

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Beverly Jones Heydinger  
David C. Boyd  
Nancy Lange  
J. Dennis O'Brien  
Betsy Wergin

Chair  
Commissioner  
Commissioner  
Commissioner  
Commissioner

In the Matter of the Application of North  
Dakota Pipeline Company LLC for a  
Pipeline Routing Permit for the  
Sandpiper Pipeline Project in Minnesota

***HONOR THE EARTH'S  
MOTION FOR  
ALTERNATIVE SANDPIPER  
PIPELINE ROUTE 29-94***

DOCKET NO. PL-6668/PPL-13-474

To: The above-named Commission

Recognizing the pipeline review process follows Minn. Stat. 216G and Minn. Rules 7852 and that pursuant to Minn. R. 7829.3200, the Commission is authorized to vary any of its rules upon making *certain* findings, *Honor the Earth* moves this Commission to accept the 29-94 Alternative Route for the Sandpiper pipeline application referenced above. *Honor the Earth* has also served and filed a Motion<sup>1</sup> to extend the present deadlines to in order to provide additional community public hearings and the extension of the current April 4 deadline for submission of alternative routes.

The purpose of pipeline routing criteria is to guide “the commission in determining the route of a pipeline in parts 7852.0800 to 7852.1900. The commission shall make a specific written finding with respect to each of the criteria. (Id. Subp 1) The Rules provide that when “determining the route of a proposed pipeline, the commission shall consider the characteristics, the potential impacts, and methods to minimize or

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<sup>1</sup> See submission number 20144-97971 under this caption available via eDockets.

mitigate the potential impacts of all proposed routes so that it may select a route that minimizes human and environmental impact.” (Id. Subp 2).

Pursuant to Subp. 3. which provides a variety categories for which the commission shall consider the impact on the “pipeline route selection used in determining whether a proposed pipeline and associated facilities qualify for partial exemption and issuance of a pipeline routing permit ...” As such, *Honor the Earth* now provides a brief analysis of the criteria which “the commission shall consider the impact of the pipeline and associated facilities on the following” social, economic and environmental categories:

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

The proposed 29-94 Alternative Sandpiper pipeline route should qualify for an exemption for the pipeline routing permit because it is in the current corridor of the existing right-of-way of the (west side of Interstate 29 in North Dakota) Southside of I-94 through Minnesota to the Twin Cities. There will be encounters with human settlements at interchanges but not much different than what happens on the Clipper Corridor through other urban areas including Cass Lake, Deer River, Cohasset, Grand Rapids to Duluth & Superior. Aside from three or four larger metropolitan areas like Fargo and St. Cloud, those cities will be like Grand Forks with the pipeline to Duluth/Superior.

By using the Interstate right-of-way Corridor, many multiple uses and costs can be saved/shared as a symbiotic project in the existing or increased width of corridor, planned future uses like pipeline emergency response centers and management plans with regard to protecting the environment and accessibility of public safety equipment and personnel in the event of an oil spill or other related disasters.

The most recent expression of this Alternative Sandpiper route was in response to an article "Crude oil pipeline planned, would pass through three Game and Fish wildlife management areas" in the Arkansas Times posted by Cowper Chadbourn on 03/20/2014

*I love technology and the lifestyle it provides me. I also love the outdoors. If a new pipeline is needed, I'd like to see it routed right down the middle of I-40, where the additional impact over what already exists will be minimal, thousands of people will know it is there and witness both the construction and the day to day operation, see things like if it is being maintained or not, and report any leaks within minutes. Current laws or regulations prevent that? Then change them! Oh, and just so one company is not profiting via the dollars it saves by using public property, be sure to charge them a little something that is still a bargain for them but generates revenue to maintain I-40 or some other infrastructure that serves us all.<sup>2</sup>*

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

Alternative Route 29–94 is being proposed to avoid and prevent unnecessary risks and harms of the natural environment, public and designated lands, including but not limited to natural areas, wildlife habitat, water, and recreational lands as described in the purpose of Minnesota’s Environmental Policy

(a) to declare a state policy that will encourage productive and enjoyable harmony between human beings and their environment; (b) to promote efforts that will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of human beings; and (c) to enrich the understanding of the ecological systems and natural resources important to the state and to the nation.

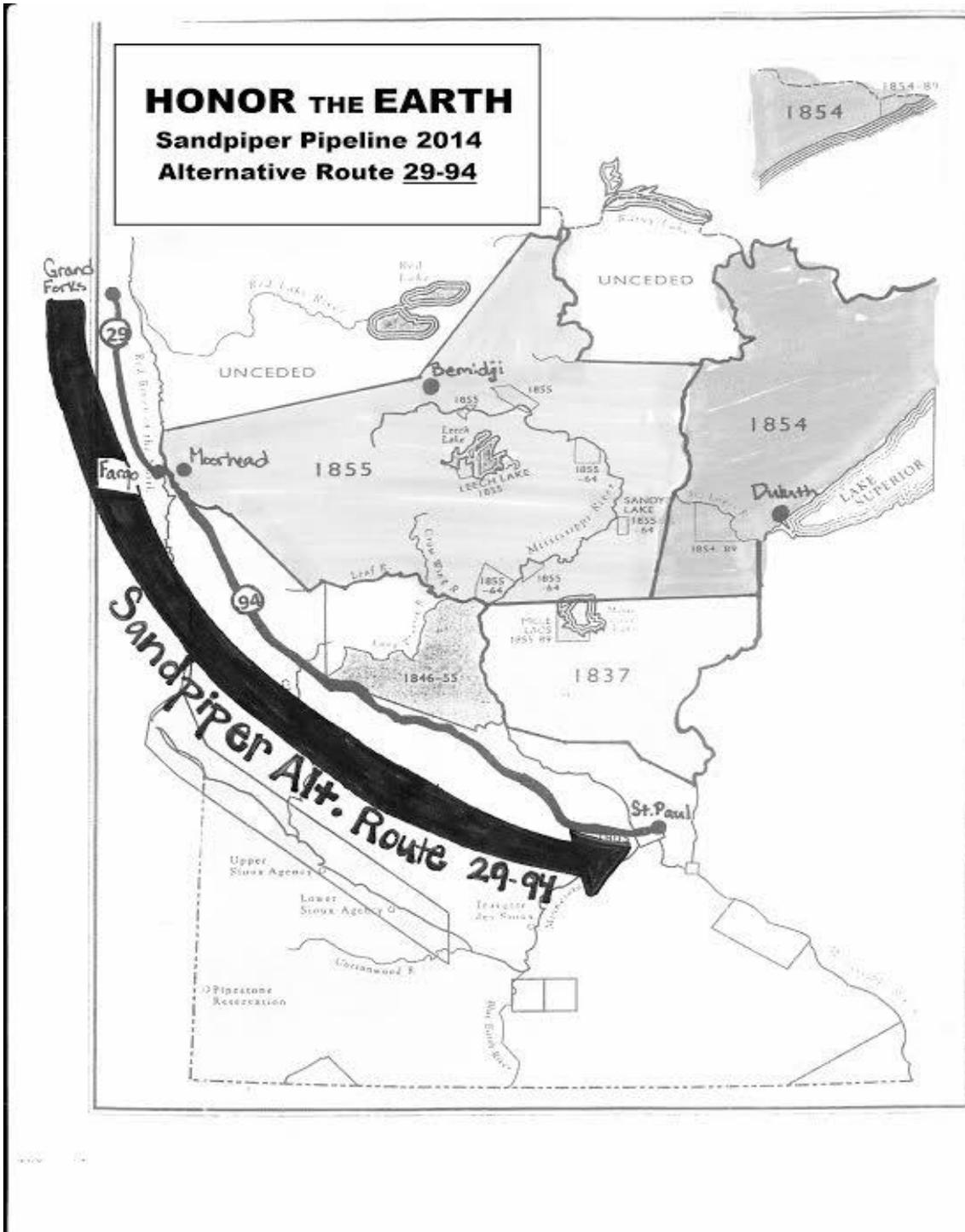
Minn. Stat. 116D.01 PURPOSE.

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

As noted above, lands of historical, archaeological and cultural significance to the Minnesota Chippewa, as well as all of the other humans who have come to live in northern Minnesota will be spared additional future risks to one of the greatest sources of freshwater for Minnesota and the United States. This Alternative Sandpiper route would be consistent with respect of Chippewa Treaty rights to preserve their present ecosystem, for future ecosystems. See Alternate Sandpiper Route Illustration map in relation to the various ceded and unceded territories at the time Minnesota statehood in 1858.

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<sup>2</sup> "Crude oil pipeline planned, would pass through three Game and Fish wildlife management areas"  
<http://www.arktimes.com/arkansas/crude-oil-pipeline-planned-would-pass-through-three-game-and-fish-wildlife-management-areas/Content?oid=3247516>



As shown above, I-29 and I-94 Alternative Sandpiper Route mostly skirts the western and southern Chippewa ceded territories in Minnesota and keeps potential oil spills away from 1) the Red River to Hudson Bay, 2) the Mississippi River to the Gulf of Mexico and 3) the St Louis River and other tributaries to Lake Superior to the Atlantic Ocean. This is HUGE safety.

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

The economies within the 29-94 corridor are the same ones that are already tolerating the air pollution, light pollution, noise pollution, water pollution from oil related products and emissions.

By comparison the economies of the presently proposed Sandpiper route include tourism, recreation, agriculture, forestry and clean water for the hunting, fishing and gathering for the Chippewa and everyone else up north, and the drinking water of everybody downstream.

**E. pipeline cost and accessibility.**

Pipeline cost and accessibility should be improved due to much greater accessibility in the existing corridor of an interstate or widened strip-taking adjacent to the length of the interstate would provide better cost-benefit ratio for maintenance and Public Safety in the event of an oil spill or routine pipeline maintenance. Response time for oil spill discovery, mitigation and clean-up will be improved and more easily accomplished.

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

Use of existing right-of-way and right-of-way sharing/paralleling will be a cost savings to everyone who has already paid, as citizens for that right-of-way and the risk of future oil spills will be where the greatest amount of users and beneficiaries of the oil can also be the vigilant watch dogs in the event of a leak. Certain cities along the corridor will become the focus for pipeline safety resources and pipeline maintenance.

**G. natural resources and features.**

Impact to the natural resources of the corridor will be minimal, aside from a potential taking of additional strips adjacent to the south side of I 94. The Minnesota Department of Transportation has done all the environmental impact analysis on the environment risks. MnDOT also conducts monitoring of the environment with its water quality unit and air quality unit as well as environmental remediation.

**H. the extent to which human or environmental effects are subject to mitigation by regulatory control and by application of the permit conditions contained in part**

**7852.3400 for pipeline right-of-way preparation, construction, cleanup, and restoration practices.**

By using the I-94 corridor the extent to which human or environmental effects need mitigation is greatly reduced because prior permit conditions have been met for other types of road right-of-way preparation, construction cleanup and restoration practices. This corridor can become a model for co-location, public safety and logical mitigation with regard to the *preferred Sandpiper route*.

**I. cumulative potential effect of related or anticipated future pipeline construction.**

The PUC should take this opportunity to consider the cumulative potential effect of related or anticipated future pipeline construction and start to avoid any aquifers and swamps and wetlands north of I-94. To provide for more future pipeline construction, sufficient right-of-way should be accessed and acquired by applicant as part of this application alternative route.

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

The relevant policies, rules, and regulations of the state and federal agencies with regard to land-use laws are important for location, design, construction and operation should be able to accommodate this alternative route especially for long-term protection of the health, safety and welfare of the all the public and the environment.

As such, by having emergency equipment located along the interstate communities of greater size, or minimum distance communities they most benefit from any perceived reduction in the cost of gas and oil, and they will also have the increased safety protections of fire departments and emergency responders and other public safety personnel.

On the flipside of the coin, *everything else is at risk* in rural, dispersed areas where few services and emergency equipment exist for many miles in the most pristine, freshwater resource of the North American continent.

Interstate corridors presently accommodate various utilities and pipelines and would not face significant environmental, economic, or social impacts beyond that already present

for the adjacent populations and which have been thoroughly studied and reviewed. MnDOT has many maps, construction plans, aerial photography, known grades, routes and elevations with known soil types of the earth, water, wetlands and other environmental areas of concern. Nothing new needs to be created, the state already possesses all the information.

WHEREFORE, based on the prior filings, yesterday's Motion to Extend deadlines along with attachments and letters to the Governor and Commerce Commissioner, and in recognition of the *known* extreme, inevitable, irreparable harms the current Sandpiper Route proposed by Applicant Enbridge will cause, Petitioner *Honor the Earth* prays this Commission will accept and approve this Alternate Sandpiper Route 29-94 as a more logical way to avoid all the *known* ecosystem we all need to survive and properly place the potential risks, where the greatest benefits and public safety protections are most likely to have faster response times and damage control equipment and personnel.

Respectfully submitted April 4, 2014.

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ATTORNEYS FOR *HONOR THE EARTH*