

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE PUBLIC UTILITIES COMMISSION

In the Matter of the App. of Enbridge
Energy, Ltd. Partnership for a Route
Permit and Partial Exemp. for the Fond
du Lac Line 4 Project 18-752

REPORT TO THE COMMISSION

On February 25, 2019, Enbridge Energy, Ltd. Partnership (Applicant or Enbridge) filed an application for a route permit and partial exemption from certain pipeline routing permit procedures with the Public Utilities Commission (Commission or PUC). The Line 4 Project as proposed would relocate approximately ten miles of the existing Line 4 pipeline from the center of the existing Enbridge Mainline Corridor (Corridor) to the outer edge of the Corridor within the Fond du Lac Band Reservation. The Line 4 Project also proposes to deactivate and remove the existing above-grade Line 4 segment.

On April 11, 2019, the Commission ordered that two public information meetings be held regarding Enbridge's application for a route permit and partial exemption for the Line 4 Project. Administrative Law Judge Kimberly Middendorf conducted the first public meeting at 1:00 p.m. on May 22, 2019, at the Arrowhead Town Hall, 9798 US-2, Brookston, MN 55711, and the second public meeting at 6:00 p.m. on May 23, 2019, at Fond du Lac Tribal and Community College, 2101 14th Street, Cloquet MN 55720.

I. Notice

The Applicant published notice of the application acceptance in the *Duluth News Tribune* and *Pine Knot News* on April 26, 2019.¹ Copies of the Line 4 Project application and notice of the public information meetings and the comment period were mailed to local libraries, certain state agencies, local government entities, and affected landowners by April 24, 2019.² Notice of the meetings and comment period was also posted to the PUC's website on April 26, 2019.³ Following a 50-day public comment period, the hearing record closed on June 14, 2019, at 4:30 p.m.⁴

¹ PUC Docket No. 18-752, Doc. ID 20196-153578-01, June 14, 2019.

² *Id.*

³ PUC Docket No. 18-752, Doc. ID 20194-152359-02, April 26, 2019.

⁴ PUC Docket No. 18-752, Doc. ID 20194-152359-01, April 26, 2019.

II. Meeting Attendance and Comments

Both meetings were lightly attended, with three or four members of the public present at each meeting. Mike Kaluzniak, Energy Facilities Permitting Planner for the PUC, gave a short presentation about the pipeline permitting and exemption process. Louise Miltich, Environmental Review Manager in the Energy Environmental Review and Analysis unit (EERA) of the Department of Commerce, presented an overview of EERA's review process. Paul Eberth of Enbridge Energy Ltd. Partnership presented a summary and overview of the Line 4 Project.

No oral testimony was offered at the May 22, 2019 meeting. At the May 23, 2019 meeting, one member of the public spoke. The comments were critical of oil dependence and pipeline construction in general. Further, the speaker objected to the Line 4 Project because she believes that doing business with Enbridge does not benefit members of the Fond du Lac Band. The speaker expressed that not all members of the Band agree with the Band's expression of support for the Line 4 Project.

III. Written Comments

The Minnesota Pollution Control Agency reviewed the application and, on May 20, indicated it had no comments.⁵

The Minnesota Department of Natural Resources (DNR) provided comments on June 13, 2019.⁶ First, DNR noted that the Line 4 Project application uses the information gathered for the Line 3 Project to assess potential impacts of the Line 4 Project. DNR maintains that because the Line 4 Project is a separate project, a separate Natural Heritage Review needs to be completed for the Line 4 Project. DNR requests that the Applicant submit a Natural Heritage Information System Data Request to DNR's Endangered Species Review Coordinator.

Second, DNR noted that the Line 4 Project crosses a public watercourse, Stoney Brook. This watercourse is a trout stream, which is a sensitive crossing. The Applicant must prepare a site-specific plan for the crossing. In addition, a DNR license to cross public waters at this location is required, independent from the Line 3 Project.

Third, DNR administers a portion of Fond du Lac State Forest. DNR advises that a license to cross public lands will be required for the Line 4 Project, which may include conditions related to abandonment procedures.

Fourth, DNR commented on the best management practices proposed by the Applicant. DNR recommends that the route permit include a condition requiring the Line 4 Project to follow the finalized version of the Environmental Protection Plan and other applicable plans required for the Line 3 Project.

⁵ PUC Docket No. 18-752, Doc. ID 20195-153021-01, May 20, 2019.

⁶ PUC Docket No. 18-752, Doc. ID 20196-153555-01, June 13, 2019.

Finally, DNR notes that the Line 4 Project application does not specifically address hazardous materials handling. DNR recommends that the Applicant identify and use measures to avoid contamination and to ensure proper transport and disposal of hazardous materials.

The Minnesota Department of Transportation (MnDOT) reviewed the Line 4 Project application and offered comments on June 13, 2019.⁷ MnDOT determined that the project area does not directly affect the state trunk highway system but noted that the Line 4 Project may require coordination with MnDOT to ensure that highway construction plans do not impact the movement of oversized loads that may be required. In addition, any work that is required within MnDOT right of way should be coordinated with MnDOT.

The Applicant submitted written comments on June 14, 2019.⁸ The Applicant indicated it considers the EERA's Sample Route Permit to be reasonable and offered minor changes to provide additional description of project facilities or to correct typos. The Applicant indicates it will work with the state agencies to address their concerns and recommendations. The Applicant requests that the PUC grant the partial exemption and issue a route permit for the Line 4 Project.

Dated: June 28, 2019



Kimberly Middendorf
Administrative Law Judge

⁷ PUC Docket No. 18-752, Doc. ID 20196-153554-01, June 13, 2019.

⁸ PUC Docket No. 18-752, Doc. ID 20196-153599-01, June 14, 2019.

June 28, 2019

See Attached Service List

Re: *In the Matter of the App. of Enbridge Energy, Ltd. Partnership for a Route Permit and Partial Exemp. for the Fond du Lac Line 4 Project 18-752*

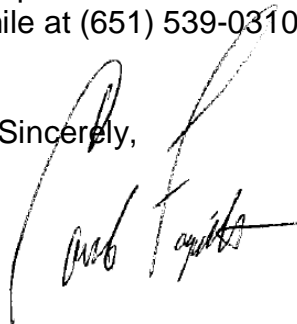
**OAH 21-2500-36053
MPUC PPL-18-752**

To All Persons on the Attached Service List:

Enclosed and served upon you is the Administrative Law Judge's **REPORT TO THE COMMISSION** in the above-entitled matter.

If you have any questions, please contact me at (651) 361-7841, carah.faggett@state.mn.us, or via facsimile at (651) 539-0310.

Sincerely,



CARAH FAGGÉTT
Legal Assistant

Enclosure

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
PO BOX 64620
600 NORTH ROBERT STREET
ST. PAUL, MINNESOTA 55164

CERTIFICATE OF SERVICE

In the Matter of the App. of Enbridge Energy, Ltd. Partnership for a Route Permit and Partial Exemp. for the Fond du Lac Line 4 Project 18-752	OAH Docket No.: 21-2500-36053
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Carah FaggéTt certifies that on June 28, 2019 she served the true and correct **REPORT TO THE COMMISSION** by eService, and U.S. Mail, (in the manner indicated below) to the following individuals:

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret
Christina	Brusven	cbrusven@fredlaw.com	Fredrikson Byron	200 S 6th St Ste 4000 Minneapolis, MN 554021425	Electronic Service	No
Generic Notice	Commerce Attorneys	commerce.attorneys@ag.state.mn.us	Office of the Attorney General-DOC	445 Minnesota Street Suite 1800 St. Paul, MN 55101	Electronic Service	Yes
Ian	Dobson	residential.utilities@ag.state.mn.us	Office of the Attorney General-RUD	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012131	Electronic Service	Yes
Sharon	Ferguson	sharon.ferguson@state.mn.us	Department of Commerce	85 7th Place E Ste 280 Saint Paul, MN 551012198	Electronic Service	No
Judge Kimberly	Middendorf	kimberly.middendorf@state.mn.us	Office of Administrative Hearings	PO Box 64620 Saint Paul, MN 55164-0620	Electronic Service	Yes
Jason	Risdall	jason.risdall@enbridge.com	Enbridge	26 East Superior St Duluth, MN 55802	Electronic Service	No
Janet	Shaddix Elling	jshaddix@janetshaddix.com	Shaddix And Associates	7400 Lyndale Ave S Ste 190 Richfield, MN 55423	Electronic Service	Yes
Sara	Van Norman	sara@svn.legal	Van Norman Law, PLLC	1010 W Lake St Ste 100-130 Minneapolis, MN 55408	Electronic Service	No
Haley	Waller Pitts	hwallerpitts@fredlaw.com	Fredrikson & Byron, P.A.	200 S 6th St Ste 4000 Minneapolis, MN 55402	Electronic Service	No
James	Watts	james.watts@enbridge.com	Enbridge Pipelines (North Dakota) LLC	26 E Superior St Ste 309 Duluth, MN 55802	Electronic Service	No
Daniel P	Wolf	dan.wolf@state.mn.us	Public Utilities Commission	121 7th Place East Suite 350 St. Paul, MN 551012147	Electronic Service	Yes