Wisconsin Supreme Court reaches decision regarding foreign oil control

By Janice Redford
Special to the Reporter

The Wisconsin Supreme Court handed down a decision recently that has been traveling through the court system from Dane County to the highest state court for the past 4- years. The topic of the court decision is whether any county or land-owners near a high pressure oil pipeline can expect cleanup insurance from owners of the pipeline if there is an emergency, explosion or leak.

The Dispute: Enbridge Energy, a Canadian multinational corporation that owns oil pipelines throughout the Midwest, filed an application for a CUP (Conditional Use Permit) for construction with Dane County Zoning and Land Regulation Committee that was granted with conditions in 2015. Enbridge needed permission from Dane County to construct part of their $1.5-billion upgrade to Line 61 that required added pressure from their pumping station in Medina Township in northeastern Dane County. The upgrade would increase the pressure to triple the volume of heavy tar sands crude flowing through Line 61 to 1,200 pounds per square inch on their 42-inch pipeline that runs through Wisconsin for 454 miles from Superior to Flanagan, Ill. That pipeline has 13 pressure pumping stations in Wisconsin, was constructed from 2007-2009 to carry 400,000 barrels per day, and will increase capacity to 1.2-million barrels per day. The increased volume makes Line 61 the largest oil pipeline on earth outside of Russia. Canadian tar sands crude cannot flow without extreme pressure, high temperatures and toxic chemicals added for viscosity.

Dane County granted the construction permit with the condition that Enbridge included $25-million in liability insurance to cover their pipeline with extra spill insurance for "sudden and accidental pollution liability". Enbridge filed an appeal in Dane County to object to that condition. The Dane County Board voted 27-2 to dismiss the Enbridge Appeal.

The Wisconsin Legislature then slipped Act 55 into the budget in the middle of the night in July 2015 that invalidated zoning conditions from any county or local municipality for pipeline owners in the state.

Progression in Courts: On Jan. 4, 2016, Enbridge challenged Dane County in Court.

On Feb. 8, 2016, a group of local land-owners filed against Enbridge to require continual liability insurance coverage. Dane County Court declared insurance requirements invalid and the land-owners plus Dane County filed appeals. September, 2016, the state appeals court sent back those appeals. March, 2019, Wisconsin Supreme Court heard oral arguments.

Decision: June, 2019, The Wisconsin Supreme court ruled and Justice Rebecca Bradley wrote in the majority opinion that "Conditions were violative of Wisconsin law." Justice Ann Walsh Bradley dissented by explaining "Enbridge did not demonstrate that it carries insurance that includes sudden and accidental coverage."

Reaction: Attorney Patricia Hammel who represented the land-owners said "Today the Wisconsin Supreme Court ignored established precedent" and allowed a multinational oil corporation control over zoning and the land of local property owners. David Gault, Dane County Assistant Corporation Council, noted that Act 55 is "A really badly written law" that allows pipelines permission to avoid insurance coverage as it only requires such coverage at the time the permit was granted.

The Wisconsin Legislature then passed a law in retribution, but only for large counties to allow townships to withdraw from county zoning departments and weaken them.

Apartment living

House martins alight on a nesting box posted in the middle of a pond in the Town of Albion on Tuesday, June 25. Martins and their cousins the swifts and the swallows dart through the air on arrow-like wings, eating insects as they fly.

Photo by Jeff Brown

Furry Friends Kids Camp set for July 15-19

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The Humane Society of Jefferson County will host its Furry Friends Kids Camp on Monday, July 15 through Friday, July 19.

The camp runs each day from 12:30 to 4 p.m. Registration is limited to 24 students and is open to children ages 8 to 12 years. This week-long camp will provide a fun-filled experience for children as they learn about kindness and compassion for the animals who share our world. Campers also will learn how shelters, like the Humane Society of Jefferson County, help animals in need.

Campers will participate in animal-related programs, games, crafts and activities, including a behind-the-scenes shelter tour and interacting with animals such as dogs, cats, rabbits, guinea pigs and domestic rats.

Registration and liability release forms are available at the Humane Society of Jefferson County, W6127 Kiesling Road, between Fort Atkinson and Jefferson. Participants also may register online at hsjc-wis.com/kids-camp-registrations/.

All materials, a daily snack and a Kids Camp T-shirt are included. Registrations and payment are due by July 8.

For more info about the camp, call Sara at 920-674-2048.

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Level: Intermediate

Sudoku Answers Are On Page 6

Fill in the blank squares in the grid, making sure that every row, column and 3-by-3 box includes all digits 1 through 9.

• Shredded Top Soil
• Compost
• Limestone
• Wash Stone
• Colored Mulch
• Boulders
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