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SCOPING AND INFORMATIONAL MEETING
PARK RAPIDS - AUGUST 19, 2015 - 6:00 P.M.
BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION
AND DEPARTMENT OF COMMERCE

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

MPUC DOCKET NOs. PL-9/CN-14-916
PL-9/PPL-15-137

Park Rapids Century School
501 Helten Avenue
Park Rapids, Minnesota

August 19, 2015

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1 MS. TRACY SMETANA: Good evening,
2 everyone, and thank you all for coming.

3 My name is Tracy Smetana, I'm the public
4 advisor with the Minnesota Public Utilities
5 Commission. And we are here for a public
6 information meeting for the proposed Enbridge Line 3
7 Replacement Project.

8 The purpose of tonight's meeting is,
9 first, to explain the Commission's review process.
10 To provide some information about the proposed
11 project. To gather information for the
12 environmental review. And to answer general
13 questions about the process and the project.

14 So, briefly, this is the agenda for this
15 evening. We do have some formal presentations to
16 start things off that will last about 30 minutes,
17 then we'll open it for your comments and questions.
18 If we have plenty of comments and questions we will
19 need to take a break at 7:30 for the court
20 reporter's benefit. And then the meeting will
21 adjourn at 9:00 or sooner if everyone is done
22 submitting their comments.

23 So, first of all, who is the Public
24 Utilities Commission? We're a state agency, we
25 regulate a variety of utility services within the

1 state of Minnesota, including permitting for
2 pipelines. We have five commissioners that are
3 appointed by the governor and we have about 50 staff
4 in St. Paul.

5 Before this project can be built, the
6 company needs a couple different permits from the
7 Public Utilities Commission. The first is called a
8 certificate of need and it answers the question is
9 the project needed. And there are statutes and
10 rules that guide this process.

11 The second piece of the puzzle is the
12 route permit. So if the project is needed, the
13 route permit will decide where it's going to go.
14 And, again, there are statutes and rules that guide
15 this process as well.

16 As we work through the process, there are
17 a number of folks that are involved so I just wanted
18 to give you a little of who's who.

19 First of all, we have the applicant,
20 that's what we call the company that's asking for
21 the certificate of need and the route permit. So in
22 this case the applicant is Enbridge Energy.

23 The Department of Commerce is another
24 state agency, separate from the Public Utilities
25 Commission, but they play two different roles in the

1 context of this project.

2 The first is the Energy Environmental
3 Review and Analysis unit, you might see that
4 abbreviated EERA. As you might guess by their
5 title, they conduct the environmental review.

6 The other side of the Department of
7 Commerce that's involved in this process is the
8 Energy Regulation and Planning division. And their
9 job is to represent the public interest on a variety
10 of utility matters that the Public Utilities
11 Commission makes decisions about. And they
12 participate in the certificate of need side of this
13 process.

14 Later on in the process the Office of
15 Administrative Hearings will assign an
16 administrative law judge. The judge will hold
17 hearings both here along the proposed route areas
18 and also in St. Paul, contested case hearings or
19 evidentiary hearings, where the judge will collect
20 additional evidence and facts in the record, provide
21 a summary, and write a report for the Public
22 Utilities Commission.

23 At the Commission, there are two staff
24 members that are assigned to this project. The
25 first is our energy facilities planner, and look at

1 that role as more of a technical position, advising
2 the Commission about impacts of various
3 alternatives. And then there's the public advisor,
4 that's me. My job is to work with everyday people
5 to help you figure out what happens next in the
6 process, when you can submit comments, when meetings
7 are happening, how to find more information and so
8 forth.

9 Commission staff members are neutral,
10 we're not advocating for one side or another or one
11 party or another. We don't give legal advice.
12 Again, we don't advocate for any one person or
13 position.

14 When the Public Utilities Commission is
15 considering the question of a certificate of need,
16 again, the statutes and rules guide that process.
17 And there are a number of criteria the Commission
18 must consider throughout that process, and I've
19 listed them here and also the citation for the
20 rules.

21 Again on the route permit, the statutes
22 and rules guide the process and tell the Commission
23 these are the factors you need to consider. Some of
24 these are likely issues that are of concern to some
25 folks in the audience as well, and so as we work

1 through the process the Commission will be weighing
2 all of these various aspects in determining the
3 route permit.

4 This is an overview of what the
5 certificate of need process looks like. And the
6 main thing I want to point out here is, number one,
7 here we are, public information meetings, so we can
8 see we're very early on in the process. There are a
9 lot of steps that need to happen between now and
10 that bottom box of the decision. The other thing I
11 want to point out is there are numerous
12 opportunities along the way for folks to get
13 involved and participate in the process, either by
14 submitting written comments, attending meetings,
15 speaking your comments, and so forth.

16 A very similar chart for the route permit
17 process. And, again, we're here at the blue box and
18 there's a number of things that need to happen
19 before we get down to the decision box. And there
20 are numerous opportunities for folks to comment or
21 attend meetings to get more information as well.

22 An estimated timeline on the question of
23 the certificate of need. At this point, based on
24 what we know today, we expect that a decision on the
25 question of need could happen around June of 2016.

1 And, again, an estimated timetable for the route
2 permit. We anticipate that could occur by August of
3 2016. On both of these slides the key word is
4 estimated.

5 So, as I mentioned, there are
6 opportunities for folks to get involved by attending
7 meetings or submitting written comments. And when
8 we have a comment period open, we issue a notice to
9 let folks know, hey, we're looking for comments on
10 certain topics. And so a couple things I want to
11 point out if you do see one of these notices, you
12 get it in the mail or your e-mail or you see it in
13 the newspaper. The key to finding everything or to
14 submitting information and getting it to the right
15 place at the Public Utilities Commission is the
16 docket number. And so you can see for this
17 particular project we have two docket numbers. One
18 for the question of need, one for the question of
19 route.

20 We also have a comment period. It's not
21 an open-ended, send something in whenever, we have
22 some deadlines so that we can move on to the next
23 phase of the process. And the notice will also
24 identify the topics that are open for comment at
25 that point in time.

1 So to summarize the keys to sending in
2 comments. You want to include that docket number,
3 very important to make sure your information ends up
4 in the right place. Try to stick to the topics
5 listed in the notice as much as possible, that's
6 going to provide the most impact for the comments
7 that you provide. You don't need to submit comments
8 more than once. If you speak them, you don't also
9 need to write them. If you write them once, you
10 don't need to write them again. If you write them
11 your neighbor doesn't need to write the same
12 comments and send them. Once they're in the record,
13 they're in the record. Verbal and written comments
14 carry the same weight.

15 The Commission's decision is based on the
16 facts in the record. So for the most part, if you
17 can stick to the facts in your comments, that's most
18 helpful to the Commission because that's what
19 they're looking for.

20 The comments that you submit are public
21 information. Once we have them, they become part of
22 our record and they will be posted on our eDocket
23 system online for all to see. And, again, really
24 important, your comments need to be received before
25 the deadline so that they can be considered.

1 Now, if you want to stay informed about
2 this project, there's a few different ways to do
3 that. The first is through our eDocket system. All
4 of the documents that are submitted in this
5 proceeding are included in this eDocket online
6 system. And these are the steps that you would
7 follow to view those documents.

8 We also have a project mailing list where
9 you could receive information either by e-mail or
10 U.S. mail. Project milestones, opportunities to
11 participate, sort of the high points. We do have an
12 orange project mailing list card at the table when
13 you came in. If you want to be added to that
14 mailing list with the Commission, please fill one of
15 those out and return it to the desk.

16 Now, if you want to see everything that
17 happens and get an e-mail notification when
18 something new comes into the case, we also have an
19 e-mail subscription service. So these are the steps
20 that you would follow to subscribe to receive that
21 information. I do want to point out that it can
22 result in a lot of e-mail. Sometimes there's a lot
23 of activity happening and there may be more e-mail
24 than you really want to deal with. If that's the
25 case, then the project mailing list on the previous

1 slide might be a better option for you. And this is
2 just a picture of what it looks like when you get to
3 the screen to actually subscribe for that e-mail
4 notification. I always like to let people know this
5 is what it should look like when you get there and
6 the information that you need to fill in in each
7 box.

8 Again, at the Public Utilities Commission
9 there are two different staff members assigned to
10 this project. The first, again, is me, I'm the
11 public advisor, my name is Tracy Smetana. The
12 energy facilities planner on this case is Mr. Scott
13 Ek. And either one of us would be happy to answer
14 your questions as we work through the process.

15 With that, I will turn it over to
16 Enbridge.

17 MR. MITCH REPKA: Good evening, everyone.

18 My name is Mitch Repka, I'm the manager
19 of engineering and construction for the U.S. portion
20 of the Line 3 project.

21 I want to start today first by thanking
22 the Public Utilities Commission as well as the
23 Department of Commerce for inviting Enbridge here to
24 speak today. It's an opportunity for us to share
25 additional information regarding the project with

1 you, as well as to answer any questions and listen
2 to any concerns you may have about the project.

3 So today we'll talk about a number of
4 things. We'll give an overview of who Enbridge is.
5 We'll discuss the history of Line 3. And then we'll
6 talk about the project specific details and we'll
7 finish out the talk today with a slide regarding the
8 benefits as well.

9 So who is Enbridge? Enbridge owns and
10 operates the world's longest crude oil pipeline
11 transportation system. It delivers approximately
12 2.2 million barrels per day of crude and liquid
13 petroleum. This satisfies approximately 70 percent
14 of the market demand for crude here in the Midwest
15 region, which includes refineries in Minnesota and
16 Wisconsin.

17 As you can see on the map, there are a
18 variety of assets. Shown in blue is the liquids
19 petroleum pipeline system. In red are the natural
20 gas assets and joint ventures. The company also has
21 a growing renewable energy portfolio consisting of
22 wind, energy, and geothermal.

23 At Enbridge we operate under three core
24 values of integrity, safety, and respect. Each of
25 these values is interwoven in everything we do as an

1 organization, whether it be planning, designing, the
2 construction, or long-term operation and maintenance
3 of our facilities.

4 So safety is a top priority for the
5 landowners, community members, as well as Enbridge,
6 and we take this responsibility very seriously.
7 Enbridge is committed to the long-term safe and
8 reliable operations of its assets across its system
9 as well as right here in Minnesota.

10 As for the history of Line 3. It's a
11 34-inch diameter line that runs from Edmonton,
12 Alberta to Superior, Wisconsin. It's approximately
13 1,097 miles in length. It was constructed in the
14 1960s and originally placed into service in 1968.
15 It operates as an integral part of the Enbridge
16 mainline system and delivers crude to, as mentioned
17 earlier, Wisconsin, Minnesota, and other parts of
18 North America.

19 So as for the replacement program. The
20 replacement project runs from Hardesty, Alberta to
21 Superior, Wisconsin. It spans approximately 1,091
22 miles. It's proposed to be a 36-inch diameter line.

23 Regulatory approvals are being sought in
24 both Canada and the U.S. currently. And the overall
25 cost of the project is estimated to be \$7.5 billion,

1 which makes it one of North America's largest
2 infrastructure projects. Approximately 2.6 billion
3 of that relates to the U.S. portion of the project.

4 So as for the U.S. portion, it is an
5 integrity- and maintenance-driven project;
6 therefore, the project will result in the permanent
7 deactivation of the existing Line 3. This will
8 reduce the need for ongoing maintenance and
9 integrity dig activity along the existing corridor
10 in order to maintain the existing Line 3.

11 The U.S. portion is approximately 364
12 miles in length, 13 of which are in North Dakota,
13 337 are in Minnesota, and 14 in Wisconsin.

14 The certificate of need and routing
15 permits were filed in April of 2015, and, pending
16 regulatory approvals, we expect to start
17 construction in 2016 and continue through 2017.

18 As for the Minnesota portion of the
19 project, as you can see, the route is shown in
20 purple here and enters Minnesota in Kittson County.
21 It travels through Clearbrook in order to allow
22 deliveries into the Minnesota Pipe Line system as
23 well as our terminal facility there, and then it
24 exits Minnesota in Carlton County so it can be tied
25 into the Wisconsin portion of the project.

1 As for the segment north and west of
2 Clearbrook, you can see in the square boxes here the
3 four pump stations that are proposed at the existing
4 locations of Donaldson, Viking, Plummer, and
5 Clearbrook. Approximately 98 percent of this
6 portion of the route is adjacent to existing utility
7 corridors.

8 The south and west portion of Clearbrook
9 here through Hubbard County and on over through
10 Carlton is 75 percent collocated with existing
11 utility facilities. There are also four pump
12 stations located in this segment near Two Inlets,
13 Backus, Palisade, and Cromwell.

14 The project is designed to flow 760,000
15 barrels per day. As mentioned earlier, it's a
16 36-inch diameter pipe. There are 27 mainline valves
17 located along the corridor.

18 As for the construction footprint in
19 uplands, the typical construction footprint is 120
20 feet in width, and in wetlands it's reduced to 95
21 feet in width. 50 feet of that width is permanent
22 easement, the rest is temporary and will be used
23 during construction. So in locations where we're
24 adjacent to existing Enbridge facilities, we're
25 purchasing an additional 25 feet of easement, and

1 the remaining 25 will be shared with that adjacent
2 facility to give us 50 feet in total. The Minnesota
3 portion of the project is estimated to cost \$2.1
4 billion.

5 As for the benefits, as mentioned
6 earlier, it is an integrity- and maintenance-driven
7 project; therefore, it will result in the permanent
8 deactivation of Line 3, which again will reduce
9 maintenance activity along that corridor.

10 Also, the project will restore the
11 historic operating capabilities of Line 3, which
12 will allow apportionment on the existing crude
13 transportation system to be reduced.

14 As for jobs. We anticipate 1,500 jobs to
15 be -- construction-related jobs to be created as a
16 result of that project. Of that 1,500, about 50
17 percent of those will come from the local labor
18 force here in Minnesota.

19 There is also a need for long-term
20 employment at Enbridge. After the project there
21 will be additional positions added in order to
22 maintain the new asset once it's in service.

23 Local businesses will also see a direct
24 benefit from the project. As construction ramps up
25 there will be additional labor, contractor crews

1 manager for land services for U.S. projects and I
2 provide oversight for land acquisition and landowner
3 relationships.

4 MR. JOHN GLANZER: Hello.

5 I'm John Glanzer, director of
6 infrastructure planning for the Enbridge system
7 pipeline network, where we ensure that the network
8 is continuing in a position to serve the evolving
9 energy needs of consumers.

10 MR. MARK WILLOUGHBY: Good evening,
11 everyone. Thanks for coming out.

12 My name is Mark Willoughby, I'm the
13 director of project integration for Enbridge. It's
14 my responsibility to ensure that operations
15 interests are looked after during the design and
16 construction and transition to operations. Prior to
17 my current role, I was director of operations for
18 the Superior region, which includes all of
19 Minnesota.

20 MR. JOHN PECHIN: Good evening.

21 My name is John Pechin, I'm the Bemidji
22 area operations manager, and I'm responsible for
23 electrical and mechanical maintenance after the
24 project comes into service.

25 MR. PAUL TURNER: Good evening.

1 My name is Paul Turner, supervisor of our
2 environmental permitting team. And in that role I
3 oversee the preparation and submittal of all
4 environmental permit applications necessary for
5 construction.

6 Thank you.

7 MR. MITCH REPKA: Okay. Thank you.

8 And we'll turn it back over to the
9 Department of Commerce.

10 MS. JAMIE MACALISTER: Hello and good
11 evening, everyone.

12 I'm Jamie MacAlister with the Department
13 of Commerce, Energy Environmental Review and
14 Analysis unit. With me is Larry Hartman. You may
15 know Larry from other pipeline projects in this
16 area.

17 I want to go over a couple things here
18 this evening. The first is I hope everyone was able
19 to get a folder when they came in. In your folder
20 you should have a copy of the presentation, and on
21 that presentation you will find the contact
22 information for PUC staff as well as DOC staff for
23 this project. You should also have a comment form
24 in your folder, as well as some guidance on
25 submitting your comments. And a draft scoping

1 document for the comparative environmental analysis,
2 and a map.

3 So if you're missing any of those items
4 in your folder, please see Jorinda at the table here
5 and she can help you identify what's missing and
6 make sure you have all the pieces that you need.

7 The other thing I wanted to mention is
8 that a new meeting has been added to this schedule
9 for next Thursday, August 27th, from 11:00 to 2:00
10 at the East Lake Community Center in McGregor.

11 Before we get started in the
12 presentation, I just wanted to let you know that
13 we'll have a brief overview of the permitting
14 process, talk about the scoping of the environmental
15 document, how you can submit your comments and route
16 alternatives, and then we'll open it up for
17 questions and answers.

18 We currently, I think, have 12 or 13
19 speaker cards already, and I just want to remind
20 everyone that we will need to end our meeting at
21 around 9:00, so let's try and keep things on
22 schedule here.

23 The pipeline routing process in Minnesota
24 is governed by Minnesota Statute 216G and Minnesota
25 Rule 7852. The Line 3 Replacement Project is a full

1 review process under Minnesota rules. And that
2 includes the preparation of an environmental
3 document, as well as public hearings that will be
4 conducted probably in the spring, and those will be
5 administered by an administrative law judge.

6 I know Tracy has already gone over the
7 permitting schedule with you a little bit, the
8 process, I just want to let everyone know that while
9 we have these information and scoping meetings
10 currently, we will be taking comments through the
11 end of September and preparing a package for the
12 Public Utilities Commission and they will determine
13 which route and segment alternatives get moved
14 forward for analysis in the comparative
15 environmental analysis. And then we'll move to the
16 contested case hearings and a final decision on the
17 route permit sometime next summer.

18 These scoping meetings are really
19 designed to provide the public and agencies, local
20 units of government and tribal governments, an
21 opportunity to help us identify issues and impacts,
22 both human and environmental, for analysis. It also
23 allows everyone an opportunity to participate in the
24 development of route segment alternatives that,
25 again, the PUC ultimately makes the decision on

1 which alternatives get moved forward for analysis.

2 So what is the comparative environmental
3 analysis? Well, it is the environmental document
4 for pipelines. It is an alternative form of
5 environmental review and it was approved by the
6 Minnesota Environmental Quality Board. And it is
7 designed to meet the Minnesota Environmental Policy
8 Act requirements. This document will be an
9 objective analysis of the project and the
10 alternatives. It will look at impacts and
11 mitigation of both the preferred route and any
12 alternatives that are addressed. The document does
13 not advocate. It really is to provide the facts and
14 to allow the public and decision-makers the
15 information needed to make sound decisions.

16 So if you plan on providing us with any
17 alternatives or route segments for this project,
18 it's very helpful if you include a map. That can be
19 an aerial photo, a county map, a plat book map. A
20 brief description of what it is you're hoping your
21 alternative will alleviate, and as much information
22 as you can about your alternative so that we do not
23 have to guess as to the intent of your alternative.

24 So an alternative for the project needs
25 to mitigate a specific impact. And that impact can

1 be aesthetic, land use, it can be natural resources,
2 it can be a health impact. But it does need to meet
3 the need for the project. And the need for the
4 project has been identified by Enbridge as coming
5 into Kittson County, going through Clearbrook, and
6 ending in Superior. And within that there are lots
7 of opportunities, I think, to develop alternatives.

8 I just want to run through a couple of
9 examples from a transmission project of alternatives
10 that had been suggested by the public to avoid
11 specific issues. This case, it's a historic
12 property, there were several alternatives that were
13 presented to avoid this property. In some cases
14 it's to stay within a specific corridor. Here the
15 corridor is the roadway corridor. To avoid a
16 memorial site.

17 So there are any number of issues that
18 you may have that you feel that a specific
19 alternative may avoid or mitigate. Minimize, I
20 should say. Apologies.

21 So in your packet you should have these
22 maps. They're also attached to the draft scoping
23 document. And these maps show all of the route
24 alternatives that were proposed for the Sandpiper
25 Pipeline and that were approved by the Commission

1 last August. All of those alternatives are being
2 carried forward for the Line 3 pipeline.

3 And this shows a closeup of these
4 alternatives. I think there's roughly 35 route
5 alternatives currently to be analyzed for the
6 Line 3. And then, in addition, any other route or
7 segment alternatives that we get throughout these
8 three weeks of public information meetings that
9 we've been having.

10 And I would like to make a note about the
11 scoping document, because that did come up
12 previously. Some of the comments that were received
13 for Sandpiper have resulted in the preparation of
14 the scoping document for the comparative
15 environmental analysis. So what we are doing is out
16 getting as much information that we can from you and
17 getting your alternatives so that we can start
18 fleshing out what the comparative environmental
19 analysis need to address.

20 That document will be put out again for
21 public review and comment by the PUC, so there will
22 be another opportunity for everyone to look at what
23 the contents and the issues of the comparative
24 environmental analysis are before that work begins.

25 So just again quickly. The permitting

1 schedule. The comment period closes September 30th.
2 We would expect the Commission to decide which
3 routes and alternatives are to be looked at sometime
4 in November, with the comparative environmental
5 analysis being released hopefully sometime in the
6 spring of next year. March is what we're estimating
7 at this point. And with public meetings to commence
8 after that time.

9 So as we move into the
10 question-and-answer portion of the session, I would
11 like to request that we have one speaker at a time.
12 Please state and spell your name for the court
13 reporter, otherwise she will ask you to do so.

14 And it appears that we will have plenty
15 of time to take everyone's comments here this
16 evening. And, again, just to maintain respect for
17 everyone as we go through this portion of the
18 meeting.

19 And to the extent possible, if you can
20 direct your comments to the scope of the CEA, that
21 is very helpful for us. We're really here to get
22 this information from you so that we can get it into
23 the record.

24 And, finally, as you know, your comments
25 will be, if you have chosen to speak this evening,

1 will be transcribed by the court reporter. You're
2 welcome to fill out a comment form, you can leave
3 that with us or send it in at your leisure. You can
4 also fax them or e-mail them to me at any point.
5 And if you have any questions after this meeting or
6 need assistance in developing a route segment
7 alternative, feel free to contact me and I will do
8 my best to help you out.

9 MR. LARRY HARTMAN: The first speaker
10 card we have is Chuck Diessner, D-I-E-S-S-N-E-R.
11 Welcome.

12 MR. CHUCK DIESSNER: Thank you. Hi.
13 My name is Chuck, C-H-U-C-K, Diessner,
14 D-I-E-S-S-N-E-R.

15 I live in Park Rapids on Potato Lake, so
16 where I live is potentially subject to a severe
17 adverse effect by the pipeline proposed by Enbridge.

18 I have taken positions on Sandpiper, and
19 I take the same position here, that pipelines may be
20 fine, I don't care about pipelines, I care about
21 where pipelines go. I'm not opposed to jobs. I'm
22 not opposed to tax revenue. I am opposed to
23 sacrificing the environment to achieve either of
24 those when there's a prudent alternative.

25 So if, in fact, Line 3 is given a

1 certificate of need, in my opinion the PUC and the
2 DOC need to follow the recommendation of the DNR and
3 the MPCA with regard to location in SA-03 or SA-04.

4 The second thing I want to address
5 tonight is who's protecting the public? If the
6 administrative law judge is supposed to do that, we
7 clearly didn't have that happen the last time
8 around. And thank God he's not here again.

9 The PUC is supposed to protect us and
10 they didn't do it. And the DOC is supposed to
11 protect us and they didn't do it.

12 In my opinion, all of this is wonderful,
13 but it's a sham. It was a sham for Sandpiper. And
14 my comments are directed to try and make this not a
15 sham. So let's talk about why I feel the way I
16 feel.

17 Let's talk about the administrative law
18 judge, what did he do and what didn't he do. He
19 made an illegal ruling that's the worst I've ever
20 seen on subpoenas. When it was asked to be
21 reconsidered, he refused to follow the Minnesota
22 rule that said it should go to the chairperson for
23 the administrative law judges. So he was his own
24 person. He was a Hillary Clinton. Sorry for the
25 political comment.

1 With regard to the hearing, let's talk
2 about what he did at the hearing. He was not
3 independent. He was not a proper factfinder. He
4 acted unprofessionally. He was improper and he
5 showed prejudice. I think I can judge this because
6 I practiced law for 43 years. I've seen a lot of
7 administrative law judges. He was the worst I've
8 ever seen. And I'm hoping the reason he's not
9 continuing on this case is somebody got wind of what
10 was going on and he will never do this again for
11 pipelines.

12 Let's talk about what he did in his
13 recommendation and fact-findings. He gave no
14 consideration to the DNR or the MPCA, the two
15 highest agencies in our state to protect the
16 environment and our natural resources. He gave no
17 consideration to that. It was worthless as far as
18 he was concerned. How in the world -- number one,
19 you can't ignore it, you have to at least address it
20 and explain why it isn't applicable. He didn't do
21 that, he just threw it aside. So he knew more than
22 the DNR and the MPCA. He must be a bright man.

23 He did not accept the proposed
24 alternatives by either of those agencies. He
25 ignored major facts in the record. And that's not

1 coming from me, that's coming from the PUC. He
2 misrepresented facts. Our administrative law judge,
3 to justify his opinion, misrepresented facts that
4 came from the PUC.

5 The commissioners, all but one, refused
6 to adopt his report. One of those people that
7 refused to adopt his report said it shouldn't even
8 be considered it was so prejudicial. So it was
9 severely criticized and everybody knows that.

10 In this context, let's consider the staff
11 of the PUC. Let me read what the staff said. They
12 prepared a report for the June 5th hearing by the
13 PUC. Their recommendation to the PUC said, quote,
14 We have examined the full record and agree with the
15 findings, conclusions, and recommendations of the
16 ALJ. Isn't that wonderful. The staff of the PUC
17 didn't even recognize, or if they did they didn't
18 have the spine to call out the problems with the
19 report.

20 Let's talk about the Department of
21 Commerce. The Department of Commerce is supposed to
22 be one of the agencies that protect the citizens.
23 Let's see what they did. The first report that they
24 gave to the PUC with regard to their recommendations
25 of what should be studied did not even consider the

1 alternative routes or the objections of the MPCA or
2 the DNR. This agency that you work for thought that
3 what the PUC -- or, excuse me, the DNR and the MPCA
4 had to say wasn't worth mentioning.

5 It took a hearing that Friends of
6 Headwaters caused to occur for the PUC to say to the
7 DOC, what the hell are you doing? How can we
8 possibly make a decision on this matter without
9 considering those two high agencies in the state?
10 Now go back and do your work and include them in the
11 environmental report. The DOC came out prejudiced
12 on this from day one. There is no possible
13 justification, again, for one state agency to ignore
14 the other two.

15 Let's talk about the environmental report
16 the PUC prepared. I've seen a lot of them. It's
17 the worst I've ever seen, and I don't even know how
18 it can be called an environmental report. You don't
19 have to listen to me, look at what the DNR said and
20 what the MPCA said. They both said it was a dump of
21 information. It reached conclusions with no
22 justifications. When the report came out and people
23 looked at it, they said we don't understand this, it
24 makes no sense.

25 We went back to your department, the PUC,

1 and said give us your background information. Do
2 you know what the response was? No, it's private.
3 No, it's private. The public -- excuse me, the DOC,
4 that's paid by the state, that's supposed to protect
5 the citizens, would not release the information that
6 justified the report. I could really get angry over
7 that.

8 Now let's talk about the report. You
9 came out in that report and said that a ditch with
10 water in it had the same environmental value as
11 Potato Lake. They are exactly the same. They both
12 got rated one. Water in a ditch, water in Potato
13 Lake. When I went home after the June 5th meeting,
14 actually, my daughter's house, and my grandson
15 wanted to know why I was so upset. And he knew what
16 was going on and was talking to me. He is 11 years
17 old. So I told him what your report said. You know
18 what his comment to me was? Fourth grade. That
19 doesn't make any sense, poppa. I think you need to
20 rethink who you're having do this, because an
21 11-year-old can see through it.

22 Let's talk about the PUC. The first
23 problem with the PUC is they didn't allow an EIS.
24 And that's being litigated and will determine
25 whether or not that was appropriate or not. They

1 said throughout the early part of this process that
2 we want to protect the citizens, we want to protect
3 the opponents that don't have appropriate resources
4 to fight this. They acknowledged a substantial
5 amount of citizenry involvement and they gave it all
6 this wonderful lip service. Do you know what?
7 That's all it was for Chairman Heydinger and
8 Commissioner Lange.

9 They said that all the way up until the
10 vote. And then you know what Chairman Heydinger
11 said? I can't recommend SA-03 or SA-04 be studied
12 anymore because I think it should have been more
13 developed in the record. Who didn't develop it?
14 The PUC -- or the DOC didn't develop it and the
15 administrative law judge didn't develop it and the
16 public suffers. I really wish I could say what I
17 feel right now, but I can't. She's a very smart
18 lady. She did a 180. Or else she led us all down
19 the path thinking that she was going to look out for
20 the environment and then for some reason she changed
21 her mind. I wonder why.

22 Let's talk about Commissioner Lange.
23 Commissioner Lange changed her mind in the meeting
24 after a recess was called because Commissioner
25 Heydinger didn't believe people understood what a

1 motion was. That's a bunch of crap. I've never
2 seen anything like that in a public forum.
3 Commissioner Lange goes away and comes back and
4 says, well, you know what, I've changed my mind.
5 And the reason I changed my mind is we don't have
6 the employees to handle the two additional routes
7 and we don't have the financial resources. Again,
8 she's a very smart lady. She knows that was false.
9 Because on June 3rd, the gentleman in charge of
10 those studies said, yes, we don't have enough
11 employees, but we can hire outside consultants and
12 we have the resources.

13 This is a sham. This is supposed to be
14 for the public. This isn't about my lake place or
15 Park Rapids, it's the whole state. It's an \$11
16 billion industry for these lakes. And from the ALJ
17 to you people in the DOC to the PUC, you're willing
18 to throw it all away because you think Enbridge is a
19 good company and you sure wouldn't want to have them
20 pay any more for their pipeline or you sure wouldn't
21 want to delay it because maybe they're right that
22 they wouldn't hurt the environment.

23 Are you going to come back here if
24 there's a problem and what are you going to say to
25 all of us? We're sorry? What are they going to say

1 to all of us? We're sorry? That's all they could
2 do in Kalamazoo.

3 I hope that what I have to say strikes a
4 nerve with you, sir, and with you, and with the PUC
5 commissioners. I hope you go back and explain my
6 comments to those commissioners. And I hope the
7 administrative law judge hears my comments as well.

8 Thank you.

9 MR. LARRY HARTMAN: The next speaker
10 would be Jacqueline Hatfield.

11 MS. JAMIE MACALISTER: I would like to
12 respond to a couple of your assertions. And I think
13 there is a lot of misconception out there about the
14 environmental report that was issued last year for
15 the certificate of need.

16 MR. CHUCK DIESSNER: I was at all the
17 meetings, I know exactly what we did.

18 MS. JAMIE MACALISTER: Well, I think the
19 expectations of what that environmental report was
20 supposed to be were not clearly defined. And I
21 think that that is part of the reason why. The
22 report was not meant to be the environmental review
23 for that project.

24 MR. CHUCK DIESSNER: I never said that.
25 Let me read something from the hearing. I'll read

1 you something from the hearing. The purpose of that
2 report, according to the PUC and Chairman Heydinger,
3 these are her words.

4 UNIDENTIFIED: Speak into the mic,
5 please.

6 MR. CHUCK DIESSNER: I think it's
7 difficult for any of the -- well, first of all she
8 said, we acknowledge the expertise of the DNR and
9 the MPCA and it will definitely assist in the
10 process. She then says, I think it's difficult for
11 any of the parties to do an environmental review on
12 their own. I think the PCA and the DNR have offered
13 to be of assistance to the Department to do that. I
14 think it's important and relevant and it will help
15 meet the certificate of need process.

16 The PUC never engaged the DNR and the
17 MPCA in the environmental review. The PUC told you
18 to do it and you didn't do it. It would have been a
19 different environmental report, and you knew it, if
20 you involved the DNR and the MPCA. The
21 commissioners say they are the two most important
22 agencies in this decision, and you didn't want to
23 deal with them because they disagreed with what you
24 wanted done.

25 I'm not confused. The public is not

1 confused on the environmental report. It's you and
2 the PUC that are confused as to what your duty and
3 responsibilities were, and you didn't live up to
4 what the commissioners asked you to do.

5 MR. LARRY HARTMAN: Is Jacqueline
6 Hadfield here?

7 MS. JACQUELINE HADFIELD: My name is
8 Jacqueline Hadfield, J-A-C-Q-U-E-L-I-N-E,
9 H-A-D-F-I-E-L-D.

10 I am against Enbridge's Line 3
11 replacement plans for the following reasons.
12 Enbridge would rather abandon this pipeline that
13 carries Alberta tar sands oil rather than repair it.
14 They refer to Line 3 as a replacement line.
15 Wouldn't that mean replacing the old pipes instead
16 of letting them lay there? This current Line 3 has
17 over 900 structural anomalies, Enbridge's term for
18 corrosive and long seam cracking. Another Enbridge
19 term, integrity anomaly, a term for leaks and
20 spills. I do not trust a company that uses
21 deceptive maps, which I see they have changed. They
22 actually now have the Mississippi on their maps as
23 well as Itasca.

24 They state that the line -- excuse me --
25 they state this line will enhance our economy.

1 Really Enbridge? We will be taking all the risks
2 while you rake in the billions. The only benefit
3 would be Enbridge's taxes, that they are already in
4 Tax Court trying to reduce this amount. This is not
5 about economics. This is about greed. Enbridge's
6 greed.

7 I'm skeptical of Enbridge's new
8 technology due to recent events. Keystone I
9 pipeline, built in 2009, and three years later was
10 found to have deep corrosive pits. Just last month
11 Nexen's pipeline in Alberta ruptured. This
12 double-walled pipe leaked over 1.3 million gallons
13 of tar sands into wetlands.

14 In spite of what Enbridge claims, their
15 track record for cleanup is abysmal. Just look at
16 Kalamazoo, Michigan five years later. Environmental
17 experts and specialists, including the DNR, the
18 MPCA, have expressed concerns over the cumulative
19 effects to water, soil, and our natural resources.

20 I strongly urge you, who represent the
21 PUC and the DOC, to order a complete environmental
22 analysis, as well as removing the destructive
23 pipeline from our area.

24 When something is wrong, it's wrong. And
25 there is so much wrong in so many ways.

1 Thank you.

2 MR. LARRY HARTMAN: The next speaker card
3 I have is Kari Tomperi.

4 MS. KARI TOMPERI: My name is Kari
5 Tomperi, K-A-R-I, T-O-M-P-E-R-I.

6 I live on -- I'm a resident who lives on
7 a small lake, Twin Lakes, in Wadena County, just
8 probably a quarter mile south of where the pipeline
9 is going to go through Upper Twin, where there's
10 probably a quarter mile of wetland and Shell River.

11 I'm very, very concerned about the actual
12 location as it goes through Upper Twin. I, like
13 many other people, am not against the pipeline
14 because I realize that we are dependent on oil. I
15 would like to see -- I was interested to see that
16 Enbridge had said they are starting to expand into
17 wind and solar and geothermal. And I'm wondering
18 why they are investing in additional infrastructure
19 that will eventually need to be replaced and
20 eventually maintained into the future even when the
21 oil becomes obsolete. And I'm hoping that it does
22 someday.

23 So I'm questioning the certificate of
24 need that, at this particular point, when you look
25 at the map that has all the different

1 infrastructure, why we need to add more pipelines.
2 When it gets to a certain point it's just overkill.

3 The second thing is the choice of where
4 the location is, right here in the middle of
5 Minnesota, it is one of the most pristine areas we
6 have. But we also have very vulnerable aquifers. I
7 used to be a water resource technician and I know
8 how vulnerable the water is here, I know how the
9 nitrates can flow through it, I know that there's
10 600 feet of sand in the aquifers, so I know the
11 water storage is very susceptible and could be very
12 easily damaged.

13 One of the projects I worked on was a
14 drain, storm drain in Menahga, Spirit Lake, and
15 bitumen ran in from a road construction on
16 Highway 71 and it literally sealed the treatment
17 pond with a layer of probably a quarter inch of oil.
18 And it took a whole total replacement to make it
19 functional again, to treat the stormwater runoff.
20 So bitumen is a dangerous material to be passing
21 through the pipes as well.

22 I'm also concerned about the Wetland
23 Conservation Act. How I followed through with the
24 Board of Water and Soil Resources, I've heard many
25 comments from the DNR and the Pollution Control

1 Agency, but there is also the Wetland Conservation
2 Act, no net loss wetlands. I would be very
3 concerned how they're going to fix a leak on Upper
4 Twin, how they would have access to it quickly
5 without having some type of road or something
6 permanent that would affect the wetlands.

7 Having been the township clerk, I know
8 that the lesson that to work on roads we have to
9 have replacements, mitigations. And the impact and
10 the amount of wetlands that are being affected by
11 this particular scenario is overwhelming. And I'm
12 surprised that wetlands are not treated, through the
13 Minnesota Conservation Act, treated much more higher
14 in the hierarchy of decision of the placement.

15 And I guess the last recommendation is I
16 would really like to see the line, the alternate
17 routes SA-03 and SA-04 be seriously considered.

18 Thank you.

19 MR. LARRY HARTMAN: Sandi Krueger.

20 MS. SANDI KRUEGER: S-A-N-D-I,
21 K-R-U-E-G-E-R.

22 You don't know what you've got until it's
23 gone. Please don't install a potential weapon like
24 this in the lake country. It can kill so many
25 things because of the hazards it creates.

1 was presented. And it said that 56 percent of the
2 lake country homeowners plan to retire up here full
3 time in the next ten years. That is a huge
4 population surge that we need to embrace and get
5 ready for and not chase away with fracked oil
6 pipelines. What is the message of this lake
7 country? Are we using common sense?

8 Most important in the survey of
9 landowners was clean water, then beauty, and peace.
10 In below zero weather, and in a showing of a map, a
11 commissioner laughed and said to a pipeline guy,
12 those environmentalists act like it's the end of the
13 world. And a couple of minutes later a couple
14 viewed the map and said it goes right by us. People
15 work their whole lives to retire to their lake homes
16 and the revenue of lake properties needs to be
17 valued more than a fracked oil pipeline.

18 The pipeline buys or uses eminent domain
19 to take a strip of land that they then turn into an
20 energy corridor. They demand that the people patrol
21 it and report any spills or explosions, providing
22 they survive. That is too much stress to live with.

23 An oil spill would push out about four
24 school busses worth a minute and take hours to be
25 turned off. A lot of people fear what this

1 represents.

2 How will history look back at this time?
3 I know we need more people fighting this so we are a
4 majority and not a minority. Pipelines are planned
5 for years without the people aware of it. Are we
6 just going to let the pipelines interfere with our
7 tourist industry, our trusted clean water, our
8 lifestyles and our future profits? Their gains are
9 our loss. They make a lot of money with the
10 pipeline. And what do we get? Heavy, constant
11 stress because of the risk of a pipeline failure in
12 our back yard. That is not fair. We need clean
13 water to survive, not oil. Water is our oil. Water
14 trumps oil.

15 MR. LARRY HARTMAN: The next card is
16 Marvin Swenson. Is Marvin here? We'll pass on that
17 for the time being.

18 The next speaker would be John Hitchcock.

19 MR. JOHN HITCHCOCK: My name is John
20 Hitchcock, J-O-H-N, H-I-T-C-H-C-O-C-K. I live in
21 Park Rapids.

22 I thank you for the opportunity to enter
23 my comments into the public record. This applies to
24 PPL 15-137. I have a segment suggestion which I
25 will send in with a map at another time. I'll end

1 with that.

2 But first, those -- I have to get my
3 glasses on, I apologize in advance if my passion
4 shows too much.

5 Those who will be considering the input
6 from these information sessions state that they are
7 most interested in facts. What constitutes a fact
8 might be debatable. But I believe that some things
9 are eminent even if lacking proof. This includes
10 behavior of corporations.

11 I should state for the benefit of all
12 those present that I believe it is a fact that
13 pipelines are safer than rail shipping of oil. The
14 question at hand therefore concerns the route that
15 the pipeline should take and the tactics that
16 Enbridge factually is using to press for its own
17 preferred route.

18 They seem to be pouring a great deal of
19 money into PR campaigns and sending ten or more
20 highly paid directors or managers to these meetings.
21 They ask for trust, but the story amounts to a
22 pipeline on U.S. 71 east of Lake George also
23 constitutes, in the opinion of a number of my
24 acquaintances, a form of psychological warfare.
25 Trying to give the impression that the issues at

1 hand regarding the route are already settled.

2 If, and I emphasize, if they are, in
3 fact, settled, if the outcome is in any sense
4 foreordained, and I know a number of people who
5 despair with that thought, then transparency in the
6 present process of meetings does not exist and the
7 meetings themselves are factually a sham. That's
8 the second time that word has been used tonight and
9 I wrote that this afternoon.

10 Another clue as to the actual procedure
11 that Enbridge is using in obtaining these permits is
12 as follows: While it is in the financial interest
13 of the corporation to minimize the regulations to
14 which it might be subject, the map that I saw this
15 afternoon, and I haven't seen it this evening, point
16 to a tricky though perhaps legal move to avoid
17 federal regulation, mainly the already completed
18 short segment crossing the border from Canada under
19 a rubric that avoids the need for federal approval,
20 that is, a Presidential permit.

21 That movement of factual negative impact,
22 these are facts, it has a negative impact on myself
23 and others as to the transparency and therefore the
24 public trust undertaken by the corporation.

25 I believe that the exclusion of these

1 kinds of facts from the physical facts desired by
2 the regulators is a dangerous mistake from the point
3 of view of the well-being of the lakes area
4 environment economically, as well as with respect to
5 quality of life and the long view into the future.

6 Finally, I believe that the attitude
7 shown by the corporation in planning to cross the
8 Mississippi north of Itasca, rather than a simple
9 alternative of swinging around to the west of that
10 park is a fact that constitutes an arrogant thumbing
11 of the nose at the public, a pure show of the power
12 that virtually infinite economic resources conveys.
13 It is now a well-known fact that a one-year-old
14 double-walled pipeline can rupture, spilling more
15 than a million gallons of chemically diluted crude
16 oil. I said to one of the corporation's
17 representatives that I consider that plan, crossing
18 north of Itasca, evil, and that, too, is a fact.

19 Thank you.

20 MR. LARRY HARTMAN: The next speaker card
21 I have is from Mr. Greg Price again.

22 MR. GREG PRICE: Thank you for letting me
23 speak again today. I've got some new information
24 here. Greg, G-R-E-G, Price, P-R-I-C-E.

25 Okay. After this morning's meeting, I

1 went on the Internet and did some homework here on
2 Minnesota Rule 4410.4400, subpart 24. It lists
3 pipelines as a mandatory environmental impact
4 statement. This is subject to section 21, 216G.02,
5 which allows the Public Utilities Commission to make
6 exceptions to the permit process for routing a
7 pipeline.

8 And I've got a couple citations here that
9 I'll just do quick for you. 4410.4400, sub 24, for
10 routing of a pipeline subject to the full route
11 selection procedures under Minnesota statutes, the
12 Public Utilities Commission is the RGU. The Public
13 Utilities Commission shall adopt rules governing the
14 routing of pipelines.

15 The rules apply only to the route of
16 pipelines and may not set safety standards for the
17 construction of pipelines. The rules must allow the
18 Commission to provide exemptions from all or part of
19 the pipeline routing permit application process in
20 emergencies or if the Commission determines that the
21 proposed pipeline will not have a significant impact
22 on humans or the environment. There is no guarantee
23 there.

24 And I have three questions. Why is the
25 PUC making an exception to Minnesota rules so that

1 Enbridge does not have to prepare an EIS before they
2 get a permit to build this pipeline?

3 Number two. The EIS process has worked
4 well for decades to disclose the potential
5 environmental effects of a project and its
6 alternatives. How do we know the PUC's alternative
7 environmental process is at least as good, if not
8 better? We deserve better. The people of Minnesota
9 deserve better than the original.

10 Number three. Is Enbridge trying to hide
11 something that an EIS would expose?

12 I say use the power the state has given
13 you, use the power the people entrust in you, and do
14 what's best for Minnesota. Require a full EIS.
15 It's common sense.

16 Thank you.

17 MR. LARRY HARTMAN: I guess I'd like to
18 respond, I guess, to at least one point you raised.

19 I am aware of the requirements of 4410.
20 The Pipeline Routing Act is actually in 216G.02.
21 And within that, subpart 3, this is guidance
22 provided by the legislature in implementing the
23 rules, and number 5 of a list of eight different
24 items was to provide a procedure that the Commission
25 will follow when the rules were adopted by the

1 Minnesota Environmental Quality Board.

2 In issuing pipeline routing permits it
3 required the Commission, again, it would have been
4 the EQB, to issue the permits within nine months
5 after the permit application is received by the
6 Commission unless the Commission extends the
7 deadline for cause.

8 Well, as a result of the enactment of
9 that statute and as a separate environmental review
10 process, Minnesota environmental reviews also
11 provide for methods of alternative review. So
12 rather than two parallel, separate processes they
13 are combined into one pursuant to the rules. And as
14 I mentioned at one of the previous meetings, the
15 rules were adopted in I believe March or February of
16 1988. And a month later they were approved of by
17 the EQB as an alternative form of review.

18 Alternative forms of review are provided
19 for under three alternative forms of review in
20 Minnesota, generally the ones at the Metropolitan
21 Airport Commission, Camp Ripley, and pipelines. So
22 the intent was to combine the elements of what's
23 typically required in the routing process with
24 environmental review integrated as one streamlined
25 process with the intent that the same amount of

1 information is provided. There are some peculiar
2 differences and, again, there is, you know, if you
3 go back to the SONAR, which is the statement of need
4 and reasonableness, that rationale was laid out
5 also.

6 Within the pipeline routing rules there
7 are three different levels of review. And,
8 actually, the pipeline routing statute, 216G.02 is a
9 compilation of the requirements for other aspects of
10 pipelines. We only regulate pipelines with pressure
11 greater than 275 pounds per square inch, which is
12 more applicable to natural gas, mostly crude oil or
13 product pipelines having pressure in much, I guess,
14 much greater than that. There's also an information
15 book required for pipelines that have a threshold of
16 less than 275 pounds.

17 The statute also provided emergency
18 provisions. In the years since the rules have been
19 around that has occurred once, when a sewer line
20 intercepted a city line in the southwest part of the
21 Twin Cities area ruptured and it put the integrity
22 of the product pipeline in danger. Now, in that
23 case the emergency was granted and so they had to
24 come back and reapply once the repairs were made.

25 The next review process was a tiered

1 process, for example. We have what's called a
2 partial exemption. If you go back to the statutory
3 language we had to provide an exemption category.
4 And there are different types of -- well, it's a
5 little bit complicated to explain. There's one
6 process that one can go through, however, it gives
7 you nothing when you're done so there's no point to
8 it. But it did comply with the statutory
9 requirements.

10 The next level of review is what's called
11 the partial exemption, and you've probably got to
12 start with that name given what the legislative
13 requirements were. That's basically for the short,
14 smaller projects noncontroversial in nature. Again,
15 we had one of those a couple years ago, it was maybe
16 a mile, two miles long. All the landowners were in
17 agreement so there was no need to go through the
18 full process.

19 The longer and more controversial
20 projects, which are referred to as being under the
21 full process, tend to combine the permitting process
22 and the environmental review process into one
23 category for efficiency, given what the requirements
24 were of environmental review and what the statutory
25 requirements specified the rule is to do in terms of

1 permitting pipelines.

2 MR. GREG PRICE: Well, good.

3 MR. LARRY HARTMAN: Facts are facts. And
4 that's what it is.

5 MR. GREG PRICE: Let's move to our
6 legislature.

7 MR. LARRY HARTMAN: They write the laws
8 and we try to carry them out as drafted.

9 MR. GREG PRICE: They have power.

10 MR. LARRY HARTMAN: It was a fairly open
11 process, there were a lot of participants, the
12 rulemaking went through a contested case procedure.
13 And, again, at the same time the environmental rules
14 were being redrafted then, too, so they integrated
15 the requirements of these with the environmental
16 review requirements that got handled by a different
17 staff other than us.

18 Yes, sir.

19 MR. CHUCK DIESSNER: What you stated is
20 correct. However, it doesn't apply to the situation
21 we have before us. It applies to a situation where
22 the certificate of need and the route permit are
23 under one process. In Sandpiper it was under two
24 processes. The process first for the certificate of
25 need and the second process was for the route

1 permit.

2 The exemption that was received for the
3 revised process that you referred to was an
4 exemption to do a comparative environmental analysis
5 only for a route permit. There is no letter or
6 confirmation by the EQB that you can do anything
7 less than an EIS for a certificate of need. And for
8 this gentleman's information and other people, that
9 issue is being challenged in what is done, it's
10 being challenged in the Court of Appeals, and an
11 answer on that would be greater than 30 days.

12 MR. LARRY HARTMAN: Around September
13 22nd, 23rd, or 24th, one of those days.

14 If I might go back, I'd just like to add
15 that when the pipeline rules were adopted, the
16 certificate of need responsibility then lied with
17 the Minnesota Public Utilities Commission. The
18 pipeline routing authority then resided with the
19 Minnesota Environmental Quality Board. They were
20 not run concurrently. And typically, when a -- back
21 then, when a certificate of need application is
22 pending and it only applies to pipelines longer than
23 50 miles in length, typically we would not accept an
24 application at the EQB until the certificate of need
25 process was close to being completed so the

1 decisions were sequential in nature. So they were
2 always staggered. Once that regulatory function was
3 transferred to the Minnesota Public Utilities
4 Commission in 2005, they elected to do it somewhat
5 differently than what traditionally got done.

6 MR. CHUCK DIESSNER: Well, traditionally
7 is not the issue. The law --

8 MR. LARRY HARTMAN: I understand that.

9 MR. CHUCK DIESSNER: The law is the
10 issue.

11 MR. LARRY HARTMAN: Well, what you're
12 referring to is the certificate of need process, and
13 that is not what I'm involved with. I understand
14 it's a separate process, we participate in that, but
15 that statute was written back in the early '70s and
16 it did not include some of the things you're
17 concerned about as drafted, as then drafted through
18 rules.

19 COURT REPORTER: And could you remind me
20 of your name, again, sir? I'm sorry, I forgot your
21 name.

22 MR. CHUCK DIESSNER: Chuck Diessner. I
23 was the first one.

24 MR. LARRY HARTMAN: The next speaker card
25 I have is Raymond Peterson.

1 MR. RAYMOND PETERSON: My name is Raymond
2 Peterson, R-A-Y-M-O-N-D, P-E-T-E-R-S-O-N.

3 And I live over in the southeast corner
4 of Hubbard County. The pipeline doesn't come into
5 my township at this time, earlier it just barely
6 nicked it, but I just have a few comments here.

7 I know these meetings have been going on
8 for years and years 'cause the first one I come to
9 there was only less than half a dozen and that was
10 five or six years ago. And there's been delays in
11 this a little bit.

12 But I bring out here, like in Castleton,
13 in Castleton over the last two years, the oil is
14 carried by trains there, they had two bad explosions
15 there. And then there's -- they are even having
16 problems with so many trains on the railroad out
17 there where they have to cross the railroad crossing
18 to get the emergency equipment, they're having
19 delays on it. And sometimes it's ten, fifteen
20 minutes.

21 And then there's been -- last fall, I
22 think it was down there by Bluffton there was a
23 train derailment. Well, I just got to thinking
24 about all this crude oil cars on the train and stuff
25 and they're quite volatile and quite a few

1 accidents, what would happen -- and delays and
2 stuff, what would happen if we stick to the trains
3 and that train goes through Perham or Wadena down
4 there through Main Street and an explosion happened,
5 that could take out the whole middle of town.

6 And so I'm not either kind of for it or
7 against it. But I could see that there has been an
8 alternative route there, but I seen it was twice as
9 long, but wouldn't it be, with twice as many miles
10 of pipeline, wouldn't the chances of rupture be more
11 so on twice as many miles than it is on a short
12 distance miles. And truly the odds, it doesn't have
13 to go through the Mississippi area there.

14 But that's about all I have to say about
15 the subject is all. Thank you.

16 MS. JAMIE MACALISTER: Thank you.

17 MR. LARRY HARTMAN: Tom Pahkala.

18 MR. TOM PAHKALA: Good evening.

19 My name is Tom Pahkala, P-A-H-K-A-L-A.

20 I'm a member of the UA. I've been a
21 member of the United Association of Plumbers,
22 Pipefitters, Steamfitters, Welders and Pipe Layers
23 for over 20 years.

24 And I'm not here to support any
25 particular route for the Line 3 Replacement Project.

1 I believe that it's for every member of the public
2 that lives in the counties that this project affects
3 and every other concerned party to propose alternate
4 routes to the preferred route as they see it.

5 I'm here to support the replacement of
6 aging pipelines before failures can occur. Line 3
7 is an existing, aging pipeline. Many integrity digs
8 are happening and are projected into the future on
9 this line. It only makes sense, common sense to
10 replace this line with the highest quality material,
11 labor, safety, and environmental precautions that we
12 can muster.

13 As an instructor in training pipe trades
14 workers for over ten years, I can unequivocally say
15 that the UA turns out the highest quality tradesmen
16 that can perform construction work on the pipeline
17 whichever route is approved in a professional, safe
18 manner and on time without cutting corners that
19 could put people and the environment at risk.

20 I just want to go on record that I
21 support the pipeline project, whichever route it
22 takes.

23 Thank you.

24 MR. LARRY HARTMAN: The next speaker card
25 is Kevin Miller.

1 MR. KEVIN MILLER: Kevin Miller,
2 K-E-V-I-N, M-I-L-L-E-R. Thank you for the time to
3 speak.

4 As I just stated, my name is Kevin
5 Miller, I'm a special pipeline representative with
6 the International Union of Operating Engineers. I
7 have about 21 years in the pipeline construction
8 trades, we represent approximately 400,000 members
9 in the United States, here in the local area
10 approximately 13,000.

11 We are -- as many know, we are in support
12 of the Line 3 project.

13 A little bit about myself to really tie
14 into this just for reasons. I was born and raised
15 in a small town in northwest Pennsylvania, it was
16 about 15 minutes north of a town called Titusville.
17 And if you know anything about history, Titusville
18 is the birthplace of the oil industry.

19 Growing up there, I spent a lot of time
20 hunting, fishing, hiding from our parents, stuff
21 like that, in all aspects. One of my fondest
22 memories and every time I go back to visit my
23 relatives there are the springs. There are springs
24 that pop up in that country that'll blow your mind.
25 That water is precious to everybody. Some people

1 have a pipe, some of it just naturally is trickling
2 out of seeps in the ground. It's all good. There
3 are ponds and stuff like that.

4 The whole point to the matter is, growing
5 up there, in the oldest area with some of the oldest
6 pipelines, there are some newer ones still and it's
7 a busy place back in Pennsylvania with oil and gas
8 to the state. Those lines, in all my years, and I'm
9 42, in all my years living there and going back and
10 to this day most of my relatives, friends still are
11 the majority of my close friends, and a lot of them
12 are rural. There a lot of people still using these
13 springs that had pipelines, whether they're
14 abandoned, whether they're live or not, we don't
15 know, there wasn't a mapping process. The newer
16 ones are being looked after, apparently. But in my
17 history I've never known anybody to ever have a
18 spring go bad, one of their ponds or the little
19 creeks in those areas, they're just sparkling clean
20 and I wouldn't be afraid to drink out of them. Not
21 all of them, there are cows around and stuff.

22 But, for the most part, I don't know if
23 water contamination is some rapid, widespread, like
24 a disease all of a sudden in this country. Media
25 does pick up on it and that's good, people are

1 finally becoming more aware and I think that's a
2 huge plus. Compared to the amount of work that
3 we're doing in this country, in North America, it's
4 actually minute. But it does not ever take away
5 that entities like the State of Minnesota need to
6 make sure that they do have complete and thorough
7 review of any projects, whether it be Line 3 or
8 anything in the future.

9 And nor am I trying to dismiss that every
10 body of water is impervious and not susceptible,
11 because that's not at all a fact. That also lies
12 with the people, whether you're at the state of
13 Minnesota or whether you're in another part of the
14 United States or the world, for that matter, to be
15 able to speak up. That's what makes America great,
16 though.

17 There were a couple things brought up,
18 this decommissioning of this pipe, first abandoned.
19 And I don't know if people were just confused,
20 because there is some that seem to want to interpret
21 it, want it to be the same. And so I went into the
22 dictionary and looked it up. I get two totally
23 different things. The word abandoned, a verb, when
24 used with an object, to leave completely and
25 finally, forsake utterly, to give up, to cast away,

1 leave or desert as property. Synonyms for that, cut
2 lose, discard, walk out on.

3 Now, decommission is also a verb when
4 used with objects. To remove and retire from active
5 service, to deactivate, shut down. Synonyms,
6 deactivate, make inactive, retire.

7 For example, the USS Hornet, one of
8 America's greatest warships, was decommissioned from
9 active duty many years ago. It wasn't thrown to the
10 wayside in a heap. And I enjoyed the last time, I
11 think it makes rounds here and there, but when I was
12 in the Oakland area I got to take a tour on it.
13 It's huge. Four tours, as a type of museum, and
14 also they host -- you can have events held on the
15 ship, inside or on top. The maintenance integrity
16 of that ship is still kept up, therefore it is
17 decommissioned, but is still being looked after with
18 somebody being responsible. Not abandoned.

19 I've never heard Enbridge ever say that
20 they were -- maybe unofficially they slipped,
21 something, I don't know, but I've never officially
22 heard them use the word abandon. Decommissioning.
23 Therefore, the dictionary tells you they are two
24 completely different words and that needs to be
25 looked upon.

1 Enbridge is more than just this -- and
2 this lady a little bit ago briefly stated, they have
3 gone and diversified themselves a little bit more,
4 they're not just a pipeline company. If you were to
5 get on Enbridge.com, look up under the renewable
6 energy, you are going to find that Enbridge, I
7 think, themselves knows that somewhere in time oil
8 is going to dissipate itself. But it's not going to
9 be today, it's not going to be in 20 years, and
10 realistically I don't think it's going to be 30.
11 Everyone has got an opinion on that.

12 However, in the meantime, they've
13 invested over \$4 billion, and I believe it was
14 somewhere around 2002, and everything from wind,
15 solar, geothermal, waste heat recovery, and there
16 are others that are mentioned on their website. I
17 see about 14 wind farms, four solar operations. I
18 think there are about five of these waste heat
19 facilities. They even have geothermal projects.
20 It's a big start.

21 And I assure you I get to travel around
22 the countryside dealing with pipelines, pipeline
23 companies, gas companies, oil companies, et cetera.
24 They're not all -- they are definitely not up to par
25 with what Enbridge is. And I'm not saying Enbridge

1 is perfect by any stretch of the imagination, but
2 they are definitely moving forward in the correct
3 direction.

4 I do believe Enbridge's commitment, what
5 Mitch says, the integrity, safety, and respect is
6 there. That Kalamazoo thing, to hear it and hear it
7 over, I would hope people don't forget, because it
8 was an important lesson. I do believe that Enbridge
9 has -- it kicked them in the butt, one way or
10 another, financially, whatever you wish to call it,
11 it kicked them in the butt. Businesses don't stay
12 in business long if you're having to repair stuff.

13 But what I do know is we were right
14 there, our contractors were right there in the midst
15 of that cleanup. There were things coming out of
16 that Kalamazoo, i.e., stoves, refrigerators, I think
17 some car parts, half cars, et cetera, et cetera.
18 And if you were to go over there and take a survey
19 along the Kalamazoo, those residents, you're going
20 to get a pretty mixed review, because it's all about
21 are they jacked up and dirty, no, they did a good
22 job cleaning up. And that's coming from the
23 residents.

24 In closing -- oh, let me back up.

25 The whole point of that, when they made a

1 mistake, they didn't start making accusations and
2 blaming other people and just go tuck their tail and
3 sit down and scratch their heads. Like maybe -- I
4 won't mention any of the companies, but there are
5 things that happened in the Yellowstone River out in
6 Montana, it's a little bit different story,
7 definitely not an Enbridge way.

8 Enbridge went and they put their head
9 down and got in and got done everything and they are
10 still today doing everything they can to make sure
11 that that water has been reclamated and cleaned up.
12 I do believe that. We have a lot of members that
13 live up along that as well and they're constantly
14 monitoring and checking to see how things are going.

15 In closing, the use of petroleum is
16 eventually going to peter out, as I said earlier,
17 but it's not going to happen overnight. Let's work
18 together, at least, on making sure that in the
19 meantime that our local state, federal, and any
20 other officials -- excuse me -- make oil, gas, and
21 pipeline companies follow the standards in order to
22 keep our land, air, and water clean for generations
23 to come. So get out there and vote.

24 Thank you.

25 MS. JAMIE MACALISTER: It is 7:30. We

1 need to take a quick break. So let's take a
2 15-minute break here. We'll reconvene at 7:50.
3 Thank you.

4 (Break taken from 7:32 to 7:50.)

5 MS. TRACY SMETANA: Our next speaker is
6 Rick Withington.

7 MS. JAMIE MACALISTER: All right. I'm
8 not sure if Mr. Withington is still here. So let's
9 go on to our next card here. Phillip Wallace.

10 MR. PHILLIP WALLACE: Phillip Wallace,
11 P-H-I-L-L-I-P, W-A-L-L-A-C-E. I'm here in support
12 of this pipeline today and I want to thank the
13 Public Utilities Commission, you know, for the job
14 that you do. I wouldn't want your job. So thank
15 you for letting us come before you today.

16 You know, I'm here representing the
17 Pipeline Workers of North America, the United States
18 and Canada, for the United Association. We're
19 350,000 members strong in the United States and
20 Canada. You know, this job will create 1,500 jobs
21 for the people of this area and, you know, probably
22 six, seven hundred of these jobs will be to
23 Minnesotans.

24 Enbridge, this is a self-funded project,
25 not one dollar of tax money will be put into this

1 job. So that's something that I really like.

2 The revenue that it will create for the
3 county and state and local taxes. The local city
4 and town economies will be stimulated by the money
5 spent by the pipeline workers on, you know, housing,
6 food, goods that they buy in these areas where they
7 work.

8 And what this meeting is for, to me, is
9 the certificate of need, do we need this pipeline.
10 And I think we do. You know, the price of gas at
11 the pump. The price of the diesel for the farmers.
12 You know, this whole world is addicted to crude oil.
13 It's a shame that we can't get away from it, but
14 let's face it, we got to have it to survive. This
15 whole world, not just this country. And, you know,
16 we need to find other ways, you know, but we're just
17 not there yet. We can't survive without it. You
18 know, we have to have it every day. It's not just
19 gas and diesel, it's products from crude oil, it's
20 pharmaceuticals. There's just thousands of things
21 that are made based on crude oil.

22 You know, the farmers, they rely on
23 cheap, you know, fuel to do their -- to raise the
24 crops, feed this country. And, you know, the ISIS
25 countries, the OPEC countries that we've been buying

1 this oil from -- you know, we're sending money
2 straight to our enemies. Is there a need for this
3 pipeline? I say yes. You know, the safest way to
4 transport crude is in a pipeline. And, you know,
5 there's railcars being manufactured by the hundreds
6 of thousands to transport this oil. This oil is
7 going to get moved. It's going to get to market.
8 And we want to do it in this pipeline that's built,
9 you know, safely.

10 You know, the gentleman was talking
11 earlier about the train wreck here in Castleton.
12 You know, that was a terrible thing. I know all
13 about that. I was in the area. And, you know,
14 that's just right outside of Fargo. If that thing
15 would have made it to Fargo before that happened, it
16 would have been just a catastrophe. It wasn't just
17 a few weeks before that, there was 47 people killed
18 in a small town in Canada, in Quebec, Canada, that a
19 runaway train crashed in the middle of their town
20 and exploded, and that's 47 lives lost there.
21 That's enough for me to say, yes, there is a need
22 for this pipeline.

23 The last thing I want to say about it is,
24 you know, like I said before, this country, this
25 world can't survive without oil. And the ISIS

1 countries that they fight for crude oil overseas in
2 the Mideast, you know, they are our enemies. And I
3 bet everybody in this room knows someone or is a
4 relative of someone that is affected by that war
5 over there. You know, it's time for our young
6 American men and women to stop fighting and dying
7 for this crude if we can get right here in this
8 country or Canada, to provide the needs of this
9 country, what we got to have to survive.

10 So I am in support and I do think there's
11 a need for this pipeline.

12 Thank you.

13 MS. JAMIE MACALISTER: Is Rick Withington
14 here?

15 Okay. Our next speaker is Sharon Natzel.

16 MS. SHARON NATZEL: Hi. My name is
17 Sharon Natzel, S-H-A-R-O-N, Natzel is N-A-T-Z-E-L.

18 One of the reasons that Enbridge is
19 moving away from Line 3's current corridor is
20 because of the possibility that heavy equipment
21 operation to replace the pipe there could damage
22 some of the other pipelines.

23 Well, I'm concerned that MinnCan
24 pipeline, which has multiple pipes in the ground now
25 and has various ages of pipe, could be damaged.

1 There are integrity digs now that go on with these
2 pipes. These pipes, up to four in some spots along
3 the line, do provide Minnesota with our oil needs
4 and are a different vendor. Wouldn't the
5 possibility of heavy equipment operation damaging
6 these pipes and the Sandpiper and Line 3 be an
7 ongoing factor in any corridor for Line 3 and
8 Sandpiper?

9 This route that's proposed closely
10 follows the route of the small pipelines that were
11 established 60 years ago. These small pipelines
12 were built before there were environmental laws and
13 were put in environmentally inappropriate corridors.
14 The cumulative impact needs to be studied for the
15 pipeline corridors being proposed. And the MinnCan
16 pipeline needs to be taken into consideration.

17 A full environmental impact statement
18 with a complete risk analysis and report for
19 construction and post construction damage, spills,
20 ruptures, leaks, fires, plus the economic and
21 environmental assessments needs to be completed
22 prior to the projects because of the cumulative
23 impacts. We already have compromised groundwater in
24 this area. And we know that groundwater is also
25 associated with our lakes. They flow together in

1 our watersheds. We are also risking our Minnesota
2 oil that's provided by the MinnCan.

3 It's difficult to understand the Enbridge
4 safety brochure, which states pipeline safety is a
5 shared responsibility, when the EIS has not been
6 accomplished and made public. We need to know what
7 we actually have to work together on and that we
8 have a shared responsibility for in order to have a
9 safe pipeline and the EIS is needed. This is, after
10 all, as was said at the very beginning of the
11 meeting by Enbridge, this is the largest
12 infrastructure project ever in North America, and it
13 just needs a full EIS.

14 Thank you.

15 MR. MITCH REPKA: I'd like to take a
16 brief minute to address one of the issues that was
17 raised in relation to the MinnCan pipeline and
18 operating in or around these facilities.

19 Our current design does not have any work
20 space that is shared with the MinnCan pipeline, so
21 we will not be doing any excavation along or over
22 top of their facilities. And I think the reference
23 you had made to safely digging within the corridor
24 was related to the in-trench replacement that's in
25 the application. So just to clarify where that --

1 or why it's in there, is that the existing Line 3 is
2 within a six-pipe corridor south and east of
3 Clearbrook, and so Line 3 generally is in the middle
4 of that corridor. And so in order for us to try to
5 replace that line in that same trench would require
6 movement of equipment over and through those
7 pipelines. So that's where the -- where that came
8 from and why the risk is there and not in the
9 corridor that's parallel to the MinnCan line.

10 So thanks.

11 MS. JAMIE MACALISTER: Nicolette Slagle.

12 MS. NICOLETTE SLAGLE: Nicolette Slagle,
13 N-I-C-O-L-E-T-T-E, S-L-A-G-L-E. I'll try to keep my
14 comments to the environmental review scoping process
15 tonight. I do have some more questions that I
16 didn't get answered last night and some more issues
17 to take into account as you develop this document.

18 Number one. You said that there is an
19 existing review process. Where could we read the
20 criteria for that process? Is that available on
21 your website or the EQB website?

22 MR. LARRY HARTMAN: If you're referring
23 to Minnesota Rules, Chapter 7852, they're available
24 on our website. If you, while they're there,
25 they're posted there, another way you can access

1 those rules would be if you go to, say, the
2 Minnesota Revisors office where you'll get a list of
3 statutes and rules.

4 MS. NICOLETTE SLAGLE: Not so much the
5 statute, but the actual process, the review process.

6 MR. LARRY HARTMAN: We have a schematic
7 diagram that outlines the permitting process for
8 pipelines, which is also on our web page.

9 MS. NICOLETTE SLAGLE: And does that have
10 the criteria for when a no-build option would be the
11 preferred option?

12 MR. LARRY HARTMAN: The no-build option
13 is only examined when there's a certificate of need
14 requirement. And as I mentioned earlier in response
15 to Mr. Price, pipelines longer than 50 miles require
16 a certificate of need. Pipelines less than that in
17 length do not require a CN.

18 MS. NICOLETTE SLAGLE: Well, this is
19 longer than 50 miles.

20 MR. LARRY HARTMAN: I know, and it
21 requires a certificate of need. And there's also
22 criteria for the need determination process, and the
23 criteria for the routing process are different than
24 the need criteria. So depending on what your
25 interest is, there are two levels -- or, excuse me.

1 Two sets of different criteria, one for need and one
2 for routing. And those criteria are specified in
3 rules, the pipeline routing rules, it's 7852.

4 MS. NICOLETTE SLAGLE: 7852.

5 MR. LARRY HARTMAN: And I think it's
6 1900, if I remember correctly. And I can look it up
7 for you here in just a second. 7852.1900, criteria
8 for route selection, and it begins in subpart 3 and
9 goes from items a through j.

10 MS. NICOLETTE SLAGLE: And this is the --

11 MR. LARRY HARTMAN: Route permit
12 criteria.

13 MS. NICOLETTE SLAGLE: And where is the
14 certificate of need?

15 MR. LARRY HARTMAN: That would be the
16 certificate of need rules, and I believe that's
17 Minnesota rules 7855, and -- 7855.0120. I don't
18 believe they are on the Commission's website and
19 they are not on our website. So I suggest you go to
20 the Revisors web page, which has a compilation of
21 all statutes and rules in the state of Minnesota as
22 well as the session laws.

23 MS. NICOLETTE SLAGLE: So these two
24 different sets of criteria are being combined into
25 one document?

1 MR. LARRY HARTMAN: No, they're two
2 separate -- they're two separate. Each is a process
3 onto itself.

4 MS. NICOLETTE SLAGLE: And so the scoping
5 of the draft document --

6 MR. LARRY HARTMAN: Is for the route
7 permit process, not the need process.

8 MS. NICOLETTE SLAGLE: And when does the
9 need process happen?

10 MR. LARRY HARTMAN: The need process does
11 not have scoping involved with it.

12 MS. NICOLETTE SLAGLE: But at what point
13 are there public hearings on that?

14 MR. LARRY HARTMAN: I forget when the
15 public hearings are scheduled. Sometime next year.
16 It's a more formal process in need with evidentiary
17 hearings, so there would be prefiled testimony, and
18 that would generally be why the applicant is
19 obligated to prefile earlier. If there are other
20 parties who are intervenors or have party status,
21 they're also obligated to prefile their testimony
22 and --

23 MS. NICOLETTE SLAGLE: I'm not sure, I'm
24 not trying to give you a hard time, but why is the
25 comparative environmental analysis for the routing

1 permit, which must meet the need of the project, you
2 said if we have any alternative routes it has to
3 meet the stated need of the project. Why is that
4 process before the certificate of need? We haven't
5 even determined that there's a need for this
6 project, but yet we have to suggest alternatives
7 based on the need that Enbridge says they have for
8 this project? Like, I'm just really confused as to
9 why that is that way.

10 MR. LARRY HARTMAN: It's a staggered
11 process in this instance. So the need determination
12 will occur prior to a route determination.

13 MS. NICOLETTE SLAGLE: I understand that,
14 but do you understand? Like it just seems like it's
15 backwards. It should be staggered the other way.

16 MS. JAMIE MACALISTER: Right. I think
17 part of what your question is about, if I'm
18 understanding correctly, is in regards to Enbridge's
19 preferred route.

20 MS. NICOLETTE SLAGLE: I think who wrote
21 this legislation and what was their thought process
22 behind this that you would have to have routes that
23 meet the need of a process for a project before we
24 even have a need for the project laid out. It's not
25 rational.

1 I mean, I know you guys didn't do it and
2 I don't mean to like put you on the spot, Jamie, I
3 know that you had nothing to do with this
4 legislation, but it just seems insane to me. And I
5 just want to be on the record for that. You don't
6 have to try to explain anything, I know you're
7 caught in the same system just as much as we all
8 are.

9 I think I'm done with that issue. I do
10 have some more questions.

11 MS. JAMIE MACALISTER: Let's move on.

12 MS. NICOLETTE SLAGLE: Let's move on.

13 Okay. So the preferred route that runs
14 east of Park Rapids is proposed to run along the
15 existing transmission line. And there is a native
16 interaction between transmission lines and pipelines
17 and you may want to take that under consideration,
18 that they need to have more protection to those
19 pipelines to make sure that they are not corroding
20 or getting an electrical charge from these
21 transmission lines and the added danger of that for
22 people that may be using those waters or those areas
23 that the pipeline is running through. And emergency
24 response, again, their emergency response plan
25 really needs to be looked at before you say that

1 it's okay to put this pipeline through these waters.

2 Another thing that needs to be looked at
3 is something that was kind of brought up last night,
4 is this issue of frost heaving. And from what I've
5 heard from people that live up near Cass Lake is
6 that there is an area that existing Line 3, or maybe
7 it's one of the other five or six pipelines that are
8 up there is exposed, and that could be because
9 there's so much water here and they didn't back in
10 the '50s adequately engineer the pipelines to deal
11 with that frost heave. And really I don't know that
12 there is a way to adequately engineer a pipeline to
13 deal with frost heaving because it's such a kind of
14 an unknown.

15 I would like to get a little off track
16 here for one second. But, you know, they mentioned
17 this last night and it was mentioned again tonight,
18 Enbridge's investment in renewable energy, and I did
19 spend some time looking at their website and where
20 these projects are, and from the best of my
21 knowledge it seems to be that most of their
22 renewable energy investment is actually to help
23 decrease the cost of their operations. So it's not
24 as though they're actually investing in this
25 renewable energy for the good of anybody except

1 their bottom line.

2 Another thing to look into, then, like
3 we're really going to be pushing that you need to
4 look at this decommissioning/abandonment process and
5 get exact verbiage from them as to what their plan
6 is. Is it abandoning or is it decommissioning?
7 Because both of those have different legal
8 ramifications.

9 Another issue with that is that existing
10 mainline corridor that runs through Leech Lake, it's
11 my understanding that in federal lands, which tribal
12 lands are considered federal lands, they can only
13 get a 50- to 60-year easement in those areas. So
14 when you look at when those pipelines were built,
15 it's about 50 to 60 years later and so that's
16 probably about up, and that is probably another
17 reason why they're looking to pushing another
18 corridor through.

19 So along with that, so they claim that
20 they're going to be responsible for this pipeline
21 forever, but if their easements aren't even in
22 effect anymore, what regulations are going to hold
23 them to that word? And there may be some other
24 people that are more willing to take Enbridge on
25 their word, and I'm just not. And I don't think

1 there's a lot of people up here that are willing to
2 accept their word as anything that is going to
3 protect anybody.

4 Finally, moving on to this issue of the
5 economic benefits and the job creation from this
6 pipeline. You know, I'm not -- I was -- my father
7 worked at GE for years, I'm not against jobs, I'm
8 not against unions, I'm for unions. But it is time
9 for us to move towards restoration of the economy.
10 And you can create many more jobs by investing in
11 environmental restoration versus investment in dirty
12 energy pipelines.

13 If you look at that you can see that
14 there would be a much bigger economic benefit for a
15 full restoration and removal of the old pipeline.
16 There would also be more temporary jobs created for
17 the SA-03. And in the long run, one gentleman did
18 mention that, you know, it's time that we get off
19 these fossil fuels, and if we invested more in
20 public transportation in our urban areas, which is
21 the highest use of petroleum at this time, maybe our
22 extreme need for these pipelines would decrease.

23 And I know this may be a little outside
24 of your scope, but that's something to keep in mind
25 for a no-build option, is maybe it's not really

1 needed, because we are going to be -- if our need is
2 going to decrease over the next 30 years, which it
3 really needs to, if any of our children are going to
4 have a planet to live on, maybe we don't need a
5 pipeline that's going to be there for the rest of
6 anybody's lifetime.

7 Two more questions and then I will yield
8 the floor.

9 What is the proposed operating pressure
10 of the pipeline?

11 MS. JAMIE MACALISTER: I don't know off
12 the top of my head. Mitch?

13 MR. MITCH REPKA: Yeah. The maximum
14 operating pressure is designed to be 1440 pounds per
15 square inch gauge.

16 MS. NICOLETTE SLAGLE: And one final
17 question. When are the transcripts of these
18 meetings or hearings going to be available and will
19 that be available on the PUC website?

20 COURT REPORTER: The transcripts will be
21 September 30th, the same day as the public comments.

22 MS. NICOLETTE SLAGLE: And then that's on
23 the same docket?

24 COURT REPORTER: Actually, they get filed
25 by the Department of Commerce as public comment,

1 they're not transcripts like evidentiary
2 transcripts. They're more like minutes.

3 MS. NICOLETTE SLAGLE: Okay. That's all
4 I have for tonight. Thank you.

5 MR. MITCH REPKA: I appreciate the
6 comments and I would just like to take an
7 opportunity to clarify at least one of the points.
8 We're willing to talk about the other ones as well,
9 if you'd like.

10 But on the issue with the overhead power
11 and paralleling the existing corridor. Obviously,
12 from, you know, the route that's the preferred route
13 east from here, we do parallel an existing overhead
14 corridor, which is, you know, one of the criteria we
15 look at in the routing process and is the preferred
16 route because it is an existing corridor.

17 The pipeline industry has seen some
18 issues with paralleling overhead facilities. And
19 those issues are well-known and are understood. I
20 want to make it clear that we've taken into
21 consideration all those factors and we do have a
22 very robust design to account for any of the hazards
23 that may be present as it relates to overhead power.

24 So, you know, there's been some issues
25 with the time lag during construction as to when

1 those facilities will be turned on, we've got a plan
2 to ensure that we've accounted for that. I can get
3 into the details of the design, if you'd like, but
4 it is rather complex, but it's very well understood
5 by Enbridge. And we have successfully operated
6 adjacent to those facilities for decades.

7 We have a DC corridor near Floodwood that
8 we've operated near for several years, as well as a
9 large number of miles through Wisconsin which we
10 have successfully operated, too. So we know how to
11 handle those situations and we're very confident in
12 our ability to account for those risks. And we
13 don't feel that it's an issue that requires further
14 investigation because we have successfully dealt
15 with it.

16 We have systems in place that monitor
17 those systems. So the system that is designed to
18 pull that voltage off the line is under constant
19 monitoring, 24/7. So we have a rigorous maintenance
20 and ongoing operations program in place to address
21 any of those concerns.

22 So that's some of the background as to
23 where we're at with the design.

24 MS. NICOLETTE SLAGLE: I did have one
25 follow-up after that. You know, they have been

1 current on pipelines. We did a study on that back
2 in 1981 with Power Technologies, Incorporated out of
3 Schenectady, New York. They basically looked at the
4 electrical profiles of the then-existing
5 transmission lines in Minnesota, which also included
6 the plus or minus 250 kV DC line and most of these
7 other lines in and around there for a number of
8 years. And we looked at the effects of sharing
9 different types of rights-of-ways and what the
10 electrical effects might be.

11 That knowledge, even though it's somewhat
12 dated, the knowledge is still current on that.
13 Also, the Electric Power Research Institute had a
14 study looking at the various effects of electrical
15 transmission lines and other types of linear
16 facilities, and we have a copy of that in our office
17 also.

18 MS. JAMIE MACALISTER: All right. Let's
19 see if we can get through the rest of our speakers
20 here. We still have five cards and roughly 35
21 minutes, so that should tell us what we need to keep
22 these comments to.

23 Roger Harms.

24 MR. ROGER HARMS: The correct spelling is
25 R-O-G-E-R, H-A-R-M-S. Thank you very much for this

1 opportunity.

2 I want to use this brief amount of time
3 to comment on the quality of the watchers, who's
4 watching the project, who's watching the need for
5 the pipelines. Once something is built, how often
6 is it checked? How good are the documents?

7 We have a lot of pressure around the
8 country to cut back on state budgets, state
9 employees. What that means is Enbridge and other
10 companies can be providing wonderful, solid
11 information or they can be feeding you some
12 fabrications. And if there aren't any watchers,
13 you'll never know until there's a problem.

14 I'd also like to comment that the present
15 line is being abandoned because of some high-tech
16 devices that they have been using that were not
17 available when it was built in 1961. It shows that
18 the wall thickness is down, that there's some
19 compromises in the system using instruments that
20 were not available in the '60s and the '70s.

21 Some of you have had medical procedures
22 in your family with ultrasound and with MRIs. These
23 were not available in the '60s and '70s and didn't
24 become commonplace until the 1980s.

25 The wall thickness, apparently, and I got

1 this through my own information, I didn't read it in
2 any newspaper, and I found out that the wall
3 thickness of this new pipeline is just right at a
4 half-inch thick. That's considerably thicker than
5 the old line. These kinds of safety measures are
6 built in and that kind of information should be out
7 there to the public.

8 I would think that if Enbridge does their
9 job, this current pipeline could be dramatically
10 safer than past ones. And I think that's an
11 important part in this country.

12 We don't have anything out there that --
13 we've been told to look at some documents that are
14 on websites, but we don't have anything from the
15 newspaper or the television to tell us what the
16 operational line pressure is. Is it more than the
17 past pipeline? Is it less? What are the thresholds
18 that are being used? There's a lot of questions
19 that need to be answered and I think this goes back
20 to the quality of the watchers. What are they
21 getting out there for us to understand?

22 The petroleum industry is currently using
23 pressures, not necessarily in pipelines, but in
24 welding procedures, of 15,000 psi. That's a lot of
25 pressure. German companies are now making pumps

1 U.S. Code 49, parts 195 for liquid lines, 192 for a
2 natural gas pipeline. There's a lot of reporting at
3 the federal level that pipeline companies have to do
4 on a fairly routine basis. Minnesota also has an
5 Office of Pipeline Safety that's been authorized by
6 the federal government as both an inspector of
7 interstate and intrastate lines, which also includes
8 all private pipelines, both crude oil as well as
9 refined products.

10 So the Minnesota Office of Pipeline
11 Safety is fairly active. I believe they have like
12 18 to 20 different inspectors. They monitor
13 routinely the operations of pipelines through
14 reporting requirements, they monitor through
15 construction, as do the feds also.

16 There is a number of different review
17 things. For example, if you go to the federal
18 Office of the Pipeline Safety or the state Office of
19 Pipeline Safety, which is in the Minnesota
20 Department of Public Service [sic], you can find a
21 very detailed history on all pipeline incidents,
22 they are listed by type of pipeline as well as
23 county-by-county statistics.

24 So that information is already available
25 and it's updated on an annual basis.

1 MS. JAMIE MACALISTER: The next card is
2 from Deanna Johnson.

3 MS. DEANNA JOHNSON: D-E-A-N-N-A,
4 Johnson, J-O-H-N-S-O-N. Thank you for this
5 opportunity to comment.

6 I noted in materials I picked up here
7 today that Enbridge states we understand the
8 importance of and are committed to protecting the
9 water resources along our pipeline routes. If so,
10 why would Enbridge propose to build a pipeline
11 through this area, which holds pristine waters,
12 susceptible aquifers, wild rice beds, and the
13 Mississippi headwaters? If safety is paramount, how
14 could Enbridge allow flooding to uncover three out
15 of seven pipelines on the Tamarack River in northern
16 Minnesota and allow them to remain exposed above the
17 water for years?

18 Enbridge installed steel legs under the
19 pipes. Does this seem like a safe mitigation
20 practice? Federal regulations do not force them to
21 correct this problem and rebury the pipes. And this
22 is a problem for us as we face this pipeline coming
23 in, that there aren't regulations after the pipeline
24 is in place, as regulations only apply to
25 installation. So once pipelines are laid, we are

1 left to the mercy of Enbridge safety evaluations.
2 See here the exposed pipe on the Tamarack River, an
3 NPR news article, above the water, sitting like that
4 for years.

5 Is this the care for safety that we will
6 see for our precious and pristine Mississippi
7 headwaters? We hear from Enbridge we should be
8 comforted that there will be a helicopter to respond
9 to an emergency spill or rupture. What exactly
10 could a helicopter crew do to mitigate a rupture or
11 a significant leak in a 36-inch pipe in wetland
12 areas? Can you answer that? What a helicopter
13 would be able to do?

14 MR. MARK WILLOUGHBY: Actually, I've been
15 on responses where a helicopter was used to move
16 personnel. And they stream like a cargo net down
17 and they can collect any hazardous material, load it
18 on there, and ferry it back and forth. It's very
19 effective.

20 MS. DEANNA JOHNSON: How effective would
21 that be for a rupture that would involve a lot of
22 oil coming out?

23 MR. MARK WILLOUGHBY: Well, you use the
24 helicopter to get personnel in there, and then it's
25 an ongoing process, it takes a lot of time. And you

1 can be doing that while you're building a mat road
2 using heavier equipment. So you're doing --

3 MS. DEANNA JOHNSON: Yeah, I understand
4 that. And that's, you know what you mentioned
5 there, the mat road, that's something that concerns
6 me with 28 inaccessible rivers and water bodies and
7 streams that we have in this area where the
8 Sandpiper will be going through. So would you
9 describe the mat roads? How they're constructed and
10 how long it takes to put in one?

11 MR. MARK WILLOUGHBY: Oh, certainly. A
12 mat road is basically a temporary road that is used
13 over wetland areas for places where heavy equipment
14 can't normally transport, so that it is able to get
15 in there. And it's temporary, it goes in for the
16 period of time that you need it and when you're done
17 you pull them out.

18 MS. DEANNA JOHNSON: Okay. Thank you.

19 I got a little off here where I was.

20 How much oil could be expelled from a
21 ruptured 36-inch pipe unless they level -- on the
22 level in a minute or an hour or a day? How much
23 does this amount accelerate on an incline per, you
24 know, the same distance? Is that addressed, in how
25 much would be released in those time frames?

1 MR. ARSHIA JAVAHERIAN: Thank you. We do
2 not have that direct information for the Line 3
3 proposal right now. That is information that we do
4 look at and we provide that information to our
5 federal agencies that do review our safety measures.

6 We do have valves that do close off after
7 anything is noticed that has leaked. And then we do
8 calculations beforehand to know, you know, what can
9 be released at that time in that area, depending on
10 elevation, depending on where the valves are and
11 whatnot. So we do a pretty detailed analysis, but
12 unfortunately we don't have that detailed
13 information with us today.

14 MS. DEANNA JOHNSON: Will that be made
15 available to the public and know how far the valves
16 are apart and then how much oil could be released
17 between those valves if they were to rupture? Will
18 that be available to the public?

19 MR. ARSHIA JAVAHERIAN: We have made the
20 valves available, that is in our application under
21 the maps that we have currently provided. I think
22 we -- I'll have to check to see if we provided any
23 of that information to PHMSA already, as far as
24 releases, and we'll be able to get back to you on
25 that.

1 MS. DEANNA JOHNSON: Okay. Thank you.
2 What is the worst-case scenario for our
3 rivers and water bodies should a rupture occur?
4 Will such an evaluation be completed and will it be
5 shared with the public, or will this information be
6 secret?

7 MR. ARSHIA JAVAHERIAN: Some of that
8 information will be shared with the public, some of
9 it is shared with PHMSA, some of it is considered
10 critical energy infrastructure information as well.
11 So it really depends on where we're talking about.
12 And, again, some of the specifics they'd be looking
13 for.

14 MS. DEANNA JOHNSON: Okay. Thank you.
15 We know there are pipeline leaks that are
16 not detected for some time by pressure equipment.
17 How much oil does Enbridge lose annually in
18 Minnesota due to leaks and how much oil is
19 unaccounted for?

20 MR. ARSHIA JAVAHERIAN: Zero.

21 MS. DEANNA JOHNSON: So you do not -- you
22 can account for every gallon that's going through
23 those pipes?

24 MR. ARSHIA JAVAHERIAN: We can, yes.

25 MS. DEANNA JOHNSON: So you're not seeing

1 any leaks?

2 MR. ARSHIA JAVAHERIAN: If there is a
3 leak, there is a rupture, we can account for that
4 oil. But I believe your question was how much goes
5 undetected and that's zero.

6 MS. DEANNA JOHNSON: Okay. These
7 questions I ask should be addressed by completion of
8 a full and complete EIS done by professionals in the
9 field of environmental study without company
10 connections and not supervised by agencies devoted
11 to commerce rather than environmental concerns, as
12 such will be the case for the comparative
13 environmental analysis.

14 We enjoy the second oldest state park in
15 the nation, Itasca, which receives one-half million
16 visits per year. An oil leak, rupture, or a related
17 fire at this site would be an incalculable and
18 profound loss to what is an intrinsic value of its
19 natural beauty and also would be a devastating loss
20 to our economy. We think of our trees in Itasca
21 where we see people coming from all over the nation
22 and internationally. I'm probably one of the most
23 frequent visitors to the park and I see people
24 speaking foreign languages every time I come there.
25 We are looking at a loss here if our environment is

1 compromised by a pipeline disaster in that area.

2 At the expo, I could not get an answer to
3 who produces the pipes? Where are the pipes
4 manufactured? And where does the steel come from
5 for the pipes for the Sandpiper and Line 3?

6 MR. ARSHIA JAVAHERIAN: We can answer for
7 the Line 3 pipeline.

8 MR. MITCH REPKA: Yes. For Line 3, the
9 pipe is being produced in Portland, Oregon, the
10 majority of the pipe.

11 MS. DEANNA JOHNSON: Somebody told me at
12 the hearing, they talked about Arkansas, and then I
13 asked what company made it, and he walked away from
14 me. So I was just curious, what company produces
15 the pipes?

16 MR. MITCH REPKA: We work with EVRAZ,
17 E-V-R-A-Z, is the name of the company.

18 MS. DEANNA JOHNSON: I have noted by
19 looking online that a lot of the pipes and steel,
20 there seems to be a lot of manufacturing in China
21 and India. They seem to be great producers. Can
22 you verify and show citizens how to obtain the
23 information so that we will know exactly, you know,
24 where these pipes are manufactured and be assured
25 that they might not be coming from China or overseas

1 someplace else?

2 MR. ARSHIA JAVAHERIAN: The pipe is being
3 milled in Portland, Oregon. The steel is primarily
4 from recycled North American steel. And the company
5 is EVRAZ. And we provided -- we will be providing
6 that information in testimony which we will be
7 swearing to. And we send people out there to
8 inspect the steel out there, and you can look up the
9 company and find out where their facilities are as
10 well. But the steel does not come from China nor is
11 it milled there.

12 MS. DEANNA JOHNSON: Okay. Thank you.

13 Okay. Today the company talked about
14 1,500 jobs for construction with half of them being
15 Minnesota jobs, 750. I'd like to point out, and I
16 was at the PUC hearing in June, the Enbridge
17 attorney was asked to state how many permanent jobs
18 would be in Minnesota and she went and received an
19 answer from staff and this would be 22 permanent
20 jobs in Minnesota.

21 If we have a disaster here with a spill
22 or a rupture in this area, which thrives on tourism,
23 and as a retirement community, or Itasca State Park,
24 it will be disastrous and it will cost us untold
25 number of jobs.

1 Thank you.

2 MS. JAMIE MACALISTER: The next speaker
3 is Anthony Platt.

4 But I would like to encourage everyone to
5 look at the draft scoping document that has been
6 prepared for the comparative environmental analysis.
7 And in particular to focus your attention on page 13
8 and item number 4, that we'll be looking at impacts
9 and mitigation, which will include all the potential
10 impacts and mitigation techniques, including the
11 construction, the operations and maintenance, which
12 will cover the incident response as well as the
13 worst-case spill scenarios. And then, also,
14 Enbridge compliance and response history to date in
15 Minnesota.

16 MR. ANTHONY PLATT: My name is Anthony
17 Platt, A-N-T-H-O-N-Y, P-L-A-T-T.

18 I want to start off by telling you that I
19 am pro pipeline, I am just against the proposed
20 location of this pipeline. I am pro economic
21 development only after evaluated properly and
22 planned and addressed with true integrity. I am pro
23 union. I was in the union from 1968 through 2006.
24 I was a union president. Before that, my father was
25 a union member in the 1950s and he too was a union

1 president.

2 The union has talked -- the people here
3 tonight have talked about the fact that we have
4 1,500 jobs that will be offered, as the previous
5 speaker addressed already. The fact that how many
6 of these are permanent? If a different route is
7 provided for, will there still not be those same
8 jobs? And if the route is longer, will those jobs
9 not last longer?

10 I've read in an area newspaper, and it
11 was brought up tonight about trains and oil
12 transportation. Transporting of oil by trains will
13 not be decreased if this pipeline is built.

14 I'm an elected township official. My
15 township falls within a watershed that is part of
16 this pipeline. It is basic -- my township is
17 basically lakeshore property. If our waters are
18 polluted, our lakes are polluted by a pipeline
19 break, leak, our tax base is ruined. What do we do
20 then?

21 I also want you to know that I am not
22 anti Enbridge. I am a stockholder in Enbridge.
23 However, I am against our short-sightedness in
24 placing more value on oil and pipelines and
25 corporate financial bottom line versus the

1 environment, lakes, water, natural resources. I
2 think we need to save some of these resources for
3 our next generation, my grandchildren.

4 Help save these natural resources that
5 belong to all Minnesotans, not to a corporation in
6 Canada.

7 In closing, I want you to know I am
8 patriotic, I too want jobs in America. I am pro
9 American, I am pro jobs, I'm pro pipeline. I'm
10 against the route of this pipeline.

11 Thank you.

12 MS. JAMIE MACALISTER: Bob Scribner.

13 MR. BOB SCRIBNER: My name is Bob
14 Scribner, and it's B-O-B, S-C-R-I-B-N-E-R.

15 And I live about three miles south of
16 Hubbard. And one of the ladies already mentioned
17 that we have a water clarity problem in that area
18 already from the well water. Our children,
19 grandchildren cannot drink the water, it's not
20 recommended to be drank by the State of Minnesota
21 because of the high -- or because of fertilizer and
22 the farming that has been taking place and overuse
23 of fertilizer and overuse of a bulk irrigation
24 system. The nitrates on my well is about 29 parts
25 per million. The state recommends 10. And that is

1 all due basically to the fact that the sand that's
2 in the area, you know, this is only like three miles
3 from the pipeline, the sand will let anything just
4 pass right through it and so the water down below is
5 very, very high in nitrates.

6 There was recently just a home in Hubbard
7 that they had to -- well, in order to get a loan for
8 a house, it's got to be below 10, otherwise you
9 can't get a home so you've got to put a purification
10 system in.

11 And I'm very concerned about this water
12 because of the oil, it's not if this pipeline
13 breaks, it is when it breaks, because it will break
14 sometime in the future or leak. I can't -- or I
15 would be willing to bet that they can't tell me that
16 they've never had a break in one of their pipelines.
17 Can you say that?

18 MR. ARSHIA JAVAHERIAN: No, we've had
19 breaks in pipelines.

20 MR. BOB SCRIBNER: You've had breaks,
21 right?

22 MR. ARSHIA JAVAHERIAN: Yes.

23 MR. BOB SCRIBNER: The other thing that I
24 want to bring up, what is -- well, first of all,
25 when I came here I could not believe that this area

1 is not an environmental impact statement that is
2 required. I would think that the State of Minnesota
3 and all the citizens would want all the input that
4 they could possibly get from all the agencies within
5 the state of Minnesota for a project that is this
6 large.

7 One of the gentleman from the pipeline
8 said that they work very, very hard to be a very
9 good neighbor and to cooperate with the people that
10 their pipeline goes through. And if they have such
11 good standing with these people, why wouldn't you
12 follow the northern route that you presently have
13 the right-of-way across, that is the shortest
14 distance, does not have all the zigzags in it that
15 the proposed route has. That's just a question I
16 have. Why wouldn't you follow that route?

17 I mean, the state of Minnesota, from what
18 I see from this, will not really benefit that much.
19 Because it is my understanding oil is going to go to
20 Wisconsin and from there south. Is that correct?

21 MS. JAMIE MACALISTER: I believe that
22 Line 3 serves multiple pipelines. Some of it goes
23 to Minnesota and some of it does go to Wisconsin.

24 MR. BOB SCRIBNER: Then will I see a
25 decrease in gas prices or a decrease in my taxes for

1 gas or anything? I don't think so.

2 MS. JAMIE MACALISTER: That -- I cannot
3 speak to that.

4 MR. BOB SCRIBNER: I mean, we've got a
5 government right now who wants to raise the price of
6 the gas tax. So, I mean, if this pipeline is going
7 to go through and benefit all the citizens of
8 Minnesota, our gas prices should be going down, or
9 at least the tax should.

10 I think the rest of the questions that I
11 had have pretty much been answered. But my biggest
12 concern is the environment and the water in this
13 area, because we already have a problem, of which
14 Park Rapids is part of that problem. I mean, they
15 have the same problem we do.

16 Thank you.

17 MS. JAMIE MACALISTER: Okay. Our next
18 speaker is Edna Underwood.

19 I guess I would like to respond a little
20 bit to the comparative environment analysis question
21 again. Structurally, this document will look very
22 much like an EIS. It is, again, procedurally that
23 this document differs. And, yes, Minnesota state
24 agencies are participating and, yes, they are
25 currently participating in the development of the

1 scope. And we are working with them as we are
2 coming out to all of these meetings to get their
3 specific input on the scoping of the CEA as well.

4 MS. EDNA UNDERWOOD: I'm Edna Underwood,
5 E-D-N-A, U-N-D-E-R-W-O-O-D.

6 I had the privilege to talk this
7 afternoon a little bit and I spoke from the heart on
8 how I feel about destroying -- the possibility of
9 destroying our pristine land up here, and our lakes
10 and our water. And I don't see how Enbridge can
11 feel that they get to go the route that they think
12 they want to go. And how in the world did they ever
13 think they could do it? They already started
14 putting their pipes and everything up by Lake George
15 and they didn't really have a permit to do it. What
16 gave you the right to do that?

17 And I've talked to several of you and I
18 think you know by now that we have some loyal, loyal
19 people up here in this area that want to keep their
20 land up here and their water and have it for the
21 next generation. If we ruin it, who is going to
22 bring it back to us?

23 And I think something you have to
24 possibly report back to the governor, and I think
25 nobody has mentioned, that let's start a letter

1 writing campaign. He may not read it, but if he
2 gets two boxes or two bushel baskets of letters from
3 up here to help us save our northern Minnesota for
4 the future.

5 And I won't take any longer because I
6 know there might be a question or so from others.
7 But this has been an eye-opener, and for people
8 that don't come out and realize what's going on, I
9 think they feel it's hopeless. But I don't think
10 it's hopeless 'cause we're strong.

11 MS. JAMIE MACALISTER: And closing us out
12 this evening will be Willis Mattison.

13 MR. WILLIS MATTISON: Thank you.

14 For the record, my name is Willis
15 Mattison, that's W-I-L-L-I-S, and Mattison is
16 M-A-T-T-I-S-O-N.

17 I raise particular objection to the
18 procedure by which these decisions are being made
19 such that I don't believe it's going to be to a good
20 outcome of interests. Primarily, the very fact that
21 routes, route segments and system alternatives are
22 being allowed to be limited by the company's need
23 criteria, not public need criteria. They're able to
24 peg this pipeline to entry points and intermittent
25 points along the way virtually guaranteeing that

1 proposed for the certificate of need on the
2 Sandpiper is not allowed to constrain the slate of
3 alternatives for Line 3, the PUC's responsibility to
4 balance the risks of a project's public benefits is
5 fatally compromised. Everybody involved in the
6 environmental review document realized it was
7 constrained by time and resources.

8 To now stand on that document to make the
9 monumental and highly consequential decision to
10 narrow alternatives going forward into the CEA is an
11 unjustified use of that document and does not serve
12 the public good.

13 For example, the environmental assessment
14 could not describe or compare the environmental
15 risks of various system alternatives. The
16 environmental review document failed to establish or
17 justify a fundamental public need by identifying
18 even in a general, broad overview manner, the
19 different bodies of water, rivers, lakes, streams or
20 aquifers that have different vulnerabilities,
21 sensitivities, values and resilience, not to mention
22 the broad differences in preexisting levels of
23 irreversible degradation. In other words, highly
24 impacted agricultural ecosystems were graded on an
25 equal basis with natural forest ecosystems as far as

1 impact. That's improbable, inaccurate, and an
2 unconscionable use of an environmental review
3 document.

4 Broad regions of the state can be
5 characterized as having large numbers of waters that
6 fit in different classes of value. Yet this
7 environmental review document done for the Sandpiper
8 certificate of need treated all waters as equal and
9 simply compared a body count of waters, not a broad
10 sensitivity or value-based assessment. All of which
11 was reasonably doable within the time and resource
12 constraints provided.

13 Lack of jurisdictional authority has also
14 been used as a reason for not considering system
15 alternatives involving routes in other states. If
16 the best of all, maybe even the perfect alternative
17 route was in another state, and the means of routing
18 and transporting Bakken or Alberta oil actually
19 existed in another state, wouldn't the Department of
20 Commerce and the PUC staff simply shrug their
21 collective shoulders and claim impotence? If there
22 was a method for resolving that restraint in
23 authority to find this perfect or best route, would
24 the PUC and the Department of Commerce staff
25 advocate for it? If there was a reasonable

1 alternate path forward, would the PUC and the
2 Department of Commerce staff stand on precedence and
3 narrow interpretation of authority and allow
4 alternative routes to be narrowed to choices between
5 bad and worse?

6 Choices between bad and worse
7 alternatives is what's actually pitting localities
8 against one another in a NIMBY battle. To advocate
9 for assessment of regional alternatives for what is,
10 in fact, a regional or multi-state project, is far
11 from NIMBY. It is reasonable and prudent exercise
12 of authority in the broader public interest.

13 In keeping of sound environmental review
14 protocol, risk assessments and worst-case scenarios
15 performed on bad or worse routes are useless. We
16 now understand you're going to commit to doing these
17 kinds of worst-case scenarios and risk assessments,
18 but if you're only comparing that route with a worse
19 route, we're not gaining much. Those kinds of
20 analyses need to be performed on all reasonable
21 alternatives where, in fact, the risks would be less
22 and the impacts would be significantly less, not
23 virtually the same.

24 For the regulatory agencies charged with
25 looking out primarily for the public interest, to

1 allow a permit applicant to arbitrarily narrow
2 alternative locations for a project is like
3 industry's profit margin has a higher need than the
4 public interest. The company's profit margin should
5 not be allowed to limit the scopes of alternatives.

6 Industries like Enbridge are fully
7 capable of looking out for their own financial
8 interests. Agencies must put the public interest in
9 the forefront. Can the PUC or Department of
10 Commerce staff cite the statute or rule they relied
11 on when limiting the public range of alternatives to
12 those that conformed to the Enbridge entry point in
13 Minnesota in Kittson County, Clearbrook, and
14 Superior, Wisconsin?

15 In other words, is there a rule that you
16 must follow that when the company tells you they
17 want to go through these points that you must go
18 through those points and limit testimony by anybody
19 here, including myself, to those alternatives which
20 pass through there? What rule or statute is it that
21 allows that kind of preemptive points of
22 connect-the-dot game?

23 I'm sorry, I'll pause and let you answer
24 that, because that's a key point. I don't
25 understand how it is that that happens to constrain

1 the number of alternatives you're willing to
2 consider?

3 MS. JAMIE MACALISTER: When the
4 Commission came out with their order for the
5 certificate of need for Sandpiper, that's where that
6 decision was made.

7 MR. WILLIS MATTISON: And that was based
8 on a staff recommendation.

9 MS. JAMIE MACALISTER: That was based --
10 that decision was based partially on staff
11 recommendation, but it was also based on the fact
12 that the need for the project, which the applicant
13 gets to determine what the need for that project is,
14 they have to make their case based on the criteria
15 for a certificate of need and they get to define
16 what the need is for their project.

17 We simply can look at those alternatives.
18 And the recommendation was that those other
19 alternatives, if they did not hit those touchstones,
20 would not meet the need for the project and the
21 applicants would be applying for a completely
22 different project.

23 MR. WILLIS MATTISON: So you are
24 confirming my understanding, that the company gets
25 to set those kind of connect-the-dot criteria and

1 the public is at their mercy of having done that
2 because your agency and the PUC simply accept that
3 and it did?

4 MS. JAMIE MACALISTER: No, I would not
5 actually agree with that statement. But I would
6 agree that that is your perception of how the rules
7 are interpreted.

8 MR. WILLIS MATTISON: Okay. That remains
9 to be clarified, because that is not only the
10 perception of the public, but I as a professional
11 reviewer of these kinds of documents see that as a
12 consequence of the application and rule that seems
13 to be up to the discretion of the staff. And when
14 the staff gives that direction to the commissioners
15 based on that they are hand-tied or handcuffed by
16 what the staff tells them they can or cannot do.

17 These desired company prerequisites, as
18 the project was required to meet a corporate need
19 rather than a public need, the pipeline company --
20 I'm sorry, I'm having trouble reading my own notes.

21 The pipeline company needs a public
22 agency determination of serving a public need to be
23 awarded the power of eminent domain. In other
24 words, once they qualify for the certificate of need
25 they are granted the authority of eminent domain,

1 I understand your question there. Can you restate
2 that?

3 MR. WILLIS MATTISON: In offering
4 alternatives into the certificate of need process,
5 it turns out that the data of engineering and costs
6 and environmental impact were so daunting that no
7 citizen could possibly meet them. And the
8 commissioners recognized that as citizens
9 complained. Is it now a different game? Has the
10 criteria actually been lowered or the staff offered
11 to assist in filling out the detailed technical,
12 economical, environmental and engineering criteria
13 to meet that criterion for an ultimate design such
14 that that burden is now lifted in some way?

15 MS. JAMIE MACALISTER: As you and I
16 discussed after the morning meeting, the
17 environmental document that was prepared for the
18 certificate of need for Sandpiper did and was a high
19 level look at all those route alternatives. And
20 what we needed to look at in the absence, the only,
21 the only route that we had detailed information for
22 was applicant's preferred route. So we then took
23 and assembled all of the route -- they weren't route
24 alternatives, they were system alternatives that
25 were given to us, and we simply looked at those

1 alternatives within a two-mile area. So we were
2 just looking at broad impacts, as you know, within
3 that two-mile corridor. Those impacts could change
4 radically within the two miles depending on where
5 the centerline would be placed.

6 So what I believe the PUC was trying to
7 do was to set the bar lower so that people could
8 make those route alternative or system alternative
9 suggestions so that we would have some baseline for
10 which we could actually look at those across a broad
11 area. I agree, it would be technically impossible
12 for any of us to come up with a design and meet all
13 of the standards the pipeline company must meet when
14 they come in with an application. So I think the
15 intent was actually to make it easier for anyone to
16 submit a route or system alternative for that
17 document.

18 MR. WILLIS MATTISON: Has that time come
19 and passed and now we're constrained by those that
20 are represented on maps submitted at this meeting?

21 MS. JAMIE MACALISTER: Right now, yes.
22 Well, for the routing alternatives and, again, I
23 think there is some confusion between the
24 certificate of need process and the routing process,
25 and I realize that that's not going to be clarified,

1 most likely, by anything that I would be able to
2 tell you. I can simply say that, yes, the purpose
3 of these scoping meetings is to try and get route
4 and segment alternatives submitted to us so that we
5 would have those to look at to compare to the
6 applicant's preferred route.

7 MR. WILLIS MATTISON: But no system
8 alternatives are now allowed, as suggested by
9 citizens?

10 MS. JAMIE MACALISTER: To my knowledge at
11 this point, the system alternatives are not what
12 we've been asked to look at. This meeting is
13 specifically for the route permit.

14 MR. WILLIS MATTISON: I understand that.

15 MS. JAMIE MACALISTER: Okay.

16 MR. WILLIS MATTISON: But in order to
17 consider alternatives and suggest alternatives, we
18 need to know the rules of the game. And if the
19 rules of the game are simply to figure out
20 deviations within a narrow corridor, that's one
21 thing. If the rules of the game are that we can
22 pick a pencil and draw a line from North Dakota to
23 Chicago somewhere and say we think that's a better
24 route, and you simply say, sorry, that's not
25 allowed. Then the objection that I raised in the

1 first part of my testimony becomes valid. That is
2 an artificial, arbitrary narrowing of alternatives
3 that's unwarranted and will force the pipeline to go
4 in either a bad or a worse route. That's not
5 serving the citizens of this state very well, it's
6 not serving even Enbridge very well.

7 I think I've made the point.

8 MR. ARSHIA JAVAHERIAN: Mr. Mattison, I'd
9 just like to say one thing on that note. Line 3
10 currently goes to Clearbrook and it goes to
11 Superior. And those are places that it needs to
12 continue to go to. So Chicago is not the end-all
13 point for this pipeline.

14 Clearbrook would allow Line 3 to deliver
15 to the Minnesota Pipe Line company, which would then
16 deliver to the Minnesota refineries. Superior would
17 allow it to deliver to the Calumet refinery, which
18 is in Superior, Wisconsin, and then also take
19 additional Enbridge pipelines down into the Chicago
20 area and into Indiana. We have pipelines from
21 Superior that go directly into Indiana, pipelines
22 that go directly into the Flanagan terminal near
23 Pontiac, Illinois, which is North Central Illinois.
24 And then from there they go to Oklahoma and
25 ultimately can go down to the Gulf Coast refineries.

1 So while I understand your concerns
2 regarding the Sandpiper and discussions about
3 Marathon with Sandpiper, this is a completely
4 different pipeline with different purposes and so
5 the need of it is as I stated there.

6 So, you know, I just want to clarify that
7 because I feel that that has not come across as of
8 yet for you to understand that that is why
9 Clearbrook is essential, that is why Superior is
10 also essential.

11 MR. WILLIS MATTISON: Oh, don't
12 misunderstand. I understand quite clearly. What I
13 don't think Enbridge understands is that the
14 citizens of Minnesota suggest that the path by which
15 you establish Clearbrook and Superior as end points
16 and intermediate points for shipping oil across
17 Minnesota were not well thought out. We've seen
18 Sandpiper and now the possible rebuild of Line 3 as
19 an extraordinarily golden opportunity to correct the
20 mistakes that were made back in the 1950s and 1960s.
21 So we do believe that there's ways to get Sandpiper
22 and Line 3 oil to the Minnesota refineries that you
23 now serve with those pipelines and even Calumet and
24 Superior without necessarily threatening the lakes
25 of Minnesota and the northern Minnesota environment.

1 It was a bad decision then, it would be a
2 bad decision to repeat that. I don't know how to
3 better impress upon you the fact that it's time to
4 take a look at your entire infrastructure and not
5 repeat the mistakes of the past. There is a process
6 by which we would help you find a good,
7 environmentally sound route, transport this oil
8 reasonably, economically, and reliably. But you
9 don't have to repeat the mistakes of the past to do
10 that and you should not be aided by contortion of
11 the rules that begins to prematurely eliminate all
12 of those good alternatives.

13 And to the extent that you bring the
14 power of the law and your enormous budget to bear on
15 this process is very much resented. You argue very
16 effectively in news releases and publications and
17 everywhere about how safe you are and how good you
18 are. But yet, when someone offers another
19 alternative that doesn't necessarily meet your
20 needs, you fight it tooth and nail. And you will
21 argue and you, yourself, as an attorney, one of your
22 primary motives is to make these rules work for you.
23 We need to have these people use the rules to work
24 for the citizens in the state and the lakes and the
25 streams and the aquifers here. That's not your

1 concern, it's ours.

2 But we want you to know that we plan to
3 make these rules perform the job they're supposed to
4 do and ask these agencies to perform the job they're
5 intended to do. Not to make your job easy, but to
6 protect our resources here while you deliver the
7 energy you say you need.

8 So that's what you don't understand when
9 you make these arguments, is that we think you
10 should change the way you do business by the way you
11 route your infrastructure through the state. If
12 you've invested millions of dollars in
13 infrastructure that you now regret because it is
14 such an environmentally sensitive area, that's not
15 my fault. That's the cost of you doing business and
16 decisions that were made decades ago. But we can
17 correct those decisions if you will work with us.

18 So that's the point of my testimony here,
19 is that I would like you to come to us and make that
20 system make sense for the folks out here who are
21 watching. Right now we understand there are
22 contortions of the law and there's definitions in
23 rule, but help us make sense. Do this reasonably.
24 A reasonable person would look at where the oil
25 comes from and where it's going and what the

1 alternative routes are there. And by contortion of
2 the rule you are allowing the company to set these
3 pinpoints along the way that narrow the alternatives
4 and that's wrong. It doesn't serve us, it doesn't
5 serve the people, it doesn't serve the next
6 generations to come. So let's find a way.

7 If you were to find that there was a way
8 to look at the systems alternatives, starting in
9 North Dakota and ending in Chicago where the other
10 end points of this oil was, and do a broader
11 environmental review, if the jurisdiction were not
12 limited by the state boundaries where the state
13 agencies are, would you take it? Would you allow
14 for a new configuration of the entire infrastructure
15 to correct some of the errors that were made decades
16 ago that we now know better? Would you take that
17 opportunity?

18 MS. JAMIE MACALISTER: I can't even begin
19 to answer that question because that is not the
20 environment in which we're currently working.

21 MR. WILLIS MATTISON: But it certainly
22 is. Because, you see, state government does not
23 operate alone. We have federal agencies that could
24 assist us that have authority across state lines.
25 Would you not, in fact, recognize the flaw if you

1 were constrained by the state boundaries and laws
2 that allow this connect-the-dot methodology that
3 impinges upon highly sensitive resources against
4 your will? I don't think you intend to do that. No
5 one here expects that you want to do that, but the
6 law does that to you and it's difficult for you to
7 get out of it. If we would rely on a federal
8 environmental review, we could then take a look at
9 broader alternatives.

10 So I'm beginning to think that if you are
11 unable to make the state rules work because these
12 alternatives are limited, then we need to take a
13 look at other ways of skinning this cat and solving
14 the problem in an environmentally sensitive way.

15 So would you be willing to have that
16 conversation? And that's something we can't
17 obviously do here, but there is a possible way that
18 the public could be better served and your
19 jurisdictional limitations broadened so that you
20 don't feel these constraints of conforming to the
21 company's need of connecting the dots and recreating
22 the mistakes made decades ago?

23 MS. JAMIE MACALISTER: If you have ideas
24 of how to resolve these jurisdictional issues, I
25 strongly recommend that you submit them.

1 MR. WILLIS MATTISON: I would like to do
2 that by meeting with you, if you'd be willing.

3 MS. JAMIE MACALISTER: I'm certainly
4 willing.

5 MR. WILLIS MATTISON: Okay. Thank you.

6 COURT REPORTER: Excuse me, I need to
7 take a break. I can't keep going.

8 MS. JAMIE MACALISTER: Actually, what I'd
9 like to say is it is 9:15, so if you're almost
10 finished --

11 MR. WILLIS MATTISON: I think I could
12 wrap up, unless you're just --

13 COURT REPORTER: How long? Three
14 minutes?

15 MR. WILLIS MATTISON: Three to five.

16 COURT REPORTER: Three. I'll give you
17 three.

18 MR. WILLIS MATTISON: If we need to take
19 a break and come back --

20 COURT REPORTER: No. Nope. You said
21 three to five, I take three, that's what you stick
22 with. You gave me a choice.

23 MR. WILLIS MATTISON: I just need a few
24 more minutes.

25 All right. One of the problems is the

1 lack of transparency and the complexity of the
2 record that's prepared.

3 All of the parties get to introduce
4 testimony into the record and we find a widely
5 disparate, controversial, contradictory and
6 absolutely ridiculous kind of arguments all in the
7 record. Nowhere in the process does anyone take all
8 of the facts and fact-check them, peer review them,
9 and come to a consensus agreement that this, in
10 fact, these are the facts on which you decide.

11 You simply have this array of
12 contradictory evidence in the record. Instead of
13 being transparent, it fogs the public over. The
14 public gets too much information, they don't know
15 who's telling the truth. So this is why you're
16 comparative environmental review and the other
17 documents that you prepare are inadequate to
18 consolidate all of the information in testimony you
19 get. If you agree to do what's normally in the
20 environmental impact statement, have it
21 peer-reviewed, commented on and reviewed and revised
22 based on those comments into a final document, then
23 you would have a true environmental review that is
24 the equivalent to the environmental review of an
25 EIS.

1 So please do not represent your process
2 as being equivalent, because it lacks all that and
3 it lacks transparency and as a result you lose the
4 trust of the public. You don't have a precise
5 document either in the certificate of need process
6 or in the routing process that has that consensus
7 review and then comment and rereview by
8 authoritative agencies.

9 Did I go over?

10 COURT REPORTER: No, actually, you're 30
11 seconds -- you have 30 seconds left.

12 MR. WILLIS MATTISON: My gift to you.
13 Thank you.

14 MS. JAMIE MACALISTER: All right. Well,
15 it's been a long evening. Thank you, everyone, for
16 joining us. And, yes, you know, when we get these
17 jurisdictional issues resolved and have a different
18 process, we'll happily comply with that process.

19 Thank you.

20 (Proceedings concluded at 9:20 p.m.)

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