

DEIS MEETINGS - 14-916 15-137

PARK RAPIDS - JUNE 7, 2017

MINNESOTA DEPARTMENT OF COMMERCE

In the Matter of the Application of Enbridge Energy,
Limited Partnership for a Certificate of Need for the
Line 3 Pipeline Replacement Project in Minnesota from the
North Dakota Border to the Wisconsin Border.

PUC DOCKET NO: CN-14-916
OAH DOCKET NO: 65-2500-32764

In the Matter of the Application of Enbridge Energy,
Limited Partnership for a Route Permit for the Line 3
Pipeline Replacement Project in Minnesota from the North
Dakota Border to the Wisconsin Border

PUC DOCKET NO: PPL-15-137
OAH DOCKET NO: 65-2500-33377

Park Rapids High School Cafetorium
401 Huntsinger Avenue
Park Rapids, Minnesota

I N D E X

SPEAKER

PAGE

THANE MAXWELL

3

1 (Change in court reporter.)

2 FACILITATOR: Then I have Thane
3 Maxwell. Just a name and spelling, please.

4 MR. THANE MAXWELL: All right. Thank
5 you for the opportunity to speak. My name is Thane
6 Maxwell, T-H-A-N-E, M-A-X-W-E-L-L.

7 UNIDENTIFIED: Pull the mic close,
8 please.

9 MR. THANE MAXWELL: Okay, thank you.
10 Is that good?

11 I gave some comments yesterday in
12 Grand Rapids. Don't worry, I'm not going to comment
13 at all 22 meetings, I promise.

14 But I just really wanted to say a few
15 things today because I'm really moved by how many
16 people from the community came out here today, I can
17 see you are very concerned about this, and I wanted
18 to support you as you stand up and protect your
19 community here.

20 So I've been looking at the EIS for
21 the past few weeks, ever since it was released, and
22 I wanted to share some of the things that I've seen
23 and share some of my interpretations of it.

24 You know, as you notice, I feel it is
25 really unfair to you all to ask you to comment on a

1 document that doesn't have some of the most
2 important things in it. That doesn't have the
3 economic need analysis in it. That doesn't have
4 spill modeling information in it. That doesn't have
5 the contamination plan that Enbridge promises to
6 give us later for the contamination that they find
7 when they abandon Line 3 or remove it. Hopefully
8 remove it.

9 So, you know, here's something that is
10 also not in the EIS that you can say. When someone
11 stands up here and tells you that it's a fact that
12 pipelines are safer than rail, okay, well, when
13 someone stands up and tells you that, that is
14 actually not a fact. There is no way to compare two
15 different kinds of violence like that. Pipelines
16 spill less frequently, but they spill more volume
17 each time they spill, okay. So pipelines are more
18 likely to spill in a rural area where you're going
19 to affect someone's water sources, the aquifers, the
20 lakes, the rivers, the farmland, that sort of thing.
21 The places where people are more immediately
22 dependent on the health of their natural resources.
23 Rail is more likely to spill in an urban area and
24 blow up and kill somebody. How do you compare those
25 two things? You cannot. That's not in the EIS and

1 I think it should be.

2 The other thing I wanted to point out
3 in the EIS is understanding the probabilities of
4 spills. There's two different numbers in there.
5 One gives the annual probability of a spill in
6 Minnesota on Enbridge's preferred route that says 25
7 percent. So every four years we're going to have
8 spills in Minnesota on Enbridge's lines. But then
9 it gives a different set of stats and it breaks it
10 down by the size of the spill and it gives totally
11 different numbers which to me seem mathematically
12 incompatible. I'm confused about the data and we
13 need check on them.

14 But those numbers are the following:
15 The chance of a small spill each year in Minnesota
16 is 107 percent. So at least one a year, a small
17 spill. The chance of a medium size spill, 8
18 percent. The chance of a large spill is 6 percent.
19 And the chance of a catastrophic spill is 1.1
20 percent. So I did a little math. If this pipeline
21 runs 50 years, and keep in mind that some of these
22 old ones are running 60, 65 years already. Let's
23 say it runs 50 years. We can expect 14 pinhole
24 leaks, 54 small leaks, four mediums, three larges,
25 and one catastrophic spill. So that's what we're

1 signing up for. And that's the risk you're asked to
2 assume.

3 When they say on the tribal resources
4 map over there that tribal communities will be
5 disproportionately impacted, and the tribal
6 resources that are essential to the survival of
7 these people will be disproportionately impacted.
8 That's what we're talking about. That's the risk
9 we're talking about.

10 And we talk about the risk of the
11 headwaters, that's what we're looking at, 76 spills
12 in the lifetime of this pipeline. And that's
13 according to their data, which I was just getting
14 at. When we look at the data of Enbridge's history
15 we find much higher numbers.

16 The other question I'm really thinking
17 needs to be answered. And we're in Grand Rapids,
18 there are a lot of people who are very concerned
19 about this abandonment question. A lot of people
20 really don't feel that Enbridge should be able to
21 leave that in the ground and walk away.

22 So we commented a lot last night about
23 all of those things that actually should be in the
24 EIS, the impact of that and assess the risk, but one
25 thing that I think is really important for this

1 community here is what are they going to do with the
2 other three ancient lines they have in that pipeline
3 corridor? There is absolutely no mention of that.
4 And it's not like Enbridge hasn't thought of it and
5 doesn't have a plan. Those three lines are also
6 just about done. They all in a state of
7 deterioration. Are those three lines coming over
8 here, too? Are you being asked to accept one
9 pipeline or four? I think that needs to be in
10 there.

11 The other thing, I want to encourage
12 you to question and look at more closely is the
13 alternatives that are offered and compared to
14 Enbridge's preferred route. So in the certificate
15 of need permit decision, which is what this is all
16 about, the PUC decides whether Enbridge gets the
17 pipeline, the certificate of need.

18 They compare the preferred route to
19 several alternatives. Seven of them, actually. And
20 some of them, quite frankly, are absurd. The rail
21 option assumes that they would build a new rail
22 terminal at the border.

23 I'll wrap up in a second.

24 They would do a new rail terminal at
25 the border and ship everything by rail from the

1 partial new pipeline that they built through Canada.
2 They would never do that. Similar for the truck
3 option, they would never do that. And the no-build
4 option, which we've mentioned already, is defined as
5 continued use of Line 3. You can't let them distort
6 your options that way. They don't get to decide
7 what the options are based on Enbridge's ability to
8 sell something. That's just unreasonable.

9 So I encourage you to push back on
10 that. What we want is we want the no-build option
11 and shut down Line 3 'cause it's poisoning people
12 right now. That's what we're asking for. And the
13 way that we do that is we call them the third
14 certificate of need consideration, which is very
15 conveniently not listed on the sign over there. The
16 sign over there says when they consider the
17 certificate of need that they think about two
18 things. One, the need of the pipeline; and two, the
19 alternatives, the alternative routes. The third
20 thing that by Minnesota statute they have to
21 consider, is the pipeline in the best interest of
22 society. They left that out.

23 And that's what we're looking for
24 here. No build. Shutdown of Line 3. It's in the
25 best interest of society.

1 Thank you very much.

2 (Clapping.)

3 FACILITATOR: Is it Raymond Peterson?

4 Raymond, are you here?

5 Okay. He left. Thank you.

6 So it is at our time at 1:00 so I'm
7 just going to talk about next steps.

8 Again, there are comments for written
9 comments over here in the comment box. All will be
10 incorporated in the public comment process which the
11 agencies will consider. If you want to send in
12 written comments later than today, July 10th is the
13 deadline in which you can do that.

14 Thank you for your time, your
15 comments, we were glad to see each other. Thank you
16 and have a safe trip home.

17 (Meeting concluded.)

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