

Attachment D-Other Documents of Interest

D-1 Route Segment Proposal from Minnesota Department of Natural Resources, Matt Langan, Division of Ecological Services, dated May 30, 2006.

D-2 Route Segment Proposal from MPL on behalf of the city of Staples dated May 30, 2006.

D-3 Route Segment Proposal from Scott and Sheila Becker received May 5, 2006.

D-4 Route Segment Proposal from MPL in the Belle Plaine area in Scott County dated May 30, 2006.

D-5 Route Proposal from Mike and Richard Eischens for Morrison, Benton, Sherburne, Anoka, Washington and Dakota Counties, received May 30, 2006.

D-6 DOC EFP staff information requests # 1, dated May 22, 2006.

D-7 Letter from DOC EFP staff to Mike and Richard Eischens regarding route proposal, dated June 9, 2006.

D-8 Letter from MPL to Burl Haar, June 16, 2006, regarding Eischens' route proposal.

D-9 Letter from MPL transmitting first supplemental response to DOC Information Request No. 1, dated June 16, 2006.

D-10 Email from Randy Piasecki, Planner /Coordinator, city of Zimmerman, dated June 16, 2006

D-11 Email from Senator Brian LeClair, dated June 17, 2006

D-12 Letter from Carl Rosen, Professor and Extension Soil Scientist, Department of Soil, Water & Climate, University of Minnesota, dated June 14, 2006.



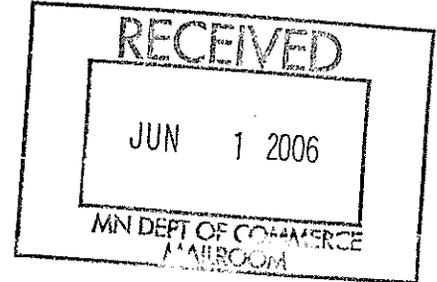
Minnesota Department of Natural Resources

500 Lafayette Road
St. Paul, Minnesota 55155-40²⁵

Hartman

May 30, 2006

Ms. Sharon Ferguson
Department of Commerce
85 7th Place East, Suite 500
St. Paul, MN 55101-2198



RE: MinnCan Pipeline Project
Pipeline Routing Permit Application and Environmental Assessment Supplement
PUC Docket No. PL/PPL-05-2003

Dear Ms. Ferguson:

The Department of Natural Resources (DNR) has reviewed the Pipeline Routing Permit Application and the Environmental Assessment for the proposed MinnCan Pipeline Project. With respect to potential impacts to natural resources, the DNR offers the following comments, separated into three categories: 1) route corridor alternatives; 2) DNR permitting information and issues, and; 3) environmental impacts of the proposed corridor.

Route Corridor Alternatives

The DNR recommends that an alternative alignment around the City of Staples be considered from Mile Post 97.9 to Mile Post 104.9. The proposed alignment in the permit application would travel north and east of town. The DNR recommends an alignment that travels west and south of town. The DNR has reviewed NWI maps for the area, and believes this alternative alignment does not create an inordinate amount of wetland impact, nor does it create a substantial difference in wetland impact than what would occur along the proposed alignment. Another alternative would be to follow the existing pipeline alignment through the City of Staples. The reasons for DNR's recommendations for an alternative alignment are 1) the proposed alignment would impact Villiard Wildlife Management Area, which would induce a loss of forest cover and fragmentation of forest lands, 2) the proposed alignment encroaches close to the Crow Wing River, which is a high-value river for mussels, fish, waterbirds, and recreation, and 3) the proposed alignment crosses tributaries to the Crow Wing River. The alternative alignments would avoid the Villiard WMA and maintain a buffer along the Crow Wing River.

The DNR supports horizontal directional drilling (HDD) as a crossing technique of the Mississippi River, the North Fork of the Crow River, the Minnesota River, and the Vermillion River. If directional drilling is not the crossing method chosen, the DNR may request an alternative alignment of the pipeline at these locations.

DNR Permitting Information and Issues

Crossings of public waters, public waters wetlands, and state lands managed by the DNR require a utility license from the DNR. The Division of Lands and Minerals coordinates staff review of proposed locations and methods of crossing, works closely with the Regional Environmental Assessment Team (and in the case of land crossings, the division within DNR that manages the land) to arrive at a consensus response to each proposed crossing, approves a final crossing location and method and, once a utility

DNR Information: 651-296-6157 • 1-888-646-6367 • TTY: 651-296-5484 • 1-800-657-3929

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WINTHROP WEINSTINE
ATTORNEYS AND COUNSELORS AT LAW

May 30, 2006

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Mr. Bob Cupit
Minnesota Public Utilities Commission
350 Metro Square Building
121 Seventh Place East
St. Paul, MN 55101-2147

Mr. Larry Hartman
Minnesota Department of Commerce
85 Seventh Place East, Suite 500
St. Paul, MN 55101-2198

RE: *In the Matter of the Application of Minnesota Pipe Line Company for a Routing Permit
for a Crude Oil Pipeline*
MPUC Docket No. PL-5/PPL-05-2003
OAH Docket No. 15-2500-17136-2

Dear Judge Heydinger and Messrs. Cupit and Hartman:

Minnesota Pipe Line Company ("Company") forwards the enclosed materials on behalf of the City of Staples, which requests that they be accepted for consideration in this matter, pursuant to Minn. R. 4415.0075. Included in these materials is a copy of a resolution adopted by the Staples City Council on May 23, 2006 with regard to this matter.

Copies of this filing have been provided to the attached service list. Also enclosed is our Affidavit of Service.

Very truly yours,

WINTHROP & WEINSTINE, P.A.


Eric F. Swanson

Enclosures

2757095v1

MAY 30 2006

COMPARISON OF PIPELINE ROUTES IN STAPLES AREA MinnCan Project

1.0 Introduction

In its Routing Permit application submitted to the Public Utilities Commission (PUC) on January 5, 2006, Minnesota Pipe Line Company (MPL) proposed a pipeline route for the MinnCan Project that goes north and east of the City of Staples rather than follow its existing pipelines through the city (see figure 1). There were two primary reasons for selecting the proposed route: 1) avoid residential areas within the city that have developed around the existing pipelines; and 2) avoid crossing the large wetland complex located east of the city.

Since submittal of the Routing Permit application, MPL has discussed the proposed route with City of Staples staff and elected officials, Villard Township staff and elected officials, landowners, and the Minnesota Department of Natural Resources (MDNR) regarding its proposed route in the Staples area. Ultimately, the City requested that Minnesota Pipe Line conduct a study to determine the comparative impacts of constructing the proposed pipeline parallel to the existing pipelines through the City. The MDNR has also indicated that it would prefer that the proposed pipeline be located farther away from the Crow Wing River, which runs northeast of the city.

In response to the City's request, MPL has conducted a study to assess the feasibility of constructing the proposed pipeline parallel to the existing pipelines through the city. As part of this feasibility study, a comparative analysis of the proposed route and the existing pipeline route was conducted and is summarized in the following section.

2.0 Comparative Analysis of Pipeline Routes in Staples Area

The proposed route diverges from the existing pipeline route northwest of the city and generally follows County Route 2 on the northern boundary of the city (see Figure 1). The route cuts the northeast corner of the city and then goes in southeasterly direction through Villard Township. At the Wadena/Todd county line, the route generally follows County Road 83 south past the hospital site and across U.S. Highway 10. Prior to joining the existing pipeline corridor, the proposed route crosses the Villard Wildlife Management Area (WMA).

The existing pipeline route passes the north side of the Staples Airport and then crosses the northern portion of the city, including two residential areas. After leaving the city limits, the route crosses a large wetland complex located east of the city and north of U.S. Highway 10. After crossing the highway, the existing pipeline route passes east of Hayden Lake and west of the Villard WMA.

Using existing environmental, agricultural, and land use data as well as aerial photographs, a comparative analysis of the two routes was conducted. The results of this analysis are provided in Table 1. The primary differences between the two pipeline routes in the Staples area are as follows:

- The existing route parallels an additional 5.8 miles of existing rights-of-way;

- The existing route crosses an additional 1 mile of municipal area and an additional 1.9 miles of Urban Growth Areas;
- The existing route is adjacent to nine more residences and one more high occupancy building than the proposed route;
- The existing route crosses an additional 1 mile of wetlands, including about 800 feet of forested wetland;
- The existing route is about 0.9 mile farther away from the Crow Wing River than the proposed route;
- The proposed route crosses the Villard WMA and is close to the new hospital;
- The proposed route crosses upland areas within the Urban Growth Area that are planned for future development;
- The proposed route crosses an additional 2.3 miles of agricultural land; and
- The proposed route crosses seven more land parcels than the existing route.

Based on the results of this comparative analysis, construction of the proposed pipeline along the existing route in Staples would result in more impacts on residences in the city and on wetlands. However, constructing along the existing route would not cross the developable parcels within the Urban Growth Area and would not result in encumbrances on new parcels. Constructing along the existing route would also move the new pipeline farther away from the Crow Wing River and would not cross the Villard WMA.

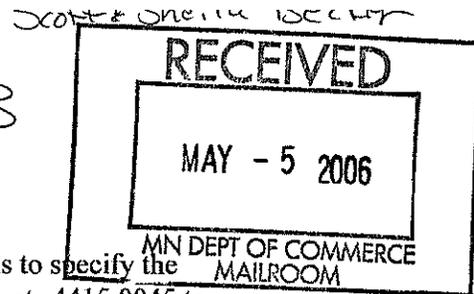
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TABLE 1
City Of Staples Pipeline Route Comparison
MinnCan Project

	Units	Proposed Route	Existing Pipeline Route
Total Length	miles	7.3	6.7
Length Parallel to Existing Rights-of-Way	miles	0.9	6.7
Perennial Waterbodies Crossed	number	2	1
Intermittent Waterbodies Crossed	number	0	1
Perennial Streams 0-20 feet in Width ^{aj}	number	1	1
Perennial Streams >20 feet in Width ^{aj}	number	0	0
Minimum Distance from Crow Wing River	feet	2,400	7,200
Railroads Crossed	number	1	1
Roads Crossed	number	11	9
Interstates and State Highways Crossed ^{av}	number	1	1
Total NWI-mapped Wetlands Crossed	feet	3,300	8,570
NWI-mapped Forested Wetlands Crossed ^{aw}	feet	0	790
NWI-mapped Scrub-Shrub Wetlands Crossed ^{aw}	feet	2,810	4,480
NWI-mapped Emergent Wetlands Crossed ^{aw}	feet	490	3,300
Center Pivot Irrigation Systems Crossed	number (feet)	3 (5,760)	2 (3,650)
Forest Land Crossed ^{ax}	feet	6,290	5,240
Agricultural Land Crossed ^{ax}	feet	27,950	15,660
Developed Areas Crossed ^{ax}	feet	200	1,390
Open Land Crossed ^{ax}	feet	0	1,580
State/Federal Lands Crossed	feet	2,600	0
Parcels Crossed	number	30	23
Residences Located Within 300 Feet of Pipeline Route ^{ay}	number	6	15
High Occupancy Buildings Located Within 300 Feet of Pipeline Route ^{ay}	number	2	3
Municipal Areas Crossed	feet	2,270	7,360
Urban Growth Areas Crossed ^{az}	feet	8,790	18,590

^{aj} Subset of perennial waterbodies crossed. Crossing width at proposed crossing location.
^{av} Interstate and state highways crossed are a subset of roads crossed.
^{aw} National Wetland Inventory (NWI) forested, scrub-shrub, and emergent wetlands are a subset of NWI-mapped wetlands.
^{ax} Open land use classification does not include wetlands. Agricultural lands include pasture. Data based upon satellite imagery taken in the early 1990s and classified by the U.S. Geological Survey in 1999.
^{ay} Houses and high occupancy buildings based on review of 2003 and 2005 aerial photographs.
^{az} Based on Urban Growth Area Map (revised 2/28/06) provided by the City of Staples.

Route Proposal
PUC Docket No. PL5/PPL-05-2003



4415.0100 CRITERIA FOR PIPELINE ROUTE SELECTION.

Subpart 1. **Scope and purpose of criteria.** The scope and purpose of this part is to specify the criteria used by the PUC in determining the route of a pipeline in Minn. Rule, parts 4415.0045 to 4415.0100. The PUC shall make a specific written finding with respect to each of the criteria. Any new easements or right-of-way agreements obtained from potentially affected landowners before issuance of a pipeline routing permit are obtained at the sole risk of the applicant. The fact that the agreements have been obtained shall not be considered by the PUC in selecting the route.

We propose to The PUC accept for consideration the existing pipeline route, in Villard and Wadena Counties. Instead of the proposed route.

Subp. 2. **Standard.** In determining the route of a proposed pipeline, the PUC shall consider the characteristics, the potential impacts, and methods to minimize or mitigate the potential impacts of all proposed routes so that it may select a route that minimizes human and environmental impact.

Our proposal will not have any new environmental impact. The human impact will be slight compared to the proposed route.

Subp. 3. **Criteria.** In selecting a route for designation and issuance of a pipeline routing permit, the PUC shall consider the impact on the pipeline of the following:

A. human settlement, existence and density of populated areas, existing and planned future land use, and management plans;

The new Lakewood Health Systems hospital and clinic will be opening at the end of this year which will greatly increase the traffic and population of the area.

B. the natural environment, public and designated lands, including but not limited to natural areas, wildlife habitat, water, and recreational lands;

There are farmland, wooded areas and swamps that would be included in the proposed route. The wetlands that are in the proposed route are+

1
iu0[similar to the wetlands that are on the existing route.

C. lands of historical, archaeological, and cultural significance;

D. economies within the route, including agricultural, commercial or industrial, forestry, recreational, and mining operations;

E. pipeline cost and accessibility;

The proposed route is 4,000 ft. longer than the existing route. Which will cost an additional \$757,575, this amount does not include the cost of getting a right of way from all of the additional people affected by the proposed route.

F. use of existing rights-of-way and right-of-way sharing or paralleling;

By extending the existing right of way to allow for the new pipeline instead of obtaining new right of ways along the 4000 ft of new right of way needed in Villard and Wadena Counties on the proposed route. You will have a shorter route and not need to get new right of ways from at least a dozen property owners.

d23. Route way from the existing property owners. With the proposed route you will need to get twice as much right of way from at least twelve new property owners.

G. natural resources and features;

The proposed route goes through wetlands untouched by the pipeline, by staying on the existing route the wetlands should be no more environmentally affected than they already are.

H. the extent to which human or environmental effects are subject to mitigation by regulatory control and by application of the permit conditions contained in Minn. Rule, part 4415.0185 for pipeline right-of-way preparation, construction, cleanup, and restoration practices;

The proposed route will go through property where no existing right of way exists. To use the existing route the right of ways will only have to be extended.

I. cumulative potential effects of related or anticipated future pipeline construction; and

J. the relevant applicable policies, rules, and regulations of other state and federal agencies, and local government land use laws including ordinances adopted under Minnesota Statutes, section 299J.05, relating to the location, design, construction, or operation of the proposed pipeline and associated facilities.

STAT AUTH: MS § 116I.015

Scott & Sheila Becker
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WINTHROP WEINSTINE
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May 30, 2006

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RE: *In the Matter of the Application of Minnesota Pipe Line Company for a Routing Permit
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MPUC Docket No. PL-5/PPL-05-2003
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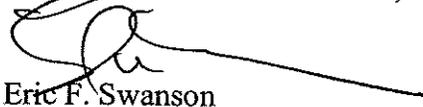
Dear Judge Heydinger and Messrs. Cupit and Hartman:

Attached please find a proposed route alternative for the Minnesota Pipe Line matter referenced above. This alternative involves the Belle Plaine area. Minnesota Pipe Line Company submits this alternative and requests that it be accepted for consideration in this matter, pursuant to Minn. R. 4415.0075.

Copies of this filing have been provided to the attached service list. Also enclosed is our Affidavit of Service.

Very truly yours,

WINTHROP & WEINSTINE, P.A.


Eric F. Swanson

Enclosures

2759151v1

MAY 30 2006

COMPARISON OF PIPELINE ROUTES IN BELLE PLAINE AREA MinnCan Project

1.0 Introduction

In its Routing Permit application submitted to the Public Utilities Commission (PUC) on January 5, 2006, Minnesota Pipe Line Company (MPL) proposed a pipeline route for the MinnCan Project that traverses southwest of the City of Belle Plaine (see figure 1). The proposed pipeline was routed in this area to facilitate the crossing of the Minnesota River. This river crossing was selected because the location has no state or federal lands, fewer areas of environmental concern, and appears constructable pending the geotechnical investigation. Once across the river, the pipeline was routed west and south of the existing municipal boundary of Belle Plaine to avoid residential areas within the city.

After the Routing Permit application was submitted to the PUC, MPL was notified by staff of the City of Belle Plaine that they are in the process of annexing land located south and west of the city limits, which is crossed by the proposed pipeline route. The city's comprehensive plan indicates that the land south of the city is planned for future development. The boundary of the city's urban growth areas are shown on Figure 1. The city staff requested that alternative routes be evaluated to avoid the annexation area and other areas planned for future development.

One of the planned developments to be located in the city's annexation area is Robert Creek Preserve, which is located north of Highway 169 and east of Robert Creek. This land is well into the process of being developed into a residential development and an elementary school. MPL was contacted by another developer (Ames Construction, Inc.) indicating that a parcel of land located south of Highway 169 is also in the process of being developed into single-family residential (Chatfield on the Green). Both of these developers have indicated that at this stage of each of the developments, the proposed pipeline route is incompatible with their developments as planned.

To address the issues associated with the planned urban growth of the City of Belle Plaine, MPL developed a reroute that avoids the planned developments that are underway as well as the urban growth areas adjacent to the city. A comparative analysis of the proposed Belle Plaine reroute and the proposed route filed with the PUC was conducted and is summarized in the following section.

2.0 Comparative Analysis of Pipeline Routes in the Belle Plaine Area

After crossing the Minnesota River, the proposed pipeline route traverses southeasterly crossing an area of biological significance along the wooded valley of the Minnesota River and Robert Creek in a steep, wooded valley. This route avoids the former city limits of Belle Plaine but crosses the city's annexation area and urban growth areas.

The proposed reroute diverges from the proposed route at the Minnesota River crossing (see Figure 1). The reroute crosses the river west of the proposed crossing and then traverses generally in a southerly direction staying west of the City of Belle Plaine's urban growth area. About 1 mile south of Highway 169, the reroute goes east, staying south of the urban growth area, until it joins up with the proposed route near County Road 5.

Using existing environmental, agricultural, and land use data as well as aerial photographs, a comparative analysis of the two routes was conducted. The results of this analysis are provided in Table 1. The primary differences between the two pipeline routes in the Belle Plaine area are as follows:

- The proposed route is about 1.6 miles shorter in length;
- The proposed route crosses an area of biological significance, a maple-basswood forest containing known occurrences of rare plants (i.e., kitten-tails);
- The proposed route crosses Robert Creek at a location where the valley is characterized by steep, wooded hillslopes;
- The proposed reroute avoids the city's annexation area, urban growth areas, and the two developments with plans in place;
- The proposed reroute avoids the area of biological significance;
- The proposed reroute crosses Robert Creek at an upstream location where the flow is designated as intermittent;
- The proposed reroute crosses three fewer roads;
- The proposed reroute crosses about the same amount of wetland as the proposed route with the majority of these wetlands classified as drained wetlands which appear to be farmed; and
- The proposed reroute also crosses about the same amount of forest land as the proposed route.

Based on the results of this comparative analysis, construction and operation of the proposed reroute near Belle Plaine would avoid potential impacts on two current developments with plans in place and on future developments in the city's planned urban growth areas. The reroute would avoid potential impacts to the area of biological significance along the Minnesota River valley and to the wooded valley along Robert Creek. Wetlands and upland areas affected by the longer reroute would be mitigated by adherence to the measures specified in MPL's environmental mitigation plans (i.e., Upland Erosion Control, Revegetation, and Maintenance Plan; Agricultural Mitigation Plan; and Wetland and Waterbody Construction and Mitigation Procedures).

TABLE 1
Belle Plaine Pipeline Route Comparison
MinnCan Project

	Units	Proposed Route	Belle Plaine Reroute
Total Length	miles	5.9	7.5
Length Parallel to Existing Rights-of-Way	miles	0	0
Perennial Waterbodies Crossed	number	1	0
Intermittent Waterbodies Crossed	number	5	4
Perennial Streams 0-20 feet in Width ^{ak}	number	1	0
Perennial Streams >20 feet in Width ^{ak}	number	0	0
Railroads Crossed	number	1	1
Roads Crossed	number	9	6
Interstates and State Highways Crossed ^{bl}	number	1	1
Total NWI-mapped Wetlands Crossed	feet	2,100	2,090
NWI-mapped Forested Wetlands Crossed ^{ak}	feet	25	0
NWI-mapped Scrub-Shrub Wetlands Crossed ^{ak}	feet	0	0
NWI-mapped Emergent Wetlands Crossed ^{ak}	feet	900	380
NWI-mapped Emergent Wetlands classified as drained ^{ak}	feet	1,170	1,710
Forest Land Crossed ^{ak}	feet	2,850	2,810
Agricultural Land Crossed ^{ak}	feet	25,060	35,620
Developed Areas Crossed ^{ak}	feet	0	0
Open Land Crossed ^{ak}	feet	2,340	1,030
State/Federal Lands Crossed	feet	0	0
Parcels Crossed	number	27 ^{bl}	25
Residences Located Within 300 Feet of Pipeline Route ^{ak}	number	1	3
Municipal Areas Crossed	feet	1,950	0
Urban Growth Areas Crossed ^{al}	feet	9,550	0
Significant Biological Areas Crossed ^{ak}	feet	880	0

^{ak} Subset of perennial waterbodies crossed. Crossing width at proposed crossing location.

^{bl} Interstate and state highways crossed are a subset of roads crossed.

^{al} National Wetland Inventory (NWI) forested, scrub-shrub, and emergent wetlands are a subset of NWI-mapped wetlands. Total NWI-mapped Emergent Wetlands Crossed includes unclassified bottoms (PUB). Drained emergent wetlands are those identified as being partially drained or ditched and likely farmed.

^{al} Open land use classification does not include wetlands. Agricultural lands include pasture and drained wetlands. Forest Land includes forested wetlands. Data based upon 2005 aerial photographs.

^{ak} Residences based on review of 2005 aerial photographs.

^{al} Urban growth areas based on Map 6-2 Option 3 of Comprehensive Plan (dated December 12, 2005)

^{ak} Biological significant areas identified by the MDNR County Biological Survey Program

^{bl} Parcels crossed does not include the planned lots on Lyman Development Company's Robert Creek Preserve.

Mr. Larry Hartman
EFP Staff
Department of Commerce
85 7th Place East
Suite 500
St. Paul, MN 55101-2198

RE: PUC Docket No. PL5/PPL-05-2003 Pipeline Route Proposal

Dear Mr. Hartman,

As affected landowners of the proposed MinnCan Pipeline ("Pipeline"), we would like to submit the following route proposal for PUC review.

Proposal: Place the entire proposed pipeline in Minnesota Pipe Line Company's ("Company") existing right of way.

This existing right of way for which the Company has a blanket easement, runs north of the Twin Cities metropolitan area, from Clearbrook Minnesota to the Flint Hills Resources Pine Bend facility. This route is shown in several of the company's documents, such as Appendix A of Company's Application for a Certificate of Need for a Crude Oil Pipeline.

The burden of proof for not placing the pipeline in the Company's existing right of way is on the Company. The Company has not provided adequate proof that their proposed Pipeline cannot be placed in the existing right of way, other than vague comments in several public documents.

Our proposed route was briefly mentioned in the Company's Environmental Assessment Supplement to the Pipeline Routing Permit Application. The company states in the above referenced document on page 22 that "Construction of the existing route alternatives would result in less land disturbance overall because of the shorter length of these routes."

In the same document on the same page the Company states, "that construction along alternatives would not be practical", but the Company does not describe the reasoning why. They do however make it clear that they do not want to site the new pipeline in the existing right of way because it "likely would result in significant public opposition to the project."

The main reason we feel the Pipeline should be placed in the Company's existing right of way is that the Company itself admits on page 22 of the above mentioned document that doing so would be a savings in cost." Why are they not choosing the lowest cost route?

2

The Company in its current newsletter suggests that it cannot use the existing right of way because the Pipeline requires a 25' distance from existing pipelines. This may be the Company's stated requirement, but it is not a requirement of the Office of Pipeline Safety or the industry in general. It is not uncommon for pipelines to be "looped" or laid within several feet of each other.

Again, the Company has not adequately proved that it is "not practical" to put the pipeline in existing easement. We feel that the burden of proof lies on the Company as to why it cannot use its existing right of way for the Pipeline. Instead of impacting a whole new group of landowners and devaluing their land, the Company should use the existing right of way.

We ask the Commission to review and approve our route proposal and make the Company place the new pipeline in its existing right of way.

Thank you.

Respectfully submitted,

Mike Eischens
26100 Delmar Ave.
New Prague, MN 56071

Richard Eischens
5331 W 260th St.
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file

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May 22, 2006

Mr. Eric F. Swanson
Winthrop & Weinstine
225 S. 6th Street 3500
Minneapolis, MN 55402-4629

Re: DOCKET NO. PL5/PPL-05-2003

**NATURE OF DOCKET: 295 Mile crude oil pipeline from Clearbrook,
MN to Rosemount, MN**

Dear Mr. Swanson:

Enclosed please find the Department of Commerce information request number (s) 1 in the above cited docket number. Please provide me with the original and 2 copies of your response by the indicated due date at the following address:

Ms. Constance F. Lawson
Department of Commerce
85 7th Place East
Suite 500
St. Paul, MN 55101-2198

Please indicate the above cited docket number, the corresponding request number, the requesting analyst, and the respondent's name and title on your response. If your response contains Trade Secret data, please include a public copy.

If you have any questions or problems providing information in the time specified, please contact me at (651) 297-1220 and I will direct you to the analyst requesting the information. You may also contact me via facsimile at (651) 297-1959.

Respectfully submitted,

Constance F. Lawson
Regulatory Information Center

Enc.

C (w/enc.): All Parties of Record

State of Minnesota
DEPARTMENT OF COMMERCE

Utility Information Request

Docket Number: PL5/PPL-05-2003

Date of Request: May 22, 2006

Requested From: Eric F. Swanson
Winthrop & Weinstine
225 S 6th St, Ste 3500
Minneapolis, MN 55402-4629

Response Due: June 1, 2006

Analyst Requesting Information: Larry B. Hartman

Type of Inquiry: Financial Rate of Return Rate Design
 Engineering Forecasting Conservation
 Cost of Service CIP Other:

If you feel your responses are trade secret or privileged, please indicate this on your response.

Request No.	
1.	<p>Section 4415.0170 of MinnCan's Route Permit Application addresses "Evidence of Consideration of Alternative Routes" and states that "The existing route option was rejected because of incremental environmental impacts as well as construction constraints, resulting primarily from residential and commercial encroachment along the existing pipeline corridor." MinnCan's Environmental Assessment Supplement pages 15-23 provide additional information on routing options, including the existing route through Anoka, Washington and Dakota Counties.</p> <p>Please specify or provide <u>detailed information</u> (including but not limited to existing row specifics, such as width, number and size of pipelines in row-spacing distances from one another, types of buildings and distances from the row on each side up to a distance of 100 feet, construction equipment constraints, safety requirements or other information, aerial photographs, DVD's and maps) documenting the statement made in Section 4415.0170 and supplementing the information provided in pages 15-23.</p>

Response by: _____

List sources of information: _____

Title: _____

Department: _____

Telephone: _____



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June 9, 2006

Mr. Mike Eischens
26100 Delmar Avenue
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Mr. Richard Eischens
5331 W. 260th Street
New Prague, MN 560781

RE: Route Proposal PUC Docket No. PL5/PPL-05-2005

Dear Messrs. Eischens:

The Minnesota Department of Commerce Energy Facility Permitting ("EFP") Staff has received and reviewed your recommendation that the Commission approve your route proposal that would require the Company to place the proposed pipeline entirely within its existing right-of-way.

EFP staff has reviewed your proposal for compliance with the requirements of Minn. Rules part 4415.0075, Subp. 3 A, B, and C. Staff has determined that the requirement of:

- Subp. 3A is satisfied by the maps in the Company's Pipeline Routing Permit and Environmental Assessment Supplement to the Pipeline Routing Permit Application dated January 5, 2006;
- Subp. 3B was not satisfied by your filing; and
- Subp. 3C is satisfied because the proposal was submitted in a timely fashion before 4:30 p.m. on May 30, 2006.

With regard to Subp. 3B, which requires that a proposed alternative route must contain the data and analysis required in parts 4415.0140, subpart 3 (a description of the existing environment along the preferred route), and 4415.0145 (an analysis of the potential human and environmental impacts that may be expected from pipeline right-of-way preparation and construction practices and operation and maintenance procedures, unless the information is substantially the same as provided by the applicant). However, EFP staff issued an "information request" to the Company on May 22, 2006, requesting detailed information from the Company about its existing right of way that should satisfy this requirement. Therefore, EFP staff has concluded that the Company's

June 9, 2006

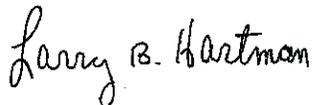
Page 2

response to this request may be used by you to satisfy this requirement rather than requiring you to provide duplicate information.

It is expected that the Commission will consider this matter at its June 29, 2006 meeting. However, please be aware that this date could change. You may verify the scheduled date by checking the PUC's Internet website at: www.puc.state.mn.us/calendar/index.htm

Thank you for your interest in this matter. If you have any questions, please contact me at your convenience at 651-296-5089.

Sincerely,



LARRY B. HARTMAN
Department of Commerce
Energy Facility Permitting Staff

LBH/ja


WINTHROP WEINSTINE
ATTORNEYS AND COUNSELORS AT LAW

June 16, 2006

Eric F. Swanson
Direct Dial: (612) 604-6511
Direct Fax: (612) 604-6811
eswanson@winthrop.com

Dr. Burl W. Haar
Executive Secretary
Minnesota Public Utilities Commission
121 Seventh Place East, Suite 350
St. Paul, MN 55102-2147

VIA EMAIL AND U.S. MAIL

*Re: Eischens' Route Proposal
MPUC Docket No PL-5/PPL-05-2003
OAH Docket No. OAH Docket No. 15-2500-17136-2*

Dear Dr. Haar:

Minnesota Pipe Line Company ("MPL" or "Company") files this letter in response to the June 9, 2006 letter to Mike and Richard Eischens ("Eischens") filed by the Minnesota Department of Commerce ("Department") Energy Facility Permitting ("EFP") Staff, regarding the Eischens' letter to EFP Staff asking that the Public Utilities Commission ("Commission") review the possibility of placing the entire MinnCan Project pipeline parallel to MPL's existing pipeline.

Minnesota Rules set forth clear criteria for an alternative route proposal. The Rules require that:

A person other than one listed in subpart 2 may propose a route or a route segment according to items A to C.

- A. The proposed pipeline route or route segment must be set out specifically on appropriate maps or aerial photos specified in part 4415.0140, subpart 1.
- B. The pipeline route or route segment proposal must contain the data and analysis required in parts 4415.0140, subpart 3, and 4415.0145, unless the information is substantially the same as provided by the applicant.
- C. The route proposal must be presented to the chair within 70 days of acceptance by the board of the applicant's permit application.

Minn. R. 4415.0075, subp. 3.

As EFP Staff acknowledges, the Eischens' letter fails to meet these requirements. Therefore, the Eischens' "proposal" should not be accepted for formal review by the Commission.

The purpose of the Minnesota Rule requirements regarding route alternatives is clear. The Rules require proposers of alternative routes to come forward with information demonstrating why their proposal merits consideration, so that the Commission can have assurance that there is value in considering the proposal and that the proposer is serious about attempting to demonstrate that value. The Rules are not intended to allow any and all "proposals" to move forward without support.

EFP Staff acknowledges that the Eischens' proposal fails to meet the Rule requirements. However, EFP Staff then suggests that MPL will provide information in response to information requests that will provide the necessary information and that the Company's response to EFP Staff information requests may be used by the Eischens to satisfy the Rule requirement. Under this view of the process, every route alternative proposal, no matter how unsupported, could be found "acceptable" by the Commission by simply issuing information requests to an applicant. Such an approach is contrary to both the letter and the purpose of the Rules and should not be allowed.

The Commission granted a variance to the 70 day requirement of Minn. R. 4415.0075, subp. 3 (C), allowing an extra 30 days for route alternative proposals to be filed. Despite this additional time, the Eischens have failed to meet the rule requirements for valid route alternative proposals. These are not meaningless rule requirements that can simply be ignored when inconvenient. Therefore, the Company requests that the Commission determine that the Eischens proposal will not be considered as a formal route alternative in this proceeding.

Finally, the Company would note that the record of this proceeding will contain a full discussion of the issues related to placing the new pipeline in the Company's existing right-of-way. Indeed, the Company's Route Permit application contains considerable discussion of the existing route. See Route Permit application, Section 4415.0170 and Environmental Assessment Supplement, Section 2.

As the Company has explained, MPL rejected the existing pipeline route as a reasonable alternative for multiple reasons, considering both environmental and construction constraints. In particular, the Company noted the presence of the Sherburne National Wildlife Refuge and the significant residential and commercial development that has occurred along the existing route. Moreover, the Company will provide expert witnesses during the hearings regarding its proposed route, who will be prepared to respond to any further questions regarding the existing route.

Dr. Burl W. Haar
June 16, 2006
Page 3

Thus, the Commission can have confidence that a full record will be developed, comparing the proposed route to the existing route.

Very truly yours,

WINTHROP & WEINSTINE, P.A.

A handwritten signature in black ink, appearing to read "Eric F. Swanson", written over the firm name.

Eric F. Swanson

2785641v1


WINTHROP WEINSTINE
ATTORNEYS AND COUNSELORS AT LAW

June 16, 2006

Eric F. Swanson
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Direct Fax: (612) 604-6811
eswanson@winthrop.com

Mr. Larry Hartman
Department of Commerce
85 Seventh Place East, Suite 500
St. Paul, MN 55101-2198

VIA MESSENGER

RE: *In the Matter of the Application of Minnesota Pipe Line Company for a Routing Permit for a Crude Oil Pipeline; MPUC Docket No. PL-5/PPL-05-2003*

Dear Mr. Hartman:

Enclosed please find Minnesota Pipe Line Company's first supplemental response to Department of Commerce Information Request No. 1 in the above-captioned docket.

Included with this transmittal are two copies of:

1. A comparative analysis discussion, comparing impacts associated with construction on the Company's preferred route versus on its existing route;
2. The strip maps of the existing pipeline route in Washington County;
3. Selected views of the existing pipeline route; and
4. Maps of the preferred route similar in format to those provided in the Company's June 9, 2006 Initial Response.

Please feel free to contact me if you have any questions or concerns regarding this response.

Very truly yours,
WINTHROP & WEINSTINE, P.A.


Eric F. Swanson

Enclosures

Cc: Service List (w/o maps)
Christopher Anderson (w/o maps)

2779106v2

JUN 16 2006

COMPARISON OF EXISTING PIPELINE ROUTE WITH PROPOSED GREENFIELD ROUTE FROM MORRISON COUNTY TO DAKOTA COUNTY MinnCan Project

In its Utility Information Request dated May 22, 2006, the Department of Commerce (DOC) requested detailed information on Minnesota Pipe Line's (MPL) existing pipeline corridor through Anoka, Washington, and Dakota Counties. The DOC specifically requested supplemental information supporting MPL's conclusion in the Route Permit application that "the existing route option was rejected because of incremental environmental impacts as well as construction constraints, resulting primarily from residential and commercial encroachment along the existing pipeline corridor". In response to this information request, we have compiled environmental, agricultural, and land-use data, and constructability and safety issues for the existing route from Morrison County to Dakota County and compared these data to the proposed "greenfield" route (the current centerline as of June 6, 2006) from Morrison County to Dakota County. This comparison is intended to be a supplement to the comparison of major route alternatives that was provided in Section 2.3.3 of the Environmental Assessment Supplement to the Pipeline Routing Permit Application (submitted to the Public Utilities Commission on January 5, 2006). MPL's application provided an analysis of several major route alternatives, including MPL's existing corridor and variations of this route.

The proposed route for the MinnCan Project follows the MPL pipeline system from Clearwater County to Morrison County where it diverges and follows a greenfield route west and south of the Twin Cities metropolitan area to Dakota County (see figure 1). The greenfield route crosses Morrison, Stearns, Meeker, Wright, McLeod, Carver, Sibley, Scott, and Dakota Counties. At the point of divergence, the existing pipeline corridor continues to traverse north and east of the Twin Cities metropolitan area to Dakota County. This portion of the existing corridor crosses Morrison, Benton, Sherburne, Anoka, Washington, and Dakota Counties. The analysis provided in this document compares the existing route to the proposed route from the point of divergence in Morrison County to the Flint Hills Resources refinery in Dakota County.

Results of Comparative Analysis

Using existing environmental, agricultural, and land-use data as well as 2005 aerial photographs, a comparative analysis was conducted of the proposed greenfield route to the existing pipeline route from Morrison County to Dakota County. The results of this analysis are provided in Table 1. The primary differences between these two pipeline routes are as follows:

- The existing route is 42 miles shorter than the greenfield route;
- The existing route crosses 19 fewer perennial and intermittent waterbodies but crosses the Mississippi River twice;
- The existing route crosses 94 more roads than the greenfield route;
- The existing route crosses about 5 miles more wetland, about 3 miles more forest, and about 5 miles more biologically significant areas as designated by the Minnesota Department of Natural Resources (MDNR);
- The existing route crosses about 8 miles more public land than the greenfield route, including the Sherburne National Wildlife Refuge;
- The existing route crosses about 21 miles of densely populated areas (*i.e.*, areas with population densities of at least 500 to 1,000 people per square mile (2000 census data)), in comparison to the greenfield route which crosses no densely populated areas;

- The existing route is located within 100 feet of 752 homes and major buildings and within 300 feet of 2,233 homes and buildings as compared to 9 and 150, respectively, on the greenfield route; and
- The existing route crosses about 20 miles of areas either currently within or planned to be within the Metropolitan Urban Service Area (MUSA) as defined by the Metropolitan Council, in comparison to the greenfield route which crosses only 2 miles of MUSA areas.

Summary of Route Analysis

The criteria for pipeline route selection in Minnesota Rules Sec. 4415.0100 require that the Public Utilities Commission select a pipeline route that minimizes human and environmental impacts. Based on the results of this comparative analysis of the existing route versus the proposed greenfield route, it is apparent that construction and operation of the MinnCan Project along the greenfield route will result in substantially less human and environmental impacts than construction adjacent to the existing route from Morrison County to Dakota County. MPL's proposed route minimizes impacts because of its location away from urban areas and its greater routing flexibility, which allows for avoidance of sensitive areas. A summary of the PUC's routing criteria as specified Minnesota Rules Sec. 4415.0100, subp. 3 are as follows:

- Human settlement, existence and density of populated areas, existing and planned future land use, and management plans (subp. 3A)

One of MPL's criteria for routing its proposed pipeline was to avoid as many farmsteads, residences, and residential developments as possible. As shown on Figure 2 and in Table 1, the proposed route does not cross the densely populated areas (*i.e.*, areas with densities of at least 500 to 1,000 people square mile) associated with the Twin Cities metropolitan area. There are only 9 houses and major buildings located within 100 feet and 150 houses and buildings within 300 feet of the proposed greenfield route compared to 752 and 2,233 houses and buildings located within 100 and 300 feet, respectively, of the existing route (see Figure 3). The proposed greenfield route largely avoids areas that are planned for future development in the Twin Cities metropolitan area (see Figure 4). The proposed route was located primarily in sparsely populated agricultural areas that are designated to remain either permanent agriculture or rural. As a result, construction and operation of the MinnCan Project along the proposed route will minimize human impacts.

- The natural environment, public and designated lands, including but not limited to natural areas, wildlife habitat, water, and recreational lands (subp. 3B)

Other criteria for routing the proposed pipeline were to avoid crossing public lands to the extent practicable and to minimize impacts on environmentally sensitive areas. As shown on Figure 5 and as indicated in Table 1, the proposed route crosses only 0.7 mile of public land from Morrison County to Dakota County. This greenfield route was also routed to avoid significant biological areas identified by the MDNR and to avoid areas that are known to contain rare species. In comparison, the existing route crosses about 5.3 miles of the Sherburne National Wildlife Refuge and about 3 miles of other public lands. In addition, the existing route crosses about 6.4 miles of MDNR-designated significant biological areas, which is about 5 miles more than the proposed route. By constructing the MinnCan Project along the proposed greenfield route, environmental

impacts to the Sherburne National Wildlife Refuge and other significant biological areas along the existing pipeline route will be avoided.

- Lands of historical, archaeological, and cultural significance (subp. 3C)

Because of limited available data on historical, archaeological, and cultural resources along the existing and greenfield routes, no comparative analysis could be conducted. However, MPL is conducting cultural resources surveys along the proposed route. If any significant sites are identified within the proposed construction areas, mitigative measures will be taken to avoid or minimize impacts on these sites.

- Economies within the route, including agricultural, commercial or industrial, forestry, recreational, and mining operations (subp. 3D)

The proposed route crosses more agricultural land than the existing route which will temporarily affect more farming operations during construction of the pipeline. MPL has a program to compensate farmers for crop loss during and after construction. Also, MPL has developed an Agricultural Impact Mitigation Plan in consultation with the Minnesota Department of Agriculture that specifies mitigative methods to minimize impacts and to restore the productivity of the disturbed farm land.

Construction of the proposed pipeline adjacent to the existing pipeline system would temporarily disrupt numerous businesses along the route, which could result in temporary economic impacts on these businesses.

- Pipeline cost and accessibility (subp. 3E)

The proposed route will be longer but the overall costs of constructing the MinnCan Project along this route are anticipated to be less than the existing route due to avoidance of costly construction techniques within the urban areas and avoidance of the high costs associated with reimbursement of landowners for damages to improvements located in close proximity to the existing right-of-way.

Installation of the proposed 24-inch diameter pipeline along congested residential and commercially developed areas of the existing route present significant accessibility and constructability issues compared to construction of the pipeline in rural areas along the proposed pipeline route. The impact and inconvenience to landowners, residents and other community members results from several factors including but not limited to an increase in duration of heavy construction activities, increased noise and the potential for increased volume of heavy vehicles traffic, such as dump trucks.

In order to reduce the inconvenience to area residents, construction activities are generally planned to occur in an orderly and efficient manner to reduce the duration of construction activity. Pipeline construction in the rural area will predominately affect agricultural operations of landowners. Completion of timely construction will limit the construction activities to one growing season and this impact will be mitigated by payment to landowners for crop losses. Generally, the time period for construction on a landowner's property in a rural area is 2 to 3 weeks, with several days of no activity between crews. Generally, the crews work at a rate of 2 to 3 miles per day. The total elapsed time for the crews to complete construction on a landowner's property is typically less than 12 hours of construction activity. However, in congested, developed

areas, construction could last up to 3 weeks or more in duration with constant activity throughout the period and some operations requiring noisy 24-hour activity. This increase in construction activity duration in developed areas, results from the need to employ specialized construction techniques in congested areas, reduced workspace area, and limitation of size of construction equipment that can be utilized.

The number of underground obstacles and utilities required to be crossed by the pipeline will significantly increase in developed areas compared to rural areas. Crossing of existing sewer, water, and gas lines as well as telecommunication and electrical service lines will require special construction techniques that could increase construction time.

Area residents will experience a greater impact from traffic congestion in developed areas compared to rural areas. The traffic volume on city streets and thoroughfares is generally significantly greater than rural county and township roads. Heavy equipment crossings of city streets and thoroughfares, moving of heavy construction equipment to the worksite, and delivery of pipe to the site will cause road closures and traffic delay.

Construction activities, in developed areas, could require streets and parking lots to be closed to accommodate construction activities. During these closings, homeowners and businesses could be impacted due to limited accessibility to their homes or businesses.

Heavy equipment construction activities present unique safety issues in residential and congested areas. The potential for people to venture into construction areas is more likely in these areas compared to rural areas. The volume of heavy vehicles traffic in developed areas is more likely to cause congestion and impact in developed areas due to the increased safety precautions that would be employed to maintain safe flow of traffic.

- Use of existing rights-of-way and right-of-way sharing and paralleling (subp. 3F)

The existing pipeline corridor contains two to three 16-inch diameter pipelines, depending on the specific location. These pipelines are approximately 15 feet apart. The permanent and maintained easement along the existing route is typically 66 feet in width. Approximately 35 feet of additional permanent right-of-way width would be needed for a new pipeline in this corridor. Constructing the proposed pipeline adjacent to these existing pipelines would result in additional right-of-way paralleling and possibly right-of-way sharing in some locations; however, due to the construction constraints described above, MPL has determined that it is not feasible to construct another pipeline adjacent to these existing pipelines, particularly in Anoka and Washington Counties.

The proposed route from Morrison County to Dakota County parallels about 6 miles of road right-of-way and about 4 miles of electric transmission line right-of-way. In addition, 119 miles of the proposed route from Clearwater County to Morrison County parallels the existing MPL pipeline system

- Natural resources and features (subp. 3G)

As indicated in the previous section, the existing pipeline route from Morrison County to Dakota County crosses about 5 miles more wetland, about 3 miles more forest, and about 5 miles more biologically significant areas than the proposed route. Construction of the MinnCan Project along the proposed route would cross fewer of these natural resources and features and thus would minimize construction-related environmental impacts.

TABLE 1
Summary of Environmental, Agricultural, and Land Use Data
Along Existing Pipeline Route and Proposed Greenfield Route
Morrison County to Dakota County

	Units	Existing Pipeline Route	Proposed Greenfield Route
Pipeline Length	miles	138	180
Perennial Waterbodies Crossed	number	35	41
Intermittent Waterbodies Crossed	number	74	87
Railroads Crossed	number	11	9
Roads Crossed	number	282	188
Interstates and State Highways Crossed ^{1/}	number	20	20
Wetlands Crossed ^{2/}	miles	23	18
Significant Biological Diversity Areas Crossed ^{3/}	miles	6.4	1.2
Forest Land Crossed ^{4/}	miles	15	12
Agricultural Land Crossed ^{4/}	miles	91	149
Open Land Crossed ^{4/}	miles	3	0.4
Public Lands Crossed ^{5/}	miles	8.6	0.7
Houses and Major Buildings Within 100/300 Feet of Route ^{6/}	number	752/2,233	9/150
Densely Populated Areas Crossed ^{7/}	miles	21	0
Planned Land Use Areas Crossed ^{8/}			
2010 MUSA	miles	16	0.5
2020 MUSA	miles	0.5	0.4
Permanent Agriculture	miles	0.3	43
Permanent Rural	miles	13	8.6
Urban Reserve	miles	1.3	7.2
Undesignated MUSA	miles	3.6	1.1

^{1/} Interstate and state highways crossed are a subset of roads crossed.
^{2/} Wetlands data from U.S. Fish and Wildlife Service National Wetland Inventory Maps
^{3/} Significant Biological Diversity Areas as mapped by the MDNR. Includes all areas mapped including mapped sites with below minimum significance threshold requirements.
^{4/} Open land use classification does not include wetlands. Agricultural lands include pasture. Data based on satellite imagery taken in the early 1990's and classified by the U.S. Geological Survey in 1999.
^{5/} Public lands crossed include lands owned by federal, state, and county governments. Along the existing pipeline public lands were estimated using GIS layers available from the MDNR. Public lands crossed by the proposed route are based upon actual crossing lengths.
^{6/} House and building counts based on review of 2005 aerial photographs.
^{7/} Densely populated areas are areas identified by the 2000 Census as having a population density of at least 500 to 1,000 people per square mile.
^{8/} Planned land use based upon compilation of local comprehensive land use plans by the Metropolitan Council. MUSA refers to the Metropolitan Urban Service Area, which are those areas that are planned to receive municipal water and sewer services by the year specified.

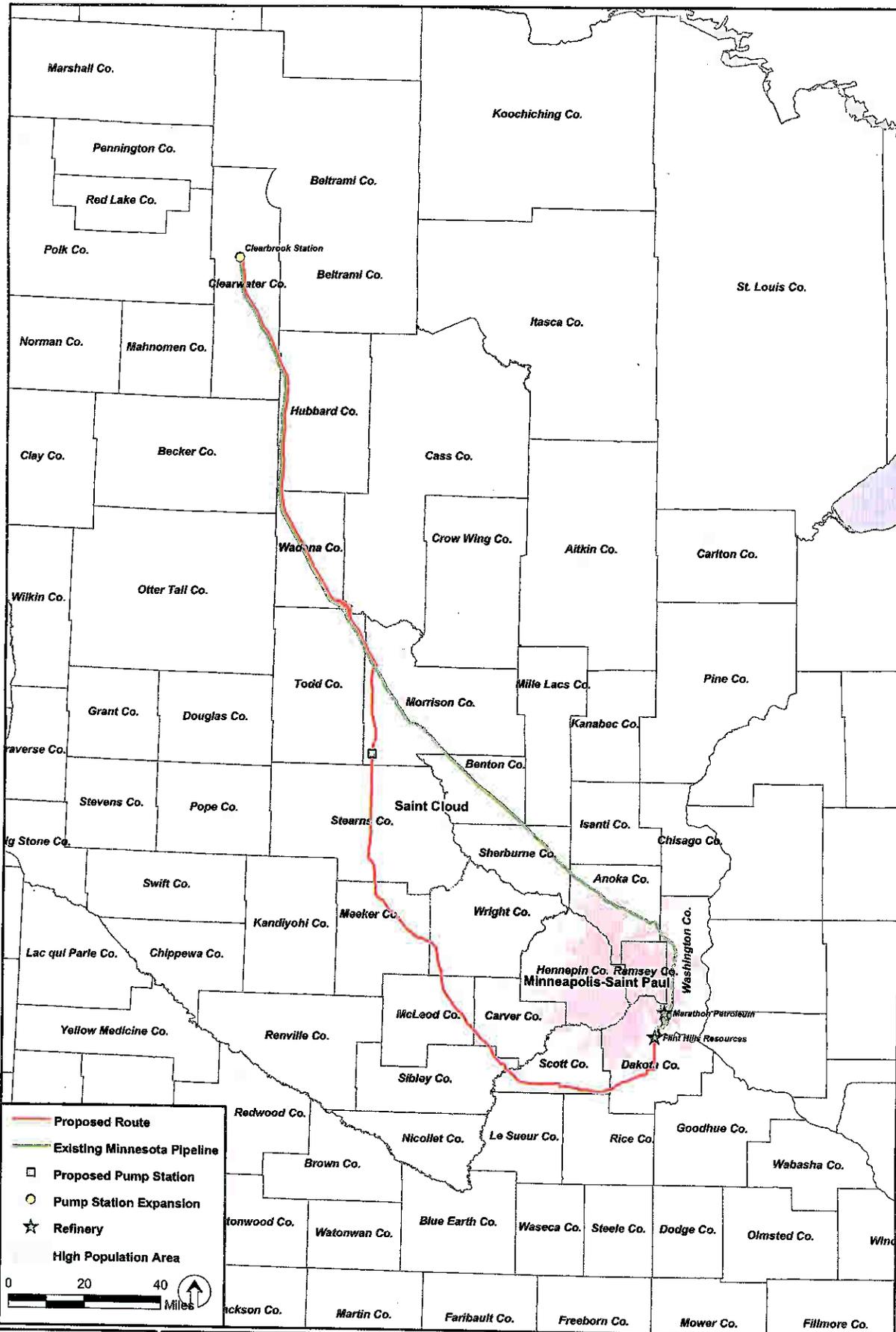
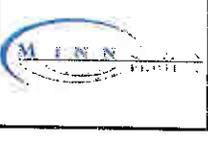


Figure 1
Proposed and Existing Pipeline Routes

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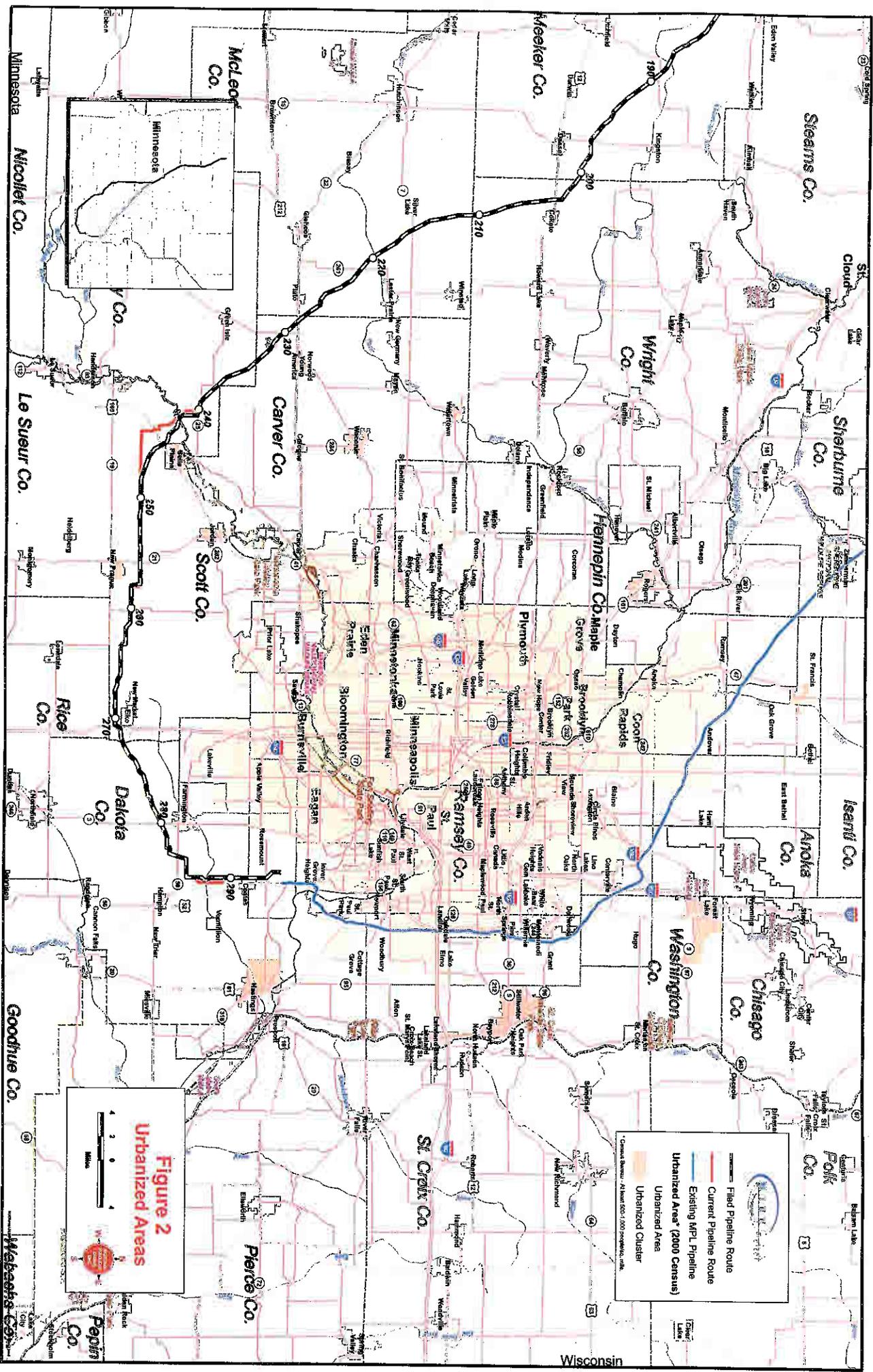


Figure 2
Urbanized Areas

Legend

- Filed Pipeline Route
- Current Pipeline Route
- Existing MPL Pipeline
- Urbanized Areas* (2000 Census)
- Urbanized Area
- Urbanized Cluster

* Census Bureau, 2000, 100,000 population, 2000

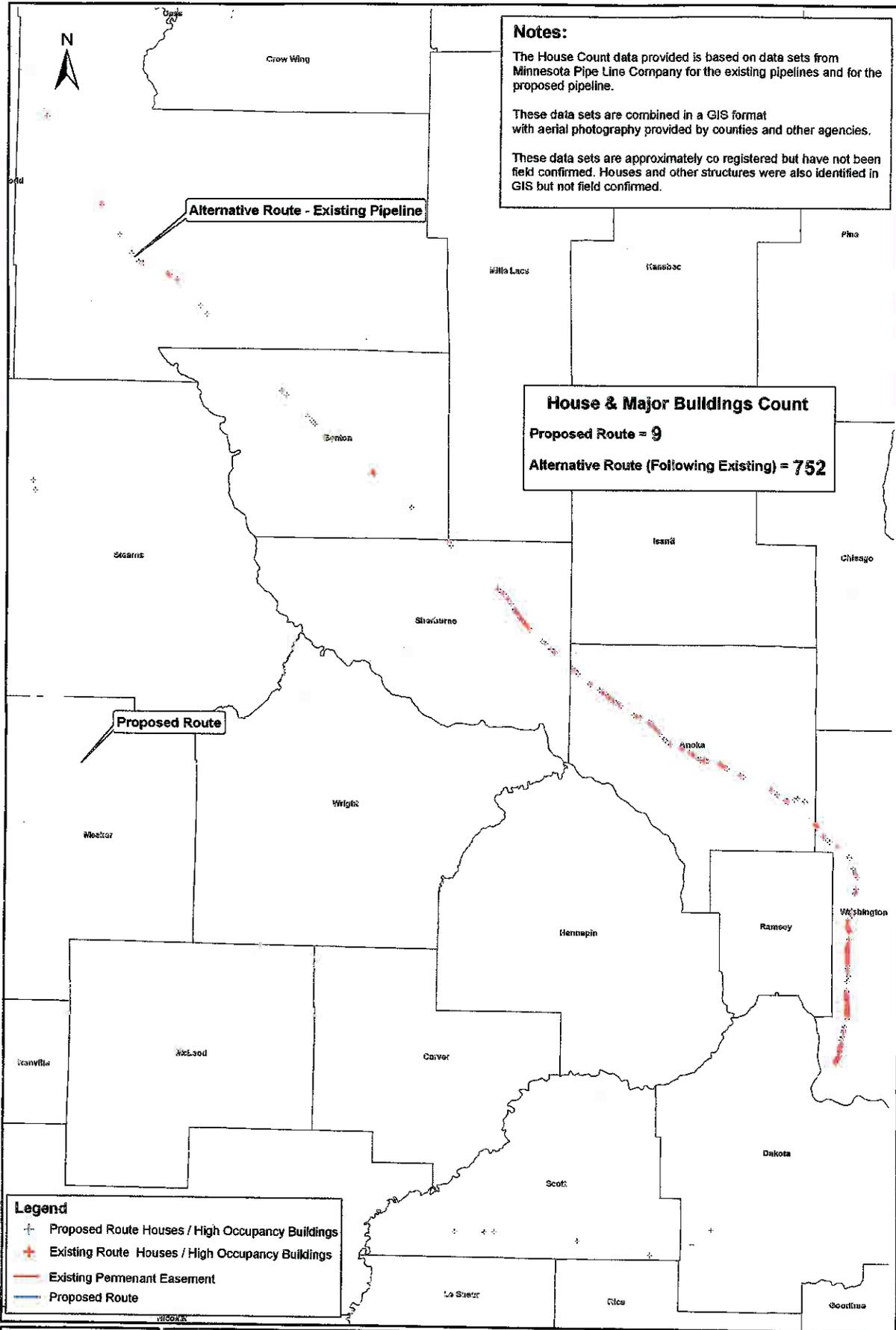


Figure 3
House and Major Buildings
 within 100 ft. of Permanent Easement
 Proposed Route and Alternative Route (Following Existing)



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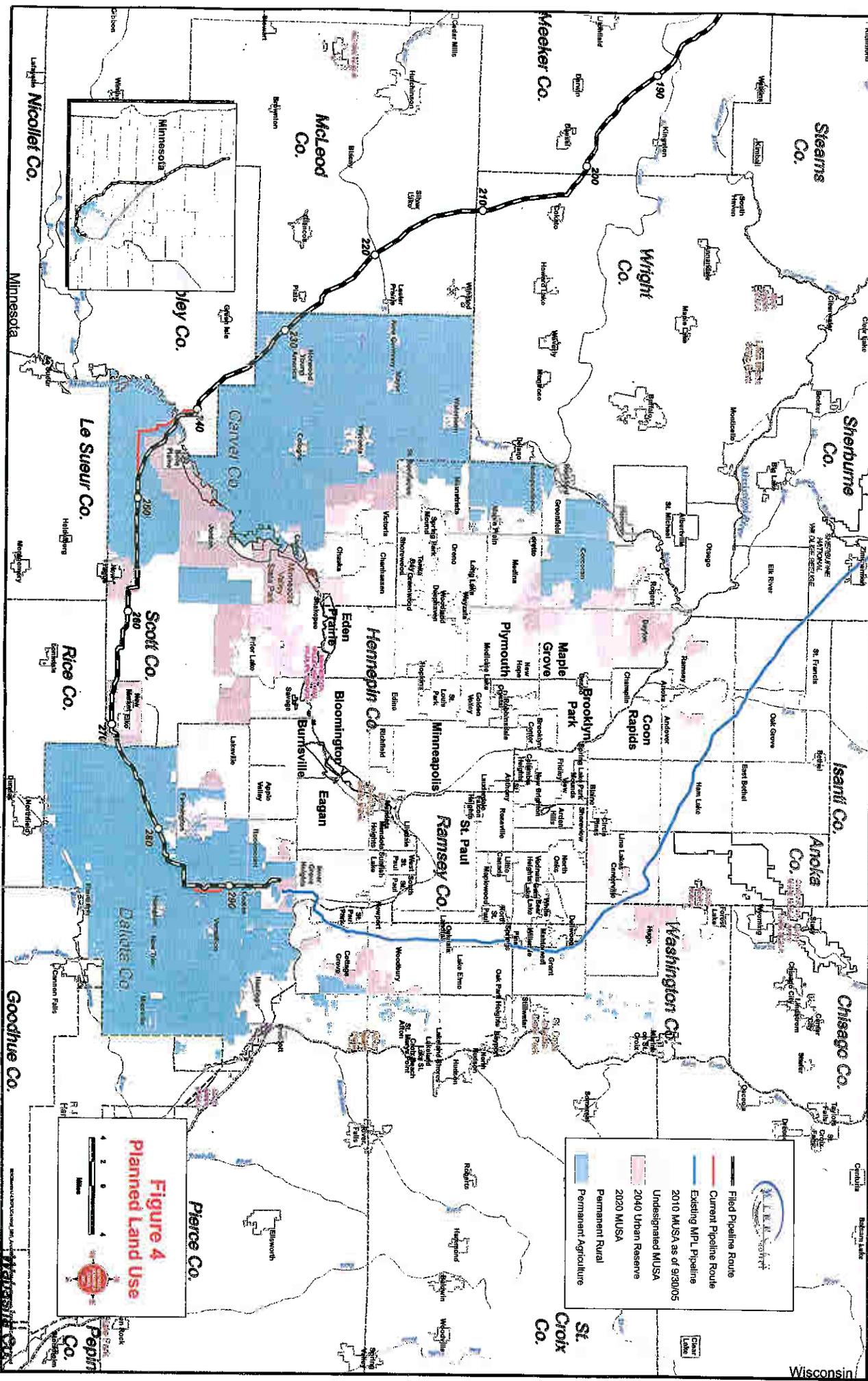
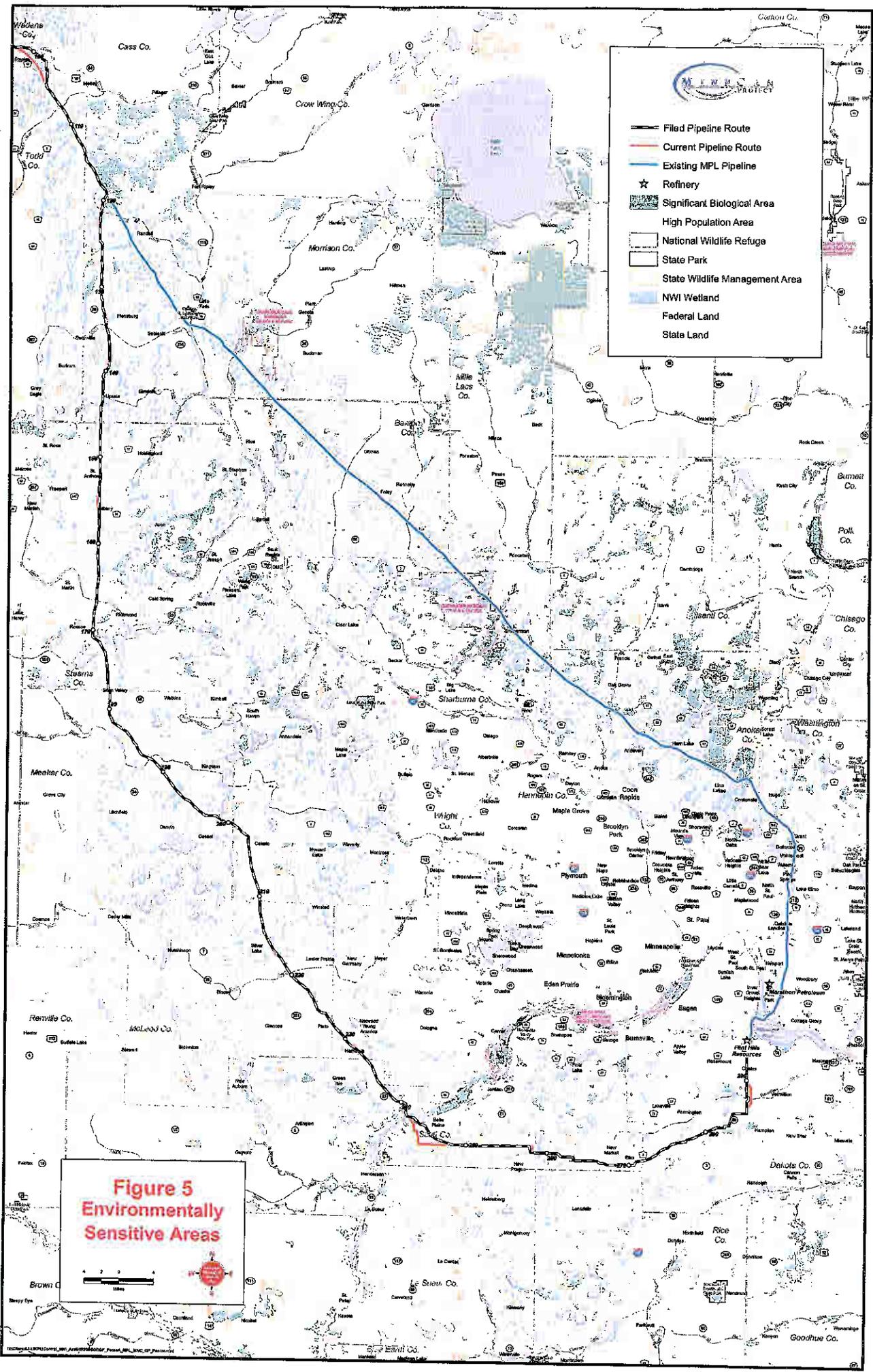


Figure 4
Planned Land Use



- Filled Pipeline Route
- Current Pipeline Route
- Existing MPL Pipeline
- 2010 MUSA as of 9/30/05
- Undesignated MUSA
- 2040 Urban Reserve
- 2020 MUSA
- Permanent Rural
- Permanent Agriculture



Larry Hartman

From: Randy Piasecki [rpiasecki@sherbtel.net]
Sent: Friday, June 16, 2006 9:58 AM
To: Beverly.Heydinger@state.mn.us; Larry.Hartman@state.mn.us; Ken.Wolf@state.mn.us
Cc: vanhorn@MinnCanProject.com
Subject: MinnCan Project

As a community affected by existing crude oil pipe lines and easements, the City of Zimmerman has received information regarding the MinnCan Project from Minnesota Pipe Line Company. The City supports the proposed 184-mile project route from Morrison County, south around the western edge of the Twin Cities, to existing refineries. We agree with Minnesota Pipe Line's statement that project goals support the selection criteria of Minnesota Rule 4415.0100 Subpart 2.

Rapid growth and development of our city, Sherburne and Anoka counties would make construction of addition pipe lines or acquisition of additional easement extremely difficult. Existing urban residential, commercial, industrial, institutional and rural residential development adjacent to the existing easements would be negatively impacted by the need for an additional line or easement. In many instances in this community, it is likely entire properties would need to be acquired and demolished to accommodate additional right of way.

Please feel free to share the City's support of the proposed route around the metro (Benton, Sherburne, Anoka, and Washington counties) at any and all decision making meetings.

Randy Piasecki, Planner/Coordinator
City of Zimmerman
763-856-4666 fax 763-856-4787

Larry Hartman

From: Sen.Brian LeClair [Sen.Brian.LeClair@senate.mn]
Sent: Saturday, June 17, 2006 5:02 PM
To: Beverly.Heydinger@state.mn.us; Ken.Wolf@state.mn.us; Larry.Hartman@state.mn.us
Subject: MinnCan project

Judge Heydinger and Messrs. Hartman and Wolf,

Greetings!! I write today in my official capacity as the elected State Senator in District 56 - Washington County. The constituents I serve would be adversely affected by a decision on your part to consider an expansion of the existing Minnesota Pipeline route in our area. I wish to strongly urge you to terminate further consideration of the existing pipeline route, and instead move forward with the proposed new route through the western and southern metropolitan region.

I should tell you of the substantial growth - both residential and commercial - that has occurred in my district over the last decade. It is, in fact, precisely because of that growth that I am here in the Senate. The 2000 Census highlighted this significant growth in my area, and the Special Redistricting Panel in the case of Zachman v. Kiffmeyer (Minnesota Supreme Court, 2002) thus drew additional legislative districts in Washington County, at the expense of other counties within the state, to accommodate that local growth. I began my legislative service four years ago in one of those new districts.

It is my understanding that you are obligated under binding Minnesota rules to chose routes that minimize human impact. Any fair application of this rule to the present PUC application by the Minnesota Pipeline Company would, in my opinion, dictate against the extended consideration of routes that fall within these newly drawn, compact, and densely populated legislative districts. The existing Minnesota pipeline does indeed run through my district, and any additional use of that route for yet another pipeline would most assuredly cause enormous disruptions and create massive human impacts of a decidedly negative variety.

My constituents and I are not eager to deal with those human and environmental impacts, and fortunately, you have a less disruptive, lower cost option in the form of the proposed new route. I hope you will make a decision now to move in that direction. Thank you for the opportunity to make these comments, and thank you for your service to our great state. All the best!!

Very truly yours,
Senator Brian LeClair
129 State Office Building
Saint Paul, MN 55155
651-296-4166

June 14, 2006

Sharon Ferguson
Department of Commerce
85 7th Place East Suite 500
St. Paul, MN. 55101-2198
Docket PL-5/PPL-05-2003

JUN 16 2006

RE: Minnesota Pipe Line Company Crude Oil Pipeline 15-2500-17136-2

Dear Ms Ferguson:

I am writing this letter as a concerned citizen to express my opposition to building a crude oil pipeline through the Gardens of Eagan Organic Farm located in Farmington. I am a soil scientist at the University of Minnesota and have known the owners, Atina and Martin Diffley, for about twelve years. They have developed one of the largest certified organic fruit and vegetable operations in the upper mid-west. The farm has been used for experimentation by researchers at the University of Minnesota and visited by students to learn more about organic farming practices. Their close proximity to the University of Minnesota St. Paul Campus makes it an ideal location for class field trips.

One of the many fundamental goals of organic farming is to produce a crop without synthetic fertilizer inputs. The main concept behind this approach is to conserve natural resources by relying more on biological processes within the soil system to recycle and release nutrients rather than provide high amounts of soluble nutrients from manufactured, petroleum/natural gas-based fertilizers. The emphasis is on nutrient cycling within the soil organic matter fraction and enhancement of biological processes to make nutrients within this fraction available to plant roots. Soil amendments can be added, but only materials such as composted manure or other naturally occurring materials can be used. The methods practiced by certified organic farmers have been recommended and approved for use by the United States Department of Agriculture.

Building a crude oil pipeline will have several negative consequences for an organic farm. The many years needed to develop soil to the condition required to produce high quality produce will be lost in the vicinity of the construction. While methods have been developed for mitigating these effects for conventional farms, there is no information on mitigation for organic farms. The operation of bringing in new top soil, deep tillage, and using soluble nitrogen fertilizers, the quick fix for conventional farms, is not an acceptable organic practice. Adding in compost or other organic amendments may help the mitigation process, but the disturbance will be such that many years will be required before the natural cycling can be restored. In addition, the installation of a pipeline will permanently alter the soil temperature above the pipeline making it impossible to restore the site to a natural condition.

Perhaps the most disturbing problem is the fact that petroleum, the very product certified organic farms attempt to avoid, will be flowing through the farm. If an oil spill or leakage occurred following the installation, the result would permanently damage the reputation of the farm.

In my opinion, constructing a crude oil pipeline through a certified organic farm is an oxymoron. In order to preserve the integrity of this unique farming operation, I strongly urge you to request that the Minnesota Pipe Line Company consider alternate routes for the pipeline. Thank you for considering these comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'Carl Rosen', with a long horizontal flourish extending to the right.

Carl Rosen
Professor and Extension Soil Scientist
Department of Soil, Water & Climate
University of Minnesota
1991 Upper Buford Circle
St. Paul, MN 55108