



**Minnesota Department of Commerce
Energy Environmental Review and Analysis**

**Scoping Summary Report
for
Line 3 Replacement and
Sandpiper Pipeline Projects**

**Line 3 Docket Nos. PPL-15-137 and CN-14-916
Sandpiper Docket Nos. PPL-13-474 and CN-13-473**

September 21, 2016

Scoping Summary Report

Executive Summary

This Scoping Summary Report was prepared to capture the information assembled from scoping efforts for both the Sandpiper Pipeline Project (Sandpiper Project), a previously proposed 616-mile crude oil pipeline that would extend from south of Tioga, North Dakota, through Minnesota, and terminate in Superior, Wisconsin; and the Line 3 Replacement Project (L3R Project), which would replace an existing Line 3 pipeline from Pembina, North Dakota, through Minnesota, also terminating in Superior (of which 337 miles would be in Minnesota). On September 1, 2016, the North Dakota Pipeline Company formally requested that the applications for the Sandpiper Project be withdrawn from consideration by the Minnesota Public Utilities Commission (PUC). As authorized by the PUC, an Environmental Impact Statement (EIS) is being prepared for the L3R Project.

Initial scoping for the Sandpiper Project included 7 scoping meetings in 2014 (March 3 through 13). Initial scoping for the L3R Project included 15 public scoping meetings held in 2015 (August 11 through 27). Prior to the Sandpiper Project being withdrawn, additional EIS scoping for both proposed projects included 12 public scoping meetings in 2016 (from April 25 through May 11). During the scoping periods, commenters raised similar issues. The majority of the comments were related to the environmental review of the projects, regulatory procedures, and the purpose and need for the proposed oil pipelines. Potential impacts as a result of construction, operation, and maintenance of the proposed pipelines were also of concern, such as construction impacts to natural resources and land use, and adverse effects to water resources, aquatic communities, and socioeconomics from crude oil spills. Several alternatives (system alternatives, route alternatives, and route segment alternatives) to the Applicants' preferred routes were proposed, often reflecting concerns such as the avoidance of sensitive environmental areas. Additional concerns for the L3R Project were raised regarding decommissioning of the existing Line 3 and whether the existing pipeline should be deactivated in place or removed.

The large majority of the scoping comments received in 2014, 2015, and 2016 will be considered as part of the L3R EIS. Comments specific only to the previously proposed Sandpiper Project and those associated with issues beyond the direct, indirect, and cumulative potential effects of the construction, operation, and maintenance of the proposed L3R Project will not be considered in the EIS.

This Scoping Summary Report provides the details of the public scoping process for both projects. The PUC will determine the final scope of the L3R EIS, which will include the consideration of issues and concerns identified by the public and described in this Scoping Summary Report.

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Table of Contents

1.0 Introduction	1
2.0 Scoping	1
2.1 Sandpiper Project Scoping (2014).....	1
2.2 Line 3 Replacement Project Scoping (2015)	2
2.3 EIS Scoping for Sandpiper and Line 3 Replacement Projects (2016)	2
3.0 Comment Extraction and Tracking	3
4.0 Comments Received During Public Scoping	7
4.1 Sandpiper Project Scoping (2014).....	17
4.2 Line 3 Replacement Project Scoping (2015)	18
4.3 EIS Scoping for Sandpiper and Line 3 Replacement Projects (2016)	18
5.0 Alternatives	18
6.0 Summary and Conclusions	20
7.0 References	20

Tables

TABLE 1	Substantive Comment Critical Issue Codes	4
TABLE 2	Main Issues Raised During Scoping and Requested for Evaluation in EIS	7

Appendices

Appendix A	Public Scoping Notices
Appendix B	Publication Affidavits and Newspaper Advertisements
Appendix C	2015 Comment Summary Report and Alternatives Report
Appendix D	Sandpiper Route Alternatives (2014) Scoping Summary Report
Appendix E	System, Route, and Route Segment Alternatives for the Sandpiper Pipeline Project and Line 3 Replacement Project

Acronyms

ATV	all-terrain vehicle
CEA	Comparative Environmental Analysis
CN	Certificate of Need
DEIS	Draft Environmental Impact Statement
DOC-EERA	Department of Commerce, Energy Environmental Review and Analysis
EIS	Environmental Impact Statement
Enbridge	Enbridge Energy
FSDD	Final Scoping Decision Document
GHG	greenhouse gas
GIS	geographic information system
L3R	Line 3 Replacement
MEPA	Minnesota Environmental Policy Act
Minnesota DNR	Minnesota Department of Natural Resources
Minnesota PCA	Minnesota Pollution Control Agency
NDPC	North Dakota Pipeline Company
NGO	nongovernmental organization
PHMSA	Pipeline and Hazardous Materials Safety Administration
PUC	Minnesota Public Utilities Commission
QA/QC	Quality Assurance/Quality Control
RGU	Responsible Governmental Unit
ROW	right-of-way
SHPO	State Historic Preservation Office

1.0 Introduction

This Scoping Summary Report provides details regarding the scoping efforts for both the Sandpiper Pipeline Project (Sandpiper Project) and the Line 3 Replacement Project (L3R Project). Since 2014, many issues have been identified for consideration over the course of three scoping efforts, and these are summarized in this report. On September 1, 2016, the North Dakota Pipeline Company (NDPC) formally requested that the applications for the Sandpiper Project be withdrawn from consideration by the Minnesota Public Utilities Commission (PUC).¹ An Environmental Impact Statement (EIS) will be prepared for the L3R Project. The recommended scope of the EIS is presented in the Final Scoping Decision Document (FSDD).

In addition to this Scoping Summary Report, the following documents were submitted to the PUC on September 21, 2016:

- Alternatives Screening Report for Line 3 Replacement Project PUC Docket No. PL-15-137/CN14916 (Alternatives Screening Report), which documents the screening of a potential system and route alternatives for analysis in the EIS
- Final Scoping Decision Document for Line 3 Replacement Project PUC Docket No. PPL-15-137/CN-14-916, which presents the proposed scope of the EIS

2.0 Scoping

2.1 Sandpiper Project Scoping (2014)

The PUC and DOC-EERA organized scoping for the previously proposed Sandpiper Project in March of 2014. Seven public meetings were held between March 3 and 13, 2014, in Aitkin, Carlton, Cass, Clearwater, Hubbard, and Polk counties. The PUC initially established the scoping period from January 31 to April 4, 2014 and subsequently extended the period to May 30, 2014, to provide additional time for submitting comments. Commenters identified numerous issues and concerns during the scoping meetings, along with many system or route alternatives to the Applicant's preferred route. Commenters submitted a total of 62 proposals for either system alternatives or route alternatives in approximately 1,090 comments (letter, email, and verbal comments).

The primary issues raised included the following: support for an EIS rather than a Comparative Environmental Analysis (CEA), damage to wild rice beds, spills, emergency response, impacts to water quality, proximity to the Mississippi Headwaters area, impacts to tribal resources, creation of a new pipeline corridor in the lakes district of northern Minnesota, and general concern regarding a wide array of environmental impacts due to the construction and operation of a pipeline.²

¹ See *Petition to Withdraw Certificate of Need and Pipeline Route Permit Applications*, September 1, 2016, <https://www.edockets.state.mn.us/EFiling/edockets/searchDocuments.do?method=showPoup&documentId={C314DABF-893A-4DCF-89C6-BF6FC34FC33D}&documentTitle=20169-124584-01>

² Letters and written comments submitted are available at:

2.2 Line 3 Replacement Project Scoping (2015)

The L3R scoping comment period was open from July 20 to September 30, 2015, and PUC and DOC-EERA held 15 public meetings in August 2015 in Aitkin, Carlton, Cass, Clearwater, Hubbard, Kittson, Marshall, Pennington, and Polk counties. Commenters provided approximately 1,077 comments across 224 submissions from individual commenters and organizations (provided via letters, emails, and verbal communications). DOC-EERA identified 11 route alternative proposals from the comments. DOC-EERA's 2015 Comment Summary Report and Alternatives Report (Appendix C) provides a summary of the route alternative proposals.

Commenters raised similar primary issues to those raised during the Sandpiper Project scoping meetings in 2014, with an increased emphasis on pipeline decommissioning.

2.3 EIS Scoping for Sandpiper and Line 3 Replacement Projects (2016)

Prior to the Sandpiper Project being withdrawn, DOC-EERA held combined EIS scoping meetings for the Sandpiper and L3R projects from April 25 through May 11, 2016. The public notices are attached as Appendix A, and publication affidavits and newspaper advertisements for the scoping periods are attached in Appendix B. Individual commenters and organizations provided comments by letter, email, and verbal communication.

During the public scoping period, DOC-EERA held 12 scoping meetings throughout the state in 7 of the 10 counties that would be crossed by the proposed pipelines. Unlike the previous scoping meetings, the Assisting Agencies (Minnesota DNR and Minnesota PCA) joined DOC-EERA staff in an informal open house and poster session prior to the formal portion of the public scoping meetings. The open houses provided the public with the opportunity to ask questions of technical experts from each agency.

Transcripts of the oral comments given at each public scoping meeting and all comment letters received during the 2016 EIS scoping period are available at the DOC-EERA website.³ Commenters provided a total of 217 oral comments, as transcribed by a court stenographer, during the scoping meetings.

In addition, private citizens, government agencies, tribes, and nongovernmental organizations (NGOs) submitted 322 scoping comment letters. Two different form letters were also submitted during the EIS public scoping period in 2016. These constituted a total of 1,118 form letters: 279 Sierra Club comment cards and 839 letters from KnowWho Services. There were 17 unique supplemental comments on the form letters, four of which were substantive. Many of the comments received during the EIS scoping period pertained to both proposed projects, while some were specific to the Sandpiper Project and some were specific to the L3R Project.

<http://mn.gov/commerce/energyfacilities/resource.html?id=33940>

³Public meeting transcripts and comment letters are available at:

<http://mn.gov/commerce/energyfacilities//resource.html?id=34491>

3.0 Comment Extraction and Tracking

To facilitate comment tracking across all scoping periods, comment letters and transcribed oral testimony from each of the three public scoping periods were compiled, and each entry was assigned a unique comment document number.

Comment submitter information including commenter first and last name, email address, mailing address, date, and organization (when provided) was logged. Each letter/transcribed testimony was reviewed and substantive comments related to EIS development were extracted into a Microsoft Excel table. The following criteria were used to systematically identify substantive comments:

- Request or comment must be actionable or feasibly accomplished.
- Request or comment must be related to one of the following:
 - Project description; ○ Project purpose and need; ○ A new system alternative, route alternative, route segment alternative, or other alternative; ○ Potential effects on an environmental or social resource; ○ Mitigation measures; ○ Process for analyzing potential effects; or
 - Other issues relevant to an informed decision on the need for or route of the proposed projects.
- Request or comment must be able to be converted to a statement of scope for the Draft EIS (DEIS).
- Opinions of general support or disapproval of the proposed projects or other matters not related specifically to the proposed projects were maintained in the administrative record as part of the comment submittal but were not extracted for use in determining the scope of the EIS.

Following extraction, identified substantive comments were assigned a unique comment number. Substantive comments were then assigned critical issue codes based on the content of the comment. Critical issue codes, presented in Table 1, were developed based on the issues raised during the scoping periods and MEPA topics to be considered in the EIS. Where warranted, multiple issue codes were assigned to a comment. During EIS development, these issue codes will be used to track and identify the sections of the EIS where comments will be addressed.

TABLE 1 Substantive Comment Critical Issue Codes		
Issue	Issue Code	Definitions
Air Quality	AQ1	Comments specific to air quality concerns (excluding general climate change comments).
Alternatives	ALT1	Comments requesting consideration of reasonable alternatives to the proposed projects, including consideration of No Action Alternative, alternative sites, alternative transportation routes, and alternative sources of energy.
Alternatives	ALT2	Comments requesting consideration of alternative technologies such as rail or truck.
Analysis Area	AA1	Comments on analysis area.
Climate Change (Project-related)	CC1	Comments related to GHG emissions/climate change concerns associated with project construction and operation.
Climate Change (upstream and downstream)	CC2	Comments related to GHG emissions/climate change concerns associated with upstream oil development and pipelines and downstream oil transport and refining.
Climate Change (use, planning, and policy)	CC3	Comments related to GHG/climate change concerns associated with regional, national, or global energy use, planning, and policies.
Cumulative Effects (onsite and vicinity)	CE1	Comments requesting analysis of the cumulative impacts from other past, present, and reasonably foreseeable projects along the proposed projects or in their vicinity.
Cumulative Effects (offsite - rail and marine)	CE2	Comments requesting analysis of the cumulative impacts associated with other crude oil projects, including associated rail and marine operations. This category includes general comments concerning cumulative impacts, including comments to consider impacts at point of resource extraction and/or end use.
Construction	CO1	Comments and suggestions regarding proper construction-related methods and procedures.
Contaminated Site	CS1	Comments regarding past or new contaminated sites and potentially listing Line 3 areas as contaminated sites.
Decommissioning	DE1	Comments regarding the plans, details, options, methods, and impacts and effects related to the decommissioning of pipelines either currently or in the future. This category includes comments on financial assurance for decommissioning.
Engineering	EG1	Comments regarding the engineering plans of the projects, including number of valves, thickness of pipe, pressure of pipe, pump practices, and smart pig technology ¹ .

TABLE 1 Substantive Comment Critical Issue Codes		
Issue	Issue Code	Definitions
Environmental Health	EH1	Comments regarding the possible potential acute/chronic health effects from exposure to air toxics, particulates, and contaminated water due to normal operations and/or accidental releases or spills.
Emergency Response	ER1	Comments regarding emergency response following pipeline leaks and spills and potential resulting impacts.
Fish, Wildlife, and Vegetation (general)	FW1	General comments concerning impacts on fish, wildlife, and vegetation.
Fish, Wildlife, and Vegetation	FW2	Comments concerning the projects' impacts on fish, wildlife, vegetation, wetlands, and threatened and endangered species, including habitat removal, introduction of exotic plants and invasive organisms, disturbance, displacement, and direct mortality from construction activities.
Fish, Wildlife, and Vegetation	FW3	Comments concerning the projects' impacts to wild rice habitat.
GIS	GIS1	Comments specific to GIS data and geospatial coverage.
Geology	GO1	Comments regarding geology issues, including seismic events and karst impacts.
Groundwater	GW1	Comments concerning the projects' impacts to groundwater resources.
Health & Safety	HS1	Comments regarding general health and safety practices and impacts of the projects on health and safety.
Historic and Cultural Preservation	HC1	Comments concerning impacts to archaeological resources and historic buildings.
Land Use, Recreation, and Visual Resources	LU1	Comments on agriculture, private land use, recreational resources and activities, and visual resources.
Mineral Resources	MR1	Comments related to impacts to mineral resources.

TABLE 1 Substantive Comment Critical Issue Codes		
Issue	Issue Code	Definitions
Mitigation	MI1	Comments specific to mitigations plans, policies, and actions for the projects.
Noise	NO1	Comments regarding potential noise issues.
Purpose and Need	PUR1	Comments regarding the purpose and need for the projects as proposed by the Applicant.
Regulatory and Procedural Concerns	RP1	Comments pertaining to federal, state, or local regulations, Minnesota Environmental Policy Act procedures or requirements, interagency cooperation, PUC procedures, eminent domain, or other legal concerns.
Rights-of-Way	RW1	Comments regarding ROWs, including ROW management and general colocation comments.
Socioeconomics (positive effects)	SE1	Comments concerning the positive impacts of the projects on jobs, economic growth, and local and state tax revenue.
Socioeconomics (negative effects)	SE2	Comments concerning the negative impacts of the projects on property values, quality of life, attraction of new residents and businesses, and tourism. This category includes environmental justice concerns.
Soils	SO1	Comments related to impacts on soils.
Spills	SP1	Comments related to oil spill issues, including oil spill modeling, spill impacts on natural resources and human health, and financial assurance for spills.
State Lands/Forests	SL1	Comments related to state lands and forests.
Surface Water	SW1	Comments concerning the projects' impacts to surface waterbodies and wetlands.
Tribal Concerns	TC1	Comments related to tribal consultation, subsistence issues, tribal sovereignty, treaty rights, usufructuary rights, cultural resources, and natural resources.

**TABLE 1
Substantive Comment Critical Issue Codes**

Issue	Issue Code	Definitions
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Notes:

GHG = greenhouse gas; GIS = geographic information system; ROW = right-of-way

¹ Smart pig technology: Smart pigs or pipeline inspection gauges are inspection tools that periodically travel through the pipe to collect data on the condition of pipelines.

For form letters submitted during the EIS scoping period, the first and last names of all submitters were manually logged in a Microsoft Excel table. Submissions were reviewed for unique supplemental comments in addition to the comments in the form letters themselves, and those comments were extracted if substantive (as defined above) and assigned issue codes. Quality assurance and quality control (QA/QC) was performed to verify that the total number of names logged matched the number of submissions.

4.0 Comments Received During Public Scoping

Overall, commenters raised similar issues during the 2014 Sandpiper, 2015 L3R, and 2016 Sandpiper and L3R EIS scoping periods. Across all three scoping periods, comments related to the regulatory review of the projects were most prevalent including route and system alternatives (ALT1), regulatory procedures (RP1), and the purpose and need for new oil pipelines (PUR1). The potential impacts of most concern, especially impacts associated with spills, included those to water resources (SW1 and GW1), aquatic communities (FW1, FW2, and FW3), and socioeconomics (SE2). A summary of the comments received during scoping is provided in Table 2.

**TABLE 2
Main Issues Raised During Scoping and Requested for Evaluation in EIS**

Issue	Issue Code	Summary of Issues
Air Quality	AQ1	<ul style="list-style-type: none"> • Evaluate emissions from the projects in relation to national air quality standards, ozone, hazardous pollutants, and fugitive dust • Evaluate opportunities to use clean diesel equipment, vehicles, and fuels during construction, operation, and abandonment.
Alternatives	ALT1	<ul style="list-style-type: none"> • Collect independent field data for Applicant’s preferred route and alternative routes • Consider all alternative routes proposed by government agencies, tribes, and general public • Assess No Action Alternative • Evaluate if a smaller capacity pipeline would meet the needs of the projects • Evaluate whether currently unused or recently permitted pipelines could be used to meet the needs of the projects

TABLE 2 Main Issues Raised During Scoping and Requested for Evaluation in EIS		
Issue	Issue Code	Summary of Issues
Alternatives	ALT2	<ul style="list-style-type: none"> • Evaluate feasibility and safety of transporting oil by rail • Evaluate feasibility and safety of transporting oil by truck • Discuss rail congestion and conflicts between shipment of oil and other commodities (e.g., agricultural products)
Analysis Area	AA1	<ul style="list-style-type: none"> • Widen analysis area to entire pipeline routes, beyond Minnesota, including Canada • Include analysis of “connected actions” (e.g., new transmission lines)
Climate Change (Project-related)	CC1	<ul style="list-style-type: none"> • Assess impact of climate change over the life of the projects • Consider construction-related contributions to GHG and carbon emissions • Consider contribution of pump stations and associated facilities to GHG emissions and climate change • Consider impact of extreme weather events on pipeline construction, maintenance, and emergency response • Assess impact of climate change on wildlife, habitats, and human health
Climate Change (upstream and downstream)	CC2	<ul style="list-style-type: none"> • Evaluate GHG emissions and climate change caused by increased oil extraction, transportation, refining, and consumption • Examine “well to wheel” atmospheric carbon loading (life-cycle analysis)
Climate Change (use, planning, and policy)	CC3	<ul style="list-style-type: none"> • Discuss Minnesota’s commitment to reducing GHG emissions and mitigating climate change as a member of the Midwestern Regional Greenhouse Gas Reduction Accord • Consider targets committed to by the United States at the 2015 Paris Climate Agreement under the United Nations’ Framework Convention on Climate Change • Consider how the projects would impact climate change adaptation strategies • Examine ways to mitigate climate change impacts and GHG emissions
Cumulative Effects (onsite and vicinity)	CE1	<ul style="list-style-type: none"> • Consider impacts of Sandpiper and L3R if the projects were constructed independently or concurrently • Include expansion of refineries, crude oil storage facilities, and other associated facilities resulting from the proposed projects • Consider expansion of Enbridge’s Lines 61 and 66, Dakota Access Pipeline, and Lines 1 and 2 • Follow the U.S. Environmental Protection Agency’s Cumulative Effects Analysis Protocol • Consider cumulative effects of all actions on climate change
Cumulative Effects (offsite - rail and marine)	CE2	<ul style="list-style-type: none"> • Consider impacts of shipping oil beyond Superior via tanker • Consider effects of increased rail transportation downstream of pipelines • Consider shipping oil overseas due to lifting of crude oil export ban

TABLE 2 Main Issues Raised During Scoping and Requested for Evaluation in EIS		
Issue	Issue Code	Summary of Issues
Construction	CO1	<ul style="list-style-type: none"> • Include independent monitoring requirement during construction • Identify who is responsible for construction and maintenance oversight • Evaluate construction timeline/schedule • Describe construction footprint • Analyze impacts of temporary work spaces and access roads (especially to wetlands) • Describe winter/summer construction methods • Assess communication and descriptions of restricted access to general public during construction • Describe stream crossing methods
Contaminated Site	CS1	<ul style="list-style-type: none"> • Identify all contaminated sites in the existing pipeline corridors • Identify any contamination along the existing Line 3 pipeline and describe cleanup • Discuss potential for Line 3 area to become a contaminated and/or Superfund site
Decommissioning	DE1	<ul style="list-style-type: none"> • Evaluate environmental impacts of completely removing Line 3 compared to decommissioning • Evaluate removal of the most damaged or unearthed parts of Line 3 • Consider replacing Line 3 in its current location • Evaluate long-term monitoring and financial responsibility of decommissioned Line 3 • Analyze long-term environmental, human health, and safety impacts of leaving decommissioned Line 3 in the ground • Examine impact of filling Line 3 with an inert gas given it has pinhole leaks and structural anomalies • Explain how landowners would be compensated for any future damages caused by decommissioned Line 3

TABLE 2 Main Issues Raised During Scoping and Requested for Evaluation in EIS		
Issue	Issue Code	Summary of Issues
Engineering	EG1	<ul style="list-style-type: none"> • Evaluate impacts of the cathodic protection system • Evaluate risk of pipeline displacement/buoyancy and describe how this will be avoided • Describe engineering and design methods used for pipelines carrying different types of oil (e.g., Bakken crude oil and diluted bitumen) • Analyze pipeline integrity issues (corrosion, pipeline thickness, etc.) • Describe and analyze leak detection systems • Describe thickness of the pipeline • Evaluate the appropriate number of shutoff valves to maximize safety • Describe qualifications of pipeline designers or engineers
Environmental Health	EH1	<ul style="list-style-type: none"> • Evaluate acute and chronic toxicity of oil components, including benzene, polycyclic aromatic hydrocarbons, solvents, and heavy metals to humans and wildlife • Consider differences in toxicity of diluted bitumen and Bakken crude oil • Include information from the National Academy of Sciences report: Spills of Diluted Bitumen from Pipelines. A Comparative Study of the Environmental Fate, Effects and Response • Evaluate environmental health impacts of air emissions
Emergency Response	ER1	<ul style="list-style-type: none"> • Assess emergency response times along the entire pipeline corridor • Compare pipeline accessibility of different route alternatives and in different seasons during emergency response • Discuss challenges of cleaning up diluted bitumen (using Line 6B spill and National Academy of Sciences study as examples) • Evaluate adequacy of Applicant’s emergency response plans, including Facility Response Plan, Integrity Management Plan, Integrated Contingency Plan, and Supervisory Control and Data Acquisition center protocols • Describe financial responsibility for emergency response, spill cleanup, and damages caused by spill and response • Explain oil spill cleanup procedures and discuss potential impacts caused by cleanup • Evaluate location and preparedness of local first responders • Describe Applicant’s responses to previous spills
Fish, Wildlife, and Vegetation (general)	FW1	<ul style="list-style-type: none"> • Assess impacts on wildlife refuges and other high-consequence areas • Provide biological assessment and biological opinion • Consider effects on area ecology, including vegetation, pollinator species, wildlife, and their habitats

TABLE 2 Main Issues Raised During Scoping and Requested for Evaluation in EIS		
Issue	Issue Code	Summary of Issues
Fish, Wildlife, and Vegetation	FW2	<ul style="list-style-type: none"> • Evaluate impacts on Minnesota state-listed threatened and endangered species, Minnesota sites of biodiversity significance, wetlands, and federally listed threatened and endangered species • Assess impacts of temporary and long-term habitat loss, conversion, degradation, and fragmentation • Identify current status of invasive species and noxious weeds in the proposed corridors and evaluate the risk and impacts of their spread • Identify aquatic species at risk during construction (e.g., from normal activities and frac-outs)
Fish, Wildlife, and Vegetation (wild rice)	FW3	<ul style="list-style-type: none"> • Evaluate impacts of construction and spills to wild rice habitat and cultivation
GIS	GIS1	<ul style="list-style-type: none"> • Include topographic comparisons of all alternative routes • Make GIS information available to the public • Utilize GIS to determine least impactful routes • Show all existing pipeline and other utility corridors in Minnesota • Show locations of historical releases of oil from Enbridge pipelines • Identify locations of all known pipeline leaks and spills and their cleanup status • Show all unused and abandoned pipelines in Minnesota
Geology	GO1	<ul style="list-style-type: none"> • Evaluate risk of seismic activity to pipeline safety • Evaluate landslide hazards • Consider geological surveys, erodible slopes, and steep contours • Conduct geotechnical borings to determine depths of aquifers
Groundwater	GW1	<ul style="list-style-type: none"> • Provide baseline information on all aquifers crossed by or located near the proposed projects and evaluate impacts on aquifers • Include USGS 30-year history of the Straight River Aquifer • Include the Hubbard County Local Water Plan • Evaluate surface water-groundwater interaction and how construction or spills may impact this relationship • Identify private and public wells and evaluate impacts of construction and spills on them • Identify drinking and industrial water intakes and evaluate impacts on these • Assess risks of groundwater contamination from abandoned Line 3

TABLE 2 Main Issues Raised During Scoping and Requested for Evaluation in EIS		
Issue	Issue Code	Summary of Issues
Health & Safety	HS1	<ul style="list-style-type: none"> • Include health and safety protocols for transporting Bakken crude oil and diluted bitumen • Include history of Applicant’s safety record and any violations • Discuss weaknesses of PHMSA regulations and pipeline safety oversight • Include safety record of all tar sands pipelines in the United States and Canada • Discuss how Applicant will protect public safety during construction
Historic and Cultural Preservation	HC1	<ul style="list-style-type: none"> • Utilize Minnesota SHPO records to inventory archaeological and architectural history sites along route alternatives • Coordinate with Minnesota SHPO • Discuss compliance with the Antiquities Act of 1906; Historic Sites Act of 1935; Executive Order 13007; the National Historic Preservation Act of 1966, as amended; the Archaeological and Historic Preservation Act of 1974; and the Archaeological Resources Protection Act of 1979
Land Use, Agriculture, Recreation, and Visual Resources	LU1	<ul style="list-style-type: none"> • Discuss restricted use of recreational lands and trails during construction, how long access will be restricted, and how closures will be communicated to the public • Discuss how access roads and cleared areas may attract unpermitted third-party uses, including ATVs, motorbikes, and snowmobiles, and how this will be prevented • Discuss how landowners will be compensated for property, property damage and how landowner disputes will be resolved • Evaluate impacts to agriculture and livestock • Evaluate visual impacts of construction and long-term impacts of cleared areas • Discuss impacts to private forest lands • Assess impacts to recreational/sport fisheries
Mineral Resources	MR1	<ul style="list-style-type: none"> • Examine interference of proposed routes with current mineral land leases • Discuss safety of having pipelines and mining in the same area

TABLE 2 Main Issues Raised During Scoping and Requested for Evaluation in EIS		
Issue	Issue Code	Summary of Issues
Mitigation	MI1	<ul style="list-style-type: none"> • Provide compensatory mitigation and mitigation banking for wetland impacts and wild rice impacts • Discuss native plant restoration as mitigation for clearing activities • Describe invasive species management protocols, including a vegetation management plan • Provide a fen management plan • Work with U.S. Fish and Wildlife Service and Minnesota DNR to develop conservation plans to minimize impacts to birds • Provide erosion control measures • Provide wetland monitoring plan • Evaluate whether the Applicant must be required to have funds in escrow to be used for pipeline spill response, recovery, and compensation of affected parties.
Noise	NO1	<ul style="list-style-type: none"> • Discuss noise generated during construction and impacts on nearby residences • Discuss noise generated by pump stations during project operations
Purpose and Need	PUR1	<ul style="list-style-type: none"> • Consider that the purpose and need of the projects is too narrow/restrictive and limits evaluation of other feasible alternatives • Evaluate need for projects in light of low oil prices and decreased oil production in North Dakota and continuing fluctuations in market conditions and demand • Differentiate between public and private purpose and needs for the projects • Disclose the ultimate destination of oil in order to evaluate purpose and need

TABLE 2 Main Issues Raised During Scoping and Requested for Evaluation in EIS		
Issue	Issue Code	Summary of Issues
Regulatory and Procedural Concerns	RP1	<ul style="list-style-type: none"> • Discuss if the L3R constitutes a new pipeline and thus requires U.S. State Department review • Discuss whether DOC should be the RGU and why the Minnesota DNR or Minnesota PCA is not the RGU • Discuss if Minnesota has regulations for decommissioned pipelines • Discuss why removal is not required • List all necessary state and federal permits and agencies • Involve the USGS, U.S. Fish and Wildlife Service, U.S. Environmental Protection Agency, U.S. Army Corps of Engineers, and tribal governments in the EIS process • Describe contract with, role of, and abilities of consultants • Explain adherence to Minnesota Environmental Policy Act and relevant Minnesota rules and regulations • Explain why the projects are not undergoing review under the National Environmental Policy Act • Explain how any data the Applicant provides will be independently reviewed and validated • Explain how the projects will adhere to Minnesota’s oil spill response law and federally delegated pipeline safety program
Rights-of-Way	RW1	<ul style="list-style-type: none"> • Evaluate concerns regarding co-location with transmission lines • Evaluate corridor fatigue • Use the Interstate Natural Gas Association of America Foundation, Inc.’s Criteria for Pipelines Co-Existing with Electric Power Lines data that would put Enbridge’s proposed route in the high risk category • Follow currently established ROWs • Describe and map all existing pipeline corridors/ROWs in the state • Explain rationale for proposed corridor width
Socioeconomics (positive effects)	SE1	<ul style="list-style-type: none"> • Evaluate the number of jobs created during construction and operation • Assess tax revenue generated • Discuss local labor union involvement and employment • Discuss profits anticipated from proposed projects • Determine ecosystem services value of existing environment

TABLE 2 Main Issues Raised During Scoping and Requested for Evaluation in EIS		
Issue	Issue Code	Summary of Issues
Socioeconomics (negative effects)	SE2	<ul style="list-style-type: none"> • Determine impacts to tourism if areas are restricted or damaged • Discuss decreases in property values along proposed routes • Examine environmental justice – disproportionate impacts to low-income and minority populations • Examine potential for future loss of businesses and tax revenue due to proposed projects • Discuss impacts to mental health and well-being of nearby residents • Conduct benefit-cost analysis of each alternative that includes all economic, social, and environmental costs
Soils	SO1	<ul style="list-style-type: none"> • Evaluate pipeline movement due to frost heave, soil conditions, and erosion • Discuss topsoil mixing and segregation and requirements for segregation • Discuss impacts of increased soil temperatures over the pipeline, permeable soils, and increased risk of soil subsidence and instability
Spills	SP1	<ul style="list-style-type: none"> • Conduct oil spill modeling for Bakken crude and diluted bitumen; include average and worst-case scenarios; high-consequence areas; impacts of weather, season, and hydrology on oil movement; oil weathering; and surface and groundwater impacts • Assess impacts of pinhole leaks • List and map historical spills in Minnesota and those from the Applicant’s pipelines • Consider the overall safety of pipelines carrying oil from tar sands by looking at all incidents that have occurred along these pipelines in the United States and Canada. • Discuss impact of spills on aquatic and terrestrial wildlife and vegetation and human health • Discuss unique characteristics of fate, transport, and toxicity of Bakken crude oil and diluted bitumen if spilled • Address economic impacts of spills • Discuss the likelihood and potential impacts of frac-outs during construction • Discuss the impacts from small leaks from construction equipment • Discuss short-term and long-term/permanent spill impacts and restoration

TABLE 2 Main Issues Raised During Scoping and Requested for Evaluation in EIS		
Issue	Issue Code	Summary of Issues
State Lands/ Forests	SL1	<ul style="list-style-type: none"> • Quantify acreages of state land crossed by proposed projects • Assess impacts on state parks and conservation land • Examine impacts to forests, including fragmentation and merchantable timber • Evaluate impacts on state and federal Wildlife Management Areas • Coordinate with U.S. Forest Service • Describe the differences in potential impacts to undisturbed land vs. previously disturbed land • Quantify the loss of current and future carbon sequestration and storage from the clearing of forested areas and wetlands during construction
Surface Water	SW1	<ul style="list-style-type: none"> • Use new Hubbard County Local Water Management Plan • Name all waterbodies crossed or whose inflow is crossed by the proposed projects and include baseline conditions (water quality, summary of aquatic life, discussion of hydrology) that may be altered by the projects • Include waterbody crossing methods and width of crossing for each waterbody, justification for crossing method chosen, and potential impacts of the crossing method to water resources • Focus on impacts to designated trout streams and wetlands • Discuss number of people dependent on affected waterbodies for drinking water • Evaluate indirect effects to Lake Superior • Include U.S. Army Corps of Engineers permitting requirements and timelines • Describe hydrostatic testing and potential impacts of uptake and release to surface waterbodies • Describe how water and other liquids used to clean the existing Line 3 will be disposed of and potential impacts to nearby waterbodies • Discuss streambank stability issues and construction impacts

TABLE 2 Main Issues Raised During Scoping and Requested for Evaluation in EIS		
Issue	Issue Code	Summary of Issues
Tribal Concerns	TC1	<ul style="list-style-type: none"> • Consult with tribes regarding their knowledge of natural and cultural resources in the area and potential impacts of the proposed projects (including spills) to tribal resources, potential alternatives, and mitigation; describe and document consultation process • Coordinate with Minnesota Indian Affairs archaeological staff and the tribes' Tribal Historic Preservation Offices to identify and evaluate cultural sites • Discuss environmental justice, including health, safety, and economic impacts • Coordinate with the U.S. Bureau of Indian Affairs and U.S. Department of Health and Human Services' Indian Health Services to assist in evaluation of health risks and concerns for tribal communities • Discuss impacts to culturally important resources on tribal lands and ceded territories (e.g., hunting and gathering rights, fishing rights, spiritual resources, wild rice) • Discuss how unplanned discovery of cultural objects during construction will be handled and how objects will be preserved and repatriated • Revise scope to include an accurate description of cultural surveys performed by Applicant and proposed methodologies • Contract with qualified archaeologists to complete surveys • Discuss spills and cleanup on tribal lands and how these events will be communicated to the tribes • Evaluate cumulative effects of pipelines on tribal resources using protocol developed by the U.S. Environmental Protection Agency and Region 5 tribes

Notes:

ATV = all-terrain vehicle; GHG = greenhouse gas; GIS = geographic information system; L3R = Line 3 Replacement Project; Minnesota DNR = Minnesota Department of Natural Resources; Minnesota PCA = Minnesota Pollution Control Agency; PHMSA = Pipeline and Hazardous Materials Safety Administration; RGU = Responsible Governmental Unit; ROW(s) = right(s)-of-way; SHPO = State Historic Preservation Office; USGS = U.S. Geological Survey

4.1 Sandpiper Project Scoping (2014)

The majority of the comments received during the 2014 Sandpiper Project scoping period related to proposing system, route, and route segment alternatives (ALT1) and requested further information on the Applicant's preferred route. Many of the comments also requested the development of an EIS rather than a CEA (RP1). In 2014, comments regarding engineering (EN1) and construction (CO1) were more prevalent, especially as they related to impacts to land use (LU1). Comments regarding climate change (CC1, CC2, and CC3) and the purpose and need of the proposed Sandpiper Project (PUR1) were not as common in 2014 as they were in 2016. A scoping summary report for the 2014 Sandpiper Project scoping period is provided as Appendix D.

4.2 Line 3 Replacement Project Scoping (2015)

The most prevalent comments received during the 2015 L3R Project scoping period related to proposing system, route, and route segment alternatives (ALT1). Many commenters also proposed complete removal of the existing Line 3 rather than decommissioning it in place (DE1); this recommendation was made during 2016 scoping as well. Comments received during the 2015 L3R Project scoping period also requested the development of an EIS rather than a CEA (RP1). There were also numerous comments on potential impacts to water resources (SW1 and GW1). The 2015 scoping period is summarized in DOCEERA'S 2015 Comment Summary Report and Alternatives Report (Appendix C).

4.3 EIS Scoping for Sandpiper and Line 3 Replacement Projects (2016)

Comments received during the 2016 EIS scoping period were similar to those provided across the previous scoping periods. In general, the 2016 comments tended to be more detailed than those provided during previous scoping periods, due in part to there being additional information available on the proposed projects. The 2016 comments were more focused on the need for the proposed projects (PUR1), system and route alternatives (ALT1), and the environmental review process (RP1). There was also more of a focus on spill modeling and potential spill impacts (SP1) as well as concerns about the potential direct and indirect impacts of greenhouse gas (GHG) emissions by the proposed projects on climate change (CC1, CC2, and CC3).

5.0 Alternatives

Pursuant to Minnesota Administrative Rules, an EIS must compare the potentially significant impacts of a proposal with those of other reasonable alternatives to the proposed project.⁴ The EIS must address one or more of each of the following types of alternatives or provide a concise explanation of why no alternative of a particular type is included in the EIS:

- Alternative sites,
- Alternative technologies,
- Modified designs or layouts,
- Modified scale or magnitude,
- Alternatives incorporating reasonable mitigation measures identified through comment periods for EIS scoping, and
- No Action Alternative.

As part of the scoping process, commenters identified alternative sites (e.g., existing pipelines), alternative technologies (e.g., rail or truck transport), modified design or layouts (modifications to the proposed alignment and destination of a new pipeline), modified scale or magnitude, mitigation, and analysis of the No Action alternative. All of these types of alternatives will be considered in the L3R EIS. Most comments regarding alternatives were associated with modifying the proposed alignment and

⁴ Minn. R. 4410.2300, subp. G. (<https://www.revisor.mn.gov/rules/?id=4410.2300>)

destinations of the proposed projects. Minnesota DNR and Minnesota PCA, local governments, federal agencies, tribal members, citizens, and NGOs proposed alternatives in the categories listed above through the scoping process. Commenters proposed the following types of alternatives:

- System alternatives are alternative designs or layouts that would transport oil via pipeline from the upstream source of the oil (e.g., Bakken or Alberta oil sand production areas) to the existing oil pipeline infrastructure or refineries, but that would not start at the same location, serve the same intermediate delivery point (i.e., Clearbrook), and/or final destination (i.e., Superior) as proposed by the applicants.

Commenters submitted eight system alternatives during the 2014 Sandpiper scoping period. The PUC omitted one of these due to the proposed route traversing through Canada and thus being outside the jurisdiction of Minnesota and another because it presented a high risk to natural resources. In 2014, the PUC approved for consideration the remaining six system alternatives (Appendix E, Figure E-1 and Table E-1; PUC 2014).

During 2016 scoping, one commenter proposed co-locating the Sandpiper pipeline with the Dakota Access Pipeline, which travels through North Dakota, South Dakota, Iowa, and Illinois. This system alternative will not be considered further as part of the EIS scoping process because this route does not pass through Minnesota. Further, Minnesota does not have jurisdiction to approve or deny a project outside of the state.

For the L3R pipeline, none of the Sandpiper system alternatives as proposed would connect into L3R pipeline. However, DOC-EERA modified two of the system alternatives originally proposed for the Sandpiper Project (SA-03-SP and SA-04-SP) so that they would connect into the L3R pipeline to allow further consideration in the Alternatives Screening Report (Appendix E, Figure E-3 and Table E-3).

- Route alternatives are routes that have the same origin, intermediate points of delivery, and destination as those proposed by the applicants, but use different routes between those points. Route alternatives would not alter the applicants' proposed origin or delivery points. For example, a route alternative for the L3R Project would not influence whether the pipeline starts in Pembina County, North Dakota, delivers oil in Clearbrook, and terminates in Superior. However, a route alternative could substantially differ from the Applicant's preferred route between those points. The PUC approved for consideration three route alternatives recommended during the 2014 Sandpiper Project scoping period. Subsequent to the 2014 scoping period, DOC-EERA reclassified a system alternative to be a route alternative (RA-03AM) because it would have the same origin, intermediate delivery points, and destination as the applicants' preferred routes (Appendix E). During 2015 scoping for the L3R Project, 11 additional route alternatives were identified. Most of these were subsequently incorporated into the Applicant's preferred route (7), two were subsequently withdrawn by the commenter (Enbridge), one was subsequently reclassified as a route segment alternative, and one was subsequently reconsidered an alternative construction method along the Enbridge Mainline corridor from Clearbrook to Superior. Thus, five route alternatives will be considered further as described in the Alternatives Screening Report, all of which would extend from Clearbrook to Superior (Appendix E, Figure E-3 and Table E-3).

- Route segment alternatives are short deviations along a route. Each of these was recommended for consideration to resolve or mitigate a perceived localized resource conflict. Commenters submitted 57 route segment alternatives during the 2014 Sandpiper scoping process. Twenty-eight of those route segment alternatives were subsequently incorporated into the Applicant's preferred route for the Sandpiper pipeline, three were reclassified as route alternatives between Clearbrook and Superior, and two no longer connect to the Applicant's preferred route and were eliminated. Prior to the Sandpiper Project being withdrawn, there were a total of 24 route segment alternatives remaining, as presented in Appendix E, Figure E-2 and Table E-2. For the L3R Project, commenters submitted 57 route segment alternatives during the scoping process, including 53 east of Clearbrook that are consistent with the Sandpiper pipeline segment routes and four unique to L3R at or west of Clearbrook. Twenty-eight of those route segments have been included in the Applicant's preferred route, four are now considered route alternatives, and two no longer connect to the Applicant's preferred route or system/route alternatives. There are 23 remaining route segment alternatives for potential consideration in the L3R Project EIS, as shown in Appendix E, Figure E-4 and Table E-4.

6.0 Summary and Conclusions

The variety of comments and input received is valuable for identifying the range of issues important to tribes, the public, NGOs, and various local, state, and federal public agencies. Subsequent to scoping, NDPC formally requested that the Sandpiper Project applications be withdrawn from PUC consideration. The PUC will determine the final scope for the L3R EIS based on information presented in this Scoping Summary Report and other regulatory documents, including the L3R FSDD.

DOC-EERA anticipates that all of the identified issues in this document associated with decommissioning, construction, operation, and maintenance of the proposed L3R Project and potential accidents (e.g., oil spills) will be considered as part of the EIS process. In addition, DOC-EERA will consider the potential contribution of those same impacts in combination with the impacts of other future projects to these same resources (e.g., other energy projects, urban development, infrastructure projects) in the cumulative potential effects assessment of the L3R EIS.

In addition to comments addressing the L3R Project itself and the geographic extent of potential project impacts, some commenters requested consideration of issues that were in whole or in part beyond the scope of MEPA EIS review.

In addition to this Scoping Summary Report, DOC-EERA submitted a *Final Scoping Decision Document* (FSDD) to the PUC, which describes the scope and contents of the EIS and identifies issues beyond the scope of the EIS.

7.0 References

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NDPC. 2016^b. Petition to Withdraw Certificate of Need and Pipeline Route Permit Application, September 1, 2016. Available at <https://www.edockets.state.mn.us/EFiling/edockets/searchDocuments.do?method=showPoup&documentId={C314DABF-893A-4DCF-89C6-BF6FC34FC33D}&documentTitle=20169124584-01>

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