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SCOPING AND INFORMATIONAL MEETING  
EAST LAKE - AUGUST 27, 2015 - 11:00 A.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

East Lake Community Center  
36666 State Highway 65  
McGregor, Minnesota

August 27, 2015

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Rayna Killspotted

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1 MS. TRACY SMETANA: Good morning,  
2 everyone, and thank you 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 today's meeting is to  
9 explain the Commission's review process. To provide  
10 some information about the proposed project. To  
11 gather information for the environmental review.  
12 And to answer general questions you may have about  
13 the process and the project.

14 So in the meeting notice there was an  
15 agenda printed. So the first 30 minutes or so will  
16 be some presentations by me, by the Public Utilities  
17 Commission, by Enbridge, and by the Department of  
18 Commerce. And then we'll open it up for the main  
19 event, your comments and questions. If the comments  
20 and questions do continue on to 12:30, we will need  
21 to take a 15-minute break for the court reporter's  
22 benefit and then we will resume taking your comments  
23 and questions.

24 So, first of all, who is the Public  
25 Utilities Commission? We're a state agency. We

1 regulate various aspects of utility service within  
2 the state of Minnesota, including pipeline  
3 permitting. We have five commissioners that are  
4 appointed by the governor, and about 50 staff in  
5 St. Paul.

6 So this particular project needs two  
7 permits from the Public Utilities Commission before  
8 it can be built. The first is what we call a  
9 certificate of need. And as you might guess by the  
10 name, it answers the question is the project needed.  
11 There are statutes and rules that guide this process  
12 and I've identified those here, so if you want to  
13 get more information you're certainly welcome to do  
14 that.

15 The second piece of the puzzle is what we  
16 call a route permit. And, again, the name sort of  
17 gives it away. It determines, if it is needed,  
18 where will it go, and the statutes and rules that  
19 guide that process are identified here as well.

20 As we work through the process, there are  
21 a number of agencies and organizations that are  
22 involved along the way. So I just wanted to give  
23 you a little bit of who's who.

24 First of all, we have the applicant.  
25 That's what we call the company that's asking for

1 the permits in this case. And so for this  
2 particular project the applicant is Enbridge Energy.

3 The Department of Commerce is another  
4 state agency, separate from the Public Utilities  
5 Commission, that also is involved. Their Energy  
6 Environmental Review and Analysis unit, sometimes  
7 abbreviated EERA, will conduct the environmental  
8 review for this project.

9 And the Department of Commerce, Energy  
10 Regulation and Planning division, will represent the  
11 public interest when utilities ask to change their  
12 rates, services, facilities, and so on. And their  
13 role is on the certificate of need side of this  
14 project.

15 Later on in the process the Office of  
16 Administrative Hearings, or OAH, will be involved.  
17 They will assign an administrative law judge who  
18 will hold hearings, both public hearings in the  
19 proposed route areas and also what we call contested  
20 case hearings or evidentiary hearings, likely in St.  
21 Paul, to gather evidence and collect facts so that  
22 the judge can summarize those facts and write a  
23 report for the Public Utilities Commission for its  
24 consideration.

25 At the Public Utilities Commission, or

1 PUC, there are two staff members assigned to the  
2 project. The first is our energy facilities  
3 planner. And their job is more in a technical role.  
4 Helps in building the record, gathering information,  
5 advising commissioners about the impacts of various  
6 decision options. And then there's the public  
7 advisor -- again, that's me. My job is to work with  
8 folks to help you figure out what happens next,  
9 where are we at in the process, how can I get  
10 involved, when are meetings coming up, where can I  
11 get more information and so forth.

12 In both cases, Commission staff members  
13 are neutral parties. Our job is not to advocate for  
14 any position or any other party in the proceeding,  
15 our job is simply to be neutral and provide the  
16 facts.

17 So when the Public Utilities Commission  
18 is considering this question of is the project  
19 needed, there is guidance in the statutes and rules  
20 to help the Commission decide. And so here's a list  
21 of the criteria that they need to consider when  
22 they're determining that question of need.

23 Likewise, there is a list of criteria for  
24 consideration on the route permit side, and so this  
25 is a list of the items that the Commission needs to

1 consider in terms of the route permit.

2 What the statutes and rules do not do in  
3 this case is rank them. So there's nothing that  
4 says, you know, human settlement is the most  
5 important factor to consider no matter what, or, you  
6 know, archaeological and historic resources are  
7 important no matter what. As we go through and  
8 gather the facts in this record, the Commission will  
9 be charged with sort of weighing all of those  
10 options and striking a balance if indeed a route  
11 permit is granted.

12 This is just a brief overview of what the  
13 certificate of need process looks like in this  
14 particular case. I'm not going to go through  
15 everything step by step, but I do just want to let  
16 you know here's where we are. So you can see we're  
17 close to the top of that chart, and there are a  
18 number of steps that need to happen before we get to  
19 the bottom of the decision.

20 The other thing I want to point out is  
21 along the way there are numerous opportunities for  
22 folks to get involved by attending meetings,  
23 submitting comments, and so forth, and that is a  
24 very important part of the process.

25 A similar chart for the route permit

1 process. Again, we're at the public information  
2 meeting stage, there are a number of steps that need  
3 to be completed before we get to a decision, and  
4 there are opportunities for folks to weigh in along  
5 the way.

6 So this is sort of the same information  
7 in a chart form with some dates plugged in. The key  
8 word here is estimated. At this point, as I said,  
9 we're early on in the process and so based on the  
10 information we have today our best guess is that we  
11 could have a decision on the certificate of need by  
12 June of 2016.

13 And a similar estimated timeline chart  
14 for the route permit. Again, based on what we know  
15 today, we anticipate a decision on the route permit  
16 could happen by August of 2016.

17 As I mentioned, there are a number of  
18 opportunities for folks to weigh in and participate  
19 in the process. And when those opportunities arise,  
20 the Commission publishes a notice, 'cause we want  
21 folks to know, hey, we're looking for help in  
22 answering questions at this stage of the game. And  
23 so I just wanted to give you a sample of what one of  
24 those notices looks like, so if you happen to see  
25 one in the mail, in your e-mail, in the newspaper,

1           you kind of know what you're looking at and what  
2           you're looking for.

3                       So the first thing I want to point out is  
4           what we call the PUC docket number. And you can see  
5           for this particular case there are two. As I  
6           mentioned, there's a certificate of need and a route  
7           permit and so there are two docket numbers, for each  
8           side of that process. And that's the key to finding  
9           information or to submitting information at the  
10          Public Utilities Commission. Everything that  
11          happens regarding this project is filed under these  
12          docket numbers.

13                      There's also a comment period. So it's  
14          not an open-ended, we're accepting comments on  
15          anything and everything at all times, we have some  
16          deadlines so we can move on to the next step in the  
17          process.

18                      We will also identify the topics that are  
19          open for comment. So at various stages throughout  
20          the process we will be looking for help answering  
21          different questions. And so it's important to note  
22          what those topics are so you can focus your comments  
23          on those as much as possible.

24                      And so, just to recap, the keys to  
25          sending comments. First, include that docket

1 number. Very important to make sure your comments  
2 end up connected to the right project. Stick to the  
3 topics listed in the notice as much as possible,  
4 that will be most helpful for us and it will offer  
5 the most impact for your comments.

6 You don't need to submit your comments  
7 more than once. Once we have them they're entered  
8 into our record and we have them, you don't need to  
9 submit them again. Verbal and written comments  
10 carry the same weight. So if you speak comments  
11 today, for example, you don't also need to submit  
12 them in writing. You're welcome to do so, but  
13 there's no requirement.

14 The Commission's decision is based on the  
15 facts in the record. It's not based on how many  
16 people like option A better than option B, it's not  
17 based on how many form letters we receive favoring  
18 one option or another, it's really based on the  
19 facts in the record.

20 The comments that you submit are public  
21 information. Again, whatever form you submit them  
22 in, whether it's by speaking today, by sending  
23 something in writing, all of that is public  
24 information, it will be posted in our online filing  
25 system for all to see. So make sure you're not

1 submitting sensitive information that you wouldn't  
2 want out on the Internet. And, again, your comments  
3 need to be received by the deadline so they can be  
4 considered and we can move on to the next step.

5 If you're looking for more information  
6 about this project, there are a number of ways that  
7 you can do that. You can see all documents related  
8 to this project in what we call our eDocket system.  
9 And these are the steps that you would follow to  
10 access that.

11 We also have a project mailing list. You  
12 can receive updates about project milestones,  
13 opportunities to participate, sort of the high  
14 points, if you will. And you can choose to receive  
15 this information by e-mail or by U.S. mail,  
16 whichever you prefer. And when you came in at the  
17 table, there's an orange card, you can just fill  
18 that out and return it to the table and we'll be  
19 happy to add you to that mailing list.

20 We also have an e-mail subscription list.  
21 And what that will do is you will receive an e-mail  
22 notification every time something new comes into the  
23 record. And so some folks say, hmm, I don't want to  
24 miss a thing, I want to make sure I see everything  
25 that happens. And so these are the steps that you

1 would follow to subscribe for that e-mail  
2 notification. Now, I do want to let you know that  
3 that can result in a lot of e-mails, so if you're  
4 not a super fan of e-mail, you don't like your  
5 e-mail box filling up or that just seems like  
6 information overload, the orange card might be a  
7 better option for you.

8 And this is just what the screen looks  
9 like when you subscribe. A lot of people say it's  
10 not super user-friendly, so I always like to give  
11 you a little picture of what it looks like so you  
12 know you're in the right place and entered in the  
13 right information.

14 And as I mentioned, there are two  
15 Commission staff members assigned to this project.  
16 The first, again, is me, I'm Tracy. I'm the public  
17 advisor. And the energy facilities planner for this  
18 case is Mr. Scott Ek and he is here today as well.  
19 So if you have questions for either of us, we'd be  
20 happy to answer that.

21 I'm going to take just a break in our  
22 regular presentation. I believe that Melanie  
23 Benjamin has arrived, is that correct, and she would  
24 like to make some comments. Would you like to do  
25 that now or would you like to wait until the formal

1 presentations are done?

2 CHIEF EXECUTIVE MELANIE BENJAMIN: Oh, I  
3 can wait.

4 MS. TRACY SMETANA: Okay. Thank you very  
5 much. I just wanted to make sure we were respecting  
6 your time.

7 All right. Then, with that, I will turn  
8 it over to Enbridge.

9 MR. MITCH REPKA: Hello, everyone.

10 My name is Mitch Repka, I'm the manager  
11 of engineering and construction for the U.S. portion  
12 of the Line 3 Replacement Project.

13 I'd just like to thank the Public  
14 Utilities Commission as well as the Department of  
15 Commerce for inviting us to speak here today, as  
16 well as thank you for taking time out of your day to  
17 be with us here today.

18 Before we get started, I just wanted to  
19 mention a quick safety moment, which we typically do  
20 for larger meetings. This is just a reminder of  
21 something we do at Enbridge related to driver  
22 safety. And that's what we call a 360 degree check.  
23 So prior to -- prior to getting into a vehicle and  
24 leaving a parking space, we encourage employees to  
25 take a walk around the vehicle and check for a

1 variety of things, tire condition, tread depth, any  
2 obstacles in the path of the vehicle as it leaves  
3 the parking space. If it's winter, obviously we  
4 need to ensure the windows and so forth are clear of  
5 ice and snow. So just a reminder to take a check  
6 around the vehicle before we head out here today.

7 As for the presentation, we'll talk about  
8 who Enbridge is, give a history of Line 3, and then  
9 talk about some project-specific details.

10 So who's Enbridge? Enbridge owns the  
11 world's longest liquids pipeline system. It  
12 delivers approximately 2.2 million barrels per day  
13 of crude and liquid petroleum and satisfies  
14 approximately 70 percent of the market demand of the  
15 refineries here in the Midwest area.

16 As you can see on the map here, the  
17 company has a variety of assets. Blue indicates the  
18 liquids pipeline system. Red are the natural gas  
19 and joint venture assets. The company also has a  
20 growing portfolio of renewable energy consisting of  
21 14 wind farms, four solar facilities, as well as  
22 geothermal assets as well.

23 So at Enbridge we operate under three  
24 core values of integrity, safety, and respect. And  
25 each of these core values is interwoven in

1 everything we do as an organization, whether it be  
2 the planning, the designing, the land acquisition,  
3 construction, or long-term operation and maintenance  
4 of our facilities.

5 Safety is a top priority for landowners,  
6 community members, and for us at Enbridge. We take  
7 that responsibility very seriously. Enbridge is  
8 committed to the long-term safe and reliable  
9 operation of its assets across its system as well as  
10 here in Minnesota.

11 As for the history of Line 3. The  
12 original line spans from Edmonton, Alberta to  
13 Superior, Wisconsin. It is approximately 1,097  
14 miles in length and it's a 34-inch diameter line.  
15 It operates as an integral part of the Enbridge  
16 mainline system and, as mentioned earlier, it does  
17 deliver crude to Minnesota, Wisconsin, as well as  
18 other North American locations.

19 As for the replacement project. The  
20 replacement line is proposed to be 36 inches in  
21 diameter. It runs from Hardesty, Alberta to  
22 Superior, Wisconsin. It's approximately 1,031 miles  
23 in length. Regulatory approvals are being sought in  
24 both Canada and the U.S. The overall cost of the  
25 project is estimated to be \$7.5 billion, which makes

1           it one of North America's largest infrastructure  
2           projects. Of that total, about 2.6 billion is for  
3           the U.S. portion.

4                       As for the U.S. portion, the project is  
5           an integrity- and maintenance-driven project;  
6           therefore, it will result in the permanent  
7           deactivation of the existing Line 3. This will  
8           reduce the need for long-term integrity of  
9           maintenance activities along the existing route,  
10          which will reduce landowner and environmental  
11          impacts.

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

15                      The certificate of need and the routing  
16          permit were filed in April of 2015 and, pending  
17          approval of those applications, we anticipate  
18          construction to start in 2016 and continue through  
19          2017.

20                      As for the Minnesota portion of the  
21          project, it does enter in Kittson County, which  
22          allows it to be tied to the North Dakota segment of  
23          the project. And then the remainder of the route is  
24          shown in purple here. You can see it passes through  
25          Clearbrook to allow it to be tied to the Minnesota

1 Pipe Line system at our existing terminal facility  
2 there, and then exits Minnesota in Carlton County,  
3 which again ties to the Wisconsin segment of the  
4 project.

5 So as for the portion northwest of  
6 Clearbrook, the route is 98 percent collocated with  
7 existing utility facilities. There are four  
8 proposed pump stations in this segment, one at  
9 Donaldson, another at Viking, and Plummer and  
10 Clearbrook.

11 And as for the portions south and east of  
12 Clearbrook, there are also four additional pump  
13 stations being proposed. One near Two Inlets,  
14 Backus, Palisade, and Cromwell. And this route is  
15 75 percent collocated with existing utility  
16 corridors.

17 So the project is designed to flow  
18 760,000 barrels per day. There are 27 mainline  
19 valves located along the route. During construction  
20 the typical footprint in uplands is 120 feet in  
21 width, and 95 feet in wetlands. Of that total,  
22 about 50 feet of that total is for the permanent  
23 easement, the remainder of that is for temporary  
24 work space to be utilized only during construction.  
25 The estimated construction cost in Minnesota is \$2.1

1 billion.

2 The project will bring benefits such as  
3 construction jobs. We anticipate 1,500 construction  
4 jobs will be created as a result of the project.  
5 Many of those will come from sources here in  
6 Minnesota. There will also be a need for long-term  
7 jobs with Enbridge as well.

8 Local businesses will see a direct  
9 benefit also. As construction ramps up there will  
10 be additional labor that comes into the area that  
11 will require housing, food, and also purchase goods  
12 and supplies from local businesses.

13 There is also long-term benefits in the  
14 form of tax revenue to each of the counties that  
15 we'll operate in. We estimate \$19.5 million in  
16 additional tax revenue distributed through each of  
17 those counties. That money can be used for a  
18 variety of things at the county's discretion,  
19 whether it be infrastructure improvements or  
20 reduction in the tax burden of the county residents.

21 So with me here today are a few other  
22 Enbridge personnel, and I'd like to just take a  
23 minute to allow them to introduce themselves.

24 MR. PAUL TURNER: Good morning.

25 My name is Paul Turner, and I'm the

1 supervisor of our environmental permitting team for  
2 the Line 3 Replacement Project. In that role, my  
3 responsibilities are to manage and oversee the  
4 preparation and submittal of all permit applications  
5 necessary for construction.

6 Thank you.

7 MR. ARSHIA JAVAHERIAN: Thank you. Good  
8 morning. Thank you all for coming and thank you  
9 very much to the Mille Lacs tribe for hosting us  
10 here today.

11 My name is Arshia Javaherian, I am senior  
12 legal counsel with Enbridge and I am responsible for  
13 the regulatory permitting and the application and  
14 testimony that will be filed in this docket.

15 MR. JOHN MCKAY: Good morning, everyone.  
16 Thanks for coming.

17 My name is John McKay, I'm the senior  
18 manager of land services for U.S. projects and I  
19 provide oversight for the easement acquisition along  
20 the route.

21 MR. MITCH REPKA: Okay. Thank you.

22 And we will turn the presentation over to  
23 the Department of Commerce.

24 MS. JAMIE MACALISTER: Hello and welcome,  
25 everyone.

1 I'm Jamie MacAlister with the Department  
2 of Commerce. I'm the environmental review manager  
3 from the Energy Environmental Review and Analysis  
4 unit. And with me this morning is Larry Hartman.  
5 You may know Larry from other projects in this area.

6 I'd like to go over a couple things  
7 quickly before we get into a brief presentation.

8 The first is I hope everyone was able to  
9 grab a folder on their way in. And in the folder  
10 you should have a copy of today's presentation.  
11 That's very useful for contact information. You  
12 should also have a comment form and a sheet on  
13 submitting comments, as well as a draft scoping  
14 document and some maps. If you're missing any of  
15 those items in your folder, please let us know and  
16 we'll help you get what you need.

17 I'll be going over a little bit of  
18 information about the permitting process, the  
19 scoping process for the environmental document, some  
20 information on submitting comments, and we'll run  
21 through a quick few examples of alternatives that  
22 have been submitted for another project.

23 So the pipeline routing process in  
24 Minnesota is governed by Minnesota Statute 216G and  
25 Minnesota Rule 7852. This pipeline project is a

1 full review process and does include the preparation  
2 of an environmental document. And, additionally,  
3 there will be public hearings sometime next year  
4 that will be presided over by an administrative law  
5 judge.

6 Just quickly for the permitting process.  
7 We are at the public information and scoping  
8 meetings. We will be accepting comments on route  
9 and segment alternatives until September 30th. We  
10 will then prepare a summary of these hearings and  
11 the route alternatives that we have received and  
12 those will be reviewed and approved by the Public  
13 Utilities Commission.

14 Once we know exactly which routes will be  
15 approved and considered for further analysis, we  
16 will be preparing the comparative environmental  
17 analysis document.

18 So the scoping meetings that we've been  
19 having for the last three weeks are really intended  
20 to provide the public agencies, tribes, and local  
21 government the opportunity to help us identify  
22 issues and impacts, and they can be human or  
23 environmental, for further analysis. It also allows  
24 everyone the opportunity to participate in the  
25 development of route and segment alternatives. And,

1 again, I just want to reiterate that it's the PUC  
2 that determines which route alternatives get  
3 considered for further analysis.

4 So what is the comparative environmental  
5 analysis? Well, it is the environmental document  
6 that's prepared for pipelines. It is also an  
7 alternative form of environmental review that was  
8 approved by the Minnesota Environmental Quality  
9 Board and it is under the Minnesota Environmental  
10 Policy Act requirements.

11 The document is also an objective  
12 analysis of the project. It really is looking at  
13 impacts and mitigation measures. It does not  
14 advocate for any route or for the project. It's  
15 really just providing facts for decision-makers. We  
16 want the decision-makers to have the best  
17 information they can to make an informed decision.

18 If you choose to submit comments or route  
19 or segment alternatives, it's very helpful if you  
20 can include a map, be it an aerial photo, a county  
21 map, plat book map, identifying the proposed route  
22 or route segment, as well as including a brief  
23 description of the environment around that  
24 alternative, and as much supporting information as  
25 you can so that when we are reviewing your comments,

1 we're not guessing as to the intent of what you  
2 meant when you submitted it.

3 Additionally, the alternatives need to  
4 mitigate specific impacts. Those impacts could be  
5 aesthetic, land use, natural resource, health  
6 impacts. These are just kind of the general  
7 framework for which you can provide some  
8 subcategories. And that's fleshed out somewhat in  
9 the draft scoping document in your folder.

10 The alternative also needs to meet the  
11 need for the project. The alternative needs to go  
12 to Clearbrook and it needs to go to Superior.

13 So I'll just run through a couple of  
14 examples of avoidance issues and ways that other  
15 people have commented on route alternatives. This  
16 example is a historic property, it could be any  
17 cultural, culturally significant item. So you can  
18 see that there were some alternatives developed to  
19 avoid the historic property. Sometimes alternatives  
20 are submitted to keep infrastructure projects within  
21 existing right-of-ways, be they roadway  
22 right-of-ways or an existing utility corridor. A  
23 memorial site.

24 Then I would like to turn your attention  
25 to the maps in your folder. This map shows an

1 overview of all of the route and segment  
2 alternatives that were proposed for the Sandpiper  
3 Pipeline. And the environmental document for  
4 Sandpiper has not been completed. That process was  
5 put on hold. So all of the route alternatives that  
6 were suggested for Sandpiper are being carried  
7 forward for Line 3. And then the flip side should  
8 show a close-up of these route alternatives.

9 So I wanted to let everyone know that of  
10 the 54 route alternatives that were approved by the  
11 PUC last August, 53 were carried forward for further  
12 analysis in the environmental document. And of  
13 those 53, roughly 23 of them were already  
14 incorporated by Enbridge when they submitted their  
15 preferred route for Line 3.

16 So just briefly on the permitting  
17 schedule. As you can see, right now we're expecting  
18 the routes for the Line 3 to be accepted by the  
19 Commission in November of 2015. And the comparative  
20 environmental analysis to be released next spring,  
21 sometime in March. And at this point the Sandpiper  
22 and the Line 3 comparative environmental analysis  
23 will be moving together through the permitting  
24 process. Our goal was to make sure that we could do  
25 an environmental analysis that covered both projects

1 and looked at the cumulative impacts of both.

2 So as we move into the  
3 question-and-answer portion of this meeting, I would  
4 like to request that we have one speaker at a time.  
5 Please state and spell your name for the court  
6 reporter, Janet. She will remind you to do so. And  
7 we would like to have comments limited to five  
8 minutes so that everyone has an opportunity to make  
9 their comment or ask their questions. If we have  
10 additional time at the end we will circle back. As  
11 well as to maintain respect for others as we go  
12 through this. We know that there are differing  
13 points of view and passions on this topic. And to  
14 the extent possible, if you can direct your comments  
15 and questions to the scope of the comparative  
16 environmental analysis, that's also helpful.

17 As Tracy mentioned, all verbal comments  
18 will be taken by Janet. You're also welcome to  
19 leave a comment form with us here today or send that  
20 in at your leisure. You can e-mail or fax your  
21 comment to us anytime before September 30th.

22 So, with that, I would like to take our  
23 first speaker. Sorry, we're going to take just a  
24 minute here to readjust our table and put the screen  
25 down.

1 MR. LARRY HARTMAN: Our first speaker  
2 today is Chief Executive Melanie Benjamin.

3 CHIEF EXECUTIVE MELANIE BENJAMIN: Good  
4 morning. Melanie Benjamin, M-E-L-A-N-I-E,  
5 B-E-N-J-A-M-I-N.

6 Good morning. My name is Melanie  
7 Benjamin, Chief Executive of the Mille Lacs Band of  
8 Ojibwe. And thank you very much for adding this  
9 meeting to your schedule.

10 I have a few things to say about the  
11 process, and first I want to make sure that you  
12 understand that -- and that I'm very clear that this  
13 is not a government-to-government consultation.

14 The federal government spent years trying  
15 to determine how to properly consult with tribes.  
16 After getting sued, getting protested, and getting  
17 projects delayed or stopped, the federal government  
18 did the right thing. Presidents started writing  
19 executive orders requiring agencies to consult with  
20 tribes whenever a project might impact us.

21 Tribal consultation is not just the right  
22 thing to do, it is a better way to govern. It  
23 prevents lawsuits, prevents misunderstandings,  
24 prevents mistakes, and it allows our voices to be  
25 heard.

1           States have been slower to react. Today  
2           most states with thoughtful governors have  
3           established policies for tribal consultation. In  
4           his wisdom, our governor has established such a  
5           policy. In 2013 Governor Dayton signed Executive  
6           Order 1310 requiring all cabinet level agencies to  
7           engage in formal government-to-government  
8           consultation with Indian tribes prior to undertaking  
9           actions or policies that impact tribes.

10           The PUC has taken the position that  
11           because it is not a cabinet level agency it does not  
12           need to consult with us. This position is not just  
13           disrespectful, it is an affront to every tribe in  
14           Minnesota. We disagree with the PUC's refusal to  
15           talk with us as sovereigns due to a technicality,  
16           although it is true that the PUC is not a cabinet  
17           level agency. However, these meetings this week are  
18           being held because the PUC requested that the  
19           Department of Commerce staff perform the work to  
20           outline the scope of the CEA.

21           The Department of Commerce has asked and  
22           agreed to do this work for the PUC. Unlike the PUC,  
23           the Department of Commerce definitely is a cabinet  
24           level agency. The executive order requires 11  
25           agencies to have written consultation policies, but

1           it requires all cabinet level agencies, including  
2           the Department of Commerce, to engage in formal  
3           government-to-government consultation with Indian  
4           tribes prior to undertaking actions or policies that  
5           impact tribes. Governor Dayton's executive order  
6           supersedes any request from the PUC.

7                     It is the position of the Mille Lacs Band  
8           of Ojibwe that Commerce cannot move forward on the  
9           CEA until it has engaged in real, meaningful  
10          government-to-government consultation with Indian  
11          tribes impacted by this proposed route.

12                    The PUC may not -- the PUC may be able to  
13          ignore executive orders, but the Department of  
14          Commerce cannot. Tribes engage in consultation with  
15          federal agencies and with some state agencies on a  
16          regular basis, and I want to briefly describe what  
17          consultation entails.

18                    It means that both sides sit down  
19          together and mutually decide what is going to be on  
20          the agenda, who needs to be in the room, and the  
21          ground rules. These conversations happen before the  
22          actual consultation session. It requires that  
23          before acting, the agencies must explain to the  
24          tribes how our input will be used and if it is not  
25          used, why.

1            Consultation is a give-and-take dialogue  
2            between sovereigns. When we do have our  
3            consultation meeting with Commerce, it will be as  
4            two sovereigns sitting across one another and there  
5            will be nobody from corporate America at the table.

6            In the late 1880s, timber barons and  
7            mining companies were allowed to make rules in  
8            Minnesota. They literally wrote the laws, including  
9            the Nelson Act. The Nelson Act is how they took  
10           nearly all of our lands at Mille Lacs. These  
11           companies wrote the laws, they wrote the  
12           regulations, and they financed the process.  
13           Needless to say, the state never consulted with us.

14           Now an oil company wants to ram its  
15           projects through lands and waters that will have  
16           impact on our people and our community. This is not  
17           the 1880s, yet it feels like it could be. The state  
18           government now has the power to protect the public  
19           against pollution and health hazards.

20           The Minnesota that I know listens to the  
21           voices of the citizens. It listens to tribal  
22           governments. It listens to its own experts like the  
23           Pollution Control and the Department of Natural  
24           Resources, which both have serious concerns about  
25           this route.

1                   If any state official is unclear about  
2 what consultation means, I suggest you ask Governor  
3 Dayton, because he knows exactly what it looks like  
4 and this is not it.

5                   Finally, Governor Dayton's executive  
6 order requires each cabinet level agency to provide  
7 training to their staff who work with Indian tribes.  
8 UMD and MnDOT now offer intensive two-day training.  
9 So far, more than a thousand state employees have  
10 been trained.

11                   Yesterday I asked how many of those  
12 thousand people work for Commerce. The answer is  
13 one. Only one Commerce employee has ever attended  
14 that training. And yet here you are trying to work  
15 with Indian tribes, and it's not going well.

16                   We have a good working relationship with  
17 Commissioner Rothman, who has always been very  
18 respectful of tribes. I will be asking that he  
19 instruct you to abide by the executive order and  
20 suspend this work until you have engaged in  
21 consultation.

22                   In the meantime, we have a draft scoping  
23 document and have serious concerns about how it is  
24 written. I must also say that we are alarmed that  
25 Commerce is hiring a consultant paid for by Enbridge

1 to do the work. Why not use your own unbiased state  
2 experts, the Pollution Control Agency?

3 I have asked my staff today to provide  
4 you with a brief summary of our concerns only so  
5 that you can begin to understand how critical it is  
6 that you sit down with us, government-to-government,  
7 and discuss these matters as two sovereigns:  
8 Respectfully, in-depth, and in detail. That is what  
9 consultation is about.

10 Thank you.

11 MR. LARRY HARTMAN: The next speaker is  
12 Mike LaBorde.

13 MR. MICHAEL LABORDE: Thank you.

14 My name is Michael LaBorde,  
15 L-A-B-O-R-D-E. I am here today as a Minnesota  
16 resident and to represent my brotherhood of  
17 Teamsters here in Minnesota.

18 I'm a 27-year veteran of pipeline  
19 construction, and I would like to speak about some  
20 of the economic impacts that this is going to  
21 create. And I also have some safety questions for  
22 Enbridge, if they're willing to answer them for me.

23 First of all, we have heard about all  
24 these jobs that are going to be created here  
25 temporarily. 1,500, I think is what was told. As

1 construction workers, we spend approximately \$500  
2 per week living in other people's communities.  
3 That's \$750,000 per week given to the local  
4 businesses in Minnesota.

5 You take them numbers and add them up,  
6 along with what the construction costs are, and  
7 you're going to find that we are going to put a  
8 significant amount of money into the state. It's  
9 going to be approximately \$241 million into the  
10 local economy. I know that doesn't mean a lot to a  
11 lot of people when we talk about \$2.1 billion in  
12 infrastructure, but I don't know of any local  
13 business that wouldn't be willing to take a portion  
14 of that.

15 I have some concerns I've had listening  
16 to all of these meetings over the last three weeks.  
17 I would like to ask some questions.

18 We understand that the pipe is being made  
19 from recycled steel in North America. I think you  
20 said Portland, Oregon is where it was manufactured.  
21 I believe I was told that the grading of the pipe is  
22 of X70 grade or better, if I was correct. And I  
23 believe you talked about a line pressure of just  
24 under 1,500 psi. If this is correct, this is near  
25 50 percent higher than the line pressure. Why is

1 the pipe so significantly rated higher than what  
2 you're putting in the line? Are your proposals to  
3 increase line pressure in the future, or what is the  
4 reason behind this?

5 MR. MITCH REPKA: Thank you, Mr. LaBorde,  
6 for the question regarding the pipe. You're correct  
7 in that we're proposing to utilize X70 rated steel,  
8 which means it has a yield strength of greater than  
9 70,000, is the range that we specify to our  
10 manufacturers. So that information is used to  
11 calculate our maximum operating pressure, which for  
12 the line is 1,440 pounds per square inch gauge.

13 So there are safety factors that are  
14 applied in this calculation. And, again, as a yield  
15 strength versus the internal pressure of the pipe.  
16 And that's something between those two numbers, but  
17 there are safety factors in that calculation, and  
18 it's regulated by the federal government, through  
19 the DOT and the Pipeline and Hazardous Material  
20 Safety Administration, Code of Federal Regulations,  
21 Part 195, which stipulates how the design of the  
22 pipe is to be calculated. We comply with those and  
23 in many cases exceed those design standards.

24 Did that answer all your questions?

25 MR. MICHAEL LABORDE: That answered that,

1 I do have one more question for you.

2 When I was in the construction side of  
3 this business, whenever we would buy or build any  
4 portion that would add to the project, I had to keep  
5 MTRs, material test reports, on each and every  
6 fitting, nipple, whatever the case may be, added to  
7 that. Are them reports available to you on the  
8 pipe, the fittings, the valves, everything that is  
9 in the mainline construction to assure that we are  
10 building this pipeline with the highest qualities  
11 that are available?

12 MR. MITCH REPKA: That's correct. The  
13 material test records that you're referring to are  
14 required for every piece of material that's utilized  
15 in the construction of the pipes so we've got  
16 traceability back to the manufacturer of that part.  
17 Whether it be pipe, a valve, or any other components  
18 within those assemblies. So that is the requirement  
19 for traceability.

20 MR. MICHAEL LABORDE: All right. Thank  
21 you.

22 I guess in closing what my opinion is  
23 today is I have attended many of these meetings,  
24 Enbridge tells us they have a line built in the  
25 1960s. They understand the fact that they've had

1           some releases in this line. I think they told us  
2           they had 400-some anomalies scheduled over the next  
3           several years. They understand there's issues and  
4           they're repairing them. I don't feel the  
5           certificate of need should be a question. They're  
6           trying to do the right thing in the environment and  
7           replace this.

8                         I think the concern is today to grant  
9           them the certificate of need and let's find a route  
10          that meets all of the American and Minnesota  
11          citizens and puts the least environmental impact on  
12          it and let's go forward before we have another  
13          release.

14                        I support this project. Thank you.

15                        MR. LARRY HARTMAN: The next speaker is  
16          Joseph Plumer.

17                        MR. JOE PLUMER: Good morning.

18                        My name is Joe Plumer, J-O-E,  
19          P-L-U-M-E-R. And I'm a resident of rural Bemidji,  
20          and I have a few comments.

21                        First off, Line 3, as you indicated, is  
22          planned to go through the same corridor as the  
23          Sandpiper. And there's been no environmental impact  
24          statement completed with respect to the Sandpiper  
25          throughout the whole Public Utilities Commission

1 process thus far.

2 Also, as you've indicated, there was a  
3 comparative environmental analysis conducted, and I  
4 think you'll agree that that was a very rushed  
5 document that included no qualitative environmental  
6 analysis of any other alternatives. It was wholly  
7 inadequate.

8 Line 3, you know, which Enbridge is now  
9 proposing to run through the same corridor,  
10 essentially doubles the capacity of this through  
11 this sensitive environment, again, where there's  
12 been no responsible environmental impact study.

13 And when I say responsible, I mean an  
14 environmental impact study that considers the risk  
15 assessments as well as a consequence analysis, which  
16 this comparative environmental analysis did not  
17 include.

18 And I also -- and I'll get to these in  
19 order. But my other comments are going to relate to  
20 the decommissioning of Line 3, which currently runs  
21 along the Highway 2 mainline. And we need to keep  
22 that in front and center. We can't minimize the  
23 impact of this, particularly since there's very  
24 sparse regulation for decommissioning pipelines. As  
25 you'll probably agree, we have rules that talk about

1 the process for locating and constructing pipelines,  
2 but we don't have too many rules for decommissioning  
3 because we're in a building mode, not a  
4 decommissioning mode. The decommissioning process  
5 should also include a full environmental analysis,  
6 including the risks of leaving that pipeline where  
7 it is along Highway 2 or removing it, as well as a  
8 consequence analysis.

9 First off, I'm very concerned about the  
10 wild rice. Wild rice grows in this area and in the  
11 area of the proposed route. The manoomin is of  
12 supreme cultural, religious, and historical  
13 significance to Anishinabe people. These Enbridge  
14 pipelines, both Sandpiper and Line 3, are proposed  
15 to cross many wild rice landscapes in Minnesota.

16 Enbridge's name for the Line 3 project as  
17 a replacement, quote, is a clear misnomer that  
18 downplays what the project really consists of. It  
19 consists of a relocation to another, more damaging  
20 route, enlargement by about 12 percent, carrying of  
21 new product, including tar sand oil, and the  
22 abandonment in place of the old pipeline. More  
23 appropriately, this project should be entitled  
24 Line 3 enlargement, relocation and abandonment  
25 project.

1           The Sandpiper and Line 3 projects are  
2           proposed to be collocated upon a new route south of  
3           Clearbrook generally proposed to be located only 25  
4           to 40 feet apart and, in part, follow existing  
5           corridors. It's therefore clearly timely for the  
6           federal and state government to address the  
7           cumulative impact of these energy corridors as  
8           required by several existing federal and state laws,  
9           including the cumulative impact of oil release and  
10          consequences to wild rice waters.

11           These proposed new pipelines will carry  
12          huge amounts of toxic and profoundly damaging oil  
13          products, including tar sand oil, the kind that  
14          damaged more than 35 miles of the Kalamazoo River in  
15          Michigan in 2010 when another Enbridge pipeline  
16          ruptured. There are other possible routes that have  
17          been proposed for the Sandpiper project and that  
18          will be proposed for this Line 3 project which do  
19          not cross wild rice landscapes.

20           MS. TRACY SMETANA: That's five minutes.

21           MR. JOE PLUMER: I understand. And I'm  
22          going to continue.

23           The market and/or other pipelines for the  
24          product to be carried by these pipelines are mostly  
25          in the Chicago general area, and the proposed route

1 as a general case follow old pipeline routes  
2 established before environmental laws and are there  
3 for merely for the convenience of Enbridge, for this  
4 private pipeline company.

5 To my consternation, no federal or state  
6 agency having review and permit authority over these  
7 two pipelines has committed to conducting a  
8 scientifically sound and thorough assessment of the  
9 risk and consequences of the leaks and ruptures of  
10 these pipelines over the more than 50-year project  
11 life in a manner that properly compares proposed  
12 routes that crosses wild rice landscapes with those  
13 that don't cross those landscapes.

14 The Public Utilities Commission and the  
15 Department of Commerce recently decided to proceed  
16 on a course to dismiss all route alternatives that  
17 do not cross wild rice landscapes. The result is  
18 being to narrow the approval process to only those  
19 routes traversing wild rice landscapes even without  
20 studying the differences. I think this is wrong and  
21 I think that the Public Utilities Commission must  
22 insist on meaningful environmental review.

23 Thank you.

24 MS. JAMIE MACALISTER: I'd like to  
25 respond to a couple points, the first of those being

1 the comparison of environmental effects of  
2 reasonable alternatives that was completed last  
3 December. That document was not a comparative  
4 environmental analysis. It was prepared for the  
5 certificate of need for Sandpiper and it was not  
6 intended to be written to the same level of detail  
7 as a comparative environmental analysis.

8 I'd also like to say that the comparative  
9 environmental analysis is structurally very similar  
10 to an environmental impact statement. It is,  
11 however, procedurally different than an  
12 environmental impact statement. But the level of  
13 detail and the topics covered will be to the same  
14 level of an environmental analysis and comparative  
15 environmental statement will also include the spill  
16 analysis that was requested for Sandpiper, it will  
17 be conducted for Sandpiper and Line 3.

18 And, lastly, on the capacity issue,  
19 Enbridge does have a Presidential permit for a  
20 specified capacity. They currently are not  
21 operating at that capacity, but they are within  
22 their regulatory rights to operate to the capacity  
23 for which they have their Presidential permit.

24 MR. LARRY HARTMAN: The next speaker is  
25 Dennis Kohlgraf.

1                   MR. DENNIS KOHLGRAF: Dennis Kohlgraf,  
2                   D-E-N-N-I-S, Kohlgraf, K-O-H-L-G-R-A-F. I'm a  
3                   resident, I live fairly close to here, and it's the  
4                   first time I've been inside this building. It's  
5                   really nice. My children played basketball here  
6                   during breaks when they couldn't get into the  
7                   school, and they said it was beautiful and it is.

8                   The comments I have today is I used to  
9                   work for the Department of Transportation, and  
10                  during the summer for the last eight years I ran a  
11                  specialty truck for the state which covered the  
12                  entire state. A lot of it was spent north of here,  
13                  a lot of it was along Highway 2 when we were up in  
14                  this area.

15                 My views of the pipeline up in this area  
16                 is if there's -- and it's not if there's going to be  
17                 a spill or a break, it's when. The key that I see  
18                 is how fast it's cleaned up and how well it's  
19                 cleaned up.

20                 We witnessed at least one pipeline going  
21                 in along 2. I was extremely surprised at the  
22                 professionalism that the companies that were putting  
23                 them in did within two weeks after. They had the  
24                 pipelines covered, you could hardly tell they were  
25                 there. The native grasses were starting to grow,

1           they did a very good job of seeding and making sure  
2           everything was in place. When they went to a  
3           portion of Cass Lake, they were very careful at the  
4           lake from what we could see when we were working in  
5           this area, and this is just a view from the highway  
6           and watching this at what they were doing.

7                        If there was a break, their cleanups were  
8           very fast. And within just, again, a few weeks  
9           after the cleanup and everything was okayed. You  
10          could hardly tell that there was anything done  
11          there. I really felt professionalism from watching  
12          them over the eight years that I worked on that  
13          truck, it was quite good inspections. I thought it  
14          was quite often, they said it was every two weeks,  
15          but I felt that helicopters and planes were flying  
16          over, inspecting those lines, much more than that.  
17          But I guess whenever we saw them we knew what they  
18          were doing and we felt that they did a lot of good  
19          and a lot of inspection.

20                       I'm in favor of the pipeline. I'm quite  
21          a user of gas. I love to travel, we do a lot of  
22          traveling all over the United States, my wife and I,  
23          now that I've retired. And I think many of us would  
24          be very hard pressed not to have that product here.  
25          It provides both jobs and a lot of entertainment for

1 us to do.

2 I'm a little put out in the local area, I  
3 think the local merchants are a little more greedy  
4 than they need to be. They could drop their price a  
5 little bit on the price of oil. But I'm not one of  
6 those local merchants, so.

7 But I appreciate everything that's being  
8 done and I appreciate everybody with their concerns.  
9 I don't want to run anybody down as to their  
10 concerns for the land and everything that's going  
11 on, but from what I've seen everything has been  
12 conducted very professionally with their pipeline  
13 system.

14 And I guess last, but not least, if you  
15 put in what I said earlier, you'd now have \$30  
16 because I heard three phones go off.

17 Thank you very much.

18 MR. LARRY HARTMAN: The next speaker is  
19 Dawn Aubid.

20 MS. DAWN AUBID: Dawn Aubid, D-A-W-N,  
21 A-U-B-I-D. And I just want to let you know I'm a  
22 member of the bakwa manoomin (phonetic) land area  
23 that's over here, that was a little village at one  
24 time on the refuge, and I know that area is going to  
25 be -- it's a major area to be affected. So I just

1 want to let you know I'm a member of that village  
2 that was once there and it is now the community area  
3 for this area.

4 Miigwech.

5 MR. LARRY HARTMAN: The next speaker card  
6 I have is Ashibik Aubid. I'm sure I didn't  
7 pronounce that correctly, so my apologies.

8 MR. ASHIBIK AUBID: Hello. My name is  
9 Ashibik Aubid, A-S-H-I-B-I-K, A-U-B-I-D.

10 I don't think I can sit up here without,  
11 you know, my kids, I want to be here for my kids and  
12 their kids, you know.

13 I just want to voice that I'm in  
14 opposition of this pipeline, and all this money  
15 being thrown around. That rice out there is  
16 priceless. It's priceless to me and every other  
17 people that are out here. It's a wonderful food.  
18 Pop it in the morning for my kids using vegetable  
19 oil, so it's cereal to my kids. It provides  
20 sustenance for them. And I just don't want to see  
21 it wrecked or ruined.

22 You hear all these engineers that got  
23 these new, improved ways, you know, I work in  
24 maintenance so, you know, I'm always fixing mistakes  
25 made by engineers, always.

1 Miigwech.

2 MR. LARRY HARTMAN: Mike Davis.

3 MR. MIKE DAVIS: Good morning. Mike  
4 Davis, M-I-K-E, D-A-V-I-S.

5 I am here along with my fellow Band  
6 members to say that we are against this pipeline,  
7 the route that is proposed. Like Ashibik just said,  
8 we are a culturally-based community here. Our wild  
9 rice is very important to us, along with every other  
10 forms of life that are here. They're a part of us.

11 You know, my daughters grewed up here.  
12 We as a Band, we plan for our future. And with this  
13 pipeline going through, it isn't like the man said  
14 there, it isn't -- it's just a matter of time before  
15 something happens and environmentally it's a  
16 disaster for our lakes, the other animals that live  
17 here, along with us. We are all one. That's the  
18 way we are. We are Anishinabe people, we are a big  
19 family. Besides us here we have Mille Lacs. We all  
20 just like the way -- things the way they are.

21 A few years ago we had a flood. We seen  
22 how that flood just moved this way, this way,  
23 impacting this whole area from the south to the  
24 north on this way.

25 And this, you know, you guys talk a lot

1 of good things here. I was looking at your storage  
2 space here in your paper. Why don't you propose a  
3 route that is completely out of Minnesota? So where  
4 is your big refinery? Is that in Chicago? I was  
5 looking and I couldn't see that on here.

6 MR. ARSHIA JAVAHERIAN: Thank you.

7 There are no refineries listed on that  
8 map. In our application there are -- primarily all  
9 the refiners in the U.S. listed in a number of maps  
10 that are there, there are CD-ROMs of the application  
11 in the back, it's about three 3-inch binders deep  
12 and we do have some maps in there.

13 However, Enbridge does not own any  
14 refineries. We do make deliveries to the Minnesota  
15 Pipe Line Company in Clearbrook, and those pipelines  
16 transport oil down to the two Minnesota refiners,  
17 the St. Paul northern tier refinery and the Flint  
18 Hills Resources refinery, and those two refineries  
19 produce -- I don't know the exact output of those  
20 two refineries, but they do produce quite a bit of  
21 the petroleum products used by the state of  
22 Minnesota as well as surrounding states.

23 There is also the Calumet refinery,  
24 you'll see, you'll notice the Calumet gas stations  
25 are around here, the Calumet refinery is in

1 Superior, Wisconsin and we deliver to the Calumet  
2 refinery as well. So, again, it's not owned by us,  
3 it's owned by Calumet Specialty Products, but they  
4 are a customer and we do deliver oil from Canada to  
5 both of those areas here in the Midwest.

6 And then you're right, there are  
7 refineries in the Chicago area, Indiana, Michigan,  
8 Ohio, Pennsylvania, and the Gulf Coast that Enbridge  
9 pipelines connect to. And, again, we've got some  
10 detailed maps in the application that can show you  
11 where those pipelines are.

12 MR. MIKE DAVIS: Thank you.

13 Where all this oil is coming from, why  
14 don't you partner with them to get a refinery right  
15 there so you ain't moving this oil through our land?  
16 If you look at our treaty rights, all the treaties  
17 that are here, have you done anything about  
18 regarding that? Are you infringing on the treaty  
19 rights of our people when you plan something like  
20 this without consulting us? Like our chief  
21 executive had said earlier, not coming out to speak  
22 with our tribe, other tribes in our area.

23 MS. JAMIE MACALISTER: I think just to be  
24 clear, the state, this is not a state proposal. The  
25 state did not propose that and is not advocating for

1 that route. That is the applicant's proposal. And  
2 I cannot speak to what the applicant -- how the  
3 applicant has discussed that or met with other  
4 communities in the planning of that route.

5 MR. MIKE DAVIS: Well, my thing is, well,  
6 why don't we look at a different alternative route  
7 that you are out of our communities?

8 I was at the meeting on Tuesday in  
9 McGregor and a lot of people that were for the  
10 pipeline going through where it is right now are a  
11 lot of people that would -- like the unions, you  
12 know, I heard a lot of negative things from -- not  
13 negative, but a lot of people that were against it  
14 from our community, our neighbors to the north  
15 there, the McGregor area, the Sandy Lake area, a lot  
16 of them people were against it because they know the  
17 impact it would have with a spill regarding not just  
18 our wild rice, but everything that we have here in  
19 our area.

20 Thank you for your time. Like I said,  
21 me, along with our community here, are opposed to  
22 the pipeline. Thank you.

23 MR. LARRY HARTMAN: I'd like to welcome  
24 back Dante Benjamin.

25 MR. DANTE BENJAMIN: (Ojibwe) Dante

1 Benjamin.

2 That was just for the people who will  
3 understand. As I was saying yesterday, our wild  
4 rice means a lot to us. We need it, it's been a  
5 tradition for years.

6 I have a question. Is your technology  
7 going to keep this from not spilling?

8 MR. MITCH REPKA: Thank you for your  
9 question regarding the technology. And we certainly  
10 see, you know, an increase in the available  
11 technologies to allow us to better prevent that from  
12 happening. And certainly our goal is for zero  
13 releases. We want 100 percent safe delivery, that  
14 is our core values as a company and we strive for  
15 that in everything we do. There have been  
16 technology advances that help us to better meet that  
17 goal and we continue to look for improvements and  
18 improve that system.

19 MR. DANTE BENJAMIN: Thank you. But as  
20 Dawn Aubid was saying, the refuge, the national  
21 wildlife refuge, that's where most of our rice comes  
22 from and, like, most of the people's kids, they want  
23 to grow up to be healthy and not get sick off the  
24 water. And some of us, we don't get a lot of money  
25 to go buy bottled water. It's going to be really

1 hard when this pipeline comes. And you guys should  
2 find another route instead of going through our  
3 tribes.

4 But as of now, our animals are going to  
5 die, they can get cancer, and there's a lot of other  
6 diseases. And when we don't have that, we can't do  
7 our traditional ways of hunting and fishing.

8 The line's going to run through the  
9 water. Our fish could die. This is going to go to  
10 the ocean because it's going through the Mississippi  
11 River and our water is going to be gross. There  
12 will be no swimming for the kids, they won't have as  
13 much fun.

14 But I'm here with the Mille Lacs Band of  
15 Ojibwe trying to help out with our tribes. Red  
16 Lake, Cass Lake, Leech Lake, Rice Lake, where it's  
17 all going to go through, we had those lakes for so  
18 long and we've been keeping them clean. We canoe on  
19 them, we put our Ahsayma, which is tobacco, before  
20 we go out and rice and canoeing and fishing.

21 All I would like to say is we're just  
22 kids trying to keep the traditional ways and protect  
23 our lakes.

24 Miigwech.

25 MR. LARRY HARTMAN: Charles Liepert.

1 MR. CHARLES LIEPERT: Charles Liepert,  
2 L-I-E-P-E-R-T. (Ojibwe), which is good day, and  
3 thank you for --

4 MS. TRACY SMETANA: A little bit closer.

5 MR. CHARLES LIEPERT: I said good day and  
6 thank you for being here today in East Lake.

7 As I said, my name is Charles Liepert,  
8 I'm the air quality specialist with the Ojibwe  
9 Department of Natural Resources.

10 Today I would like to share briefly about  
11 some of my thoughts as not only as an individual,  
12 but as a staff member of Mille Lacs Band of Ojibwe.

13 One of the many things that have occurred  
14 not only with myself but among some of our staff is  
15 that the routing have not really considered in  
16 detail about not only its primary effects along the  
17 routes, but some of its downstream and downwind  
18 effects. Not only during construction, but also  
19 during the operation in case of any emergencies that  
20 may have come. Whether it's the external influence  
21 onto the pipeline system, or with the pipeline  
22 system itself, such as spills or other issues that  
23 may happen.

24 So when it comes to the analysis, once  
25 you are ready to do the environmental analysis, we

1 want you to take a serious look at that and consider  
2 impacts on not only the daily operational impacts  
3 and the external emergency impacts, as well as the  
4 system emergencies from the minor spills to major  
5 breaks, not only on the food and medicinal uses,  
6 such as the wild rice, but also the water quality of  
7 both the ground and surface waters, as well as the  
8 food impacts from the animals and the birds as well  
9 as the fishes the tribal members hunt and fish as  
10 well as to trap to sustain themselves.

11 We also ask you to look at the natural  
12 and cultural resources, not just what seems obvious  
13 on the surface, but some of its implications  
14 associated with it. As well as human health. And  
15 we're asking not just about the physical health, but  
16 also the mental health associated with being a  
17 community member who has to access these cultural  
18 and natural resources that the pipeline route  
19 potentially can severely impact.

20 So because of that, we ask you to not  
21 only look at the routing and its impacts on the  
22 waters and lands and also on to the air, but its  
23 animals and fishes and plant resources and from  
24 there how it impacts humans.

25 And as a Minnesota agency, as a

1 commission, not only on our tribal members' physical  
2 health and mental health, but other Minnesotans'  
3 physical health and mental health as well.

4 And with that, we urge you to then,  
5 looking at the total impacts, and select the least  
6 detrimental routing so that everyone could benefit  
7 from this routing.

8 Thank you.

9 MR. LARRY HARTMAN: The next speaker is  
10 Emily Johnson.

11 MS. EMILY JOHNSON: Hello.

12 My name is Emily Johnson, I live in  
13 Duluth, Minnesota, and I also work for the Mille  
14 Lacs Band.

15 I just had three issues I wanted to bring  
16 up, questions, I guess.

17 The first is that in the draft scoping  
18 document there is some language about potentially  
19 significant impacts. And if those significant  
20 impacts are not known or if there's no means to  
21 obtain it, that the statement can include a  
22 statement that says such information is incomplete  
23 or unavailable.

24 So the concern about that language, it  
25 seems dangerous to us, in that if we tell you, as

1 Charlie said, if we tell you that we believe that  
2 30, 40 percent of our community members are going to  
3 have negative mental health impacts due to the  
4 stress that this is causing, and I think you've  
5 probably seen Band members who've testified at both  
6 White Earth and Mille Lacs it is very emotional for  
7 them, it has caused a tremendous amount of stress  
8 already, and our mental health care providers would  
9 tell you that.

10 But if we were to estimate that a certain  
11 percentage of folks are going to suffer from stress,  
12 what I want to know is does that language mean that  
13 if we've can't scientifically prove that, if  
14 Enbridge were to challenge that statistic and we  
15 can't scientifically prove it, are you then able to  
16 say that such information is incomplete and  
17 unavailable, there's no way to know it?

18 Our concerns, is there a way -- it seems  
19 like a way for our concerns to be disregarded if  
20 they can't be scientifically proven.

21 MS. JAMIE MACALISTER: Well, it sounds to  
22 me like if you have mental health professionals here  
23 that are seeing increased numbers of patients, that  
24 that is -- that's a number, there's evidence there.  
25 I think the question is the link, you know, creating

1 the link, you know, proving the link between  
2 increased number of visits to the potential  
3 construction of the pipeline, that's where I would  
4 see there being a challenge, but I do see that there  
5 are ways to bring that information into the  
6 comparative environmental analysis.

7 MS. EMILY JOHNSON: Okay. And my second  
8 question is is that there is a newspaper article  
9 that just came out today saying that Enbridge has  
10 filed a petition in the Minnesota Tax Court looking  
11 for back taxes from Hubbard County and I think  
12 Clearwater County. And that payback is supposed to  
13 come from the counties, the schools, the cities, the  
14 townships. What I'm wondering is, so this route is  
15 proposed to go through some of the poorest counties  
16 in Minnesota. And the Band is a taxpayer in Aitkin  
17 County. I know that Aitkin County has approved this  
18 project because it felt like it had to because  
19 Aitkin County is one of the poorest counties in  
20 Minnesota. It's consistently ranked at the bottom,  
21 in fact.

22 So what guarantee does Aitkin County and  
23 our tribal school districts, which serve Indian  
24 kids, have that? Because the claim is that counties  
25 are going to generate revenue from this project, yet

1 just today, apparently, it was publicized that  
2 you're going to court to try to get that money back  
3 from these counties and schools that are  
4 impoverished. So what guarantee does Aitkin County  
5 have that the revenues that are generated from this  
6 project are going to stay at the county and you're  
7 not going to come back and try to extract those  
8 payments?

9 MS. JAMIE MACALISTER: I'll let Enbridge  
10 take that.

11 MR. ARSHIA JAVAHERIAN: Thank you. I  
12 appreciate the question.

13 And, yes, I read the article as well. It  
14 is a small portion of the taxes that we are paying  
15 that we are going to court to get back.

16 In 2011 the state changed the way that it  
17 was doing property tax and the way that it was  
18 assessed. And our property taxes for our pipelines  
19 that run throughout the state of Minnesota went up  
20 by 24 percent. We anticipated and believed that we  
21 should pay more than we were the previous year, but  
22 we felt it should be a smaller amount, a more  
23 reasonable amount. We still believed it would be a  
24 double digit increase, but 24 percent was, by our  
25 calculations and by methods that adjacent states

1 used, higher than it should be.

2 The state has a means for us to go ahead  
3 and have that challenge brought to the courts, and  
4 then have that methodology determined to be just by  
5 the courts.

6 So we've applied for that and we're going  
7 to go through the process with the courts to get a  
8 determination. And, again, it is just a small  
9 portion of the taxes that we are paying.

10 Now, the commitment that we have made,  
11 and we have visited with the counties, and some  
12 counties have even -- have filed or have passed a  
13 resolution that address some of the issues that are  
14 there and would like to see this resolved. But the  
15 commitment that we have made and will continue to  
16 make is that we will work with the counties to make  
17 sure that if there is a determination made by the  
18 court that some tax money is returned to Enbridge,  
19 that it is done in the least impactful way possible.

20 Meaning that if as new pipelines are  
21 installed, our taxes are going to increase  
22 dramatically, we estimate about \$19 million across  
23 the counties from the installation of Line 3. If  
24 that happens we'd like to see just an offset of that  
25 so that that 300,000, or through some of the

1           counties is just offset from what would be coming in  
2           the future so that there isn't money coming out of  
3           the coffers of the counties at this point.

4                       So we have no intention of creating a  
5           hardship for the counties, we just want to have the  
6           taxes return to a more reasonable amount and the  
7           methodology to be reviewed by the courts. And  
8           whatever we can do to help alleviate that and work  
9           out some sort of offset is what our goals will be as  
10          this process moves forward.

11                      MS. EMILY JOHNSON: Well, it seems to me  
12          like the best way to alleviate that would have been  
13          not to take them to tax court in the first place and  
14          just be the good corporate neighbor that you say you  
15          are. And I think that the humor of doing this at  
16          this moment in history when you're trying convince  
17          the poorest counties in Minnesota that you're their  
18          allies is really concerning.

19                      My third question, and then I'll quit, is  
20          on the bonding issue. I know the state took out a  
21          huge bond to cover damage that could result from  
22          this project. I think it was Commerce, but I'm not  
23          sure. But I know the state has a bond. So if there  
24          is a spill or if there's damage, that's not going to  
25          cover our tribal resources. So my question is,

1           who's going to pay for the bond that the tribes have  
2           to take out?

3                       MS. JAMIE MACALISTER: Are you referring  
4           to the financial assurance for Sandpiper?

5                       MS. EMILY JOHNSON: The financial  
6           assurance that will cover the State of Minnesota in  
7           the event there is damage if the project is  
8           approved.

9                       MS. JAMIE MACALISTER: Okay. Would you  
10          like to comment on that?

11                      MR. ARSHIA JAVAHERIAN: Sure. Thank you.

12                      So the financial assurance that is  
13          currently being discussed and proposed in the  
14          Sandpiper docket is slightly different than a bond  
15          is. And I'm not an expert on it, so I apologize, so  
16          I don't have all the facts on that project, I'm not  
17          working on it. But it is an assurance by the parent  
18          company that it will cover the costs associated with  
19          any kind of damages such as that.

20                      This project is owned and operated by a  
21          different entity within the Enbridge family and the  
22          parent company of that is a publicly traded company  
23          and will be the responsible company for any kind of  
24          damages that do occur. So as the process goes  
25          forward -- we had this discussion briefly last

1 night. If the process goes forward we'll be open to  
2 discussions of what the state or what agencies would  
3 like to see as well.

4 MS. EMILY JOHNSON: Okay. That's all I  
5 have. Thank you.

6 MR. LARRY HARTMAN: The next speaker  
7 is --

8 MS. JAMIE MACALISTER: Actually, we'll  
9 call the next speaker, and we do need to take a  
10 15-minute break at this point. So after the break  
11 our next speaker will be Suzanne Wise. So we will  
12 reconvene here at 12:45.

13 (Break taken from 12:30 to 12:46.)

14 MS. TRACY SMETANA: Okay. We're ready to  
15 go back on the record. If Suzanne Wise can come  
16 forward, she's our next speaker. Thank you.

17 MS. SUZANNE WISE: Suzanne Wise,  
18 S-U-Z-A-N-N-E, W-I-S-E. I am the Commissioner of  
19 Education for the Mille Lacs Band, and I also have,  
20 more importantly, I have three children who are  
21 members of the East Lake area. And when I think  
22 about my children's future, it's tied to this  
23 community.

24 And I know that through some of the  
25 testimony you've heard a lot of talk about taxes,

1 different revenue streams, how much this is going to  
2 cost. You know, for those of us who have family  
3 ties in this community, the Rice Lake is the heart  
4 of who the people are in this community and they're  
5 the heart of my children as well.

6 And so when we talk about, well, how is  
7 that going to impact this community, it can directly  
8 impact the future and the livelihood of this  
9 community and the children and the families that are  
10 here already.

11 And I know that there has been talk about  
12 alternative routes for the pipeline, and I know that  
13 there's been talk about how much that is going to  
14 cost the company. But I think on the other hand,  
15 how can you put a cost to children's futures, to  
16 children's livelihoods, the livelihood of Native  
17 indigenous communities? And the rice that is in the  
18 lake is at the heart of who the people in this  
19 community are. And that is three of my children as  
20 well.

21 And I know that historically, you know, I  
22 kind of feel like this is another coming of a way to  
23 put native people's rights to the side. I have  
24 heard our chairman talk before about the lack of  
25 consultation with the tribe, and to me, that, in

1 this day and age, that should be unheard of. When  
2 you're talking about multi-million dollars and an  
3 impact to an environment that we could possibly have  
4 here, there's no guarantee in the pipeline and how  
5 that is going to withstand over time.

6 Do you guys have data on how long those  
7 pipelines are going to last? Do you have any  
8 guarantees? Do you know the lifetime of when those  
9 will need to be replaced? How are you going to be  
10 able to continue to keep a watch on something that's  
11 in the ground?

12 Those are some of the concerns that I  
13 have here, because I know that the impact that a  
14 possible spill will have on the communities and that  
15 rice.

16 I know that you have heard testimony,  
17 emotional testimony from people that live in this  
18 community and the fear of something happening to the  
19 lakes. And for me as a Native woman and as a Native  
20 community member to Mille Lacs, our heritage, our  
21 culture is first and foremost. And that is at the  
22 heart of who we are as Anishinabe people.

23 I know that I have heard and I have seen  
24 TV commercials and different things regarding the  
25 company and how you feel like you're being

1 responsible to the environment. But there is no  
2 guarantees that a spill will not occur. There's no  
3 guarantee that what will happen, how big the spill  
4 will be, how much that'll impact the community.  
5 There's just no way for us to know what that is  
6 going to be like.

7 So to me, when we're talking about  
8 dollars, I know it means a lot more to you than it  
9 does to me in terms of how much it's going to cost  
10 you, but when you're hearing emotional pleas,  
11 hearing pleas regarding the environment, you're  
12 hearing pleas about the lack of consultation to the  
13 tribe, you hear people talk about their livelihood,  
14 those are serious issues that I would really hope  
15 that you guys will remedy because, for the children,  
16 it will impact them.

17 And that is something that when we're  
18 talking dollars and cents, a lot of times we don't  
19 ever look to how that's going to affect us and  
20 future generations. You know, I would like to say  
21 that there will never be an issue, that we will  
22 never have a spill, but that's not a guarantee I can  
23 say and I know that's not one that you can say  
24 either.

25 So in my lifetime I am hoping that there

1 is no environmental impact to this area and to the  
2 rice that is at the heart of who we are. That is  
3 why our people came to this land. They talk about  
4 the food that grows on the water, not the oil that's  
5 underneath.

6 So I really -- I would really hope that  
7 you will look at the consultation piece, look at an  
8 environmental impact statement, a true environmental  
9 impact statement that is thorough and precise. That  
10 should be something that you do not do bare bones  
11 on, that is something that you need to do.

12 This is the second time that I have been  
13 up in this community at hearings and we still  
14 haven't had no formal consultation. The last time  
15 we were here was I remember when school was ending  
16 and now school is starting and we still haven't had  
17 it. So, you know, to me, I really think that if the  
18 tribe as a sovereign nation is asking for that  
19 consultation and is asking for that thorough  
20 examination and that impact statement, we need that.  
21 We need that to show our children and our families  
22 that we're moving in the right direction for them.  
23 And not just for this community, but for everybody.  
24 'Cause we do not own this land, we're stewards of  
25 this land. And a lot of the people in this

1 community take that very seriously.

2 And I'm speaking as a mother of children  
3 from this community. That to me those are areas  
4 that the company can easily remedy.

5 Miigwech.

6 MR. LARRY HARTMAN: Susan Klapel.

7 MS. SUSAN KLAPEL: Good afternoon. My  
8 name is Susan Klapel. The last name is spelled  
9 K-L-A-P-E-L. I'm the Commissioner of Natural  
10 Resources for Mille Lacs Band of Ojibwe.

11 My fellow commissioner, Suzanne Wise, it  
12 sounds like we need to trade jobs. I think she did  
13 a fabulous job stating where we stand and the need  
14 for an environmental impact statement for this area  
15 for this route proposed.

16 An elder that works for our department,  
17 as a THPO, wrote a reply, and she needed to leave so  
18 she asked me to read it. Her name is Natalie  
19 Weyaus, and that's W-E-Y-A-U-S, first name Natalie.

20 MS. JAMIE MACALISTER: Can you also spell  
21 out for the court reporter what the THPO is?

22 MS. SUSAN KLAPEL: It's the Tribal  
23 Historic Preservation Operations.

24 So Natalie was addressing the question  
25 that the analysis must recognize the present day,

1 not just historical, cultural resources. Natalie's  
2 reply is, The analysis must recognize the present  
3 day, not just the historical cultural resources.  
4 The historical cultural resources are important,  
5 such as the burials known and unknown, as well as  
6 the wild rice beds, lakes, and medicine areas. And  
7 the water, which is our everyday need. But being  
8 the stewards and keepers of our environment, as all  
9 Native American nations practice every day, makes me  
10 think of a meeting where members of this community  
11 met with the wildlife refuge staff and an elder made  
12 a remark about the stuffed black bear in the room,  
13 stating if all the animals were here to speak on  
14 their own behalf, the room would be standing room  
15 only because the animals would have much more to  
16 contribute to their environmental needs.

17 That elder's statement states that we  
18 need to speak for the animals' environment because  
19 they cannot speak for themselves, which is respect  
20 for the present day environment.

21 We listen to what we keep saying about  
22 what the impact would be if there is a spill. I  
23 think with the historical background of pipelines,  
24 as well as Enbridge, that we can probably put the  
25 word when there is a spill.

1           We are in a watershed that services so  
2           much of our areas. Wild rice, it also would -- any  
3           spill would impact our drinking water as well as our  
4           agricultural areas. We have a lot to lose if there  
5           is a spill in this area. An environmental impact  
6           statement would show what would stand to be lost if  
7           and when that situation would happen.

8           I appreciate the comments made earlier  
9           about a financial and economic gain for the  
10          communities where the pipeline would go through, but  
11          I also want to stress that this economic gain would  
12          be a short-term gain, the pipeline would be built  
13          and that economic drive would not last a long time,  
14          just during the time that the pipeline would be  
15          built. So the moneys that would be brought into  
16          those communities wouldn't be long lasting.

17          People think that when the pipeline comes  
18          in that there's going to be a plethora of jobs. I  
19          think realistically on this pipeline there is only  
20          going to be, what, 20 jobs that are going to be  
21          regular full-time positions, so I don't see how  
22          that's going to be a huge economic gain for the  
23          state of Minnesota, it's only going to be a  
24          short-term burst for when maybe it's being built.

25          Another thing I want to bring up is I was



1 MR. LARRY HARTMAN: Okay. Thank you.  
2 The next speaker card is Russell  
3 Shadaiash, S-H-A-D-A-I-A-S-H?

4 MR. RUSSELL SHADAIASH: I have to bring  
5 my lunch, we're going be here awhile. My name is  
6 (Ojibwe). I'm from Mille Lacs. I'm from the  
7 (inaudible) clan.

8 What I see here by Enbridge I think is a  
9 thing of failure to communicate. A failure to  
10 listen. These things, you write them down, we bring  
11 our eagle staffs, they're just props. No, they're  
12 not. The eagle staffs that we carry are for  
13 everyone. Microscopic beans, the crawling, the  
14 (Ojibwe) the swimming one. (Ojibwe) four-leggeds.  
15 You know, and the winged ones. And the trees, the  
16 trees are alive. There's water. We got to keep  
17 that thing, otherwise how are we going to live? We  
18 got to eat. How are we going to do that? This  
19 place is a dead zone if you dig around here.

20 When you cut yourself, what do you look  
21 at? Oh, the inside of your cut, it's going to take  
22 a lot of time to heal. Well, this is going to take  
23 hundreds of thousands of millions of years to heal  
24 that earth. You're killing a lot of things. Bugs  
25 under the ground. Worms. All these things that we

1           need to help us in this lifetime. They help  
2           fertilize, give us black dirt.

3                        Enbridge and all the others, they don't  
4           give the trees enough time to get roots to be  
5           strong. They don't do that. You have a culture and  
6           your religion. We don't have that. We have a way  
7           of life that we were given and this is why we're  
8           here. This is part of our way of life. Which is  
9           the earth, this is what we're talking about.

10                      I don't think you and a bunch of pieces  
11           of papers in my hand comes from here, it comes from  
12           here. It comes from over 60 years on this land, on  
13           Mickinac (phonetic) Island, on Turtle Island. And  
14           you want to come over here and start digging up  
15           maybe bones, but surely you're killing a lot of our  
16           relatives out there. A lot of our animals. You  
17           call them animals.

18                      When we go out in the woods we can talk  
19           to these. They'll talk to us yet. But the other  
20           two ladies, white, black, yellow, two ladies, some  
21           red, have started this thing long ago and the old  
22           ones seen it coming. There's a time when you're  
23           going to have to wear fish hook tanks over your head  
24           to breathe. These are looking way ahead, we're not  
25           looking now.

1                   That money is not going to last forever.  
2                   The thing that you're digging up, that lasts forever  
3                   until you dig it up. These are sacred lands we have  
4                   here. Not only Mille Lacs, the whole island.  
5                   (Ojibew), your white ladies are destroying all that  
6                   for money. They don't care about anyone's lives.  
7                   Money.

8                   I hear somebody, oh, I'm for it. Well,  
9                   that's good, get your ass out there and work  
10                  somewhere else on that, on that oil line. These are  
11                  the -- how can you do this? You come walking in  
12                  here, say I want to do this, I'm going to do this.  
13                  But first I'm going to go ask somebody else so I can  
14                  go over there and figure out how to take your parcel  
15                  of land so we can put our pipe in there.

16                  There is a lot of life, there is other  
17                  worlds out there. There is other nations. Bugs,  
18                  swimming, all the leaves are alive. All these are  
19                  living things. And who the heck made yous God, or  
20                  whatever you call God? You don't believe in that.  
21                  Your own selves. You go to church, you get in  
22                  trouble, oh, I'll go and confess next week, it'll be  
23                  open. Our churches never close. It's all around  
24                  us.

25                  Your people got to understand, we're

1           trying to live together, we're trying to understand  
2           each other. But you got the money value all typed  
3           out before you even started this thing. How much  
4           money are we going to make off it? Heck with the  
5           people, what they say. We're doing it for their own  
6           good. Is that what it is?

7                        We don't need no money from it. We don't  
8           get nothing. 1492, here we are still fighting  
9           terrorism. You guys are terrorizing our land. Our  
10          island. You talk about immigration. We let you in  
11          here. We didn't say to go home, get out of here, go  
12          back to Europe, go back to England or wherever. No,  
13          we said come on, come in here. Come over here,  
14          (Ojibwe) hurry up and we'll feed you and show you  
15          how to do things. And what do we get for it? Oh,  
16          they helped us. That's it.

17                       Everything we do in life is for our  
18          children. Those are our future leaders. If you  
19          haven't got that in your mind, how are you going to  
20          find a president, how are you going to find leaders  
21          to lead your society? Back in the day, the Great  
22          Depression, we never knew it was a Great Depression  
23          because we always had something. And now you're  
24          going to come along and dig up, destroy all the  
25          things that we enjoy. Life itself. That's why we

1 say we live that way. And we want to see that, we  
2 live that good way of life for our people, for our  
3 children.

4 You guys ain't got a conscience. You  
5 say, oh, I know everything about Enbridge, and now  
6 there's a lot of stuff. Well, that's good to read  
7 in your papers. The things I read are here, come to  
8 my eyes, the thing they care about in life, in this  
9 world. You want to go somewhere, go up into space.  
10 We'll wave goodbye to you. Then maybe we can have  
11 clean air, clean water, nothing polluted in the  
12 ground with all the elements.

13 Miigwech. Thank you for listening to me.

14 MR. LARRY HARTMAN: The last speaker card  
15 I have is David Aubid.

16 MR. DAVID AUBID: David Aubid, A-U-B-I-D.  
17 Enbridge. (Ojibwe.) It's all dramatic, pause and  
18 silence. I wanted everybody here, you know, that  
19 lives in the community, you know, to take a good  
20 look at these Enbridge people. I've been watching  
21 them for a while. You know, it's the face of  
22 genocide, environmental racism. There it is. Look  
23 at them. Look at them stare at us. Look at them.  
24 There they are. What they would do to us if they  
25 had the chance, huh?

1                   And our way of life, our future  
2                   generations, that we can look at them now, we can  
3                   see what they look like. But they have to look in  
4                   the mirror for the rest of their lives and see  
5                   themselves the way they are. You're going to enjoy  
6                   that reflection, gentlemen? What you're trying to  
7                   do to this community? Huh? Mister in the orange?  
8                   The man in the turquoise shirt? Nothing? You? The  
9                   guy with the glasses, do you know who you are?  
10                  You're mister environmental racism. And mister --  
11                  and mister genocide. That's what you are doing to  
12                  the community here, the Indian people of East Lake  
13                  and the surrounding area. Think about it.

14                   Think I'm lying? Do you think I'm wrong?  
15                  (Ojibwe.) They just sit there. Well, my thought is  
16                  I brought in the gift that was gifted to me is a  
17                  ceremonial war club, and I think that it's time that  
18                  it comes out.

19                   MR. LARRY HARTMAN: Katie Draper.

20                   MS. KATIE DRAPER: My name is Katie  
21                  Draper, K-A-T-I-E, D-R-A-P-E-R.

22                   As you've traveled east during your  
23                  meetings, I believe you're aware of the level of  
24                  passion and commitment the Anishinabe have to the  
25                  earth. We need to feel her under our feet and take

1 care of her the best we can.

2 I'm a Mille Lacs tribal member, not  
3 specifically from East Lake, but the passion and  
4 commitment is that of my brothers and sisters from  
5 here in this area. My hope is that based on hearing  
6 and hopefully feeling what you've heard during these  
7 meetings that have occurred, that you will conduct a  
8 full environmental assessment to ensure the state of  
9 Minnesota's commitment to the earth.

10 All of our directions have meaning. East  
11 marks the beginning of the life cycle for it is  
12 where the sun first rises. Please hear us so the  
13 sun can keep rising here.

14 Miigwech.

15 MR. LARRY HARTMAN: Todd Moilanen. Is  
16 Todd here or has he left?

17 MR. TODD MOILANEN: My name is Todd  
18 Moilanen, M-O-I-L-A-N-E-N. I'm with the Mille Lacs  
19 Band, Department of Natural Resources,  
20 Environmental.

21 As stated by Commissioner Klapeł in  
22 January 2014 on the certificate of need docket  
23 13-473, the route proposed by North Dakota Pipeline  
24 Company would have a greater negative impact on wild  
25 rice, water, and other natural resources utilized by

1 the Mille Lacs Band than several of the system  
2 alternatives, including system alternative 3.

3 In fact, both the MPCA and the Minnesota  
4 Department of Natural Resources concluded that North  
5 Dakota Pipeline Company's preferred route posed the  
6 greatest environmental risk compared with all of the  
7 system alternatives. Minnesota Department of  
8 Natural Resources concluded that within Minnesota  
9 more southern routes, south of I-94 corridor, have  
10 less concentration of natural resources regardless  
11 of the length within a two-mile corridor. From the  
12 natural resource perspective, the more southern  
13 route appeared to be a feasible and prudent system  
14 alternatives that merit consideration.

15 The MPCA also concluded that with respect  
16 to protection of the highest quality natural  
17 resources in the state, the applicant route presents  
18 significantly greater risks of potential impact to  
19 environment and natural resources than several of  
20 the system alternatives. The applicant's proposed  
21 route encroaches on higher quality resources,  
22 superior wildlife habitat, more vulnerable ground  
23 water and more resources unique to the state of  
24 Minnesota than do any of the proposed system  
25 alternatives.

1           The MPCA stated that an alternative that  
2 avoids or impacts fewer sensitive ecosystems in  
3 water bodies than applicant's will have a smaller  
4 likelihood of incurring significant response costs  
5 as documented by the U.S. Environmental Agency, the  
6 U.S. EPA, it costs considerably more to restore or  
7 rehabilitate water quality than it takes to protect  
8 it.

9           The areas of the state traversed by the  
10 SA-Applicant have waters and watersheds that are  
11 currently subject to protection in the state's  
12 Watershed Restoration and Protection Strategy  
13 Program financed through the Clean Water Fund and  
14 aided by significant volunteer participation of  
15 Minnesota citizens.

16           By keeping these waters as clean as  
17 possible before they become impaired, extensive  
18 costs of restoring waters to the state standards can  
19 be avoided. Location of oil pipelines in these  
20 areas place their pristine waters at risk and also  
21 place potentially millions of dollars in state and  
22 federal funds allocated for protection of these  
23 areas at risk.

24           Ultimately, MPCA concluded that the  
25 consequences of building a pipeline in North Dakota

1 Pipeline Company's preferred location were worse for  
2 all factors analyzed, including high quality surface  
3 water to potential for release at or near a water  
4 crossing, potential damage during construction and  
5 testing, threats to groundwater and potential  
6 drinking water supplies, and threats to wild rice  
7 and native forests. MPCA concluded that several  
8 alternatives were superior to North Dakota  
9 Pipeline's preferred route.

10 Thank you.

11 MS. JAMIE MACALISTER: Those are all the  
12 speaker cards that we have. Is there anyone else  
13 that would like to speak or comment at this time?

14 With that, I would like to close this  
15 meeting and thank everyone for coming and for their  
16 thoughtful comments.

17 Yes.

18 MS. RAYNA KILLSPOTTED: I'd like to  
19 speak.

20 MS. JAMIE MACALISTER: Okay.

21 MS. RAYNA KILLSPOTTED: I didn't have my  
22 card up there.

23 My name is Rayna (phonetic) Killspotted,  
24 K-I-L-L-S-P-O-T-T-E-D. I'm a resident here in  
25 Spalding Township, the district 2 reservation of

1 Mille Lacs Indian Reservation here.

2 I have three children and two  
3 grandchildren. And, you know, my father was born  
4 out here on the Rice Lake refuge. And I've been  
5 harvesting manoomin and picking berries for, you  
6 know, since like 1996. And you know that the damage  
7 that a oil spill can cause to our ecosystem in this  
8 area is, you know, beyond belief. When you take a  
9 look at what's happened up in Alberta and can see  
10 the damages that happened with the Anishinabe that  
11 live up in that area.

12 And we have a hardy, hardy area here in  
13 the swamp of where we're located and we will never  
14 leave this area. You know, we've been here for  
15 centuries. And you guys are newcomers to our area  
16 and we welcomed you with open arms and, you know,  
17 this is the kind of stuff that you're taking out on  
18 us for allowing that relationship to develop over,  
19 you know, all these contentious years prior to the  
20 treaties.

21 And one of the things that our dad taught  
22 us when we were young is that the, you know,  
23 treaties are the supreme law of the land and that  
24 there's a lot of violations that are occurring  
25 within the '37, '54 and '55 treaties that are being

1           forced down our throats and we're not being allowed  
2           to actively advocate on our behalf with the Public  
3           Utilities Commission, you know, bypassing this EAW  
4           that should be happening. You don't even think  
5           about the devastation that it's going to cause to my  
6           children and my grandchildren, great-grandchildren  
7           and the next seven generations there. And it's  
8           really overwhelming to have people that don't have  
9           no interest in our area making these choices on our  
10          behalf.

11                         That's all I can say, is that you got to  
12          do some advocacy on our behalf instead of forcing  
13          this down our throats. You guys have been speaking  
14          on our behalf for a while. Stand up for us for  
15          once. Fight with us for once. Protect that  
16          manoomin out there. We were forced off that refuge,  
17          that wasn't by our choice. So we're making the  
18          choice right now that you have to listen to us. And  
19          we're going continue protesting until that is done.  
20          Even if that causes us to do the protesting of the  
21          pipelines that you're trying to force into our area.

22                         There's a huge underwater aquifer here  
23          and we know the strength of that because we seen it  
24          during the flood here three years ago when we were  
25          supposed to go rice north of here. Luckily Leech

1 Lake was kind to us and they took us in that year.

2 That same year the flood happened in  
3 Duluth. You guys should be spending time on your  
4 infrastructure built up in the state instead of  
5 doing something that will be so damaging all for  
6 that mighty dollar. Why don't you restore the  
7 streets in Duluth over there that are practically  
8 crumbling, that turned into a huge swimming pool in  
9 that area. And the poor zoo, all them animals over  
10 there suffered during that time. Focus on that kind  
11 of stuff. The 35W bridge collapsed there a while  
12 back. That's the stuff you need to be focusing on.

13 Quit trying to take more of our  
14 environment away from us and start focusing on what  
15 you have now. You have the time to do it. You have  
16 the money to do it. Ask Enbridge to fund those kind  
17 of initiatives instead of routing another line  
18 through this area, you know.

19 Just be considerate. If you have any  
20 ounce of Anishinabe or human or Christian, Muslim,  
21 whatever it is, understand that we have rights as an  
22 individual in our communities. And they're not  
23 individual rights, they're group rights. So quit  
24 trying to make that decision for me and my children  
25 and my great-grandchildren that will be coming up

1 here, you know, in the next decade, in the next  
2 century. They'll be here. Don't you worry about  
3 that, we'll be here. But don't you dare ruin our  
4 land for us.

5 Miigwech.

6 MS. JAMIE MACALISTER: Thank you. Is  
7 there anyone else that would like to come up before  
8 we adjourn?

9 Okay. Well, I'd like to thank everyone  
10 for coming.

11 (Proceedings concluded at 1:28 p.m.)

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