YOUTH CLIMATE INTERVENORS EXCEPTIONS TO THE DRAFT ROUTING PERMIT FOR THE PROPOSED LINE 3 PIPELINE

May 18, 2018

I. Introduction

The Youth Climate Intervenors maintain that the proposed Project does not meet the criteria for the Certificate of Need under Minn. Rule 7853.0130, and that therefore neither a Certificate of Need nor a Routing Permit should not be issued.

However, should a Routing Permit be issued for the Project, we submit the following exceptions to the current Draft Routing Permit ("Draft Permit"), as filed by the Energy Environmental Review and Analysis (EERA) division the Department of Commerce on May 7, 2018.

The current Draft Permit does not accurately nor adequately address Enbridge’s commitment to
provide training to prevent human trafficking within the communities in which their contracted employees (particularly those from out of state) would reside. This has been a consistent and critical concern throughout public testimony, the Environmental Impact Statement\textsuperscript{1} and Mitigation Measures,\textsuperscript{2} cross-examination during the Evidentiary Hearing,\textsuperscript{3} and Briefing,\textsuperscript{4} and needs to be more fully represented in the Draft Permit in order to keep Minnesota communities safe and empower workers to intervene in dangerous situations.

This is of particular concern to the Youth Climate Intervenors, although we also reserve the right to address other issues in oral argument, and do not actively accept or endorse other portions of the Draft Permit. We have simply chosen to focus our efforts on this particular topic for brevity and clarity in these Exceptions.

\section*{II. Background}

The Final Environmental Impact Statement (FEIS) prepared by the the Energy Environmental Review and Analysis (EERA) division the Department of Commerce establishes that:

A recent study on the economic impacts of replacing Line 3 indicates that approximately half of the workers employed during the construction of the proposed Line 3 pipeline are expected to come from outside the 15-county area along the Applicant’s preferred route. The report estimates that 4,200 workers will be employed. Of those, 2,100 non-local construction workers are expected to be employed for 1.3 years, 6 days a week. The purpose of the report is to present the contribution this workforce will have on local economies, yet it also reinforces concerns that come with a large influx of temporary workers for an extended period of time. Concerns have been raised regarding the link between an influx of temporary workers and the potential for an associated increase in sex trafficking, which is well documented, particularly among Native populations (National Congress of American Indians Policy Research Center 2016). American Indian and minority populations are often at higher risk if they are low-income, homeless, have a lack of resources, addiction, and other factors often found in

\footnotesize{\textsuperscript{1} Ex. EERA-23, Chap. 11, at 20-23 (FEIS).}  
\footnotesize{\textsuperscript{2} Ex. EN-30, Sched. 5, at 9 (Mitigation Measures Summary Table).}  
\footnotesize{\textsuperscript{3} Evid. Hrg. Tr. Vol2A at 57-67 (Barry Simonson), see also for example Evid. Hrg. Tr. Vol 8A (Nov 14, 2017) at 71-72 (Paul Eberth), and Evid. Hrg. Tr. 11B (Nov. 17, 2017) at 107-108 (Eric White).}  
\footnotesize{\textsuperscript{4} Youth Climate Intervenors Initial Br. at 34-35 (Jan. 23, 2018) (eDocket Nos. 20181-139273-02(C); 20181-139271-02(R)), and others.}
tribal communities (MDH 2014). The addition of a temporary, cash-rich workforce increases the likelihood that sex trafficking or sexual abuse will occur. Additionally, rural areas often do not have the resources necessary to detect and prevent these activities.\textsuperscript{5}

The FEIS cites to the National Congress of American Indians Policy Research Center’s 2016 brief, “Human & Sex Trafficking: Trends and Responses across Indian Country” (NCAI Brief), which states that an “influx of a transient, cash-rich workforce” is a characteristic indicative of communities with increased vulnerability to human and sexual trafficking.\textsuperscript{6} This is supported by the well-documented firsthand accounts reported in more than 30 news articles published between 2011 and 2016 on the correlation between oil construction and increased sexual violence against Native women.\textsuperscript{7} Similar correlations have also been captured in studies on sex trafficking in port cities such as Victoria, British Columbia, and Duluth, Minnesota, when ships with transient, predominantly male workforces are in the harbors.\textsuperscript{8}

Native communities have suffered a legacy of sexual exploitation and vulnerability to human trafficking since the colonization of North America, perpetuated by cycles of poverty, fetishization, and marginalization.\textsuperscript{9}

According to testimony from an expert at the National Indigenous Women’s Resource Center included in the NCAI Brief, “more than 1 in 3 Native American and Alaska Native women will be raped in their lifetime….More than 6 in 10 will be physically assaulted. Native women are

\textsuperscript{5} Ex. EERA-23, Chap. 11, at 20-23 (FEIS).
\textsuperscript{8} Pierce, Alexandra. “Shattered Hearts: The Commercial Sexual Exploitation of American Indian Women and Girls in Minnesota.” 2009. For example, “A study with commercially sexually exploited youth and adults in British Columbia, an area in which many are Native, found that significant changes occur when sailors are in port in Victoria,” (at page 14); “The Duluth area advocates reported that street prostitution is highly visible, particularly when ships are in port and during times of the year when tourism is at its highest, such as hunting season and during the summer,” (at page 28); and “This has been going on a hundred years on the ships. There’s women my mom’s age who talk about their grandmas working on the ships,” (at page 29).
\textsuperscript{9} Ex. YC-19 at 10 (Lamb Direct).
stalked more than twice the rate of other women. Native women are murdered at more than ten
times the national average.”

It’s also important to acknowledge that these crimes are not endemic to the communities that are
impacted. Non-Indians commit 88% of violent crimes against Native women -- which means
that the non-Indian communities have the opportunity and responsibility to stop this violence.

The FEIS goes on to suggest that “To address the potential for sexual abuse or sex trafficking,
Enbridge can fund or prepare and implement an education plan or awareness campaign around
this issue with the companies and subcontractors it hires to construct, restore, and operate the
pipeline.”

In response, Enbridge committed in their Mitigation Measures Summary Table that “Enbridge
agrees to provide training to raise awareness during construction kickoff meetings.”

During the Evidentiary Hearing, Enbridge’s Project Manager Mr. Paul Eberth committed to
produce a draft of the company’s plan to implement such a training by “early 2018,” such that
other parties would have the opportunity to comment on it prior to the Public Utilities
Commission’s decision on the Certificate of Need and Routing Permits for the proposed
Line 3 pipeline.

Enbridge has thus far failed to produce a plan, or any indication of a reasonable timeline on
which that plan will be published and parties granted the opportunity to provide feedback. This
demonstrates a remarkable disregard for serious concerns with certain impacts of the Project, and
inspires little confidence in Enbridge’s autonomous inclination to meet standards and deadlines.

10 NCIA Brief at 7.
11 Evid. Hrg. Tr. 11B (Nov. 17, 2017) at 107-108 (Eric White)
12 NCIA Brief at 7.
13 Ex. EERA-23, Chap. 11, at 20-23 (FEIS).
14 Ex. EN-30, Sched. 5, at 9 (Mitigation Measures Summary Table).
The Youth Climate Intervenors have raised this point in our Initial Brief\textsuperscript{16} and Exceptions\textsuperscript{17} to Administrative Law Judge Ann O’Reilly’s ‘Findings of Fact, Conclusions of Law, and Recommendation,’ yet despite these reminders, Enbridge has still failed to follow through on their promises.

The Public Utilities Commission should either delay their decision on issuing a Route Permit and Certificate of Need until Enbridge complies with their commitment, or-at a minimum-revise the Draft Permit to protect the opportunities for parties to comment and ensure construction along the route is executed with the highest regard for community safety possible.

III. Exceptions

The Draft Permit prepared by EERA includes the following:

6.2 Human Trafficking Prevention Plan
The Permittee shall develop a Human Trafficking Prevention Plan in coordination with the Minnesota Human Trafficking Taskforce and the Minnesota Indian Affairs Council. This plan shall be designed to educate, equip, and encourage the public and those associated with pipeline construction and operation to prevent and report Project-related human trafficking. The Permittee shall establish a toll-free hotline for the purpose of reporting human trafficking during construction of the project. The plan shall be filed with the Commission 60 days prior to construction, and must be included as part of the employee training and education required in Section 4.7.\textsuperscript{18}

The Youth Climate Intervenors strongly support the inclusion of a requirement to collaborate with the Minnesota Human Trafficking Taskforce and Minnesota Indian Affairs Council; however, this is not a substitute for the direct input from parties in this case. We therefore encourage the PUC to adopt the following amendment (italicized) to this section, should a permit be granted for the proposed Project:

6.2 Human Trafficking Prevention Plan

\textsuperscript{16} Youth Climate Intervenors Initial Br. at 34-35 (Jan. 23, 2018) (eDocket Nos. 20181-139273-02(C); 20181-139271-02(R)).
\textsuperscript{17} Youth Climate Intervenors Exceptions to ALJ O’Reilly’s ‘Findings of Fact, Conclusions of Law, and Recommendation,’ at 15 (May 10, 2018) (eDocket Nos. 20185-142914-01(C); 20185-142914-02(R)).
\textsuperscript{18} Draft Routing Permit at 22 (April 27, 2018) (eDockets Nos. 20185-142816-01 (R)).
The Permittee shall develop a Human Trafficking Prevention Plan in coordination with the Minnesota Human Trafficking Taskforce and the Minnesota Indian Affairs Council. This plan shall be designed to educate, equip, and encourage the public and those associated with pipeline construction and operation to prevent and report Project-related human trafficking. The Permittee shall establish a toll-free hotline for the purpose of reporting human trafficking during construction of the project. The plan shall be filed with the Commission 80 days prior to commencing pre-construction activities, followed by a 15 day comment period for parties to file exceptions to the report. Once the PUC has deemed the training adequate, it must be included as part of the employee training and education required in Section 4.7.

The Youth Climate Intervenors firmly believe well-trained and law-abiding, morally-driven, unionized work forces can be employed in family-supporting jobs building sustainable infrastructure. While intervening parties to this case disagree over what constitutes sustainable infrastructure, we presume the commitment to community safety and a reputable work force is shared by all.

We know that rape culture and epidemic sexual assault are not unique to the oil industry, but pervasive across our society. It’s important that Enbridge and their associates address the ways in which sexual violence emerges in their industry, and the disproportionate impacts it can have on the Native communities that live near the construction route. It is also critical that local communities, including the Bands and advocacy groups involved in this proceeding, are able to provide input about programs designed to improve community safety.

For these reasons, we ask that the Applicant’s commitments be more accurately reflected in any Routing Permit that is granted.

**IV. Conclusion**

Throughout these proceedings, the Youth Climate Intervenors have raised concerns about long-lasting impacts this Project could have on our communities. We intervened to defend a version of the future we believe in, one that breaks that cycle of intergenerational trauma and extraction from Indigenous communities.
Conversations about sex trafficking and the inhumane exploitation of our neighbors aren’t conversations to shy away from. Silence shields the violent crimes being committed from scrutiny, and hobbles our ability to address problems and move forward together. Minnesota has indicated a willingness to tackle the epidemic of sex trafficking in our state with the Safe Harbor law passed in 2011 -- but if we’re serious about tackling this problem together, that commitment needs to extend to all branches of government and all industries.

We understand -- and in fact, rely on -- the understanding that these crimes are committed at the hands of a few individuals, and we want to empower workers and employees with the tools they need to ensure that, as Enbridge’ Construction Manager Mr. Simonson said, “the values of the company, which are safety, integrity, and respect, are adhered to when we go through the selection of our contractors, from the leadership of the contractors all the way down to the workers in the field. We don’t tolerate anything that’s unethical in the field, and if people do that, then they’re not going to work for the company.”

However, the knowledge that the harm is perpetuated by a few doesn’t reduce its impact, and it is the responsibility of the Public Utilities Commission and regulatory agencies charged with protecting the well-being of Minnesota’s residents and communities to ensure public safety is the top priority for any company operating under their jurisdiction, including Enbridge. Especially in light of the company’s blatant failure to comply with their promise to produce an outline of their preventative training by early 2018, including language that holds Enbridge accountable in the Draft Permit is essential.

With that in mind, we ask that the Minnesota Public Utilities Commission adopt our amendments to section 6.2 of the Draft Routing Permit.

---

Respectfully submitted,

The Youth Climate Intervenors

/s/ Akilah Sanders-Reed
2514 Emerson Ave S, Apt 7
Minneapolis, MN, 55405
akilah.project350@gmail.com
505-620-0115

/s/ Rose Whipple
1174 7th St. E, Apt 3
St. Paul MN 55106
rosemaywhipple@gmail.com
763-438-5428

/s/ Margaret Breen
5136 Zenith Ave S
Minneapolis MN 55410
mbreen@macalester.edu
612-860-1690

/s/ Isabel Watson
5108 Thomas Ave S
Minneapolis MN 55410
isabel.watson01@gmail.com
612-300-8448

/s/ Sarah Harper
4525 Tonkawood Rd.
Minnetonka MN 55345
sarah@mn350.org
952-688-7660

/s/ Jada Brown
813 University Ave SE
Minneapolis, MN 55414
downtownjadabrown@gmail.com
763-548-3692

/s/ Brent Murcia
400 6th Avenue Southeast
Minneapolis MN 55414
brentmurcia@gmail.com
860-796-1994

/s/ Frances Wetherall
569 Marshall Avenue
St. Paul MN 55102
fwethera@gustavus.edu
651-366-9791

/s/ Jordan Morgan
1220 30th St NW, Apt 224
Bemidji MN 56601
jmorgan.0871@gmail.com
507-995-5736

/s/ Nolan Berglund
838 Third St E
St. Paul MN 55106
nolan.berglund@gmail.com
651-404-3107

/s/ Nina Berglund
838 Third St E
St. Paul MN 55106
powwowluver@gmail.com
763-280-4982

/s/ Andrea Aaberg
210 East 7th St
Starbuck MN 56381
aaberg1996@gmail.com
763-400-6427

/s/ Sophia Manolis
3432 Park Terrace
Minneapolis MN
somanolis04@gmail.com
612-840-3277
APPENDIX A: SAMPLING OF RELEVANT ARTICLES, 2011-2018
Presented in reverse chronological order


Zuckerman, Elaine. “Are Tar Sands Pipelines Positive or Negative for Women?” The Huffington Post, TheHuffingtonPost.com, 21 July 2012,