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DEIS MEETINGS - 14-916 15-137

GULLY - JUNE 21, 2017 - 10:00 a.m.

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

Gully Community Center  
120 Main Street  
Gully, Minnesota

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1                   FACILITATOR: Thanks for coming  
2 out. My name is Patrick Field and I work for  
3 the consulting team on behalf of the State of  
4 Minnesota and I'll be moderating the public  
5 comment period today.

6                   But first we wanted to start  
7 with a short presentation really to talk about  
8 the process. And Jamie MacAlister, who is the  
9 project manager from the Department of  
10 Commerce for the State of Minnesota is going  
11 to share with us a bit about the process;  
12 where we've been, where we are, where we're  
13 heading.

14                   I'll then talk about how to  
15 handle the public comment and we will dive in.

16                   Jamie, over to you.

17                   MS. JAMIE MACALISTER: Good  
18 morning, everyone. Thank you for joining us.  
19 Hope the coffee is not too bad. We were having  
20 some trouble, but I think we got that figured  
21 out.

22                   I hope everyone has had a chance  
23 to walk around the posters and talk with the  
24 agency staff that are here today to answer  
25 questions, and hope you find information in

1 the Draft EIS.

2 We have folks here from the  
3 Minnesota Department of Natural Resources, the  
4 Pollution Control Agency, and the Public  
5 Utilities Commission.

6 So we are here today to talk  
7 about the Draft EIS. The Draft EIS is not the  
8 decision-making document, but it is the  
9 document that informs the two decisions that  
10 the Public Utilities Commission needs to make.

11 And the first of those decisions  
12 is the Certificate of Need and the other  
13 decision is the route permit.

14 So we are still in the middle of  
15 a very long process. We were out here about a  
16 year ago in the project area, scoping for this  
17 project, and your comments during scoping were  
18 used to develop the scoping document that was  
19 used to develop the Draft EIS that we're here  
20 to discuss.

21 And currently we're in the  
22 comment period phase for the Draft EIS. That  
23 closes on July 10th.

24 Once we get all those comments  
25 in, we will be preparing a Final EIS, and the

1 Final EIS and this entire record then gets  
2 transferred over to an administrative law  
3 judge and the Public Utilities Commission, and  
4 they run a series of contested case hearings.

5 Those will be held in the fall  
6 of this year, and once those are complete, the  
7 judge will write a report and submit that  
8 information to the Public Utilities Commission  
9 for consideration in their deliberations.

10 And that is expected to take  
11 place and -- final determinations are expected  
12 to take place in the spring of 2018.

13 So today we're here to get your  
14 comments on the Draft EIS. And what we're  
15 looking for from you is to find out if there  
16 is information that is missing from the  
17 document, if there is information that we  
18 could make more clear, or if there are other  
19 things that we can improve in the document to  
20 help us write the final and make sure that the  
21 Public Utilities Commission has the best  
22 available information for them to make their  
23 decisions with.

24 So just a word on comments. All  
25 of the comments that we have are treated

1           equally. This is not a voting session. We  
2           will take your comments orally. We will take  
3           them in writing today. You can send them in  
4           or email them in at your leisure, so long as  
5           they are postmarked or time stamped by  
6           July 10th. We will use those in developing  
7           the Final EIS.

8                           All of your comments will be  
9           available online from this meeting as well as  
10          from other meetings. So you'll be able to go  
11          and see your comments or your neighbor's  
12          comments or any of the other comments that  
13          were made at these meetings that we've been  
14          having over the past few weeks here.

15                          So with that, I'm going to hand  
16          it back to Pat. He's going to get us started  
17          on the oral portion of our meeting. Thank  
18          you.

19                          FACILITATOR: Thanks, Jamie.

20                          So I just want to cover a few of  
21          the procedures for the public comment and  
22          we'll go from there.

23                          A few things: If you do want to  
24          take a copy of the Draft EIS home, the  
25          Environmental Impact Statement, we've got

1 either a flash drive or CD you can take home.

2 So it's right there at the back  
3 at the registration desk in case you want one  
4 of those. So we've got those for you.

5 So the way we do public comments  
6 is I've got folks who put their names in the  
7 box, so I'll call on them first, and then I'll  
8 check for a show of hands for others who want  
9 to comment.

10 Typically, we have a bigger  
11 meeting, we're a little more tight around  
12 time. Here I think we've got a smaller group  
13 so we not particularly picky about the time.

14 We'll run a timer. If people  
15 can keep their comments to five, six minutes.  
16 Around six, six and a half, I might stand up  
17 and then that's a signal, if you're still  
18 talking, to maybe wrap it up. Because usually  
19 people can get their key points in that period  
20 of time.

21 When people do comment, we want  
22 to make sure that they are able to give voice  
23 to their viewpoints. So we ask that when  
24 people do comment, other people listen during  
25 that time so that they can speak.

1                   We have a court reporter here  
2                   who is capturing every word. It is important  
3                   to use the mics and kind of hold it here --  
4                   sometimes people get distracted and then our  
5                   court reporter can't hear. So we do ask that  
6                   you do that.

7                   When you start, say your name,  
8                   spell it for the record, and then the floor is  
9                   yours to make your comment as you do it.

10                  We do ask that people be  
11                  respectful of a range of opinions. People in  
12                  the rooms may have a range of opinions about  
13                  the DEIS, about the project, et cetera.  
14                  That's to be expected in a public process. We  
15                  just ask that people be respectful.

16                  For someone who has spoken, if  
17                  you want to be affirmative with applause or  
18                  whatever, that's great. We just ask that  
19                  people not be negative about people's  
20                  comments.

21                  We also ask that people direct  
22                  their comments to the document, to the issues,  
23                  the agencies, organizations, but not to  
24                  individuals in the room, because we want  
25                  everyone in the room to be comfortable and not

1 in any way feel singled out.

2 The State's role, State folks,  
3 do you want to raise your hands here, State  
4 agency people. So their role during the  
5 public comment period is to listen.

6 So again, through this, through  
7 written comment, people submitting comments by  
8 July 10th, they will gather all that, they  
9 will think about that, they will take that  
10 under advisement as they produce the final.

11 And so this is a time for them  
12 to really listen and hear the comments that  
13 people raise during the public comment period.

14 I do ask that people turn their  
15 cell phones on vibrate or do not disturb, so  
16 we don't have that kind of disturbing us in  
17 the middle of the comments.

18 The last thing, Leslie is going  
19 to be our mic runner today. She's going to  
20 bring the mic to you. So you can be  
21 comfortable in your seat. You can stand or  
22 sit, however you want it, but we'll bring the  
23 mic right to you and then we'll have you go.

24 Once you start and state your  
25 name and spelling, we'll start the clock.

1 It'll be up there on the screen.

2 So with that, I think we are  
3 ready to go. So the first person I have to  
4 comment is Tom Anderson.

5 MR. TOM ANDERSON: My name is Tom  
6 Anderson, spelled T-O-M, and last name,  
7 A-N-D-E-R-S-O-N.

8 I'm a life-long farmer, farm  
9 right next to Clearbrook. I'm a third  
10 generation farmer and I have a son that farms  
11 with me, and I also have grandchildren that are  
12 active in 4H with agriculture and livestock  
13 projects.

14 I'm a former county commissioner.  
15 I think I've always been active in my  
16 community, and I'm currently on the board of  
17 directors of the Northwest Minnesota  
18 Foundation.

19 I would say my roots in this area  
20 are about as deep as they can possibly be. And  
21 I feel my life's work has demonstrated a  
22 commitment and concern for the future of this  
23 area.

24 It's only by chance that I happen  
25 to have a close involvement with Enbridge.

1 Like most farmers, I ended up farming close to  
2 the area where I grew up.

3 The first land that we purchased  
4 was in 1975, and it just happened to include  
5 right of ways for both Enbridge and Portal,  
6 which is now called North Dakota Enbridge.

7 Over the years we've added to the  
8 farm and now have approximately three miles of  
9 right a way, with some parcels having as many  
10 as eight pipelines buried.

11 The point I'm trying to make is I  
12 have never felt the least bit insecure or  
13 apprehensive living in such close proximity to  
14 all the pipeline activity.

15 They've always been good  
16 neighbors and do their best to treat landowners  
17 with respect. To me, it's obvious the most  
18 sensible, safe, and efficient way to transport  
19 oil is by means of underground pipelines.

20 No system is without risk, but  
21 nothing compares to the safety and efficiency  
22 of an underground pipeline.

23 The economic benefits to the area  
24 are almost immeasurable and have been mentioned  
25 many times.

1           In comparison to many other small  
2 towns in the area, our small town of Clearbrook  
3 has remained relatively healthy. Increased tax  
4 base, employment opportunities, and ongoing  
5 construction and maintenance contribute greatly  
6 to our area economy.

7           Much has been said about the need  
8 for this project. I see it as very necessary  
9 for I have seen firsthand the number of  
10 integrity repairs done on our farm and the  
11 surrounding area.

12           To me, a new line properly  
13 installed and inspected is much safer for the  
14 environment than an aging line with deficient  
15 steel.

16           Also, I prefer to see the old  
17 line left in the ground. To me that is much  
18 less invasive to the environment and to the  
19 existing pipelines that are right alongside of  
20 it but in the same corridor.

21           And to claim that we don't need  
22 the oil, I would argue the opposite. Even if  
23 it would mean the country would have a small  
24 surplus, this would be a huge factor in  
25 stabilizing oil prices, ensuring that we aren't

1 held hostage pricewise by the OPEC nations.

2 Finally, as to the carbon  
3 footprint, I'm as concerned as anybody about  
4 this issue. I would hope that the final route  
5 selected follows the existing utility right of  
6 ways, thus providing for more efficient  
7 surveillance and maintenance.

8 When a plane flies over our farm,  
9 it surveys eight pipelines. And to me that's  
10 pretty darn efficient. Hopefully in the future  
11 alternative forms of energy will come on board  
12 and help meet the growing demands by population  
13 growth and modernization of undeveloped  
14 countries.

15 One of the most rewarding things  
16 to me as a farmer is observing how, over the  
17 course of my farming career, modern agriculture  
18 has improved the efficiency of production to  
19 where we can now produce higher yields with  
20 just a fraction of the energy of fuel used  
21 years ago.

22 A stable and reliable fuel supply  
23 is extremely important in helping us as farmers  
24 continue to improve in our efforts to feed the  
25 world.

1 Thank you.

2 FACILITATOR: Thank you. The  
3 next commenter is Allen Richardson.

4 MR. ALLEN RICHARDSON: My name  
5 is Allen, A-L-L-E-N, Richardson,  
6 R-I-C-H-A-R-D-S-O-N.

7 Good morning. Thank you for the  
8 opportunity to speak with you. I am an  
9 organizer by trade and I've worked for labor  
10 organizations and I've worked for  
11 environmental groups.

12 And I just want to say that I  
13 don't enjoy being on the opposite side of an  
14 issue against labor.

15 But it's been my privilege here  
16 recently to do some outreach with an outfit  
17 called Minnesotans for Pipeline Cleanup.

18 I think there's a lot of common  
19 ground to be had here. So I'm going to talk  
20 about some of the particulars with the  
21 environmental impact statement, but my point  
22 here is about jobs, it's about property  
23 rights.

24 And again, I think there's a lot  
25 of common ground to be had.

1                   So to start with a question.  
2           What we're advocating for is a landowner choice  
3           option, so we're not even suggesting that the  
4           entire old pipeline be removed. And I'm  
5           talking about the old Line 3, south of  
6           Clearbrook.

7                   So the question is, if a  
8           landowner, a private property owner who's  
9           hosted that pipeline for decades, if they want  
10          the pipeline removed from their own property,  
11          lock, stock, and barrel, not just flushed out,  
12          is that reasonable?

13                   If it's technically feasible to  
14          do that, is that a reasonable request? And if  
15          it can be done, which I believe that it can  
16          because, of course, Minnesota's got the  
17          qualified labor to do that kind of work, who  
18          should foot the bill for that?

19                   Should it be the landowner, or  
20          should it be Enbridge?

21                   And I've spoken to different  
22          people on every side of this issue, but to date  
23          no one has ever told me that the property owner  
24          should be on the hook financially for a  
25          situation like that.

1                   So the next question is, is it  
2                   technically feasible to remove those lines in a  
3                   situation like that? The environmental review  
4                   documents suggest that there is some potential  
5                   danger, given the proximity to the abandoned  
6                   line to hotlines.

7                   I just want to say that, again,  
8                   the documents claim that in general, the  
9                   pipelines are 10 or 15 feet apart.

10                  We took it upon ourselves to walk  
11                  the distances between pipelines between Wawina  
12                  and Grand Rapids on publicly named  
13                  thoroughfares and found there is quite a bit  
14                  more room there between Lines 3 and 4. There's  
15                  an average of 30 feet.

16                  So we would like to see some more  
17                  clarification on the technical capacity to  
18                  removing lines and exactly how far apart they  
19                  are.

20                  We observed last night that Line  
21                  13 is nestled snugly between Lines 2 and 3 and  
22                  what amounts to about a 12-foot gap. So that  
23                  tells me if you can get a new pipeline between  
24                  two existing hotlines, you should be able to  
25                  take out an abandoned line between two hot

1 lines.

2 Really, this question of safety  
3 has already been determined since Enbridge  
4 estimates the cost of removing Line 3 as  
5 approximately \$1.28 billion and there's a good  
6 chance that figure has been lowballed.

7 So I guess my question is, how  
8 many jobs would that make? I think it would  
9 probably be a lot. I think we want to get on  
10 the right side of this precedent.

11 We're establishing a precedent  
12 vis-a-vis pipeline abandonment. We know that  
13 Enbridge is likely to want to abandon the rest  
14 of their older pipelines.

15 So I'm basically encouraging the  
16 labor community to publicly throw in their lot  
17 with landowners who are asking for this  
18 landowner choice option.

19 And you know, finally, the  
20 documents, also on the question of  
21 environmental justice, it says, "Removal of the  
22 existing Line 3 could positively affect these  
23 communities by removing stress and anxiety  
24 related to the presence of the abandoned  
25 pipeline and ongoing risks related to overflow,

1 soil and water contamination, and subsidence."

2 So if you could do right by  
3 landowners in these affected communities and  
4 tap into \$1.28 billion in potentially economic  
5 stimulation, taking the long view to get  
6 yourself some work on these other pipelines  
7 which are slated to be abandoned, why would you  
8 not do that?

9 Thanks for your time.

10 FACILITATOR: Thank you, Allen.  
11 So those are the two names I had in the box,  
12 but there may be others who want to comment.

13 If there are others who want to  
14 comment, raise your hand and I'll work through  
15 the folks who want to comment.

16 Other folks in the audience who  
17 would like to make a public comment? Don't be  
18 shy. We're happy to hear it.

19 MR. DANIEL STENSENG: My name is  
20 Daniel, D-A-N-I-E-L, Stenseng, S-T-E-N-S-E-N-G.  
21 I didn't plan to speak today, but I'm a  
22 commissioner in Clearwater County, just across  
23 the line here.

24 And by way of disclosure, I have  
25 no interest, personal or financial, in any

1 pipeline, any railroad, any power line or  
2 trucking firm. My interest is my people, their  
3 jobs, and our economy.

4 The loss of a \$2 billion project  
5 like Sandpiper really hurts, really hurts in  
6 northern Minnesota.

7 Now, I farm on property that is  
8 crossed by the Koch pipeline. Enbridge runs  
9 through my son's property, and I'm personal  
10 witness to a spill just across the road from  
11 his place.

12 And Enbridge took out the oil,  
13 purged out the oil that was there, and then  
14 they excavated the soils that were there. They  
15 brought in new soil, replaced that soil, and I  
16 can tell you that every creature, every plant  
17 that was there is there. Every insect, every  
18 reptile, every mammal, every bird, everything  
19 that was there is there today. It's been  
20 cleaned up.

21 So it's not like it doesn't  
22 happen, but they know how to take care of it.

23 There's a thing over here called  
24 Environmental Justice, and in Clearwater County  
25 it refers to the White Earth Reservation, and

1 it refers to the Census Bureau, the census.

2 Now, when we did the census, the  
3 reservation was censused separately from the  
4 rest of the county. So I'm not sure how that  
5 really works there. I think there needs to be  
6 some other explanation on that.

7 Thank you.

8 FACILITATOR: Thank you, sir.

9 Other individuals who want to make a comment?

10 Name and spelling for the court  
11 reporter, and then the floor is yours.

12 MR. JOHN MUNTER: My name is John  
13 Munter, J-O-H-N, M-U-N-T-E-R. I'm from Warba,  
14 retired guy, and I want to make a comment that  
15 this DEIS is terribly slanted towards  
16 Enbridge's preferred routing.

17 I've got this little show and  
18 tell here of part of the DEIS from the  
19 executive summaries. Probably very few people  
20 will do anything more than read the executive  
21 summaries. That's why it's so important.

22 We have this handy dandy little  
23 graph here. Red on the side is bad. Green is  
24 good. And Applicant's preferred route here on  
25 the right is all green, as you see.

1                   And the system alternative SA-04,  
2                   the third one over, it's got some red, it's got  
3                   some orange. It's not so bad, but it's not  
4                   preferred by this executive summary as the  
5                   preferred route is.

6                   We see -- we'll go deeper. The  
7                   reason why it's red and orange and that type of  
8                   thing is because drinking water areas of  
9                   interest, it's got a lot more wells. It's got  
10                  a lot more people.

11                  What it doesn't say is -- I mean  
12                  the wells and the people are on thick topsoil.

13                  If you look down a little bit  
14                  further, biological areas of interest, you see  
15                  99,000 or 102,000, actually, in the Applicant's  
16                  preferred route for acres, 369 acres for system  
17                  alternative four.

18                  So the lakes, the forests, the  
19                  rivers, the wetlands and all this, 102,000  
20                  you're going through in the biological areas of  
21                  interest for the Applicant's preferred route.  
22                  And only 369 -- so that's like one-third of  
23                  1 percent -- has the biological diversity and  
24                  the streams, forests, and rivers and all this.

25                  And that should be way -- much,

1 much more there.

2 And commodities of interest,  
3 commodity production areas, too, the preferred  
4 route is 37,000 compared to 191. This is  
5 probably all wild rice you're talking about  
6 here.

7 Now, the DEIS is leaving out a  
8 lot of data from the last couple of years.

9 One is the Minnesota Pollution  
10 Control Agency's letter of January 23, 2015,  
11 which they recommended the southern route as  
12 opposed to the preferred route going through  
13 lake country.

14 And they have eight reasons why  
15 and I'll see how many I can get through here.

16 "1: The adverse impacts to high  
17 quality surface waters, the waters that are  
18 listed as impaired along the SA-Applicant route  
19 are likely to be higher quality.

20 "50 impaired waters of the  
21 Applicant preferred corridor may not be so on  
22 the lower standards of SA-03-04 agricultural  
23 land.

24 "2: Significant environmental  
25 damage would occur from a release at or near a

1 water crossing extending up to at least a  
2 distance of ten miles from the point of  
3 release.

4 "SA-Applicant has many areas of  
5 limited access, increasing the risk of extended  
6 impact of surface waters."

7 So SA-Applicant is the preferred  
8 routing we're talking about here. They use  
9 different terminology. Instead of SA-04, the  
10 southern route, they call it SA-03 in this  
11 document.

12 "Number 3: Potential damages  
13 during pipeline construction and testing are  
14 greater for SA-Applicant than other  
15 alternatives.

16 "During the Alberta  
17 Clipper/Southern Lights diluent project, for  
18 example, Enbridge exceeded agreed-upon maximum  
19 discharge rates on 15 of its hydrostatic  
20 testing discharge operations.

21 "During these hydrostatic testing  
22 operations, as much as 4,000 gallons of water  
23 per minute can be discharged from valves." And  
24 this is during construction.

25 "Placement of the new terminal

1 construction west of the proposed Clearbrook  
2 location as suggested by MPCA will assure that  
3 future pipelines are located west and south of  
4 these pristine areas."

5 This is one of the resources the  
6 state is spending millions of dollars on to  
7 protect.

8 "Number 4: The threats to  
9 groundwater and potential drinking water  
10 supplies from SA-Applicant are difficult to  
11 assess but appear to pose more significant  
12 risks than the system alternatives, including  
13 SA-03.

14 "What is most important to  
15 understand about the soils along the  
16 SA-Applicant route is that the complexity of  
17 moraines in the area creates a significant  
18 degree of localized changes in groundwater  
19 movement that are very difficult to predict, as  
20 opposed to some of the flatter lands to the  
21 west and south.

22 "Number 5: SA-Applicant  
23 threatens a greater percentage of wild rice and  
24 native forests than any of the proposed  
25 alternatives, including SA-03.

1                   "Number 6: SA-Applicant has a  
2 greater potential for impact on ecoregions than  
3 other alternatives, including SA-03, 4."

4                   "The SA-Applicant preferred route  
5 has more locations" -- number 7 -- "with poor  
6 access in the event of a release than SA-03 or  
7 other alternatives."

8                   And then number 8: "SA-03 and 04  
9 and other system alternatives follow existing  
10 corridors to a greater extent than does  
11 SA-Applicant."

12                   One other really discriminatory  
13 passage I wanted to bring up here in the system  
14 alternative is under "ground water."

15                   Here it only has two paragraphs,  
16 and the second one, the last one is, "SA-04 is  
17 the only Certificate of Need alternative that  
18 crosses vulnerable (indiscernible) topography  
19 which involves fractures, joints, sinkholes,  
20 cavities, caves, and stuff like that.

21                   Well, it doesn't say that it's  
22 really covered by topsoil, too. And it's not  
23 just opposed to the problems of the preferred  
24 route, which have a lot of definition in their  
25 topography so water flows a lot faster, and

1           you've got lakes and rivers and (indiscernible)  
2           put an aquifer and not just possibly threaten  
3           somebody's well.

4                        You're talking about polluting  
5           larger bodies of water in the glacial marines  
6           that make it very difficult to figure out where  
7           the water is going.

8                        So this is a very prejudicial  
9           executive summary and it should be drastically  
10          changed from what it currently depicts.

11                      Thank you.

12                      FACILITATOR: Other individuals  
13          who would like to make comments?

14                      There are comment boxes back  
15          there. If you want to do a written comment,  
16          you're more than welcome to do that.

17                      We also have a court reporter  
18          who's sitting on the edge of the comment table  
19          who can also take your comment individually,  
20          if you prefer talking one-on-one.

21                      It looks like we've captured the  
22          comments people wanted to make publicly.

23          State staff will be here for some time. If  
24          you want to go back around the posters and ask  
25          questions, great.

1                   If you want to sit in the back  
2                   and write a written comment or talk to a court  
3                   reporter, that will be terrific. We're going  
4                   to be here past noon and up to potentially  
5                   about 1:00 o'clock.

6                   So appreciate you coming out,  
7                   stick around, have some food, visit. We did  
8                   have some conversations about some of these  
9                   different posters and we appreciate the  
10                  comments that were made.

11                  So thank you very much.

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