Date: March 10, 2016

Case: Wisconsin DNR Public Hearing
WISCONSIN DEPARTMENT OF NATURAL RESOURCES
PUBLIC HEARING FOR THE DRAFT ENVIRONMENTAL
IMPACT STATEMENT FOR THE ENBRIDGE
SANDPIPER AND LINE 3 REPLACEMENT PIPELINES

MARCH 10, 2016

SUPERIOR PUBLIC LIBRARY
1530 TOWER AVENUE
SUPERIOR, WI
PROCEDINGS

(4:31 p.m.)

MR. SIEBERT: Good afternoon and thank you for being here. My name is Dave Siebert and I would like to welcome you to today's hearing. I'm Director of the DNR Bureau of Environmental Analysis and Sustainability and I have been assigned to conduct this hearing today.

The purpose of this hearing is two-fold. One -- to receive comments on the Draft Environmental Impact Statement or EIS that the Department has prepared for the proposed Enbridge Line 3 Replacement and Sandpiper Pipeline Projects. And two -- to receive comments on the waterway and wetland permit application for the Line 3 Replacement Project.

I ask that everyone please sign in and let us know whether or not you intend to provide an oral comment at this hearing. Please sign in using these appearance slips which are available as you came in the door. Even if you don't plan to speak at the hearing so that we can have an accurate record of who attended today.
The Department of Natural Resources has set this time and place 4:30 and 6:30 March 10, 2016 at the Superior Public Library in Superior, Wisconsin for a public information hearing on the Draft Environmental Impact Statement prepared by the Department of Natural Resources for the proposed Enbridge Line 3 Replacement and Sandpiper Pipeline Projects.

This hearing is held pursuant to Chapters 227, 30, 281.36 and 1.11 of the Wisconsin statutes and is informational in nature. It is not a contested case hearing. It is not an adversarial hearing. The purpose of the hearing is for us to hear comments from members of the public on the Draft Environmental Impact Statement and the applications for wetland and waterway permits associated with the Line 3 Replacement Project.

The hearing has been noticed on the DNR website and in the Superior Telegram and all notice requirements of the statutes have been complied with.

In lieu of or in addition to an oral statement at
today's hearing written comments will be accepted by the Department through March 25th, 2016 and the written comments should be send to Mr. Jeff Schimpff at the mailing or electronic email addresses that are on the Hearing Notice and the Fact Sheet that we have provided.

We will also put up those addresses here on the screen at the end of Jeff's introductory presentation.

Your written statements will have the same weight and effect as oral statements presented at the hearing today.

Our next steps in this process, which Jeff will also address -- DNR intends to complete the environmental review process for the project before taking any action on permits.

We are here today to take your comments on our Draft Environmental Impact Statement and the Line 3 applications and please be sure to provide us with your email or other address if you would like to receive notice of the Final EIS.
Allow me to discuss the hearing procedures. We appreciate all of you who have come to today's hearing and with me at the table is Jeff Schimpff from our Environmental Analysis Program. We also have other DNR staff in the room including Bill Clark, Ben Callan, Ed Culhane and Amy Cronk.

Before we begin to hear from you there are some ground rules for the hearing that are important for everyone to know. Given the number of people today and the acoustics of the room I would like to ask that there be no talking or side conversations. If you would like to have conversations if you could take it out in the hall I would truly appreciate that.

We want to be able to hear what people have to say and would expect that kind of attention from you, thank you.

Second I will ask that everyone in the hearing be respectful of those who are offering their comments. We know people feel strongly about the issues but we do not want to intimidate anyone from offering their comments and we want to hear as many
comments as we can. So no applause or waving of signs or other indications of support or opposition to what commenters are saying.

I do have the authority to close the hearing should there be outbursts or other demonstrations and obviously I don't want to do that so please help us here from as many of you as we can tonight be listening to the comments that are offered and not indicating your approval or disapproval of speaker's views.

We have scheduled this hearing to start at 4:30 and in order to accommodate people's schedules we will also go through these preliminary comments and this introduction again at 6:30 for those who weren't able to arrive for the 4:30 start. So again I apologize but at 6:30 I will stop wherever we are at in the hearing and if you want to stay in here, you will hear me say these exact words.

As I said we would like to hear from as many of you as we can tonight so if you have lengthy comments I would ask you to please submit them in writing. We have forms in the back that you can use
if you would like to turn in written comments today.

It has a mailer on it if you would like to do written
comments and mail it to us as it is expressed in the
Notice and on the Fact Sheet and in Jeff's
presentation

through March 25, 2016 you could also email those
comments to us or send in the written comments.

We are going to try to limit oral comments
today to five minutes per person. That means when
you come up to the mic to speak we will let you know
when you are within 30 seconds, we will hold up a
yellow card and then we will hold up a red card when
you are at the five minutes. Again we are doing this
so that we can make sure that we can hear from
everybody tonight.

I will be calling people one at a time to
come up to the podium and speak. I will call out the
names to let you know who is next in line and we have
got a couple of chairs there for those that are going
to be on deck -- when it is your turn to offer a
comment if you could please state your name and
address for the record and please speak directly in
Before we take public testimony though I would like to ask Jeff Schimpff from the Department's Environmental Analysis Program to provide you with a very brief introduction.

MR. SCHIMPFF: Hi thank you everybody for coming to the hearing tonight. Very briefly I will give a summary of the Project. Bill advance the next slide to the map. When you came in you went past a map of the Project that's 14 miles following much of an existing right-of-way from the Minnesota border to the terminal that's in Superior.

We have -- this hearing is part of a fairly lengthy process for a major project like this.

It started when we received permit applications two years ago. We had decided to do an EIS on this Project and issued news releases on that and public notification, we held a public scoping meeting here in Superior in August of 2014 to get everyone's thoughts on what should be included in the
Environmental Impact Statement.

We issued a draft outline for the EIS and we got public comments on that and we started to draft the EIS which now is made available publicly on our website. And we are right now at the public hearing stage, and public hearing step in the whole process.

After the public hearing is done we will assemble all of the comments that you provide, whether here in person or in writing, in person here or whether you send them to our website on the comment form. And we will publish a Final EIS and a determination of whether or not the whole process and the EIS meets the requirements of the Wisconsin Environmental Policy Act.

Once the EIS is done and certified as meeting the requirements of the law then we will be able to issue a Final Determination on the permits for Line 3 Replacement. We will have a separate public informational meeting on the Sandpiper permit applications -- those are currently deemed not complete due to the need for us to find out what
Minnesota's final determination is going to be regarding the route.

And then once the Sandpiper permit meeting has been held then we will be able to make a final decision on the Sandpiper Project. These are basically parallel projects but they are somewhat separate because of the timing of the applicant.

Application status that I mentioned or alluded to before Line 3 Replacement application is complete, that's to basically close down the existing Line 3 and install a new Line 3 parallel to it on the same route, but at some distance over. The Sandpiper application as I mentioned is not complete yet because there are some determinations that have to be made in the state of Minnesota as many of you probably read in the news.

Today we're going to be taking public comments on the Draft Environmental Impact Statement that is available electronically for Line 3 and Sandpiper both. We'll also be taking comments on the wetland and waterway permits for the Line 3 Replacement only because that is the only -- there
are two applications and that is the only one that is complete.

And we anticipate that it is likely that there will be a permit hearing at a later date, but not until the Sandpiper permit applications are complete.

And for public comments we do have a site it will be on our website, the address is here. We will put it up again I'm not sure if we will keep it up all night, that's our intent. If it doesn't bother speakers we will keep it up. Otherwise we have this information on the sheet out at the table so if you aren't sure what you want to say about the project and you want to take something home you can take that information sheet. It has the email address for sending comments.

And the top one is the link to the EIS and there is another link to a page where you can submit comments on that and just pull up that form fill it out on your computer and hit the email and it will come to us. So that is my presentation. We will turn it back over to Dave to continue the hearing.
MR. SIEBERT: Again the purpose of today's hearing is to listen to your comments. We appreciate your participation and your courtesy. First I would like to call Andy Lisak and then on deck we will have Dennis Szymialis. I will apologize now for mispronunciations and Jerry Engelking will be third.

And as I said in my introductory remarks if you would speak into the microphone and state your name and address for the record, we have a court reporter who will be tracking everything that is said today.

MR. LISAK: Good afternoon and welcome to Superior. My name is Andy Lisak I reside at 2224 Hammond Avenue here in Superior and I serve as the Administrator of Douglas County. I especially want to welcome those who have traveled from Madison and from other areas outside of Douglas County in order to express their opinions on projects that directly impact those of us who live in Douglas County.

I am here to provide comment on the Draft Environmental Impact Statement the Wisconsin Department of DNR has prepared for the Sandpiper and
Line 3 Projects that are proposed by Enbridge.

On August 25, 2014 I testified during the DNR scoping meeting to the completeness of the DNR's proposed Draft EIS outline and in support of the two projects being proposed by Enbridge. Tonight I am here to commend the DNR for the thoroughness of the Draft EIS and to restate Douglas County's support for the Sandpiper Pipeline and Line 3 Replacement Project.

The proposed Sandpiper and Line 3 Projects will follow a 14 mile route the entirety of which is in Douglas County. The projects will follow an existing pipeline corridor. Much of that corridor traverses forest land owned by Douglas County. The County Board which represents 44,196 residents of the county, after taking into consideration the environmental and socio-economic costs and benefits of these projects and previous Enbridge projects, unanimously approved the easement request made by Enbridge for Sandpiper and Line 3.

For the Draft EIS "The Line 3 Replacement is necessary to increase the pipeline system's
service life and reduce the frequency and magnitude
of ongoing maintenance activities on the existing
Line 3 Pipeline."

The Draft EIS also states, "failure to
replace the existing Line 3 would increase the
ongoing cost of maintenance and would likely be
associated with ongoing risks of pipeline leaks and
releases and unrepaired or un-replaced sections of
the aging existing Line 3 Pipeline." We agree with
those findings.

In short the Line 3 Replacement Project
will result in a safer and more reliable pipeline.
We also agree that by utilizing the existing pipeline
corridor the short-term local environmental impacts
will be minimized and no long-term environmental
impacts due to the construction phase of the project
will result.

Both the Sandpiper and Line 3 Projects are
better for the local environment than the
alternatives of transporting crude oil from Alberta
and North Dakota to Superior by either truck or rail.
We agree with the Draft EIS findings which state that transportation of crude oil by truck or by railcar "would likely result in a higher environmental cost or increased level of environmental degradation when compared to the movement of oil by pipeline."

As with the local environmental impacts the Sandpiper and Line 3 Projects will have minimal, if any, significant negative impact on the national and global environment. Pipelines offer the safest and most environmentally friendly means of transporting crude oil, much safer and with significant less impact than the truck and railcar alternatives.

We agree with the Draft EIS findings that the crude oil that would be transported through the proposed pipelines would replace existing supplies and thus not constitute an overall increase in global greenhouse gas emissions. The argument can be made that the Sandpiper Pipeline Project will actually have a positive impact on the environment and will lead to a net decrease in greenhouse gases once a more efficient and environmentally friendly pipeline
transportation alternative is provided for Williston Basin crude oil that is currently transported to Superior and other destinations by truck and railcar.

The Sandpiper and Line 3 Projects will have positive short-term and long-term socio-economic impacts on Douglas County, the surrounding region and the state. According to the Draft EIS, construction activities will occur over a period of approximately 14 months and would require 400 to 500 workers. As we have seen with previous Enbridge Pipeline Projects the creation of these construction jobs will provide an immediate boost to the local and regional economies, both with the injection of direct wages and salaries and then the subsequent increase in demand for housing, transportation and expenditures for goods and services.

Local sales tax revenue will increase the coffers of both Douglas County and the state of Wisconsin will increase. Wisconsin will also benefit from an increase in personal income tax collections. Once the projects are completed the state of
Wisconsin will realize an increase in terminal tax revenues paid to it by Enbridge.

The Sandpiper and Line 3 Projects will have long-term socio-economic benefits as well. Enbridge's multi-billion dollar investment in these projects will help insure the company's future in Douglas County as one of the county's largest and most socially and environmentally responsible employers.

The projects will also insure that the Calumet Superior Refinery and other regional refineries that serve our community have a safe, reliable and cost-competitive supply of crude oil.

The Douglas County Board of Supervisors through its approval of the easements for the Sandpiper Pipeline and Line 3 Replacement Projects has gone on record in support of both of these projects and in support of Enbridge.

Douglas County believes that the environmental and socio-economic benefits of these two projects far exceed any environmental and socio-economic costs or externalities. Once again we
commend the Wisconsin DNR for the comprehensiveness of the Draft EIS and we look forward to providing any assistance we can to the agency as the Sandpiper Pipeline and Line 3 Replacement Projects move forward, thank you.

MR. SEIBERT: Thank you. The next name to come to the microphone Dennis Szymialis and then next up Jerry Engelking and after that Dan Olsen and if the people on deck could come to the chairs here that will help us keep it moving for everyone, thank you.

MR. SZYMIALIS: It's pronounced Smilus -- and my current address is 2011 West 2nd Street in Duluth, Minnesota. Previously in 2010 when the Alberta Clipper Line was being put in I lived out on -- I believe it was 5928 Landborn Avenue and I had occasion to view the construction of the Alberta Clipper on a daily basis and towards the end of the construction I had occasion to observe the line was subjected to freezing temperatures and it was exposed, the backfilling hadn't been done and this had to result in pressure on the line and heaving of
that line.

And so nobody is really paying attention
to how the line is being built and that should have
safety concerns for the state of Wisconsin and
wherever the line is going through. In the mid '80's
I would also like to speak to the need for the line
-- in the mid '80's I was a law student at the
University of North Dakota. I took a law school
course in oil and gas law from Owen Anderson who now,
he recently retired from the University of Oklahoma
as a law school professor and he co-authors text
books in oil and gas law and policy.

And I think I am about as close to an
expert witness as you are going to get on the need
for the oil pipeline and I would like to say I have
been living out portions of the last three winters in
Fargo, North Dakota and I have had occasion to read
the paper out there and I notice that there is a lot
of pressure being put on public officials from the
Chamber of Commerce in particular and the President
of their -- the head of their Chamber of Commerce
formerly worked for the Chamber of Commerce in Duluth
and it occurred to me that the pace of the pipeline building was accelerated beyond what it should have been.

And in order to create an artificial need for more pipelines which aren't needed and so in the process of Enbridge and other companies lobbying to push that pace and to create a pace of drilling that was unnecessary they caused the waste of billions of dollars of natural gas over the last five or ten years that had to be flared to keep pace with the drilling because the gas pipelines couldn't keep up with the drilling pipelines or with the oil pipelines.

And in flaring billions of dollars' worth of natural gas puts unnecessary carbon dioxide in the atmosphere, which is an environmental problem and so there are environmental problems associated with this, other than the accelerated risks of the pipeline being ruptured from shoddy construction work.

And the way the oil field is in North Dakota, the fracking of the oil shale there is oil
shale deposits in Michigan, in other places and it's merely -- this Enbridge Pipeline that they want to build is merely a fight for market share, it doesn't have anything to do with need, it doesn't help Wisconsin, it doesn't help with Minnesota and I want to say that I have heard that 15% of the oil in the country goes through Minnesota and Wisconsin.

We have the highest energy prices of any states in the country so I want to know for whose benefit is this being done -- it is not being done for our benefit it is being done so that other states can conserve their oil resources and so that our oil resources and natural gas resources get wasted and that should be a concern to the state of Minnesota and the state of Wisconsin.

And when I questioned Enbridge on this in a hearing in Minnesota they simply said we are not in the natural gas pipeline business. But they had a significant impact on the policy that created the situation so they should be held responsible. We shouldn't have continued more and more pipelines being built.
Alberta sand -- tar sands are being priced out of the market and the whole dynamics of the economics are changing so that no more pipelines need to be built and it is a waste to have that cost on to the public. It is a waste of resources it is going to end up in the long-run in higher costs and inefficient production and just a general waste and degradation of the environment, thank you.

MR. SIEBERT: Thank you, the next speaker is Jerry Engelking followed by Dan Olsen and then Kathryn McKenzie.

MR. ENGELKING: My name is Jerry Engelking. I live at 6600 Cyprus Avenue, Superior, Wisconsin. Our property in south Superior is now listed on the map as one of two alternate routes for Enbridge. One of the routes goes around our property, the other route goes through our property.

We have spent some time in court with Enbridge and the jury has ruled that Enbridge is trespassing on our land with the last three pipelines that they put in. The case is now being quoted by the United States government, Canadian government, at
least three appellate courts in the United States and
the case that went to the county court here is
limiting Enbridge's easement rights.

The problem I have with the approval that
the state of Wisconsin has given is that they have
different terminology in these EIS statements. Some
of the terminology says that they are negotiating
with landowners for the right to go across their
property or they are attempting to obtain easements
on private property.

Whether or not they have obtained these
easements it gives an impression or some kind of
acceptance by the state of Wisconsin that they do
have an easement when it fact according to this last
lawsuit they do not have an easement on our land.
The last three pipelines have been installed
illegally.

I would like to see the state eliminate
those -- that terminology that says they are
negotiating easements or they are assuming that
Enbridge has the easement rights on property. I
would like to see the state of Wisconsin specifically
state in these papers -- these big thick volumes of paperwork that they print out along with the fed's and have them say that the route that Enbridge is going to use or that Enbridge has already obtained written permission from the landowner to use the routes that you are approving -- and they have to give that information to the state because as of right now they do not have approval to use our land.

The prior speaker mentioned something about natural gas -- Enbridge does pump natural gas through those pipelines. We went to a meeting on the Iron River and I think it was Line 3 or 4 one of them is specifically used for pumping natural gas. Thank you.

MR. SIEBERT: Thank you, Dan Olsen next up will be Kathryn McKenzie and after Kathryn would be Taylor Pederson.

MR. OLSEN: Good afternoon my name is Dan Olsen I live at 6001 Cumming Avenue in Superior. My position here is three-fold, but first to start out I want to commend and thank the DNR for the process that is put forth in front of you, the state of
Wisconsin. The EIS statements that have been put together for these two projects that is a process that isn't new to anyone, these things have been going on for a long period of time and I appreciate the process that they are in.

I mentioned three-fold in my participation here today. First is that I am a life-long resident of Superior -- south Superior basically living within a mile of the Enbridge right-of-ways and living within two miles of the Superior terminal here in the Calumet the former Murphy oil refinery.

My second position and with my opinions here I am not speaking they are my opinions not the city of Superior but I am a Superior City counselor and the value that Enbridge brings to this community in the form of taxes, employment, the relationship that we have with the company, the storage of the community, the involvement in the safety that they put forward, the programs, the volunteers that do other things for the city, the countless hours and donations to private and public entities that Enbridge is the sponsor of goes a long way in our
We depend on companies like Enbridge for a tax base. They have always been a good steward, we receive from Enbridge a terminal tax fee for the amount of taxable crude oil and other products that are being used out at the Superior terminal. The fact that they use our city for their retail buying, every time you spend a dollar you are turning in over 7 times so Enbridge employees are living in our communities, they are buying our homes, there are retail people in here that I have seen would be a part of this process as well.

So they are a big part of our community, a good part of our community -- a good partner.

The third part of my being here is that I am the International Representative for the Laborer's International Union of North Dakota and Minnesota and I am also the Business Manager of the Laborer's Union in Duluth, Minnesota. I represent 6,000 working men and women and families here in the twin ports and over 11,000 men and women in the construction industry in North Dakota and Minnesota as an
international rep.

These people that build these pipelines depend largely on the continued support of Enbridge towards organized labor. The continued safety that Enbridge is committed to in their pipelines and to their clean ups of right-of-ways, into the partnership and the due diligence that they present to anybody and everybody that they deal with is a very important part of what I do for a living.

I represent men and women in the construction industry that build these pipelines. The pipelines that we believe are the safest, the most economical way of transporting crude oil and natural gas and any other petroleum through the pipelines.

The Line 3 Replacement -- there's a reason that there is a Line 3 Replacement and it is the integrity of the pipe. It has reached its capacity, its longevity so those things are profit maybe, necessity yes. Those things have to be done to protect the environment. We are stewards of the environment no matter what anybody thinks.
We are as concerned about the environment and the waterways, the water sheds, the water ricings and all the communities as anyone else is. That's part of what we do. The building of the pipelines are by far and above the work that any place in the United States and possibly North America.

If you look anywhere in any tabloid -- tabloid that's terrible -- any publication, you might see some in a tabloid -- any publication that the work force from the Midwest is second to none. We take pride in that here are some of the other trades that are with me here. There are four trades that do the work, so back to my very first part of this.

I have lived in Superior all of my life alongside of a right-of-way. We have always had great partnership. Enbridge has always been good, everybody else has been good. I stand in support of the Environmental Impact Statements and again I commend you for what you are doing and thank you for it.

MR. SIEBERT: Thank you next up is Kathryn McKenzie. After her will be Taylor Pederson and then
Jim Caesar.

MS. MCKENZIE: Hello thank you for being here. My name is Kathryn McKenzie I live at 202 North 58th Street where I have lived for 42 years. Before that I was gone for 10 years and before that I lived in Millings Park. I think that the line that is existent is in need of replacement and I know that there are pros and cons and I have probably more cons than pros but I will say that for the pros there are more jobs, more oil for the Midwest and points east and northeast.

There are economic benefits for the political elected officials. The cons potentially, the jobs would be short-term for works who are skilled coming from elsewhere spending their money here on hotels and food and bringing their paychecks to wherever they came from.

If this were Waukesha I don't believe we would be having this conversation. I believe it is economic. I don't know where the city will be when all the dinosaur industries are gone. I'll end it with that as well but I am not done.
I'm thinking of the air shed that we live in. During the siting of the middle school process there were employees from the oil company that went to the school district and stated that the proposed site was in the wrong place for prevailing winds and the site was changed. There is more to come on that.

Regarding the benzene spill and before that I taught at UW Superior for a math professor who had cancer and needed a bone marrow transplant. A colleague of hers, his, mine eventually told me what a doctor had asked him. Won't someone do something we have a cancer epidemic here.

So I looked into as much as I could with the stats with the state Division of Health and since -- quite a bit since I have asked and I know they do research on cancer and I have been able to find nothing. I have asked Henry Anderson, the state Division of Health head to come and he said they
don't want me.

How has this come to be? There is political and social capital here and while serving as the President of the League of Women Voters in Douglas County and the City of Superior I was on the KBJR Board of Directors. We had dinner one evening and were asked to list for the TV station what projects they should be considering for news and I said well the refinery has a permit coming and from next to me from a bed pan came the judge -- a judge -- no do-gooding and socially activist woman is going to shut that refinery down.

He had brought it with a group of friends to Superior, political capital. While serving on the Douglas County Board I was amazed that when we granted the easements and how little the going rate was. Eventually that cost was raised and then at that point Enbridge bought the easements that were in the city.

Now they have bought the houses in the path of what will be the projected line. When I spoke to an Enbridge engineer and I live two and a
half blocks or something from the line and I have for 42 years, I asked the engineer -- we talked to him and or I talked to him and he said, "Oh you bought that house 42 years ago, there was a pipeline there then, you should have known that."

I should have known that they would add to the volume of pipes through that process at that point when we bought the house? I don't think so.

On the morning of the benzene spill as the cloud came down the river my neighbor woke me at 6. I woke up with a sore throat. Eventually I was on the 32 committee that talked about the pipeline spill or that spill and I was told by one of their doctors that if I had problems at the beginning I would continue to have problems.

Well now I see an allergist in Lacrosse. I have a VOC, a volatile organic compound filter in my house that I have added just in case I need it to stay healthy. As the transfer from pipeline to tanks is done there is a diluent that gets aerosolized and I believe that the permit that Enbridge asked for
didn't include all of those pieces.

I am afraid for the workers who work on this line who may or may not know the health effects and maybe they have been informed and maybe they haven't. I just fear for their health. I fear for the health of the citizens of Superior and I know they are poor and I wonder who gave this corporation, this international corporation the agreement that will cut through our city and will decimate and has decimated the health of our citizens who are economically disadvantaged.

When I asked the DNR attorney once in Madison while I was looking at pipeline or refinery issues he said, "I don't work for you I work for the DNR". I beg to differ. That's not the charter. In yesterday's Duluth News Tribune the announcement was made that St. Louis County wasn't built to award an invasive grant species grants for $420,000 of state money. For the last two years Douglas County has gotten nothing.

We are a port and a lake -- the lake, we have lakes and I wonder where the values and where
the political reasons for giving these grants is and what the DNR cares about us. This is ground water awareness week. So for the people who have wells after the Benzene spill they were given testing. Will this happen again? And if they do test individually it costs thousands of dollars to test for hydrocarbons, who can afford this? Not many.

If the projections show that there will be 100% risk of a breach in the line through Wisconsin, the only questions are where and when? If this corporation now has a Wisconsin legislation permission to not have any funds in a contingency for clean-up who will pay?

If it's corporate profit, corporate greed and political sway by local state politicians, the people who have the power are getting something for accepting this project. The Golden Rule those who with gold will rule and the poor will continue to suffer economically. The environment will be degraded as we already seem to have been written off.

With wildlife fisheries and basin species, ground
I'm almost finished. Will our property
taxes go down? Will the shareholders benefit? What
will the citizens get for the risk they are being
asked and the burden they are being asked to bear?
Who will assume the risk? Why choose my city for the
health risk? Why choose my city for the
environmental risk? Why choose my city for the
terrorist risk?

After this dinosaur industry is over how
will we be left? Thank you.

MR. SIEBERT: Thank you, the next speaker
is Taylor Pederson followed by Jim Caesar and then
Jim Eisenhauer.

MR. PEDERSON: Good evening my name is
Taylor Pederson I am speaking on behalf of the
Superior Douglas County area Chamber of Commerce.
The address is 205 Belknap Street, Superior. I speak
to you tonight in favor of the Enbridge Sandpiper
Pipeline, as well as Line 3 Replacement Projects and
have no issues with this Draft Environmental Impact
We agree with the route and feel it is best that the line will follow the existing corridor for the majority of the route. We are confident that the utmost efforts will be taken to minimize environmental impacts with respect to easement agreements with affected landlords all of which we understand are most likely in place at this time.

The Chamber and our Board of Directors has gone on record and is in support of Enbridge, their standard of safety and these projects. The Chamber is in favor of this project for the direct and indirect jobs it will create, the positive economic impact it will have on the region. We believe that this is the safest and most environmentally responsible way to transport this oil and agree with this Draft EIS and thank the Wisconsin Department of Natural Resources for thoroughly preparing this statement, thank you.

MR. SIEBERT: Thank you, next speaker is Jim Caesar followed by James Eisenhauer and then next up after him would be Carl Whiting.
MR. CAESAR: Hi my name is Jim Caesar. I reside at 1507 Morningside Avenue in Duluth. I am the Executive Director of the Development Association for Superior and Douglas County. I am here on behalf of our Board of Directors and membership to speak in support of Enbridge and these two projects.

These types of projects are right in our wheelhouse and are one of the things that we champion being the lead economic development entity in Superior and Douglas County. We value Enbridge as an outstanding responsible corporate citizen. We value the over 800 jobs that they provide and the hundreds of construction -- related construction jobs.

We value their more than 20 million dollar tax revenue investment. We --you know we just don't look at this all in dollars and cents because we are concerned about safety and the environment as well and Enbridge has proven that they take our safety and environment seriously. So just as others have spoken -- Taylor and Dan Olsen and Andy Lisak we support this.

We believe that the environmental and
economic benefits far outweigh any risk, thank you.

MR. SIEBERT: James -- help me with your name I apologize -- Eisenhauer, thank you.

MR. EISENHAUER: Hi my name is James Eisenhauer and I just want to be brief but I just wanted to come. I am a resident of Duluth and just offer my support for this Enbridge Line 3 Project. Many will say that fossil fuels are not the way of the future but they are certainly here to stay for a while. I think that supporting this project sends a clear message that these jobs are important to the region, they produce substantial income and they can increase prosperity here.

I think also the support for this project is helpful and it can emphasize that the area, the City of Superior, Douglas County is a great place for this kind of business and I think that could be conducive to workforce expansion in these industries.

Enbridge employs hundreds of people and I think the EIS work, the document so far it looks like it is environmentally sound and I think supporting
these jobs also has huge spill-over as previous
people have indicated. We can then with these jobs
-- every job that we have in the area we can train
for these jobs so that can create jobs and education
and I think the more that we commit ourselves and we
support these jobs that exist, we can justify locally
training people so we would fill less with workers,
employees that are out of the area.

So I think that the commitment that we
have to Enbridge helps support future employment for
local residents and that is all I have.

MR. SIEBERT: Thank you, sorry again Jim
for the mispronouncing your name. Carl Whiting is
next followed by Deborah Topping and Thane Maxwell.

MR. WHITING: Good afternoon. I am Dr.
Carl Whiting and I am speaking on behalf of the
Wisconsin Safe Energy Alliance or WISE Alliance. It
is a collection of landowners and concerned community
members who would like to have an active say in
pipelines in their community and the future direction
of Wisconsin going forward.

I am going to use my testimony time to
I would like you to think a little bit about the St. Croix River in winter with good ice cover and a very healthy flow beneath that ice cover as I read a few of these excerpts.

"Spills of diluted bitumen products where the crude oil submerges in the water column or sinks to the bottom are particularly difficult for responders. Most of the effective response methods are based on the premise that spilled oil floats. In its situations where water is moving there are no proven techniques for containment of suspended or.
sunken crude oil to prevent re-mobilization and spreading prior to recovery.

Submerged oil moving downstream in rivers or following wind or tidally driven currents could be intercepted in theory but in reality no techniques are known to be affectatious to capture oil beneath the water's surface.

The sunken oil may not be recoverable thus resulting in protracted periods of exposure".

Regarding response to which Enbridge is supplement to the Draft EIS characterizes a very different clean-up scenario.

"When crude oil is suspended in the water column or sinks to the bottom response tactics must change. There are no known effective strategies for recovery of crude oil that is suspended in the water column. Nets with various mesh sizes and towed at varying speeds have been tested. When full the nets weigh 25 kilograms per square meter making them difficult to recover by hand and 25 to 50% of the oil leaked out when the nets were removed from the water.

The recovered material stuck so firmly
that the nets could not be reused. Other tactics for removal of oil suspended in the water column include various types of filter fences such as gabions which are wire cages stuffed with sorbents and placed on the bottom downstream from the release."

None of these tactics have been documented as effective. "Where the sunken material consists of oil particles or aggregates it may be possible to refloat the crude oil by agitation of the bottom which is what Enbridge has done in the past and which they recommend in a supplement to the EIS. Agitation using rakes or similar tools, injection of water using water wands and injection of air using equipment such as pond aerators were all used during the clean-up of the Enbridge Pipeline spill in the Kalamazoo River.

The re-floated crude oil was recovered using skimmers or sorbents however depending upon the conditions a significant amount of the crude oil or oil sediments sinks back to the bottom. The agitation could also simply mix the crude oil more deeply in the sediment.
For spills where the crude oil initially floats then sinks, the response team will be faced with the management and disposal of conventional waste materials such as sorbents, protective gear, skimmed oil, oil solids removed from the land, et cetera. The presence of diluted bitumen in particularly in its weathered residues of large quantities of resins and asphalt teams heightens the level of concern about long-term persistence in the environment.

The initial period when diluted bitumen can be contained and recovered by established response protocols coincides with the very same period when the exposure risk due to volatiles influences the spill response activities -- in other words, the gentlemen who would go out to try to help us and prepare our river to some semblance of normal are being faced with do I go out and try to breathe in that mess or do I wait until the noxious stuff drifts off and I'm left with the stuff sinking to the bottom where I can't possibly get to it.

In particular the assessment of where and
how much diluted bitumen has been spilled may be held back if potentially dangerous levels if volatiles are encountered. As indicated in Figure 5-5 if containment, booming and/or recovery of a large portion of the spilled diluted bitumen are not achieved during this initial period a significant portion of the spilled oil may aggregate with particular matter and become submerged.

The environmental outcome that should be most vigorously avoided in the spill response is the weathering of spilled diluted bitumen into heavy, sticky sediment-laden residue that cannot readily be recovered which requires dredging and disposal of large quantities of contaminated sediment and water and which will not degrade if left in the environment.

This weathering process begins rapidly following a release and can change the behavior of diluted bitumen in a matter of days. The oil and pipeline industries and the response community have developed approached for addressing releases of crude oil that are based on a cumulated experience in
responding to the diversity of spills that have occurred, as well as knowledge of the general properties of crude oil.

This experience is predominantly based on spills of commonly transported crude oils that can be expected to float for some time. Given these greater levels of concern spills of diluted bitumen should entail special immediate actions and response for example, that the properties of diluted bitumen and weathered bitumen put spills in a class by themselves.

In light of the committee's findings regarding the differences between diluted bitumen and commonly transported crude oils, modifications to the current regulatory framework are needed to better account for the unique characteristics of diluted bitumen.

Finally, the response plan should also demonstrate that the operator fully understands the unique properties and potential environmental impacts of diluted bitumen and is prepared to implement response strategies that address its challenges.
This should take the form of enhanced planned sections describing in detail the areas most sensitive to the effects of the diluted bitumen spill, including the water bodies potentially at risk and response strategies and resources necessary to mitigate the impacts of spills of diluted bitumen including capabilities for detection, containment, recovery of submerged and sunken oil. 

Unfortunately as the report makes clear in any fast moving water that will be impossible."

This is the National Academies of Sciences, Engineering and Medicine that is speaking and I highly encourage the DNR and the Enbridge Corporation to take a good look at the most recent science to make sure that what they are encouraging the public to believe can be properly mitigated is as of this study being described to us as unrecoverable, thank you.

MR. SIEBERT: The next speaker is Deborah Topping followed by Thane Maxwell and Korey Northrup.

MS. TOPPING: (Speaking in Native American language)
Hello my name is Deborah Topping. I am here as a Fond du Lac band member. I am here as a mother. I am here as a grandmother. I'm here as a great grandmother. A great, great grandmother -- a great, great, great grandmother, a great, great, great, great, great grandmother.

I am still here as a great, great, great, great, great, great, great, grandmother. One more time. I am still here as a great, great, great, great, great, great, great grandmother. Because who else is going to be here to talk for my grandchildren, my seven generation. I am here to talk for the water, I am here to talk for the otters, the turtles, the fish, the four legged, the swimmers and the flyers, who can't be here today to talk about it for themselves.

I am here for the 1837 Treaty. I am here for the 1842 Treaty. I am here for the 1854 Treaty. And we oppose this pipeline.

MR. SIEBERT: Thank you the next speaker is Thane Maxwell followed by Korey Northrup and Loma Hanes.

MR. MAXWELL: Hi what did you need me to
say at the beginning?

MR. SIEBERT: You can state your name and address so that we can get it on the record, I appreciate that.

MR. MAXWELL: It's Thane Maxwell, T-h-a-n-e M-a-x-w-e-l-l. My address is 3941 23rd Avenue South, Minneapolis. Nice to see some friendly faces here today. Did the two of you all have to listen to every single one of us at both meetings? What a task, I'm sorry you have to bear all of that yourselves.

And so you are with Wisconsin DNR?

MR. SIEBERT: Yes.

MR. MAXWELL: And so we came in a little bit late, we missed the presentation at the beginning, could you give me like the executive -- basically what is your take on the EIS, good to go?

MR. SIEBERT: I am going to ask -- at 6:30 I will do the introductory remarks for people who arrived late, but to honor the people who got here at 4:30 you know we will do the presentations after we listen to everybody's comments.
MR. MAXWELL: Cool. I just want to focus my comments in a way that is useful for you because you know we all have our opinion about whether or not we should build a pipeline, so I am trying to get a sense of what is actually the moment you are at right now.

You have a Draft EIS, you are saying the project looks good to us and you want some feedback on that EIS before you finalize it is that correct?

MR. SIEBERT: No, if we said the project looks good to us that would be a permit decision. What the EIS does is outline all of the impacts and what we are saying is we have outlined the impacts that we have been able to research them and we want to know if you the public agree that we have touched on all of the important points.

MR. MAXWELL: Okay cool. Well I disagree.

I did not have time to go through all 400 pages or whatever it was but I looked at a couple of highlights, can we pull it up real quick or do you have a paper copy of it?
MR. SIEBERT: We don't.

MR. MAXWELL: Okay well maybe I will just flag a couple of things for you. The one section I saw I would pull it up immediately, the environmental justice section and it is like pretty baffling what you say in there. It says, Environmental justice is blah, blah, blah gives a definition. Then it says so we looked at the population in the proposed route and there is a disproportionate concentration of Native American people there and so you know, in environmental justice we have to see if we are you know disproportionately putting the cost of these projects on certain populations and then it just sort of stops.

And so there is no conclusion there like yes this is an environmental justice issue or no it is not or yes it is and we are going ahead with it any way there is absolutely no analysis. It just states -- what appears to me to be a problem but doesn't flag it as a problem.

There is a section on travel consultation and it spells out how you have worked with an
inter-tribal Fish and Wildlife Commission that came
out of the Voight decision I believe, but no mention
of actual tribal consultation so consultation with
tribal governments who are sovereign have
jurisdiction.

I also didn't see -- I didn't see anything
in there about -- I didn't even get to look at the
wetlands section very closely but I am curious as to
what the impacts are in wetlands and I don't think --
I don't think the study looks at what used to be
wetlands here or what used to be wild rice here and
that history is important just because it is not a
wild rice bed anymore doesn't mean it's not there.

And wild rice as you know is a unique
resource for the Anishinaabe people and they have
consitutional protections on that.

Just some general remarks -- to me the
lack of interstate coordination on these studies is
absolutely ridiculous. I mean why would Wisconsin do
its own EIS on a 14 mile section of the pipeline when
Minnesota hasn't even scoped theirs? Right, when
they are about to undertake probably a multi-year EIS
-- they haven't even outlined the scoping process, the feds haven't even started theirs for this project right.

Because Enbridge hasn't even applied for the permit yet, and North Dakota is going to do their own and everybody is going to -- it's going to be so fragmented. Like this is how it works, this is how you push these projects through right. Is you fragment it into different pipelines, different projects in different states and different jurisdictions so nobody is actually responsible.

Right you set up this web of bureaucracy and this has been going on for hundreds of years right -- you set up a web of bureaucracy so that no one is actually accountable anymore and it is unacceptable. So I think Wisconsin should stand down. I think you should postpone your EIS until Minnesota gets theirs together and I think you should coordinate with them.

I think you should coordinate with North Dakota, I think there should be an integrated regional EIS and that integrated regional EIS should
have tribes at the table and it should have the federal agencies at the table, with the Army Corp of Engineering and the EPA.

So everybody should get together and say look if we are serious about this land and we are serious about the economic benefits of this and weighing the two you know let's really look at the whole thing. Because when you put your blinders on and you start with the assumption that there is a need for a pipeline from Grand Forks to Superior you first of all ignore all of the other alternatives that would make much more regional sense, that is not a direct line from the Bakken to here right?

It makes no sense. You also start with the assumption that things are going swimmingly in the Bakken and they are not. They are busting in the Bakken and there is no future in the tar sands. Our political leaders are rapidly seeing that right.

Secretary Kerry came out yesterday saying we don't need any more pipelines. There is no need for this. Obama acknowledged the Keystone we didn't need it because it exacerbates climate change, so do
these. You know the same climate test should hold here, Obama is acknowledging that, Secretary Kerry is
acknowledging that, Bernie Sanders came out against
these pipelines people are starting to wake up.

And there is no reason for Wisconsin to
push their bid through and stop their rubber stamp on it, it's just ridiculous.

Some basic -- a basic summary of why we
are opposed to these in general. We don't think
Enbridge should have the right of eminent domain to
take people's land. They are not providing a public
service, they are moving a private good for private
profit and that doesn't make any sense.

They provide small short-term economic
gains, not as many as people think in exchange for
enormous risks, I'm sorry -- in exchange for enormous
risk to our fishing industry, our tourism industry
and our most precious resource, our fresh water.

They violate the treaty rights of the
Anishinaabe people.

They violate the human rights of everybody that
lives being
on that corridor and is being asked to shoulder the burdens for everybody else, right. You are concentrating impacts on people who have already had those impacts concentrated on them for centuries and it is time to stop.

They also as we have seen, contribute to climate change and we have already passed two degrees. Just a few days ago we passed two degrees so climate change is not thirty years from now it is thirty years ago and the point that we are at today is climate chaos.

The second tribe was just formally displaced, given millions of dollars to move because their homes are being destroyed in Louisiana. It's gone. It's the second tribe to be moved. So we talk about Bangladesh, we talk about Pacific Islands, it is happening here to the people whose land we stole and that is not okay.

It is time to switch now to renewable energy. You know it pains me so much, it pains me so much to come to these meetings and see my union
brothers and sisters here fighting for this project and feeling this economic dependency on something that we are not dependent on. We do not need this anymore.

The fossil fuel era was great, it's over, it's time to move on and we need union jobs building solar rays and building wind turbines and building transmission systems and building electric car stations. We need union jobs doing all of that. So it is a false dependency, it is an abusive relationship you know.

We have been abused by these companies for a long time and we are scared of change and we are scared of getting out. We have to give up that fear and we do not need to build any more fossil fuel infrastructure, is basically what it comes down to. We do not need to do that anymore, we need to move on.

Enbridge just announced that these pipelines are delayed until 2019 so you know like I said no rush to push your piece of it through. They then made a second announcement to their investors
that also in 2019 they are going to start moving beyond tar sands. So you know I am like blown away by this, I am like what kind of business model is that you are building infrastructure that you are starting to -- like what are you going to put through the line are you going to pump peanut butter through the pipelines?

Like you are building infrastructure that you are trying to get away from, it doesn't make any sense so it is time to move on now. I will leave it at that, thank you very much.

MR. SIEBERT: Next up we have Korey Northrup, followed by Lorna Hanes and Elizabeth Ward.

MS. NORTHRUP: My name is Korey Northrup I am from the Fond du Lac band. I go to school here at UWS and you have to pardon my attire. Right now we are sugar bushing it's that time of year where the maple sap runs so I am here to support my 7th generation as my niece before me has because you know she likes to lead the way.

But basically from the perspective that I want to talk about it as like being outside and going
out there and maintaining traditions and coming
together as a community out there on the sugar bush.
It just -- I would hate to see that go away because
of the pipeline you know and dirty fossil fuels and
climate change and all of those things.

You know I am trying to help do my part to
preserve our way of life you know which is not
limited to wild rice. I hear a lot about wild rice
and protecting wild rice but we need to protect our
other medicines that are out there. And as part of
the seeded territory here in Wisconsin I feel like we
should speak out for those as well, you know and
making sure that that stays clean and our medicines
stay clean as well.

So we have sugar bush over in Fond du Lac
down on the Ditch Bake Road so you all should come
and check it out, it is super great. Everybody is
welcome, everyone, thank you.

MR. SIEBERT: Lorna Hanes is the next
speaker followed by Elizabeth Ward.

MS. HANES: Let's see here. It looks like
that you are going to be going through like 12
counties. 1837, 42, and 54 treaty territories on which you are going to pass through four major river systems, the St. Croix, the Namekagon, the Chippewa which I would say Ojibwe River, the Wisconsin River, the counties that you are going through 12 of them is Douglas, Sawyer, Russ, Taylor, Clark, Woods, Adams, Lagwell, Columbus, Madison, Jefferson, Wellsworth, et cetera into Illinois.

I oppose this pipeline and as well I am dressed as I am. I was out in the sugar bush. I run horses, I run teams of horses, I do all of my work, my farming, my maple syruping, my logging, whatever I need to do outdoors is all by horse. There is no fossil fuels in what I do. I don't have a driver's license nor do I really care for one and if I do get one I would like to you know be responsible and have a fossil fuel free car -- electricity.

We have one I just need a driver's license and I believe that -- and I see my brothers and sisters of the union. I have been in the union all of my life. I love the union you know, it treated me good but I am done with that. There is something
more important that needs to be done and that is
protecting our territories as a whole, as a planet as
a whole. It is very important for your 7th
generation to help.

And I love all of your 7th generations and
I respect all of those 7th generations that have been
here and that are coming here. And what I do in my
work and my friends here and Deborah Topping, she
doesn't like what's going on on her road. They had a
pipeline going through her road. By the time they
found out about it it was too late and now there is
what, six of them and another proposed one?

I hope she gets into office and I hope she
can change their mind about things. Thane has a
great video of us in the sugar bush today. I was
using horsepower the whole time collecting wood,
dragging things in and out of the woods, two miles
in. We are sugar bushing right between the two
pipeline corridors right now, over there in Fond du
Lac. We are right there in a mile and a half strip.

We actually have to ride down the side of
the pipeline trail, right alongside the corridor to
get in to our sugar bush. And I do all of that by horses. There are some places in that place that my horse won't go and I don't make him go. My horse carries me. To carry a message to tell you people wake up and save yourselves.

MR. SEIBERT: The next speaker is Elizabeth Ward and Elizabeth is the last speaker I have that expressed a desire to speak tonight. Is there anyone else and if so if you could let the folks in the back know so that we can make sure that everybody has a chance to speak tonight, thanks.

MS. WARD: My name is Elizabeth Ward and I am here on behalf of the Sierra Club John Muir Chapter, the statewide branch of the Sierra Club. I do want to thank you for hosting the hearing and putting together the Environmental Impact Statement. We will submit technical comments further. I want to focus on just one thing today and that is that I think moving forward with this chunk of the pipelines is premature.

By studying just this 14 miles of the pipeline it ignores all of the environmental impacts
of the other 1,050 miles of the pipeline. Between
these two projects Sandpiper and the Line 3
Replacement which isn't really a replacement because
it is significantly bigger than the existing Line 3, Enbridge will be pumping a million barrels per day
more of oil into Superior.

That oil will not stay in Superior, they are going to need to build another pipeline or another couple of pipelines to move that oil down south through the state of Wisconsin, out of the state of Wisconsin, likely down south to export but either way the impacts of these pipelines go way beyond the 14 miles here.

The DNR being responsible to study all of the impacts in Wisconsin should take all of those cumulative impacts into consideration in the Final Environmental Impact Statement -- these pipeline cells will cross the St. Croix River which is a national wild and scenic river, it will cross the Wisconsin River, it will cross the Rock River, all of those impacts need to be considered as part of this
pipeline project because with a 20 billion dollar investment that these two pipelines are, Enbridge is going to be expecting to be able to move this oil south.

In addition on the Minnesota side as has been pointed out, the process has just begun. The pipelines have not been permitted yet. The tribes have not okayed the projects and it doesn't sound like that is going to be an easy thing for them to do and if these pipelines do get permitted in Minnesota there are a lot of questions being raised about the route and some routes have actually suggested going south through Minnesota so these pipelines won't even come into Wisconsin.

So I think overall this process is really premature and the DNR should hold off until we are sure these pipelines are coming into Wisconsin and at that time look at the full scope of these pipelines, thank you.

MR. SIEBERT: Thank you. Next I have one additional person I think that has asked to speak, Jeff Gurske. And again if there is someone else who
wishes to speak if they could talk to one of the
Department people in the back and we will make sure
that we get you on.

MR. GURSKE: Hi my name is Jeff Gurske I
live in Maple, Wisconsin, 4722 South County Road F,
Maple. First of all I would like to thank the DNR
for going through this process. I would like to
thank the environmental friends here for supporting
the due process that needs to take place and is
taking place.

I am here to support the pipeline. You
hear a lot of about the one gentleman talked about
the water or the oil getting in the river. It's
absolutely -- nobody in here is going to disagree
with that being a problem, a huge problem. That is
part of the reason this Line 3 Replacement is in
front of you because it is a problem, because it is
outdated infrastructure basically and it is not going
to cost the taxpayers money it is going to cost a lot
of money to replace that line and also I personally
worked on pipelines myself.

One gentleman mentioned about the safety
rules and inadequate construction. Well I worked at hospitals, I worked at nursing homes, I worked at high schools and working on the Enbridge Pipeline has far more inspections, qualifications that a worker has to take -- to use the piping itself. You know as a pipe welder, you have to take a welding test that takes six hours. Then they cut straps out, they x-ray the pipe, look for any flaws whatsoever and you have to cut twelve straps out of that piece of pipe all the way around and they have you cut out the hard spots and then you pull them apart.

The machine pulls them right apart. Any flaws in there whatsoever you don't have a job there.

So with the safety concerns, they do go through all of the safety procedures. Wetlands -- I mean we have to go through them to get the pipeline done and you talk about education. Well let's look at what would happen if the DNR -- if this doesn't go on we lose all of that tax revenue, that's going to definitely have a negative impact on the fish and wildlife.

I mean it is all funded by taxes. These
people employ jobs, like I said I worked in
construction I'm glad I didn't hear the term
"temporary work" because that is our profession we do
it for a living. I put two kids through college with
these types of jobs and also they talked about the
generations coming up.

I am a member of Local 11 out of Duluth,
Minnesota we have an apprenticeship program and each
one of these projects that take place we have
apprentices working on them projects and we are
putting them through school for five year programs
and that isn't costing the taxpayers anything.

So I would just like to see this keep
moving forward and I appreciate your due diligence on
the environmental studies and we need to continue
that and without the environmentals pushing on there
-- I know for a fact it would be free reign. So I
hope everybody continues the work and I do support
moving this forward, thank you.

MR. SIEBERT: So before I go off the
record let me just make sure is there anyone who
wishes to speak that hasn't already indicated.
Otherwise as we announced at the beginning, we announced the hearing to be able to accommodate people who need to come after supper so we will restart the hearing at 6:30 and we will go through the introductions and all the stuff at the introductory presentation that I made and Jeff made at 4:30.

So at this point we will go off the record and we will return at 6:30.

(Whereupon the hearing recessed to be reconvened at 6:30 p.m. this same day)
EVENING SESSION

(6:30 p.m.)

MR. SIEBERT: Good evening and thank you for being here. For those of you that were here at 4:30 as promised we are going to treat this as two separate hearings and so I will ask your permission to read my prepared remarks. Jeff Schimpff will provide an introductory presentation with the power point and then we will open the floor for public comments.

My name is Dave Siebert and I would like to welcome you to tonight's hearing. I'm the Director of DNR's Bureau of Environmental Analysis and sustainability and I have been assigned to conduct this hearing. The purpose of this hearing is two-fold, one to receive comments on a Draft Environmental Impact Statement the Department has prepared for the proposed Enbridge Line 3 Replacement and Sandpiper Pipeline Projects.

And two, to receive comments on the waterway and wetland permit application for the Line 3 Replacement Project. I ask that everyone please
sign in and let us know whether or not you intend to provide an oral comment at this hearing. Please sign using these appearance slips in the back of the room even if you do not plan to speak at the hearing, so that we can have an accurate record of who attends the hearing.

The Department of Natural Resources has set this time and place 6:30 March 10th, 2016 at the Superior Public Library in Superior, Wisconsin for a public informational hearing on the Draft Environmental Impact Statement or EIS prepared by the Department of Natural Resources for the proposed Enbridge Line 3 Replacement and Sandpiper Pipeline Projects.

This hearing is being held pursuant to Chapters 227, 30, 281.36 and 1.11 of the Wisconsin statutes and is informational in nature. It is not a contested case hearing, it is not an adversarial hearing. The purpose of the hearing is to hear comments from members of the public on the Draft EIS and the applications for wetland and waterway permits associated with the Line 3 Replacement Project.
This hearing has been noticed on the WDNR website and in the Superior Telegram and all notice requirements of the statutes have been complied with.

In lieu or in addition to an oral statement at today's hearing, written comments will be accepted by the Department through March 25th, 2016.

Written comments should be sent to Mr. Jeff Schimpff at the mailing or electronic mailing addresses on the hearing notice or the fact sheet that we have out in the hall. Written statements will have the same weight and effect as oral statements presented at the hearing.

As next steps DNR intends to complete the environmental review process for the project before taking any action on permits. We are here today to take your comments on our Draft EIS and the Line 3 applications. Please be sure to provide us with your email or other address if you wish to receive notice of the Final EIS.

Allow me to discuss the hearing procedures. We appreciate all of you who have come
to today's hearing. With me at the table is Jeff Schimpff from the Environmental Analysis Program. We also have other DNR staff in the room including Bill Clark, Ben Callan, Ed Culhane, and Amy Cronk.

Before we begin to hear from you there are some ground rules for the hearing that are important for everyone to know. First given the number of people here today and the acoustics of this room we have to ask that there be no talking or side conversations among the audience. If you wish to talk amongst yourselves if you could please use the hall.

Second I will ask that everybody in the hearing room will be respectful of those who are offering comments. We know that people feel strongly about the issues but we do not want to intimidate anyone from offering their comments and we want to hear as many comments as we can. So no applause or waving of signs or other indications of support or opposition to what commenters are saying.

I do have the authority to close the hearing should there be outbursts or other
demonstrations, but I don't want to do that unless I
have to. So please let us hear from as many of you
as we can by listening to the comments that are
offered, not indicating your approval or disapproval
of the speaker's views.

I don't know that this will be a problem
but I just wanted to let folks know that the library
closes at 8:30 so we will be watching the time and by
the number of speakers I think we are going to be
fine on this, but I just want to let folks know that
we may have to close it down right at 8:30 just to
honor the good folks who work here at the library.

If you have lengthy comments I would ask
that you please submit them in writing. We have
forms in the back that you can use either to hand to
us today or to mail to us and as I said before we
also welcome your comments through March 25th, 2016
either via email or sending to the address that we
will share with you.

I do have a talking point up here of
limiting people's oral comments to five minutes.
Again I don't think I am going to need to do that but
I guess what I will do is we will let you know when we are at four minutes thirty seconds. We will put up a red marker when you are at five minutes. If you are close to that, I just ask that you honor people's time and let's try to stay to something along those lines.

When it is your turn to offer a comment I will ask that you please come and state your name and address for the record and if you can speak into this microphone that will help our court reporter who is taking down everything that occurs during the testimony.

Before we take that public testimony though, I will ask Jeff Schimpff from the Department to provide you with a very brief introduction.

MR. SCHIMPFF: Very briefly I want to thank everyone who is in attendance today. It is very important for people to come and express their views at public hearings such as this.

The Enbridge Pipeline that we are talking about which is the subject of our Environmental Impact Statement is depicted on the map here. It
goes from the Minnesota border about 14 miles mainly paralleling existing pipeline routes to the Superior terminal.

If you need any additional information about the Project, about the route, about any other aspect of the Project, Ben Callan is available back in the hall to answer your questions.

This hearing is part of a process that began almost two years ago when we received the permit application from Enbridge for the Sandpiper and Line 3 Replacement Projects. We issued a news release that we were going to do an Environmental Impact Statement on this Project because it was a controversial project.

We held an EIS scoping meeting here in Superior in August of 2014. We got a number of comments and we compiled those and added those into our Draft EIS outline. We sent that out for public comment and took comments on that, modified the outline a little bit. Then we went about preparing a Draft EIS which is the subject of the hearing today.

Here is the Draft EIS which was done
according to our administrative code NR150 which tells us how we implement the Wisconsin Environmental Policy Act. We are at the public hearing stage now in the process and we are taking public comments on the Draft Environmental Impact Statement for the Line 3 Replacement Project and for the Sandpiper Project as well as the permit application for the Line 3 Replacement Project.

We will prepare a Final Environmental Impact Statement based on the public comments that we get. We will announce that, publish it on our website and we will also make a determination about whether or not the Environmental Impact Statement meets the requirements of the Wisconsin Environmental Policy Act.

Then we will -- once the Final EIS is complete and our determination is issued we will be able to make permit decisions on the Line 3 Replacement, then we will anticipate that there will be additional public meeting on the Sandpiper permit application. It is two separate lines because of timing by the applicant it has been separated into
two different projects.

And once we have the public informational hearing on Sandpiper then we would be able to make permit decisions on that permit application.

The status of the applications is that as we have mentioned the Line 3 Replacement Application is complete so that is why we are taking public comment on the permit applications but the application for Sandpiper is not complete because the state of Minnesota as many of you probably know is in a separate process regarding which route the pipeline will even take so we don't know exactly what the route is going to be.

And if we do get a completed application for the Sandpiper Project then we will anticipate having a permit hearing separate at a separate time on those permit applications.

Whether you want to issue or present any public comments tonight at the hearing or leave them in writing you can do that, otherwise we have comment forms on the table in the foyer at the entrance to the library. You may go to the website that we have
here, it is also on sheets that we have in the front.

Comments are due March 25th, they will come to me and one thing I need to point out we did correct this on the sheets that we have out front, there is an extra "A" in the address it should be only one "A" here. I'm sorry for that mistake we did change it on the comment forms that we have in the front.

So with that I will let Dave Siebert continue and open up the public hearing again.

MR. SIEBERT: The first speaker I have tonight is Willis Matson and again if you could state your name and address and speak into the microphone. I heard in the earlier one people in the way back couldn't hear unless someone was speaking into the microphone and I would appreciate if you would, welcome.

MR. MATSON: Thank you very much. Okay my name is Willis Matson I live at 42516 State Highway number 34 in Osage, Minnesota. I am particularly interested in the overall impacts of the
entire Sandpiper and Line 3 Projects combined. Their  
original purpose -- their routes of transfer and  
ultimate destination -- in order that there are  
several levels of environmental review that are going  
on by the individual states and the federal  
government are sufficiently coordinated so as to have  
as wide as possible a range of alternatives  
considered.

And that no individual state act in and of  
itslf thus pre-empting the possibility of  
alternatives for a neighboring state. I would  
suggest that the best mechanism for doing that is to  
suspend your current process and await the advent of  
the Minnesota process in conjunction with the U.S.  
Army Corp of Engineers.

You may or may not be aware that the  
applicant has suspended or requested the U.S. Army  
Corp of Engineers not advance their review thus  
disconnecting or de-coupling the required  
coordination of review on the state and federal  
level. And I would admonish the Department of  
Natural Resources here in Wisconsin to work closely
with Minnesota state officials to approach the Corp of Engineers and the applicant and encourage them to best facilitate the intent of the National Environmental Policy Act, the Wisconsin Environmental Policy Act and the Minnesota Environmental Policy Act, all of which say that the best job of serving the public and protecting the resources is conducted when those processes are well coordinated and collaborated and to allow the applicant to suspend the federal review by simple request, thus prohibiting that should be overturned by the collective powers of the two state governments working in conjunction with the U.S. Army Corp of Engineers.

You may or may not be aware that there is also a federal review going on in North Dakota. The U.S. Army Corp of Engineers does not require an environmental assessment because the project is covered by nationwide permit. But the U.S. Fish and Wildlife Service does not subscribe to that methodology and is necessarily having to conduct an environmental assessment for the North Dakota...
So there is an opportunity for collaboration between the three states to work with the federal government and consider other possible alternatives. Now more specifically to your Draft EIS.

I was most particularly concerned with the rather shallow effort expended at looking at routes not passing through Wisconsin in particular and Minnesota as well. There is reference made and acknowledgement made of the existence of the pipeline whose name just right now skips my mind of the -- Energy Transfer Pipeline Company that is being planned from the Bakken shale fields to a very similar destination point in Illinois as both the Line 3 oil and the Sandpiper oil would end up.

Yet your EIS dismisses that project as not being one that could serve the demands or quantity that would be shipped in Sandpiper in particular that comes from the Bakken but then misses an opportunity to look at the corridor that is being examined for that pipeline as an alternative to the route for
So it would be a mistake to simply say that pipeline in and of itself could not be an alternative to carry the same oil and not look at that same corridor as a possibly less impactful corridor for all three states. So I believe your EIS from the beginning is deficient in considering that alternative.

And similarly there is a single sentence that sweeps away other possible corridors that follow more direct route from the Bakken oil field to the destination for this oil. It simply says and I don't have it here in front of me to quote, but it basically says that there would likely be similar impacts along all other alternative routes through this region therefore they were not considered further.

Such a statement is not sustained or acceptable in any manner of environmental review. You are required to actually look to find if those routes do exist, to gather what information you can about those routes, and make a definitive
determination as to whether or not those routes
indeed are equal to or better than the current
proposed route.

   So your EIS is deficient in considering
that alternative as a viable possibility without ever
examining, gathering data, or comparing those routes
to the proposed route that would pass through the
more sensitive area of Minnesota and certainly a
highly sensitive area of Wisconsin.

   I believe that completes the remarks I
will make tonight. I will follow this up with more
detailed written comments but I thought those were
probably the ones that were most salient at this
point. If you have any questions for me I would be
happy to try to answer them for you now, thank you.

   MR. SIEBERT: Thank you. The next speaker
is Norm Voorhees and I don't have any other
appearance slips so if anyone else would like to
speak tonight if you could fill out one of these
slips and hand it to someone in the back and then
they will bring it up to me, thank you sir.

   MR. VOORHEES: Good evening. My name is
Norm Voorhees. I represent the Northern Wisconsin Building Trades Council here in Superior, Wisconsin and northern counties in Wisconsin. I would like to speak on behalf of the men and women in the building and construction trades here that we are in support of this project. It is replacing old infrastructure along existing right-of-ways is my understanding and I think it is a safety issue for everybody concerned and the environment to replace that Line 3.

And I would just like to say that we are in support of it, thank you.

MR. SIEBERT: Is there anyone else who would like to speak? I do recognize Representative Milroy has joined us. I just want to welcome you tonight sir.

I guess with that -- would you state your name and address for the record.

MS. HANES: Hello my name is Lorna Hanes my address is Turtle Island. What you would call the United States. I am definitely -- don't approve of this, none of it and I don't know what happened.

Well I do know what happened in whatever 60 years
later and earlier with your history.

But I also wanted to say something about the missing and murdered women that are along these routes. The missing and murdered women throughout Canada and the United States, that's not cool. I stopped out at a train station in Minot, there was a stop I get out and go smudge my lungs and some guy is talking -- two guys are there looking at the bulletin and they are bragging about how they can kidnap a native girl, a young girl and take her to these camps and will rape the shit out of her, and they think that's funny.

Would you like that with your daughter? Would you? You would, would you approve of that? No. Would you? How about you? No you wouldn't, neither would I. And I would hope nobody would. I don't approve of any of this.

MR. SIEBERT: Is there anyone else that would like to speak tonight, otherwise I will go off the record, yes? And I know you were on the record earlier if you wouldn't mind putting on the -- if you could give us your name and address so we make sure
we get it for the record for the 6:30 hearing I would
sure appreciate it, thanks.

    MS. TOPPING: Absolutely.

    MR. SIEBERT: Thank you.

    MS. TOPPING: Thank you. My name is
Deborah Topping, Fond du Lac band member. I am here
to oppose it so right there is the water that is
right next to Enbridge. Who is drinking it? There
are a bunch of lawyers here, we have a bunch of
people who will want to have the pipeline here, who
wants to drink it?

    Nobody. What are you afraid of?

    Fracking? Frickin' fracking? I oppose it.

    MR. SIEBERT: Thank you with that I think
I will go off the record. We are going to stay here
until we get close to 8:30, when the library needs us
to be out of here. As we said there is Department
staff to answer questions about the process,
questions about the project and for now we will go
officially off the hearing record.

        (Whereupon the meeting was adjourned at

        6:53 p.m.)
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