

May 2, 2016

Mr. David Fredrickson, Chairman  
Minnesota Environmental Quality Board  
520 Lafayette Rd  
St. Paul, Minnesota 55155

Re: Comment response for EQB to relieve  
PUC/DOC as RGU in favor of PCA and/or DNR  
For Sandpiper and Line 3 Replacement pipelines

Dear Chairman Fredrickson,

We are writing today as Minneapolis City Council Members who sit on the City's Health, Environment, and Community Engagement Committee to provide comments for the EQB to relieve the Minnesota Public Utilities Commission (MPUC) of its current Responsible Government Unit (RGU) status for the above-entitled projects and replace it with a joint RGU consisting of the Minnesota Pollution Control Agency (MPCA) and the Minnesota Department of Natural Resources (MDNR). We understand that Minnesota Rules 4410.0500, Subp. 6 allows for selection of the RGU for environmental reviews and that the EQB may designate "a different RGU for the project if the EQB determines the designee has greater expertise in analyzing the potential impacts of the project." We also know that last year the EQB established a precedent for this type of request when it changed the RGU from Hennepin County to the MDNR for an environmental review process for a lock and dam scour repair concluding that the DNR had greater expertise.

We appreciate the opportunity that you are providing for citizens to weigh in on the important decision about who the RGU should be in the Environmental Impact Statement (EIS) process for the Sandpiper/Line 3 crude oil pipeline. Thank you for taking the time to consider our perspective on this issue. While one may think that Minneapolis faces no impact from this decision because we are situated many hundreds of miles from the proposed route of these two pipelines, the opposite is true. The proposed pipelines will put Minnesota's pristine waters in harm's way and because our waterbodies are all connected, we know this will impact Minneapolis and its residents. Additionally, our ancient wild rice beds – which economically sustain American Indian families in our city – will be threatened by the establishment or expansion of these crude oil lines.

We stand with the eleven Tribal nations that share geography with the State of Minnesota and many community-based environmental organizations, including Honor the Earth and MN350, in asking you to reconsider the Department of Commerce (DOC) as the RGU. Instead, we believe that it would be a

common sense approach to put our environmental regulatory agencies, the Minnesota Pollution Control Agency (MPCA) and the Minnesota Department of Natural Resources (DNR) in charge of the EIS process.

The Department of Commerce (DOC) does not regulate pipelines or oil. Nor is it an agency that is charged with environmental protection or protecting public health; instead it facilitates and regulates business and capital flow in our state. These are incredibly important functions but in our opinion MPCA and the DNR, as the agencies charged with stewardship of natural resources and environmental regulation, have long demonstrated the requisite expertise and experience necessary to produce an EIS with the breadth, depth, and quality required for these projects which are so important to our state. We are also aware that the DOC/PUC instead produced an inadequate environmental study that the Minnesota Court of Appeals ruled was a violation of state law.

Finally, Minneapolis is home to thousands of citizens of the Tribal nations who are signatories of the 1855 treaty with the State of Minnesota. As a City Council, we represent citizens of the White Earth, Leech Lake, and Mille Lacs bands of Ojibwe who are active on this issue and are seeking this change. We have been informed that there has been a lack of meaningful consultation with Tribal governments arguing for an EIS. As the first Minnesotans who maintain treaty-defined rights, even on ceded territories, and are the original stewards of this land, the relationships with tribal governments require special care and expertise. Both the PCA and DNR are subject to Governor Dayton's Executive Order 13-10 which outlines the requirements of Tribal consultation and have dedicated staff liaisons, existing relationships, and protocols in place. The DOC has an exemption from this executive order and does not have a comparable level of institutional history and capacity to navigate the complex and critical relationships with Minnesota's Tribal Governments.

For these reasons, we believe the RGU should be changed for Sandpiper/Line 3 to the PCA and DNR because they have greater expertise in analyzing the potential impacts of the project and protection of the environment. Again, we thank you for the opportunity to share our thoughts about the disposition of the RGU.

Respectfully,



Lisa Bender  
10<sup>th</sup> Ward Council Member



Cameron Gordon  
2<sup>nd</sup> Ward Council Member  
Chair, Health, Environment and Community  
Engagement Committee



Alondra Cano  
9<sup>th</sup> Ward Council Member



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12<sup>th</sup> Ward Council Member  
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Jacob Frey  
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