

Honorable Ann C. O'Reilly
Office of Administrative Hearings
600 North Robert Street
PO Box 64620
St Paul, MN 55164-0620

Dear Hon. O'Reilly

Date: 05/12/17

IN THE MATTER OF THE APPLICATION OF ENBRIDGE ENERGY, LIMITED PARTNERSHIP FOR A CERTIFICATE OF NEED AND PIPELINE ROUTE APPLICATION FOR THE LINE 3 REPLACEMENT PROJECT IN MINNESOTA FROM THE NORTH DAKOTA BORDER TO THE WISCONSIN BORDER	OAH 11-2500-32764 DOCKET NO. PL-9/CN-14-916 OAH 11-2500-33377 DOCKET NO. PL-9/CN-15-137
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PETITION TO INTERVENE OF YOUTH CLIMATE INTERVENORS

Pursuant to the Office of Administrative Hearings Minn. Rule 1400.5800, Rule 1400.6200, Subp. 1, and in accordance with Public Utilities Commission Minn. Rule 7829.0800, Subp. 6, and Minn. R. 7829.2500, Subp. 8, we, the undersigned Youth Climate Intervenors, hereby petition to intervene in the above referenced dockets, the Application of Enbridge Energy, Limited Partnership, (“Enbridge”) for a certificate of need and a routing permit from the Minnesota Public Utilities Commission (“Commission”) for the Line 3 Replacement Project (“Project”).

We, the Youth Climate Intervenors, are an unaffiliated group of 13 concerned citizens, each under the age of 25, who currently reside in and seek to continue to make our homes in the state of Minnesota. We rely on the agricultural, human, and ecological services in Minnesota in order

to maintain our health, safety, and quality of life. We allege that these rights and privileges, enjoyed by many generations before us, will be severely impacted by the outcome of this Commission's decision on Enbridge's Line 3 tar sands oil pipeline, due to the significant emission of greenhouse gases that it would enable, and the resulting contribution to climate change, which has direct, tangible, and scientifically proven negative impacts in Minnesota.

We are prepared to provide data and evidence that these impacts include (but are not limited to):

- **Increased severe storms**, leading to property damage, physical danger, flooding, erosion, and crop failure. The contamination of water bodies such as the Mississippi river from these extreme precipitation events would directly inhibit our ability to utilize them for recreational purposes. For example, Ms. Sanders-Reed has been a competitive and recreational rower for the past five years, and all of the Youth Climate Intervenors claim to regularly enjoy Minnesota's outdoors for recreational purposes such as camping, hiking, fishing, and canoeing. Debris, agricultural runoff, and dangerous flow rates resulting from intense rainfall make our lakes and rivers unsafe for these kinds of recreational uses. Moreover, increasingly severe thunderstorms capable of felling large trees and triggering floods are a threat to physical safety, especially for people who anticipate continuing to rely on bicycle and public transit as their main modes of transportation, such as Ms. Whipple, Ms. Breen, Ms. Brown, Ms. Berglund, Mr. Murcia, Ms. Wetherall, Mr. Berglund, and Ms. Manolis, along with thousands of other Minnesotans.
- **Increased severe heat waves**, leading to inability to safely work outdoors, increased

energy costs, and dangerous or life-threatening health risks. The direct health impacts of prolonged or severe heat waves can reduce productivity; debilitate elderly relatives or young people with preexisting mental or physical conditions such as asthma, cardiac problems, or anxiety; and result in numerous fatalities, especially in urban areas. Ms. Brown, Ms. Watson, and Mr. Aaberg all identify as young people particularly vulnerable to the serious health risks of heat waves due to preexisting conditions, and Ms. Brown, Ms. Whipple, Ms. Berglund, Mr. Berglund, Mr. Morgan, and Mr. Aaberg all identify among the many Minnesotans who do not have regular access to air conditioning in their homes or might be unable to cope with increased electric costs to cover adequate air conditioning. They face direct, personal consequences to their health and well-being as a result of climate change. Additionally, many young Minnesotans are already employed in or anticipate pursuing careers in farming, outdoor tourism, or construction, which would see a dramatic decrease in workplace safety if ambient outdoor temperatures are regularly above safe working limits. Mr. Murcia, for example, has experience working on a farm and a continued interest in pursuing agriculture as a career, and would face increasingly difficult conditions for doing so in a destabilized climate.

- **Increasingly warm winters**, leading to increased mosquito and pest populations, the inability to pursue recreation or athletics reliant upon snowfall, and more icy road and sidewalk conditions that pose a physical safety threat. Higher survival rates in tick, mosquito, and other pest populations constitute an increase in disease vectors, which is particularly concerning to young people who anticipate raising children in the state of Minnesota. The vast majority of the Youth Climate Intervenors regularly enjoy

snow-related athletics or recreation, and would be unable to continue doing so in the predicted warmer winters that would result from climate change in Minnesota.

- **Increased global civil unrest**, leading to increased endangerment of our family members involved in the armed forces, and mounting danger of violent attacks on U.S. soil as a result of severe climate impacts and violence overseas. Ms. Brown, in particular, is concerned for her family members that serve in our military. Additionally, many of the young people that make up the multicultural fabric of Minnesota worry for the safety of their loved ones in other countries that face more catastrophic climate impacts. Mr. Murcia, for example, has family in Colombia, a country particularly vulnerable to climate change.
- **Financial strain from increased food prices, electrical bills, and cost of living**, as a direct result of all the more extreme and unpredictable weather patterns listed above. These kinds of financial burdens have a critical impact on moderate and low-income residents of Minnesota. For example, Ms. Whipple, Ms. Berglund, Mr. Berglund, Mr. Aaberg, and Mr. Morgan, are concerned about their ability to cope with higher food prices that could be a result of crop failure, or increased electrical bills in order to keep themselves safe during extreme heat events. Insurance prices are already increasing, as is the likelihood of needing to cover the costs of property damage or medical attention resulting from flooding, storm destruction, heat waves, disease vectors, and other climate-related health risks. Our generation faces the potential of disproportionate financial burdens that would be exacerbated by the climate impacts of Enbridge's Project.
- **Seasonal variability and long-term impacts of climate change on Minnesotan**

ecosystems, leading to negative impacts on the forest and wilderness resources of Minnesota that are critical to the many cultural identities held in association with our landscape. Some of us, including Ms. Brown, Ms. Whipple, Ms. Berglund, and Mr. Berglund, rely on Minnesota's land and water resources for subsistence or spiritual purposes, and every single Youth Climate Intervenor regularly enjoys our bountiful and beautiful outdoors for recreation. Knowingly allowing a serious detriment to the long-term health of the ecosystems of Minnesota is robbing all of us, and our future generations, of the privileges endowed to all generations before us, and also perpetuates a cycle of cultural genocide and discrimination against the spiritual relationship that indigenous communities hold with resources such as wild rice, land, and water in Minnesota. Mr. Berglund and Ms. Berglund are registered members of the Northern Cheyenne Oglala Lakota tribe, and are intervening to defend their right to maintain access to a sacred connection with the flourishing Minnesota environment, which would be jeopardized by this Project's contribution to climate change.

We also allege pipelines by their very nature adversely impact ecosystems and contribute to unhealthy living conditions for our communities in their construction, physical presence, operation, maintenance, and failures to reliably contain the products they ship. We therefore petition to intervene not only on our concerns relating to the urgency of climate change, but also request the right to fully participate in all aspects of the contested case, including the right to bring testimony and question witnesses on all impacts of the Project which we consider to have negative consequences for our generation.

Therefore, we, the undersigned young people of Minnesota, claim that we will be uniquely impacted by the decision on the Line 3 pipeline proceedings and have a right, protected under law, to defend our rights, interests, and privileges through intervening. In addition to the aforementioned personal concerns, we allege that these harms are applicable to the majority of our generation, and we are therefore also intervening on behalf of all young and future residents of Minnesota. We claim to represent them as a sampling of the voices that have, until now, not been granted any official recognition by this Commission.

Minnesota Statute 116D, the Declaration of State Environmental Policy, states that “The legislature, recognizing the profound impact of human activity on the interrelations of all components of the natural environment, particularly the profound influences of...industrial expansion, resource exploitation, and new and expanding technological advances and recognizing further the critical importance of restoring and maintaining environmental quality to the overall welfare and development of human beings, declares that it is the continuing policy of the state government...to create and maintain conditions under which human beings and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of the state’s people.” Following from this, in the Subdivision 2 of that same statute, the State acknowledges its responsibility to “fulfill the responsibilities of each generation as a trustee of the environment for succeeding generations,” “assure for all people of the state safe, healthful, productive, and aesthetically and culturally pleasing surroundings,” and to “preserve important historic, cultural, and natural aspects of our national heritage.” It is the

firm belief of the Youth Climate Intervenors that Enbridge's Project stands in direct violation of this commitment, and specifically the government's explicitly stated responsibility to future generations. Furthermore, we invoke the public trust doctrine -- a broad legal argument with ancient precedent which holds that the government has a fiduciary duty to protect common natural resources such as land, water, and climate conditions on behalf of its people -- as additional legal grounding for our argument. We take it as our duty to hold the State accountable to its statutes and promises to us as young and future Minnesotans, and our petition to intervene in this case is our method to more fully exercise this duty.

We also maintain that our interests are not adequately represented by any other intervening party. While we respect and support the intervention of parties such as the Sierra Club and Honor the Earth, no non-profit organization or formally affiliated group has brought adequate attention and focus to the climate impacts that would result from the expansion of Enbridge's Line 3 pipeline. As the constituents who will be directly and personally harmed by the impacts we have listed, we are the most qualified to articulate and defend our rights, and describe Enbridge's infringement upon them. We are acting as a group of individuals, beholden to no organizational mission, agenda, or motivations other than our own authentic concern for our futures and our inalienable rights to inherit a livable planet.

Similarly, we do not feel that participation through the opportunities for public engagement provided by the Public Utilities Commission process is sufficient to represent our interests. We intend to utilize the full privileges afforded to official parties, including submitting testimony,

bringing expert witnesses, and having the opportunity to file discovery against Enbridge in order to investigate and illuminate the true impacts this Project will have on our futures. Multiple members of our group have participated in public hearings on previous occasions, and we have not been granted due respect, nor have the gravity of our concerns ever been adequately addressed. For example, at a hearing on Enbridge's Line 67 (or "Alberta Clipper") pipeline, the majority of the young people who arrived for the hearing were asked to wait in the basement of the Public Utilities Commission without any access to even listen to the proceedings, despite having laboriously prepared comments and traveled significant distances in order to make themselves heard. We are optimistic about the existence of an Environmental Impact Statement for the Project, but are unwilling to assume it will meet our expectations for reasonable assessment of the greenhouse gas emissions that will be associated with the expansion of Line 3, and the resulting climate change impacts here in Minnesota.

In keeping with Minn. R. 1400.5800, which states that "Parties may be represented by an attorney throughout the proceedings in a contested case, by themselves, or by a person of their choice..." we will not have formal legal representation or counsel, and will instead personally represent our individual and collective interests. (We reserve the right to engage such counsel in the future, however, and recognize that our citizen intervention could serve as a placeholder for such counsel.) We are uniting under a single petition to intervene, and the name "Youth Climate Intervenors," rather than submitting separate but similar petitions out of respect for all parties' time, and in order to promote the efficiency of this process. Nonetheless, every person listed in this petition is committed to being an active participant throughout the process of intervening,

and we will work together to ensure our collective voice is effective, professional, and representative of all the individuals involved.

We have a unique stake in these decisions, and unique perspectives that only we can accurately and genuinely represent. Our generation faces a daunting future, and so we are compelled to fight for our right to the privileges and stability that generations before us took for granted. We have done this through every other avenue available to us, but Enbridge's Project is a serious threat that we feel we can only adequately contest as official parties to this case. The resources meant to be held in public trust for future generations have been squandered away by the governments that are meant to protect us, and so we feel that it is both reasonable and necessary that we are granted a seat at the table to argue for their protection ourselves. We therefore request that the Honorable Ann O'Reilly consider our Petition to Intervene and grant us full party status.

If the Office of Administrative Hearings finds this petition inadequate for the purposes of our participation in the above mentioned dockets, please allow us to correct or improve our petition so that we may be citizen intervenors.

Respectfully submitted,

The Youth Climate Intervenors

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