017. "Kinder Morgan Canada Limited: Brief on Legal Risks for Trans Mountain." <https://www.wcel.org/sites/default/files/publications/2017-05-kml-legalbrief-final.pdf>.
- Whyte, Kyle Powys. 2019. "The Dakota Access Pipeline, Environmental Injustice, and US Settler Colonialism." In *The Nature of Hope*, by Char Miller and Jeff Crane, 320–37. University Press of Colorado. <https://doi.org/10.5876/9781607328483.c015>.
- WikiLeaks. 2009. "Cable: 09OTTAWA874_a." November 9, 2009. https://wikileaks.org/plusd/cables/09OTTAWA874_a.html.
- . 2013. "The Global Intelligence Files - Fwd: Oil Sands Paper." November 15, 2013. https://wikileaks.org/gifiles/docs/38/387183_fwd-oil-sands-paper.html.

- Wilderness Committee. 2011. "BC Local Governments Call on National Energy Board to Consult Public on Vancouver Harbour Oil Tankers." <https://www.wildernesscommittee.org/news/bc-local-governments-call-national-energy-board-consult-public-vancouver-harbour-oil-tankers>. October 3, 2011.
- . 2012a. "Passing of Bill C-38 a Major Setback for Environmental Protection in Canada." June 19, 2012. <https://www.wildernesscommittee.org/news/passing-bill-c-38-major-setback-environmental-protection-canada>.
- . 2012b. "Kitsilano Town Hall Meeting to Oppose Pipeline and Tanker Proposal." July 23, 2012. <https://www.wildernesscommittee.org/news/kitsilano-town-hall-meeting-oppose-pipeline-and-tanker-proposal>.
- . 2012c. "Festival to Support Coast Salish First Nations Protecting the Salish Sea." August 29, 2012. <https://www.wildernesscommittee.org/news/festival-support-coast-salish-first-nations-protecting-salish-sea>.
- . 2013. "Wilderness Committee Annual Report for the Year Ended 30 April 2013." 2013. https://www.wildernesscommittee.org/sites/all/files/publications/2013_WC_annual-report-web.pdf.
- Wilhelmson, Christianne. 2016. "Opinion: Is B.C.'s New Spill Response Law Really World-Leading?" *Vancouver Sun*, April 13, 2016. <https://vancouversun.com/opinion/opinion-is-b-c-s-new-spill-response-law-really-world-leading>.
- Williams, Nia. 2019. "Pipeline Company TransCanada Changes Name to TC Energy." *Reuters*, May 3, 2019. <https://www.reuters.com/article/us-transcanada-results-idUSKCN1S911H>.
- Willow, Anna J. 2019. "Strategies for Survival: First Nations Encounters with Environmentalism." In *Environmental Activism on the Ground: Small Green and Indigenous Organizing*, edited by Jonathan Clapperton and Liza Piper, 23–46. Calgary, Alberta: University of Calgary Press. <https://www.jstor.org/stable/j.ctvbd8j4n>.
- Wilt, James. 2008. "Are Albertans Collecting a Fair Share of Oilsands Wealth?" *The Narwhal* (blog). August 14, 2008. <https://thenarwhal.ca/are-albertans-collecting-a-fair-share-of-oilsands-wealth/>.
- Winter, John, and Jenny MacPhee. 2013. "Support Growing for Northern Gateway, BC Chamber Poll Finds." *BC Chamber of Commerce* (blog). December 9, 2013. <https://web.archive.org/web/20190525164116/http://www.bcchamber.org:80/advocacy-news/support-growing-northern-gateway-bc-chamber-poll-finds>.
- Wolfe, Michelle, Bryan D. Jones, and Frank R. Baumgartner. 2013. "A Failure to Communicate: Agenda Setting in Media and Policy Studies." *Political Communication* 30 (2): 175–92. <https://doi.org/10.1080/10584609.2012.737419>.
- Wood, Patricia Burke, and David A. Rossiter. 2017. "The Politics of Refusal: Aboriginal Sovereignty and the Northern Gateway Pipeline: The Politics of Refusal." *The Canadian Geographer / Le Géographe Canadien* 61 (2): 165–77. <https://doi.org/10.1111/cag.12325>.
- Woods, Allan. 2012. "PMO Branded Environmental Group an 'Enemy' of Canada, Affidavit Says." *Thestar.Com*. January 24, 2012. https://www.thestar.com/news/canada/2012/01/24/pmo_branded_environmental_group_an_enemy_of_canada_affidavit_says.html.
- Woodsworth, Alexandra. 2015. "All We Want for Christmas Is... a Fair Kinder Morgan Hearing." *Georgia Strait Alliance* (blog). December 11, 2015. <https://georgiastrait.org/2015/12/all-we-want-for-christmas-is-a-fair-kinder-morgan-hearing/>.
- . 2016a. "Pipeline Review Overhaul: What Does It Mean for Kinder Morgan?" *Georgia Strait Alliance* (blog). January 29, 2016. <https://georgiastrait.org/2016/01/pipeline-review-overhaul-what-does-it-mean-for-kinder-morgan/>.

- . 2016b. “Ocean Protection Plan Meaningless If Kinder Morgan Is Approved.” Georgia Strait Alliance. November 7, 2016. <https://georgiastrait.org/press/ocean-protection-plan-meaningless-if-kinder-morgan-is-approved/>.
- Worth, Jess. 2014. “Getting Europe Out of the Tar Sands.” In *A Line in the Tar Sands: Struggles for Environmental Justice*, edited by Toban Black, Naomi Klein, Bill McKibben, Joshua Kahn Russell, Stephen D’Arcy, and Anthony John Weis, 207–16. Toronto, Ontario, Canada ; Oakland, CA: PM Press.
- Woynillowicz, Dan, Marlo Reynolds, Chris Severson-Baker, and Pembina Institute for Appropriate Development. 2005. *Oil Sands Fever: The Environmental Implications of Canada’s Oil Sands Rush*. Drayton Valley, Alta.: Pembina Institute. http://books.scholarsportal.info/viewdoc.html?id=/ebooks/ebooks0/gibson_cppc/2009-12-01/3/202881.
- Wright, David V. 2018. “Federal Linear Energy Infrastructure Projects and the Rights of Indigenous Peoples: Current Legal Landscape and Emerging Developments.” *Review of Constitutional Studies* 23 (1): 175–224.
- Wu, Karen Tam, and Brenda Belak. 2013. “Media Advisory: New Enbridge CEO to Face Tough Questions During AGM From BC and Alberta Delegation.” NationTalk. May 8, 2013. <http://nationtalk.ca/story/media-advisory-new-enbridge-ceo-to-face-tough-questions-during-agm-from-bc-and-alberta-delegation>.
- WWF-Canada. 2012a. “Oil Tankers and Oil Pipelines Too Great a Risk, Say Canadians for the Great Bear.” May 1, 2012. <https://www.wwf.ca/?10761/Oil-tankers-and-oil-pipelines-too-great-a-risk-say-Canadians-for-the-Great-Bear>.
- . 2012b. “Environmental Groups Launch Major Campaign to Defend Nature and Democracy.” May 7, 2012. <http://www.wwf.ca/?10781/environmental-groups-launch-major-campaign-to-defend-nature-and-democracy>.
- Yedlin, Deborah. 2019. “Notley: The Accidental Pipeline Advocate.” In *Orange Chinook: Politics in the New Alberta*, edited by Duane Bratt, Keith Brownsey, Richard Sutherland, and David Taras. <https://www.deslibris.ca/ID/458126>.
- Yinka Dene Alliance. 2011. “Oil Sands: First Nations Hit Back Against Harper; Say Enbridge Northern Gateway Pipeline Will Be Stopped in Its Tracks.” GlobeNewswire News Room. November 5, 2011. <http://www.globenewswire.com/news-release/2011/05/11/1435554/0/en/Oil-Sands-First-Nations-Hit-Back-Against-Harper-Say-Enbridge-Northern-Gateway-Pipeline-Will-Be-Stopped-in-Its-Tracks.html>.
- . 2012. “Historic ‘Freedom Train’ Sets Out to Defend First Nations Self-Government Rights and Freedom From Oil Spills.” *Market Watch* (blog). April 24, 2012. <https://warriorpublications.wordpress.com/2012/04/25/first-nations-escalate-opposition-to-enbridge-with-nationwide-train-journey-from-pacific-coast-to-torontos-financial-centre/>.
- . 2013. “First Nations Gain Powerful New Allies in Fight Against Enbridge Northern Gateway Pipeline and Tankers.” Press Release. December 5, 2013. <http://savethefraser.ca/STF-Release-2013-12-05.pdf>.
- Yordy, Jill, Jongeun You, Kyudong Park, Christopher M. Weible, and Tanya Heikkila. 2019. “Framing Contests and Policy Conflicts over Gas Pipelines.” *Review of Policy Research* 36 (6): 736–56. <https://doi.org/10.1111/ropr.12364>.
- Zald, Mayer N., and John D. McCarthy. 1987. *Social Movements in an Organizational Society: Collected Essays*. Abingdon, Oxon; New York, NY: Routledge. <https://doi.org/10.4324/9781315129648>.
- Zaller, John. 1992. *The Nature and Origins of Mass Opinion*. Cambridge [England] ; New York, NY, USA: Cambridge University Press.

- Zelko, Frank. 2019. "From Social Movement to Environmental Behemoth: How Greenpeace Got Big." In *Environmental Activism on the Ground: Small Green and Indigenous Organizing*, edited by Jonathan Clapperton and Liza Piper, 289–314. Calgary, AB: University of Calgary Press.
<https://www.jstor.org/stable/j.ctvbd8j4n>.
- Zinn, Jacob. 2014. "Burnaby Forwards 'emergency Resolution' to UBCM to Stop Pipeline Expansion." Burnaby Now. August 26, 2014. <https://www.burnabynow.com/news/burnaby-forwards-emergency-resolution-to-ubcm-to-stop-pipeline-expansion-1.1329427>.

Appendices

Appendix A: Case descriptions

This table contains information for projects that meet the selection criteria outlined in Chapter 1. The table was compiled using information from NEB documents. Figures are rounded. Pipeline project descriptions do not include construction of related facilities.

Project name	Company	Description	Purpose	Capacity
Alberta Clipper Expansion Project	Enbridge Pipelines Inc.	Construction of 1,074 km of new pipeline from Alberta (Hardisty terminal) to Canada/United States border (in Manitoba) to Wisconsin (Superior terminal)	To increase capacity to transport light and heavy crude oil from Western Canada (i.e., the Western Canada Sedimentary Basin [WCSB]) to markets in the traditional and extended Petroleum Administration for Defense District (PADD) II and eastern Canada	Initial capacity of 450,000 barrels per day (b/d) expandable to 800,000 b/d
Alberta Clipper Capacity Expansion Project	Enbridge Pipelines Inc.	Construction of facilities for the Alberta Clipper Pipeline (Line 67)	To increase the capacity of the Alberta Clipper Pipeline (Line 67)	To increase capacity from 450,000 b/d to 570,000 b/d
Alberta Clipper Capacity Expansion Project Phase 2	Enbridge Pipelines Inc.	Construction of facilities for the Alberta Clipper Pipeline (Line 67)	To increase the capacity of the Alberta Clipper Pipeline (Line 67)	To increase capacity from 570,000 b/d to 800,000 b/d
Alida to Cromer Capacity Expansion Project	Enbridge Pipelines (Westspur) Inc.	Converting existing 60 km pipeline from natural gas to crude oil and construction of 60 km pipeline to transport natural gas from Saskatchewan (Alida terminal) to Manitoba (Cromer terminal)	To increase the capacity of the Enbridge Westspur system to transport crude oil	188,130 b/d (original pipeline capacity of 25,000 cubic meters per day or 157,300 barrels per day)
Bakken Pipeline Project	Enbridge Bakken Pipeline Company Inc.	Construction of 123 km of new pipeline and acquisition of 34 km Enbridge Westspur pipeline from Saskatchewan (proposed	To transport light crude oil from the Bakken Formation (in North Dakota and Montana) to refinery markets in North America (via the	Initial capacity of 148,500 b/d expandable to 325,000 b/d

		Bakken pump station near Steelman) to Manitoba (Cromer terminal)	Enbridge Pipeline Inc.'s Mainline System)	
Edmonton to Hardisty Pipeline Project	Enbridge Pipelines Inc.	Construction of 182 km of new pipeline within Alberta (from Edmonton to Hardisty terminals)	To increase transportation capacity of Enbridge Mainline system	Initial capacity of 570,000 b/d with additional pump station to bring capacity to 800,000 b/d
Keystone Pipeline	TransCanada Keystone Pipeline GP Ltd.	Construction of 1,235 km of pipeline from Alberta (Hardisty terminal) to Canada/United States border (near Haskett, Manitoba) to Illinois; the Canadian portion of the project would convert 864 km of gas pipeline to oil and construct 371 km of new pipeline	To transport crude oil to markets in the United States	Initial capacity of 435,000 b/d expandable to 591,000 b/d
Keystone XL	TransCanada Keystone Pipeline GP Ltd.	1,905 km of new pipeline (529 km in Canada) from Alberta (Hardisty terminal) to Canada/United States border (in Saskatchewan) and then to Steel City Kansas (through Montana, South Dakota and Nebraska) plus an additional 480 km of new line from Cushing, Oklahoma to the Gulf of Mexico (the Cushing Extension)	To transport a variety of crude oil products (i.e., light, medium and heavy crude) from Hardisty (a supply hub) to markets in the Gulf Coast area; an addition to the Base Keystone pipeline (the original Keystone Pipeline and the Cushing expansion)	Initial capacity of 700,000 b/d expandable to 900,000 b/d

Line 3 Replacement Project	Enbridge Pipelines Inc.	Replacement of 1,765 km line from Alberta (Hardisty terminal) to Canada/United States border (at Manitoba) to Superior, Wisconsin (through North Dakota and Minnesota) and decommissioning the existing Line 3 pipeline (note 1,067 km is in Canada)	To transport a variety of crude oils from Western Canada to markets in PADD II and eastern Canada	Restore original pipeline's design capacity of 760,000 b/d (was operating at 390,000 b/d at the time)
Line 4 Extension Project	Enbridge Pipelines Inc.	Construction of three pipeline segments totaling 138 km within Alberta (from Hardisty to Edmonton terminals)	To increase capacity and flexibility of Enbridge Mainline system	Increase capacity to 880,600 b/d (the project will increase capacity between Edmonton and Hardisty, but will not result in an overall capacity increase to the mainline system on its own as Line 4 capacity downstream of Hardisty is 880,600 b/d)
Line 9 Reversal Phase I Project	Enbridge Pipelines Inc.	Reverse the 194 km segment of Line 9 from the Sarnia Terminal to the North Westover Station, in Ontario to flow in an eastward direction	To transport a variety of crude oils (predominately light crude) sourced from western Canada and the U.S. Bakken region to refineries in Quebec	Initial capacity of 169,000 b/d expandable to 250,000 b/d
Line 9B Reversal and Line 9 Capacity Expansion Project	Enbridge Pipelines Inc.	Reverse a 639 km section of Line 9 between North Westover Station, in Ontario to the Montreal Terminal, in Quebec and expand the capacity of Line 9	See above, and to expand the overall annual capacity of Line 9 from Sarnia to Montreal	Increase capacity of Line 9 from 240,000 b/d to 300,000 b/d (to a maximum of 333,333 b/d)

Northern Gateway Pipelines Project	Northern Gateway Pipelines Limited Partnership	Construction of two new 1,178 km pipelines between Alberta (Bruderheim terminal) and British Columbia (Kitimat terminal) and a new tanker terminal (in Kitimat)	To transport a variety of crude oil products (majority diluted bitumen) from Western Canada to international markets; and to supply condensate (used to dilute bitumen) to Western Canada)	Initial capacity of 525,000 b/d (oil products pipeline) and 193,000 b/d (condensate pipeline) expandable to 850,000 b/d and 275,000 b/d respectively
Southern Access Expansion Stage 1	Enbridge Pipelines Inc.	Construction of facilities affecting Lines 2, 3 and 4	To expand the capacity of the Enbridge mainline system from Edmonton, Alberta to points in the U.S. Midwest (PADD II) to transport heavy crude	Increase capacity by 120,000 b/d (from 1.1 to 1.2 million b/d)
Southern Access Expansion Stage 2	Enbridge Pipelines Inc.	Construction of facilities for Line 4	To expand the capacity of Line 4 to transport heavy crude	Increase capacity by 148,000 b/d (from 733,000 to 881,000 b/d)
Southern Lights Project	Enbridge Southern Lights GP	Reverse Line 13 (2,560 km) from Edmonton to the Canada/United States border (in Manitoba) to Chicago, Illinois (through North Dakota, Minnesota and Wisconsin); construction of a new pipeline (and Line 2 modifications) from Cromer, Manitoba to the Canada/United States border (in Manitoba) to Illinois	To carry diluent from Chicago, Illinois to Edmonton, Alberta as part of the Enbridge Pipelines Inc. mainline (in order to dilute heavy oil and bitumen from Western Canada); in order to do so, the project would remove Line 13 from service (which moved crude oil from Edmonton southbound) – the lost capacity would be replaced by Line 2 modifications and a new pipeline to transport light sour crude oil	180,000 b/d (diluent pipeline) and 50,400 b/d (between Edmonton and Cromer) (combined Line 2 modifications and the light sour pipeline)

Trans Mountain Expansion Anchor Loop	Terasen Pipelines (Trans Mountain) Inc.	Construction of 159 km of pipeline loop from Alberta (Hinton) to British Columbia (near Rearguard)	To increase capacity of Trans Mountain pipeline and increase access to west coast markets	Incremental capacity of 40,000 b/d (with the November 2005 approval of the Trans Mountain Pump Station Expansion Project total capacity would increase to 300,000 b/d)
Trans Mountain Expansion Project	Trans Mountain Pipeline Unlimited Liability Corporation (ULC) (Kinder Morgan Canada)	Twinning the existing 1,147 km system (with 987 km of new buried pipeline) from Edmonton (Alberta) to Burnaby (British Columbia)	To increase the capacity of the existing Trans Mountain Pipeline system (which transports oil from Western Canada to the west coast)	Increase capacity to 890,000 b/d (from 300,000 b/d)

Appendix B: Significant dates in the regulatory processes for the NGP and TMEP

This table contains significant events in the regulatory and hearing process for the Northern Gateway Pipelines and Trans Mountain Expansion projects. I included actions taken by the NEB or JRP from the time the project application is filed to when the project is approved. I did not include all decisions taken by the regulator (such as deadlines for participation, information requests etc.). I also included actions taken by the federal government directly related to application (such as approval) or the regulatory process (such as introducing Interim measures). I excluded events related to the commercial dynamics of project. I also excluded events outside of the regulatory process. Although in Chapter 9, I conclude my analysis after the federal government purchased the project, in this timeline I also include the additional period of NEB review beginning in September 2018 after the Federal Court of Appeal revoked the project's certificate and the federal government referred the project back to the NEB for additional review.

Date	NGP	TMEP
2005	November 2 — Northern Gateway (Enbridge) submits a Preliminary Information Package to regulators (NEB and CEA agency)	
2006	November 27 — Northern Gateway informs NEB and CEA they are putting the project on hold	
2008	June 19 — Northern Gateway advises the NEB and CEA Agency they are resuming engagement activities on the project	
2009	December 4 — CEA Agency and NEB issue JRP agreement for the project, including Terms of Reference, and Scope of Factors to be included	
2010	May 27 — Northern Gateway files application for the NGP with the NEB September 9 — JRP determines application can proceed to public hearings	
2011	January 19 — JRP requests more information from NGP May 5 — the JRP issues Hearing Order	
2012	January 10 — JRP hearings begin for NGP	
2013	April 12 — the JRP issues draft conditions for NGP June 24 — JRP hearing process concludes December 19 — NEB approves NGP with 209 conditions	May 23 — Trans Mountain (Kinder Morgan) files Project Description for the TMEP December 16 — Trans Mountain files application with the NEB
2014	June 17 — the federal government approves the NGP	January 15 — the NEB begins its Application to Participate process Jan 15-Feb 12 — the NEB received 1006 applications to participate

		<p>April 2-3 — the NEB determines Trans Mountain’s application is complete and announces List of Issues, Hearing Order and Scope of Assessment and releases decision on participation</p> <p>April 16 — the NEB releases 64 draft conditions</p> <p>June 10 — Trans Mountain confirms change to preferred route</p> <p>July 11 — the NEB announces an excluded period (until February 3, 2015) while Kinder Morgan files information about the route change</p> <p>October 9 — NEB hears oral arguments from City of Burnaby and Trans Mountain about access to Burnaby Mountain to complete studies</p> <p>October 27 — NEB announces additional hearing participants about the new preferred route</p> <p>October-November — NEB holds hearings for oral traditional evidence from Indigenous groups in B.C. (and one in Alberta in January 2015)</p> <p>November 13 — the NEB begins hearings for oral traditional evidence</p>
2015		<p>August 12 — the NEB releases 145 draft conditions</p> <p>August 21 — the NEB strikes Steven Kelly’s evidence from the record and postpones oral hearings</p> <p>September 24 — the NEB announces a second excluded period while the panel acquires replacement evidence from September 17 (2015) to January 8, 2016</p> <p>October-December — NEB hears oral summary from Trans Mountain, Intervenor file evidence and comments about the replacement evidence</p>
2016	<p>June 23 — the Federal Court of Appeal quashes certificate for the NGP</p> <p>November 29 — the federal government officially rejects the NGP</p>	<p>January 16 — Intervenor oral summary begins</p> <p>January 27 — the federal government announces Interim Measures for Pipeline Review</p> <p>February 5 — Hearings conclude</p> <p>February 17 — Trans Mountain files its final written argument</p>

		<p>May 17 — the federal government appoints Ministerial Panel to engage communities</p> <p>May 19 — the NEB recommends the approval with 157 conditions</p> <p>November 29 — the federal government approves the TMEP</p>
2017		<p>August 30 — the NEB authorizes construction on the Westridge Marine Terminal</p>
2018		<p>August 30 — the Federal Court of Appeal quashes certificate for the TMEP</p> <p>September 20 — Federal government refers aspects of the NEB's recommendation report back to the NEB for reconsideration</p> <p>September 26 — NEB opens application to participate process</p> <p>October 12 — NEB releases the Hearing Order for reconsideration</p>
2019		<p>January 10 — NEB releases draft recommendations</p> <p>January 22 — Parties file final argument</p> <p>February 22 — NEB releases its Project Reconsideration report</p>

Appendix C: ATIP documents

No.	Department	Request no.	Description (from initial request)
001	Canada Development Investment Corporation	A-2018-0001	“Provide 2018 records on: being assigned to hold the pipeline assets of Kinder Morgan, instructions and terms, agreements, extra financial/budget help granted; admin. costs/ cost projections CDEV has in holding and developing the Kinder Morgan asset; CDEV’s role/involvement in the Trans Mountain pipeline construction phase and associated costs; associated risk or contingency agreements/plans and risk impact assessments done/underway”
217	Fisheries and Oceans Canada	A-2018-00217	“Documents prepared for ADM level and above from April to May 2018 pertaining to Kinder Morgan, the Trans Mountain pipeline, the Trans Mountain expansion project and the Oceans Protection Plan”
021	Natural Resources Canada	DC7040-19-021	“Meeting with Indian Resources Council (IRC) to discuss the Trans Mountain Pipeline Expansion Project”
480	Natural Resources Canada	DC7040-16-480	“First and last available drafts of all briefing notes, memos, talking points prepared within the department by or for anyone from the Assistant Deputy Minister level up to the Minister and Minister’s office in November 2016 regarding pipeline projects in Canada. Please exclude cabinet confidences”
114	Natural Resources Canada	DC7040-18-114	“Briefing materials sent to the Minister and/or Deputy Minister in 2018 related to the decision to purchase the Trans Mountain Pipeline from Kinder Morgan”
088	Natural Resources Canada	DC7040-18-088	“Emails to and from the Deputy Minister's Office, Major Projects Management Office, and Energy Sector Offices related to the purchase of or federal government investments in the Trans Mountain Pipeline Expansion Project, January 1, 2018 to May 31, 2018”
024	Natural Resources Canada	DC7040-18-024	“All briefing materials prepared for the Minister and Deputy Minister that relate to pipelines from March 1 to April 17, 2018. Please exclude cabinet confidences”
087	Natural Resources Canada	DC7040-18-087	“Copies of records within the Energy Infrastructure Protection Division mentioning Kinder Morgan or the Trans Mountain Pipeline. Time frame from April 1 2018 to May 31 2018. Please exclude cabinet confidences, media scans, and drafts”

Appendix D: Interview participants

Organization/sector	Attributed	Not-attributed	Total
Industry representatives (of pipeline companies or industry associations)	3	4	7
NEB representatives	7	4	11
Government officials	2	7	9
NGO representatives (including legal)	9	5	14
Law firm representatives	4	0	4
Other (e.g., academics, consultants, journalists, landowner associations, think tanks etc.)	12	1	13
Total			58

A1: Summary of interview participants by sector or organization

Attributed interviews (alphabetical order by last name)

- Ricardo Acuña, Executive Director of the Parkland Institute
- Robyn Allan, Independent Economist
- Tzeporah Berman, International Program Director at Stand.earth
- Dave Core, Director of Special Projects, Canadian Association of Energy and Pipeline Landowners Associations (CAEPLA)
- Jean-Denis Charlebois, Chief Economist, National Energy Board (now the Canada Energy regulator as of August 2019)
- Mike De Souza, former Senior Reporter, National Observer
- Sander Duncanson, Partner at Osler, Hoskin & Harcourt LLP
- Nichole Dusyk, Senior Analyst, Pembina Institute
- Colleen d'Entremont, President of the Atlantica Centre for Energy
- Martha Hall Findlay, President and CEO of the Canada West Foundation
- Jim Fox, Vice President, Strategy and Analysis Unit at National Energy Board
- Robert Freedman, Principal, JFK Law Corporation
- Kathryn Harrison, Professor of Political Science, University of British Columbia and member of UBCC350
- Rowland Harrison, former NEB panel member (attributed to R. Harrison)
- Sophie Harrison, Campaign and Communications Coordinator, Dogwood Initiative
- Kai Horsfield, Manager, Regulatory and Policy at the Canadian Energy Pipeline Association (CEPA)
- Hal Kvisle, former CEO of TransCanada Corporation
- Robert Janes, Principal, JFK Law Corporation
- Jennifer Lash, former Executive Director, Sisu Institute and former Executive Director of Living Oceans Society
- Sheila Leggett, former Vice-Chair, NEB
- Andrew Leach, Associate Professor, Alberta School of Business

- Nathan Lemphers, former Senior Policy Analyst at the Pembina Institute
- Shawn McCarthy, Staff Reporter, The Globe and Mail
- Dennis McConaghy, former Executive Vice-President of Corporate Development at TransCanada Corporation
- Greg McDade, Litigation Partner, Ratcliff & Company LLP
- Misty MacDuffee, Wild Salmon Program Director, Raincoast Conservation Foundation
- Karen Morton, Project Leader, Safety & Environmental Oversight Transformation, NEB
- Marla Orenstein, Director, Natural Resource Centre at Canada West Foundation
- Lynn Perrin, Director, PIPE-UP Network
- Shannon Phillips, Minister of Environment and Parks, Alberta
- Andrea Reimer, former Deputy Mayor, Vancouver
- Jean-Sébastien Rioux, Associate Professor and Scientific Director of the International Policy and Trade Program at the School of Public Policy, University of Calgary
- Patrick Sprague, Director, Adjudication Business Unit, NEB
- Eric Swanson, former Campaign Director (No Tankers) at Dogwood Initiative (attributed as E. Swanson)
- Stella Swanson, Owner/Operator, Swanson Environmental Strategies
- Jonathan Timlin, Vice President Energy Adjudication, NEB
- Christianne Wilhelmson, Executive Director, Georgia Strait Alliance

Non-attributed interviews

Industry representatives

- An executive of an industry association
- A former industry association executive (anonymous interview, 2019j)
- A senior member of an industry association (anonymous interview, 2019g)
- A former senior manager at a pipeline company (anonymous interview, 2019k)

NEB representatives

- A former NEB executive (anonymous interview, 2019e)
- A former member of the NEB modernization expert panel (anonymous interview, 2019h)
- An NEB employee
- Someone intimately involved in the review process for Energy East

NGO representatives

- A former executive at an ENGO (anonymous interview, 2019c)
- An NGO director (anonymous interview, 2019d)
- A staff lawyer at an ENGO (anonymous interview, 2019b)
- A staff lawyer at an ENGO
- A “Tar Sands campaign coordinator” (anonymous interview, 2019a)

Government representatives

- An employee at Environment and Climate Change Canada (ECCC)
- A former senior official at the Department of Finance Canada

- A former senior official at Natural Resources Canada (NRCan) (anonymous interview, 2019f)
- A former official at Environment and Climate Change Canada (ECCC)
- A former senior official at the Canadian Environmental Assessment Agency (now the Impact Assessment Agency of Canada)
- A senior official at Environment and Climate Change Canada (ECCC)
- A senior official at the Major Projects Management Office (MPMO) (anonymous interview, 2019i)

Other

- A market analyst at a market research firm

Appendix E: Interview guides

The interview guides below contain the questions I asked to all interviewees within that sector for industry, NEB, and NGO representatives. I added additional questions based on their particular role or experience. I also developed more customized interview guides for other interviewees including journalists, representatives of the federal government, and think tanks.

Industry representatives

1. What have been the strengths and weaknesses of the NEB regarding pipeline approval?
2. What are the most significant changes to the pipeline approval process or to the broader context that affects pipeline project outcomes?
3. What are the biggest determinants of a project's ultimate outcome (i.e., being built)?
4. What are the main financial indicators of a project's success?
5. How has the increased public awareness of pipeline proposals, as well as polarization and protest, affected your company's decision-making, if at all, about your projects (past or current)?
6. How has your company's approach to consultation with landowners changed over time? Indigenous communities? Other stakeholders? What has driven these changes?

NEB representatives

1. What are the most significant changes to the pipeline approval process or to the broader context that affects pipeline project outcomes?
2. How has the NEB's approach to consultation with landowners (Indigenous stakeholders, the public, sub-national governments) changed over time? What has driven these changes?
3. What are the biggest determinants of a project's ultimate outcome (i.e., being built)?
4. How are decisions made by the NEB panel regarding recommendations of pipeline applications?
5. What is the relationship between the federal government and NEB regarding policy direction? How has this changed over time?
6. How has the increased public awareness of pipeline proposals, as well as polarization and protest, affected the NEB's mandate regarding pipeline applications?
7. What are the biggest determinants of a project's ultimate outcome (i.e., being built)?

NGO and campaign coalition representatives

1. Can you tell me about your involvement with this issue and your role within this organization/campaign?
2. Can you tell me more about the early days of the campaign? What sparked concern?
3. Which groups initially led the campaign? Has that changed?
4. Have you been involved with similar campaigns in the past? What lessons did you draw from previous campaigns, if any?
5. What is your organization/campaign's theory of change regarding this issue?
6. What were the most salient issues in the campaign that you worked on?
7. How was your campaign supported?
8. What has been your experience with the NEB's engagement process?
9. What were key or decisive moments for the campaign?

Appendix F: Supplemental information for the analysis of necessary and sufficient conditions

		inclN	RoN	covN
1	mrB	0.943	0.868	0.961
2	mrB*csc	0.936	1.000	1.000
3	ld+sm	0.966	0.974	0.993
4	lr+sm	0.932	0.977	0.993

A2: Necessary conditions for BUILT outcome

		inclN	RoN	covN
1	SM	0.971	0.884	0.660
2	LD*LR	1.000	0.870	0.642
3	LD*SM	0.971	0.966	0.868
4	LR*SM	0.971	0.932	0.767
5	LD*LR*SM	0.971	0.966	0.868
6	MRB+CSC	1.000	0.936	0.785

A3: Necessary conditions for ~BUILT

OUT: output value
n: number of cases in configuration
incl: sufficiency inclusion score
PRI: proportional reduction in inconsistency

	LD	LR	SM	MRB	CSC	OUT	n	incl	PRI
1	0	0	0	0	0	1	9	1.000	1.000
5	0	0	1	0	0	1	2	1.000	1.000
17	1	0	0	0	0	1	2	1.000	1.000
25	1	1	0	0	0	1	1	1.000	1.000
31	1	1	1	1	0	0	2	0.299	0.000
32	1	1	1	1	1	0	2	0.075	0.000

cases
1 ACCE,AbCCE 1,Bakken Pipeline,Edmonton to Hardisty ,Line 4 Ext,Line 9,Southern Access Exp 1,Southern Acces
s Exp 2,TM Anchor Loop
5 AbCCE 2,Line 9B
17 Keystone Pipeline,Southern Lights
25 Alberta Clipper Exp
31 KXL,L3R
32 NGP,TMEP

A4: Truth table for BUILT

Figure A4 is the truth table for the BUILT outcome. A configuration can apply to multiple cases (shown by the “n” column). Note the “OUT” column specifies the output values not the outcome.³¹³ The inclusion value (“incl” column) which refers to the degree to which one set is included by another (Thiem and Duşa, 2013). Importantly, there are no logically contradictory rows (where some cases have membership in the outcome and others do not).

³¹³ Output values are based on the sufficiency inclusion score and indicate “the degree to which the evidence is consistent with the hypothesis that a sufficiency relationship between a configuration and the outcome set exists” (Thiem and Duşa 2013, 91).

M1: ld*lr*mrbcsc + LD*sm*mrbcsc => BUILT

	inclS	PRI	covS	covU
1 ld*lr*mrbcsc	1.000	1.000	0.690	0.690
2 LD*sm*mrbcsc	1.000	1.000	0.205	0.205
M1	1.000	1.000	0.895	

cases

1 ld*lr*mrbcsc ACCE,AbCCE 1,Bakken Pipeline,Edmonton to Hardisty ,Line 4 Ext,Line 9,Southern Access Exp 1,Southern Access Exp 2,TM Anchor Loop ;
AbCCE 2,Line 9B
2 LD*sm*mrbcsc Keystone Pipeline,Southern Lights ; Alberta Clipper Exp

A5: Complex solution for BUILT

M1: mrb => BUILT

	inclS	PRI	covS	covU
1 mrb	0.961	0.960	0.943	-
M1	0.961	0.960	0.943	

cases

1 mrb ACCE,AbCCE 1,Bakken Pipeline,Edmonton to Hardisty ,Line 4 Ext,Line 9,Southern Access Exp 1,Southern Access Exp 2,TM Anchor Loop ;
AbCCE 2,Line 9B; Keystone Pipeline,Southern Lights ; Alberta Clipper Exp

A5: Parsimonious solution for BUILT

M1: sm*mrbcsc + ld*lr*mrbcsc => BUILT

	inclS	PRI	covS	covU
1 sm*mrbcsc	1.000	1.000	0.877	0.219
2 ld*lr*mrbcsc	1.000	1.000	0.690	0.032
M1	1.000	1.000	0.909	

cases

1 sm*mrbcsc ACCE,AbCCE 1,Bakken Pipeline,Edmonton to Hardisty ,Line 4 Ext,Line 9,Southern Access Exp 1,Southern Access Exp 2,TM Anchor Loop ;
Keystone Pipeline,Southern Lights ; Alberta Clipper Exp
2 ld*lr*mrbcsc ACCE,AbCCE 1,Bakken Pipeline,Edmonton to Hardisty ,Line 4 Ext,Line 9,Southern Access Exp 1,Southern Access Exp 2,TM Anchor Loop ;
AbCCE 2,Line 9B

A6: Intermediate solution for BUILT

OUT: output value
 n: number of cases in configuration
 incl: sufficiency inclusion score
 PRI: proportional reduction in inconsistency

	LD	LR	SM	MRB	CSC	OUT	n	incl	PRI
32	1	1	1	1	1	1	2	1.000	1.000
31	1	1	1	1	0	0	2	0.898	0.855
25	1	1	0	0	0	0	1	0.067	0.000
17	1	0	0	0	0	0	2	0.059	0.000
1	0	0	0	0	0	0	9	0.000	0.000
5	0	0	1	0	0	0	2	0.000	0.000
2	0	0	0	0	1	?	0	-	-
3	0	0	0	1	0	?	0	-	-
4	0	0	0	1	1	?	0	-	-
6	0	0	1	0	1	?	0	-	-
7	0	0	1	1	0	?	0	-	-
8	0	0	1	1	1	?	0	-	-
9	0	1	0	0	0	?	0	-	-
10	0	1	0	0	1	?	0	-	-
11	0	1	0	1	0	?	0	-	-
12	0	1	0	1	1	?	0	-	-
13	0	1	1	0	0	?	0	-	-
14	0	1	1	0	1	?	0	-	-
15	0	1	1	1	0	?	0	-	-
16	0	1	1	1	1	?	0	-	-
18	1	0	0	0	1	?	0	-	-
19	1	0	0	1	0	?	0	-	-
20	1	0	0	1	1	?	0	-	-
21	1	0	1	0	0	?	0	-	-
22	1	0	1	0	1	?	0	-	-
23	1	0	1	1	0	?	0	-	-
24	1	0	1	1	1	?	0	-	-
26	1	1	0	0	1	?	0	-	-
27	1	1	0	1	0	?	0	-	-
28	1	1	0	1	1	?	0	-	-
29	1	1	1	0	0	?	0	-	-
30	1	1	1	0	1	?	0	-	-

cases
 32 NGP,TMEP
 31 KXL,L3R
 25 Alberta Clipper Exp
 17 Keystone Pipeline,Southern Lights
 1 ACCE,AbCCE 1,Bakken Pipeline,Edmonton to Hardisty ,Line 4 Ext,Line 9,Southern Access Exp 1,Southern Access Exp 2,TM Anchor Loop
 5 AbCCE 2,Line 9B
 2
 3
 4
 6

A7: Truth table for ~BUILT

M1: LD*LR*SM*MRB*CSC => built

		inclS	PRI	covS	covU	cases
1	LD*LR*SM*MRB*CSC	1.000	1.000	0.394	-	NGP,TMEP
M1		1.000	1.000	0.394		

A8: Complex solution for ~BUILT

M1: CSC => built

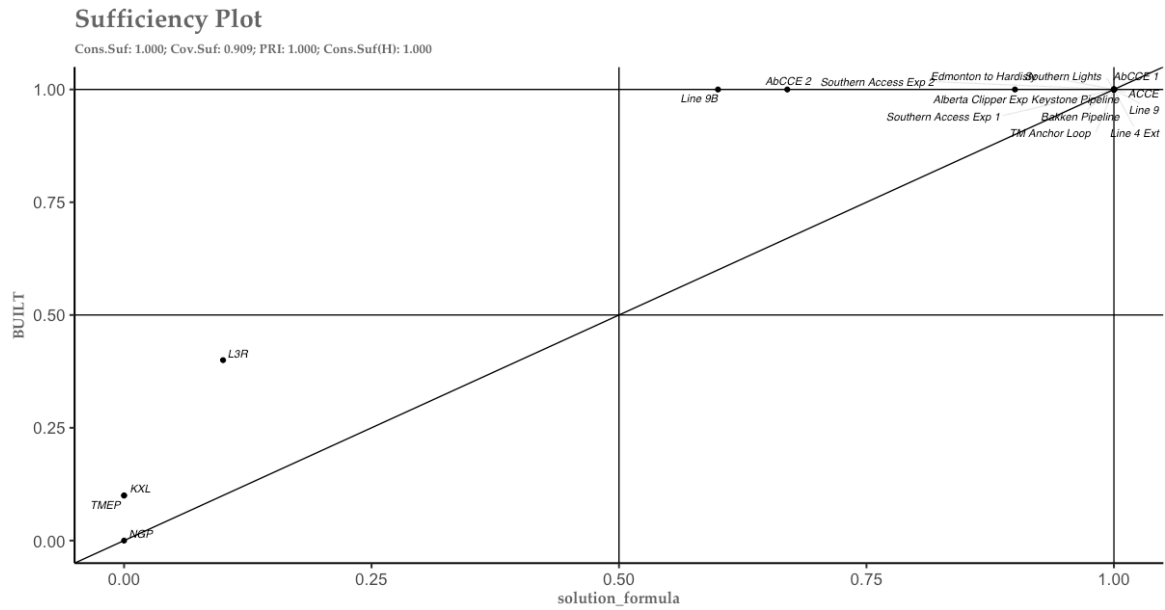
		inclS	PRI	covS	covU	cases
1	CSC	0.950	0.947	0.559	-	NGP,TMEP
M1		0.950	0.947	0.559		

A9: Parsimonious solution for ~BUILT

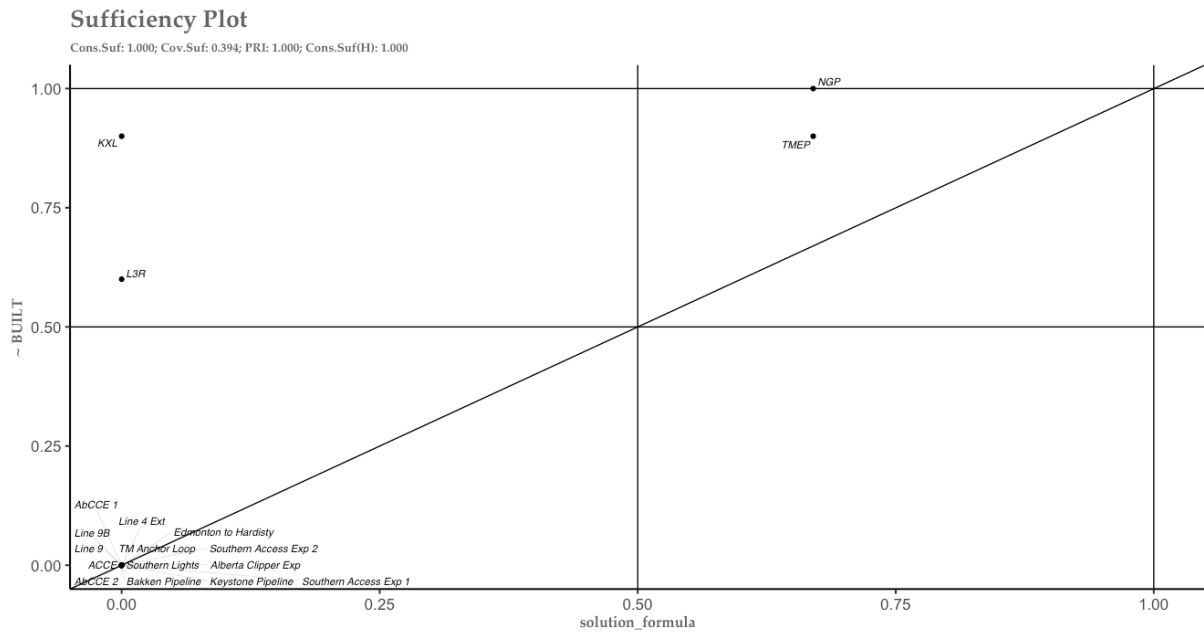
M1: LD*LR*SM*MRB*CSC => built

	inclS	PRI	covS	covU	cases	
1	LD*LR*SM*MRB*CSC	1.000	1.000	0.394	-	NGP, TMEP
M1		1.000	1.000	0.394		

A10: Intermediate solution for ~BUILT



A11: Sufficiency plot for BUILT



A12: Sufficiency plot for ~BUILT

The intermediate solution formulas for each outcome are graphically represented in A13 and A14. The y-axis represents the outcome and the x-axis represents the necessary conjunction (that is, two or more conditions). Following Schneider and Wagemann (2012: 69), for a condition to be sufficient, all cases should be located around or above the diagonal line, which they are.