



October 2, 2017

Minnesota Public Utilities Commission
121 7th Place East, Suite 350
Saint Paul, MN 55101-2147

Re: Line 3 Project Final EIS Adequacy

PUC Docket Numbers: PL-9/CN-14-916 and PL-9/PPL-15-137
OAH Docket Number: 8-2500-34602

Dear Commission Members,

The ACLU of Minnesota (ACLU-MN) is a nonpartisan, nonprofit organization dedicated to defending the civil liberties of all Minnesotans under the United States and Minnesota constitutions. We have over 44,000 supporters throughout Minnesota, and promote our mission through litigation, public education and lobbying efforts.

I write today to comment on the adequacy of the Final Environmental Impact Statement (Final EIS) for the Proposed Line 3 Replacement Project. The ACLU-MN believes that the Final EIS is inadequate because it fails to fully address the environmental and sociological impacts of the proposed project on Native American people and communities as required by Minn. R. 4410.2300(H).

While the Final EIS acknowledges the project's disproportionate harm to Native people, significant concerns regarding the environmental racism inherent in the proposal have not been fully addressed. Nor does it provide sufficient consideration of the cumulative impacts of environmental racism on Native American people and communities. The EIS acknowledges that all of the proposed routes will have an impact on tribal land including routes that traverse individual reservations and routes that pass through ceded territory where the right of Native Americans to harvest wild rice, and the right to hunt and fish were specifically reserved by treaty. But it fails to address critical questions about mitigating damage to waters and ecosystems that are critical to the survival of Native people and culture. The preferred route and alternative routes all pose significant threats to Native American people and communities that are likely irreversible. Those threats, coupled with the proposal to abandon the existing line

AMERICAN CIVIL
LIBERTIES UNION OF
MINNESOTA FOUNDATION
2300 MYRTLE AVENUE
SUITE 180
SAINT PAUL, MN 55114
T/651.645.4097
F/651.647.5948
support@aclu-mn.org
www.aclu-mn.org



3 will once again force Native American people to bear the costs of a private corporation's profit-making enterprise.

The resignation of tribal liaison Oxendine Molliver raises serious questions about the process of obtaining input from tribal communities.¹ Her resignation suggests that a range of tribal concerns about the project were not fully considered and may be missing from the current EIS.

Accordingly, we respectfully urge the Commission to find the Final EIS to be inadequate and require additional work to fully address the environmental and sociological impacts of the proposed project on Native American people and communities.

Sincerely,

A handwritten signature in black ink, appearing to read "Teresa Nelson", written in a cursive style.

Teresa Nelson
Legal Director

¹ See Alleen Brown, *Tribal Liaison In Minnesota Pipeline Review Is Sidelined After Oil Company Complains To Governor*, available online at <https://theintercept.com/2017/08/12/tribal-liaison-in-minnesota-pipeline-review-is-sidelined-after-oil-company-complains-to-governor/>.