

May 31, 2019

ELECTRONIC FILING

Mr. Daniel P. Wolf, Executive Secretary
Minnesota Public Utilities Commission
127 Seventh Place East, Suite 350
Saint Paul, MN 55101-2147

RE: Comments and Recommendations on Application for Approval of Route Width Variations and Permit Amendment
Enbridge Energy, Limited Partnership Line 3 Project
Docket No. PL-9/PPL-15-137

Dear Mr. Wolf,

Attached are comments and recommendations of Department of Commerce, Energy Environmental Review and Analysis (EERA) staff in the above matter.

Enbridge Energy, Limited Partnership has submitted an Application for Approval of Route Width Variations and Permit Amendment pursuant to Minnesota Rule 7852.3400 for 17 modifications to the permitted Line 3 Pipeline project.

This filing was made on May 3, 2019 by:

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EERA staff based these comments on review of the application and the record to date. Staff is available to answer any questions the Commission may have.

Sincerely,

/s/ Louise I. Miltich

Louise I. Miltich
Environmental Review Manager

cc: John Wachtler, EERA
Bret Eknes, Minnesota Public Utilities Commission
Scott Ek, Minnesota Public Utilities Commission

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BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Energy Environmental Review and Analysis Comments and Recommendations

Docket No. PL-9/PPL-15-137

Date: May 31, 2019

Staff: Louise Miltich | (651) 539-1853 | louise.miltich@state.mn.us

In the Matter of the Application of Enbridge Energy for Approval of Route Width Variations and Permit Amendment for the Line 3 Project

Issues Addressed:

- Does Enbridge’s Application contain sufficient information to allow the Commission to apply factors in Minnesota Rule 7852.3400?
- Pursuant to Minnesota Rule 7852.3400, are the requested changes significant enough for the Commission to order further study, order a public meeting, or assess additional fees?

Additional documents and information is available at the Department of Commerce Energy Environmental Review and Analysis (EERA) website: <https://mn.gov/eera/web/project/625/> and can be found on eDockets by searching “15” for year and “137” for number: <https://www.edockets.state.mn.us/Efiling/search.jsp>.

This document can be made available in alternative formats, that is, large print or audio, by calling (651) 539-1530 (voice).

Introduction and Background

Following completion of an environmental impact statement (EIS) in July 2018¹ the Commission granted a route permit for Enbridge Energy, Limited Partnership’s (Enbridge or the Permittee) Line 3

¹ Minnesota Public Utilities Commission, July 9, 2018. Notice of Adequacy Determination of the Revised final Environmental Impact Statement for the Proposed Line 3 Replacement Project. eDockets no. 20187-144612-02.

Project on October 26, 2018.² On May 3, 2019, Enbridge filed an application requesting approval of 17 route width and centerline modifications to the Line 3 Project permitted route³.

The Commission issued a Notice of Comment on Enbridge's Application to Amend the Line 3 Pipeline Routing Permit on May 10, 2019.⁴

Project Location

The Line 3 Project is a new 330-mile long 36-inch diameter pipeline that replaces 282 miles of the existing 34-inch Line 3 pipeline in Minnesota. The pipeline route crosses portions of Kittson, Marshall, Pennington, Red Lake, Polk, Clearwater, Hubbard, Wadena, Cass, Crow Wing, Aitkin, St. Louis, and Carlton counties. The requested amendments are located in Marshall, Pennington, Clearwater, Hubbard, Wadena, Cass, Aitkin, St. Louis and Carlton Counties.

Requested Amendment

Enbridge's amendment request addresses modifications to the pipeline's centerline and associated temporary and permanent rights-of-way as well as modifications to the route width. The requested modifications are proposed for a number of reasons: to avoid or minimize impacts to specific resources, accommodate landowner requests, address constraints encountered in detailed design and/or construction engineering analysis, or to reflect outcomes of coordination with downstream permitting agencies. Specifically, Enbridge proposed the 17 modifications for the following reasons, as detailed in Enbridge's Application:

- One modification is proposed to avoid impacts to cultural resources (Enbridge Modification No. 1);
- Four modifications are proposed to accommodate a landowner requests (Enbridge Modification Nos. 3, 6, 9, and 13);
- Three modifications are proposed with respect to water appropriation locations after further Minnesota Department of Natural Resources coordination (Enbridge Modification Nos. 2, 7, and 17);
- Two modifications are proposed to reduce wetland impacts (Enbridge Modification Nos. 5 and 12);
- Three modifications are proposed to align Project construction and design more closely with prior pipeline construction and/or design in these locations (Enbridge Modification Nos. 8, 15, and 16); and
- Four modifications are proposed as a result of further detailed design and/or construction engineering analysis (Enbridge Modification Nos. 4, 10, 11, and 14).

² Minnesota Public Utilities Commission, October 26, 2018. Order Approving Pipeline Routing Permit with Conditions. eDockets nos. 201810-147437-01, 201810-147316-01, 201810-147316-02, 201810-147316-03, 201810-147316-04, 201810-147316-05, 201810-147316-06, 201810-147316-07, 201810-147316-08, 201810-147316-09, 201810-147316-10, 201810-147317-01, 201810-147317-02, 201810-147317-03, 201810-147317-04, 201810-147317-05, 201810-147317-06, 201810-147317-07, 201810-147317-08, 201810-147317-09, 201810-147317-10, 201810-147319-01

³ Enbridge Energy Limited Partnership, May 3, 2019. Application for Approval of Route Width Variations and Permit Amendment. eDockets nos. 20195-152673-01, 20195-152673-02, 20195-152673-03.

⁴ Minnesota Public Utilities Commission, May 10, 2019. Notice of Comment Period on Application to Amend Line 3 Pipeline Routing Permit. eDockets no. 20195-152846-01.

Each of the requested modifications, the reason for the request, and the resulting human and environmental impacts are detailed further in Enbridge's Application.⁵

Pipeline Route Amendment Process and Procedures

Pipeline route permit amendments are regulated under Minnesota Statutes Section 216G and Minnesota Rule 7852.3400. Following issuance of a pipeline routing permit, the permittee may apply to the Commission for amendments to the route location and conditions specified in the permit. The rules specify that the permittee shall submit an application for amendment that contains sufficient information for the Commission to determine the following:

- A. whether, in light of the criteria in parts 7852.0700 and 7852.1900, the requested changes are significant enough to warrant commission study and approval;
- B. whether to order public information meetings near the affected area; and
- C. whether additional fees shall be assessed.

Minn. Rule 7852.3400 allows the Commission 45 days to make the determinations in items A to C. If the determines that the requested changes are significant enough to warrant further study, the Commission shall make the determinations in items A to C within 70 days. The Commission shall grant or deny the permittee's application for permit amendment, as appropriate.

EERA Staff Analysis and Comments

In its permit amendment request, the Permittee analyzed the potential human and environmental impacts of the permitted route/alignment and compared them with the impacts associated with the requested change in the route/alignment. EERA believes that this analysis in the application meets the Permittee's obligation under Minnesota Rule 7852.3400 to provide sufficient information to assess whether further study, public meetings, and additional fees are necessary.

The Permittee's analysis demonstrates that the requested modifications are minor enough deviations from the originally permitted route that they do not affect the potential significant adverse environmental effects of the project. The types of impacts the modifications would cause have been generally evaluated in the existing environmental review record (eg. in the EIS). Because of this, EERA believes that the Commission has adequate record to make an informed decision on these modifications, and no supplemental study is necessary under Minnesota Rule 7852.3400 Part A.

Similarly, the requested modifications are located near the originally permitted route where extensive public outreach has already been conducted as part of the environmental review and permitting process. Therefore, EERA does not believe public informational meetings are necessary under Minnesota Rule 7852.3400 Part B. As EERA believes that further study and public meetings are unnecessary, EERA does not see any need for additional assessment of fees under Minnesota Rule 7852.3400 Part C.

⁵ Enbridge Energy Limited Partnership, May 3, 2019. Application for Approval of Route Width Variations and Permit Amendment. eDockets nos. 20195-152673-01, 20195-152673-02, 20195-152673-03.

EERA believes that the Permittee's analysis adequately characterizes the relevant tradeoffs associated with each modification and sufficient information is available for the Commission to weigh the merits of the Permittee's request relative to the criteria in Minnesota Rule 7852.1900.

EERA Staff Conclusions and Recommendations

EERA staff recommends that the Commission consider each modification's tradeoffs relative to the criteria in Minnesota Rule 7852.1900 in weighing whether to grant or deny the requested permit amendment. Based on the existing record, EERA staff does not believe the Commission should require further study, hold additional public meetings, or assess additional fees.