

**BEFORE THE MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS**  
100 Washington Square, Suite 1700  
Minneapolis, Minnesota 55401-2138

**FOR THE PUBLIC UTILITIES COMMISSION**  
121 Seventh Place East Suite 350  
St. Paul, Minnesota 55101-2147

In the Matter of the Application of Minnesota  
Pipe Line Company for a Routing Permit for a  
Crude Oil Pipeline

MPUC Docket No. PL-5/PPL-05-2003  
OAH Docket No. 15-2500-17136-2

**GARDENS OF EAGAN PROPOSAL FOR  
ALTERNATIVE ROUTE ALIGNMENT TO  
AVOID ORGANIC FARM**

**SUMMARY**

Gardens of Eagan is a federally registered, certified organic farm in Dakota County, approximately 35 miles from either downtown Minneapolis or St. Paul. This 100-acre organic farm received organic certification in 1974 and supplies brand name vegetables and fruit to local groceries and cooperatives. The crude oil pipeline route proposed by the Minnesota Pipeline Company (MPL) cuts across the center of the Gardens of Eagan farm. If routed across the Gardens of Eagan, the MPL pipeline would cause irreparable harm, both to the farm's ecosystem and crops and to local markets for its specialty organic produce.

Within the 1.25 mile-wide MPL proposed route, there are route alignment alternatives to avoid the environmental and human impacts of bisecting the Gardens of Eagan organic farm. Gardens of Eagan hereby proposes such an alternative route alignment for consideration and selection in the event that a Certificate of Need is issued by the Public Utilities Commission for the MPL pipeline.

Under Minnesota law, any person may propose an alternative pipeline route segment by setting forth the alternative on appropriate maps or aerial photographs, providing a description of the existing environment, and analyzing the environmental impacts of the alternative route to the extent that the environmental information is different from that provided by the applicant. Minn. R. 4415.0075, Subp. 3. Guidance from the Minnesota Public Utilities Commission (PUC) suggests that the proposer of a route alternative should present facts consistent with the criteria for route selection in Minn. R. 4415.0100. Although it may not be necessary to propose alternative alignments within MPL's designated route corridor at this state of the process, Gardens of Eagan believes that an early solution to this routing issue as well as an early recognition of the issues posed by organic and specialty farming would benefit all parties,

An aerial photograph depicting the alternative route alignment proposed by Gardens of Eagan is provided in Attachment A, Proposed Alternative Pipeline Route Alignment. The route alignment initially proposed by Minnesota Pipeline Company is provided in Attachment B, MPL Proposed Pipeline Route. Since contacting MPL, Gardens of Eagan was informed by Dakota County staff that MPL is considering a route alignment adjacent to Gardens of Eagan, following a natural gas pipeline. This alignment is reflected in Attachment C, MPL Possible MinnCan Route.

As designated by numbers on the Attachment A, the alternative route alignment proposed by Gardens of Eagan crosses conventional agricultural commodity crop land conventional pasture land and highly erodable conservation reserve land which is grassed over and not in agricultural production. These existing environments are all much less vulnerable to the impacts of pipeline construction, operation and maintenance than an organic specialty farm, and the impacts on these environments are substantially as described by MPL in its Pipeline Routing Permit. The route alternative Attachment C provided by MPL to Dakota County staff appears to cross conventional crop land and an area containing brush and woods.

An analysis of the impacts of MPL's proposed route bisecting the Gardens of Eagan is provided, using the criteria for pipeline route selection contained in the Minnesota Rules. These criteria demonstrate the need for an alternative route alignment to avoid the Gardens of Eagan organic specialty farm and that the alternative route alignment proposed by Gardens of Eagan would create fewer environmental and human impacts. If a Certificate of Need is issued by the PUC, an alternative route alignment avoiding the Gardens of Eagan organic specialty farm should be selected.

## **DISCUSSION**

### **1. An Alternative Route Alignment that Avoids the Gardens of Eagan Organic Farm Minimizes the Impacts Identified in Minnesota's Criteria for Route Selection**

Minnesota Rules identify ten criteria that should be used to minimize the impact of pipeline routing. Minn. R. 4415.0100, Subp. 3. These criteria, discussed below, demonstrate that an alternative route across conventional commodity crop agricultural lands, conventional pasture lands and non-productive conservation reserve lands would be preferable to the proposed MPL route which crosses the Gardens of Eagan organic specialty farm.

- A. *human settlement, existence and density of populated areas, existing and planned future land use, and management plans;*

Gardens of Eagan's existing and future land use for organic farming to serve the local organic produce market and its Organic Management Plan would be placed in jeopardy by MPL's proposed pipeline route. Gardens of Eagan is one of the longest certified organic operations in the United States. This land use is highly prized under applicable local plans as well as under federal regulations. As highlighted in a resolution

pertaining to the MPL project adopted by the Dakota County Board on May 23, 2006, “the Dakota County Environment and Natural Resources Management Plan, a chapter of the Dakota County Comprehensive Plan, supports the principles of sustainability used by organic farms.” The Gardens of Eagan is regarded as an exemplar of organic agriculture. In 2004, the Gardens of Eagan received the MOSES Organic Farmer of the Year national award and the Dakota County Farmer of the Year award.<sup>1</sup>

As a condition for certification, Gardens of Eagan must adhere to an Organic Management Plan detailing issues such as weed, pest and disease management, soil conservation, bio-diversity set-aside and prevention of contamination. Detailed National Organic Program (NOP) regulations further specify the types of cultivation methods, management of soil, water, plants and animals; control of pests and diseases; materials used; labeling, handling and record-keeping permitted in order to obtain and keep organic certification.

The pipeline route proposed by MPL threatens the integrity and viability of Gardens of Eagan as an organic farm, its organic management plan and its organic certification. As an organic farming system, Gardens of Eagan is vulnerable to irreparable harm from crude oil pipeline construction and maintenance. Compaction due to pipeline construction destroys organic soil fertility, which MPL’s proposed mitigation by tillage does not restore. When topsoil is removed for construction activities, its physical replacement by construction equipment does not restore topsoil health, which can only be restored over years of rebuilding. Watering of organic vegetable and fruit crops in times of drought is critical to preserving soil productivity. Even a few days interruption in underground irrigation if construction damages irrigation systems can cause the loss of an entire crop.

Healthy soil structure takes many years to build through planting and incorporation of cover crops, crop rotation, sheet composting, application of finished compost and other crop management techniques to develop soil tilth, soil nutrients, worms and biological life. Gardens of Eagan has had 15 years of soil building programs in its current Eureka township location. It is unknown how long it would take to restore the soil to current productive levels after pipeline construction or even whether such restoration would be possible.

An organic farm does not use chemical fungicides or pesticides. Protection of crops from pests and disease depends both on fertile soil and upon a delicate balance of beneficial insects, nearby habitat for birds and mammals, soil biological life, crop rotations, cover cropping, compost application and water drainage. Destruction of vegetation on non-crop producing waterways or hedgerows as proposed by MPL would affect beneficial insects and other aspects of farm ecology, which impact pest and disease control on the entire farm, placing all crops at risk.

Organic farms are vulnerable to disease, such as the tobacco mosaic virus, which is one of the most common causes of plant disease in Minnesota. Tobacco products, smoking materials and human vectors for

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<sup>1</sup> Information on the Gardens of Eagan and organic farming is based on the affidavit of Atina Diffley.

tobacco products are potential carriers of the disease. The only organic treatment available for tobacco mosaic, is prevention. Pipeline construction and maintenance activities increase vulnerability to crop loss from disease.

Pipeline construction and maintenance practices that may not be significant for conventional commodity agriculture may contaminate organic soils and threaten organic certification. Even strategies identified by MPL in its Agricultural Impact Mitigation Plan create a risk of organic decertification.

Equipment brought on site for construction and maintenance of the crude oil pipeline, refueling or servicing of vehicles and other activities of workers as well as leaks and spills may bring fertilizers, pesticides, herbicides, tobacco, heavy metal, toxic petrochemicals and other contaminants onto an organic farm. The pipeline itself is treated with chemicals that may not be permitted on a certified farm. National Organic Program standards preclude prohibited substances for a period of 3 years immediately preceding harvest of an organic crop. NOP, 7 C.F.R. §§205.105, 205.202(b). Contamination with plant nutrients, pathogenic organisms, heavy metals or residues of prohibited substances is specifically prohibited. NOP, 7 C.F.R. §205.203(b).

Pumping of water through trenches on adjacent properties as well as on the organic farm creates a risk of contamination through materials suspended in runoff. In the case of the Gardens of Eagan, MPL's proposal to route the pipeline through an intermittent stream in the center of the farm would both destroy beneficial wildlife habitat and interfere with diversion of chemically contaminated runoff from neighboring conventional fields. NOP standards preclude contact with prohibited substance carried through runoff and require both runoff diversions and defined buffer zones to prevent the unintended application of a prohibited substance from adjoining land. NOP, 7 C.F.R. §205.202(c). The AIMP proposal to prevent "excessive" erosion would also conflict with more stringent NOP standards for erosion prevention. NOP, 7 C.F.R. §§205.203(a), 205.205.

It is acknowledged that crude oil and its chemical constituents are highly toxic chemicals. (MPL Pipeline Routing Permit Application, June 5, 2006, Attachment 4415.0120 Material Safety Data Sheet). The proposed MPL pipeline has an initial design capacity of 165,000 barrels of petroleum crude oil per day, with an ultimate capacity of 350,000 barrels per day with additional pumping stations. (MPL Application for a Certificate of Need ("CON", p. 27) The pipeline will operate at a maximum pressure of 1,462 pounds per square inch. (MPL CON, p. 30).

Certifiers have expressed uncertainty about the effects of pipeline construction on certification of organic lands. The customary three-year time frame to prepare land for certification was intended where the prior land use was agricultural. Land used for pipeline construction would be like an industrial usage and restoration of organic certification would present new and troubling issues. Since NOP standards would require an additional buffer zone for organic crops in addition to the 100-foot to 125-foot construction easement and the 50-foot permanent easement, NOP, 7 C.F.R. §205.202(c), acreage directly impacted by pipeline construction and maintenance would also be greater for an organic farm than for other agricultural land uses.

Although MPL reports that its operator, Koch Pipeline (KPL), has significantly reduced the incidence of reportable leaks and spills, MPL's data shows 176 reportable spills since 2000, reflecting approximately 10,134 barrels or 425,628 gallons of petroleum releases from KPL pipelines. (MPL CON, p. 17)

A leak or spill on an organic farm would almost certainly result in revocation of organic certification. *See* NOP, 7 C.F.R. §205. 662. An organic farmer, such as the Gardens of Eagan cannot simply purchase other acreage and move the farm. Not only is land in close proximity to Twin Cities markets rare and cost prohibitive, not all soil or topography is suitable for organic farming. Due to the rareness of organic farms and the level of purity required for organic production, routing of the crude oil pipeline proposed by MPL across an organic farm such as the Gardens of Eagan would create a substantial risk that the viability of the organic farming land use and the organic integrity required for certification would be jeopardized.

Conventional commodity crop land uses are far less vulnerable to the impacts of pipeline construction and maintenance. Herbicides and pesticides are used in conventional farming to control weeds and pests, and chemical fertilizer is the primary input for soil fertility. These inputs can be applied irrespective of pipeline construction activities. Buffers and control of contaminants are not required. Although it may take several years to restore yields after soil compaction, the process of restoration is well understood for conventional agriculture. Impacts on conventional pasture land are less severe, since loss of acreage for easements is less likely to affect productivity or use. Conservation reserve land is "marginal agricultural land" Minn. Stat. 103F.515, Subd. 2 with far fewer restrictions than organic farming and no production vulnerable to failure as a result of the disruptions of pipeline construction and maintenance. Impacts on brush woods are also unlikely to be substantial or irreparable.

*B. the natural environment, public and designated lands, including but not limited to natural areas, wildlife habitat, water, and recreational lands;*

Organic farms, unlike conventional farms, are intended by law to be maintained as a "natural environment." National Organic Program (NOP) standards exclude production methods that are "not possible under natural conditions" and "organic production" is defined as a production system managed by "integrating cultural, biological, and mechanical practices that foster cycling of resources, promote ecological balance, and conserve biodiversity." NOP, 7 C.F.R. §205.2.

A certified organic farm, uniquely, must be protected from pipeline impacts to its natural environment. In an organic system, fertile soil creates healthy plant growth, which is the main defense against crop disease, insect infestation and weed pressure. This type of fertility development cannot be replaced by short-term application of soluble chemical fertility as it can on a conventional farm.

The whole ecosystem of an organic farm, which includes set asides for bio-diversity and erosion control as well as a system of cover crops, crop rotation, application of compost and careful tending of individual plants

is necessary to develop beneficial organisms in the soil, beneficial insects and plants. An organic farm ecosystem is greater than the sum of its parts.

Of the total acreage of Gardens of Eagan, nearly 35 percent is dedicated to biodiversity habitat and control of drainage and erosion. The initial pipeline route proposed by MPL would disrupt an intermittent waterway which was improved, graded and planted with grasses to prevent run-off from neighboring conventional farms from spilling onto fields in the event of a large rain. The MPL proposal would also disrupt habitat for beneficial insects and birds that keep insect pests in check and the habitat for mice that eat weed seeds left on surface soils.

Direct impacts from pipeline construction and maintenance would be felt throughout the Gardens of Eagan organic farm as described in paragraph A above. These impacts on fields, natural areas, wildlife habitat and water could not be mitigated by herbicides, pesticides or fertilizers.

An alternative route alignment across conventional agriculture and reserve lands is far less likely impact a vulnerable natural environment. Unlike an organic farm, use of chemicals and soil compaction would not change the character of the environment on such lands.

*C. lands of historical, archaeological, and cultural significance;*

Gardens of Eagan is a farm of unusual historical and cultural significance. Its preservation is clearly important to well over 1,000 citizens and consumers of organic foods with no property interest or financial stake in the outcome who have already communicated in letters to the Department of Commerce and the Office of Administrative Hearings that MPL's pipeline route should be changed to avoid the Gardens of Eagan. For brand-name organic produce, the availability of an identified product such as Gardens of Eagan Sweet Corn, is important culturally to customers and neighbors. In addition to the product's availability and quality, the perception of purity is also culturally significant to customers who would care about the loss of organic purity if a crude oil pipeline were routed across the farm that supplies their produce.

Gardens of Eagan is also important as a cultural resource to teach the succeeding generation of organic farmers. Atina and Martin Diffley have been vitally involved in the development of organic farming in Minnesota for decades. Martin served with the Organic Grower's and Buyers Association (OGBA) for twenty years as a field inspector, certification committee member, board member and as the OGBA chair, working with the Minnesota Department of Agriculture to develop Minnesota's organic certification standards. For over two decades, Atina and Martin have provided seminars and workshops at educational conferences on organic farming and on-site internship training and fields for beginning organic farmers at the Gardens of Eagan.

Finally, Gardens of Eagan is important as a cultural symbol for sustainability and quality. The Diffley family has farmed in the County of Dakota since 1857. In 1973, Martin took over the care of the family land and began growing organic vegetables for the Twin Cities under the Gardens of Eagan brand name. In 1974, the Gardens of Eagan received organic certification.

The Diffley family was forced to sell their Eagan farm in Eagan in 1989 due to suburban expansion and development. After an extensive search, Martin and Atina Diffley bought their current farm in Eureka Township in 1991, and rented land on 18 different properties for 4 years to preserve organic certification for the Gardens of Eagan while preparing the Eureka farm for organic production. As a result of the Diffley's prominence in organic farming and the loss of their Eagan farm, the Gardens of Eagan has become a regional symbol of the pressures upon urban agriculture and the values of organic farming. Atina and Martin collaborated in the production of the "Turn Here Sweet Corn," documentary released in 1991 which described the loss of a family farm to the demands of urban development. "Turn Here Sweet Corn" has been used by the Land Stewardship Project to promote awareness of the importance of urban area land preservation across the region. A book is currently being written about the Gardens of Eagan's history and farming practices.

Unlike the lands crossed by the alternative route alignment proposed in Attachment A or MPL's possible route in Attachment C, Gardens of Eagan has a rare level of cultural importance both locally and regionally.

*D. economies within the route, including agricultural, commercial or industrial, forestry, recreational, and mining operations;*

The economies of the Gardens of Eagan and the groceries and cooperatives it supplies would be uniquely adversely affected by the proposed pipeline construction. Not only is organic farming more vulnerable to pipeline impacts than conventional farming, but the Gardens of Eagan unique niche as a specialty farm providing quality, name-brand goods to a local market magnifies the losses that would be experienced.

Although MPL claims that "long-term effects on crop yields are not expected because MPL will use construction and restoration techniques designed to protect or restore soil productivity," (MPL, EAS, p. 30), the proposed restoration would neither protect organic production nor the small fields designed for specialty crops. On an organic specialty farm, impacts of reduced soil quality in the construction zone are likely to be long-term if not permanent.

Sub-standard soil quality produces substandard products, such as smaller ears of corn, corn not filled out to the tip, lower levels of nutrition, more cosmetic insect damage, more disease, and lower nutrient levels. Produce grown on post-pipeline soil will not be up to shippable standards, causing a 100 percent loss of yield until the soil is brought back to pre-pipeline health, if that is ever possible. For an organic specialty farm dependent on brand name and image, lower quality produce cannot be sold without irreparably damaging the farm's reputation. Gardens of Eagan is a brand name organic producer. The farm's brand image and consumer success are based on strict quality standards.

MPL's proposed 100-to-125 foot construction easement, along with buffering to try and protect organic certification, would directly affect 6 acres on the Gardens of Eagan organic farm. The proposed pipeline route across the Gardens of Eagan could eliminate seven fields, which gross from \$4,000 to \$70,000 per acre,

depending on the crop in rotation. On a small-scale specialty farm, the losses from these direct effects could affect overall economic sustainability.

In addition to the impacts on the farm itself, reduced production from a specialized farm serving the local community may have significant economic impacts on local food markets. The Gardens of Eagan shipped approximately 650,000 pounds of produce to Twin Cities grocers, including Customers Lunds, Byerly's and Whole Foods and a network of cooperative grocers, such as the Wedge Coop and Mississippi Market.

Particularly for the cooperative grocers, loss of Gardens of Eagan produce may cause substantial hardship. In coops like the Wedge,<sup>2</sup> Gardens of Eagan produce is identifiable to customers and is an important part of the attraction of customers to the store as well as an important part of sales revenues. Should Gardens of Eagan produce be lost, this locally-grown high quality organic product may not be replaceable. Local organic grocers as well as the farmers directly involved may suffer financial losses as a result of MPL's proposed pipeline.

In a conventional corn or soybean operation headed for the commodity market, not only can reduced soil quality be addressed through chemical usage, but reduced soil quality causing reduced yields does not render the remaining crop non-saleable. It lowers the weight and nutritive quality of the crop but it is still marketable. Pipeline construction does not create market impacts for a fungible commodity market.

*E. pipeline cost and accessibility;*

Gardens of Eagan has no information regarding pipeline cost and accessibility for the proposed alternative route alignment. However, based on the nature of organic farming and the lasting damage that would be caused to soils, crops, organic certification and local organic markets, it is likely that the costs of MPL's current route across the Gardens of Eagan would far exceed the alignment alternative.

*F. use of existing rights-of-way and right-of-way sharing or paralleling;*

Neither MPL's proposed route nor the alternative alignment proposed by Gardens of Eagan make use of existing rights-of-way. The possible route identified by MPL in Attachment C would follow a natural gas pipeline for a segment of the alignment.

*G. natural resources and features;*

Under NOP standards, the features of an organic farm are specifically recognized as "natural resources." The "physical, hydrological, and biological features of a production operation, including soil, water, wetlands, woodlands and wildlife" are defined as natural resources of the operation. NOP, 7 C.F.R. §205.2. Organic production practices are specifically required to "maintain or improve the natural resources of the operation,

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<sup>2</sup> Information on impacts to local food market is based on affidavits of Atina Diffley and Lindy Bannister.

including soil and water quality. NOP, 7 C.F.R. §205.200.

Minnesota environmental laws similarly define “natural resources” to include animal, botanical, land and soil resources such as those defined in NOP regulations. Minn. Stat. 116B.02, Subd. 4. In the case of an organic farm certified under these federal rules, pollution, impairment or destruction of these natural resources implicates both NOP certification issues and Minnesota Environmental Rights Act protections. *See* Minn. Stat. 116B.02, Subd. 5, 116B.03.

Impacts upon conventional agricultural lands, grassed or weeded areas, in addition to being less severe are also less likely to be considered as impairment or destruction of natural resources.

*H. the extent to which human or environmental effects are subject to mitigation by regulatory control and by application of the permit conditions contained in part 4415.0185 for pipeline right-of-way preparation, construction, cleanup, and restoration practices;*

In its Environmental Assessment Supplement and Agricultural Impact Mitigation Plan, Minnesota Pipe Line Company provides a detailed discussion of the ways in which MPL will attempt to mitigate adverse impacts of pipeline routing in accordance with Minn. R. 4415.0195. As detailed in the Gardens of Eagan Request for Revision of Agricultural Impact Mitigation Plan and Environmental Assessment, the proposed mitigation strategies are inadequate for organic farming of specialty produce. These mitigation tactics will not prevent substantial conflict with National Organic Program certification requirements, irreparable harm to the Gardens of Eagan organic farm environment or substantial human effects due to specialty crop economic losses, cultural losses and effects upon markets for organic produce in the Twin Cities. Available information suggests that MPL’s mitigation plans were designed to address impacts upon conventional agriculture and that such impacts are much more likely to be successfully mitigated by MPL’s proposed practices.

*I. cumulative potential effects of related or anticipated future pipeline construction; and*

Gardens of Eagan has no information that related or anticipated future pipeline construction is planned so as to be a factor either for MPL’s proposed route or for the proposed alternative route alignment.

*J. the relevant applicable policies, rules, and regulations of other state and federal agencies, and local government land use laws including ordinances adopted under Minnesota Statutes, section 299J.05, relating to the location, design, construction, or operation of the proposed pipeline and associated facilities.*

Federal rules for National Organic Program certification, as described in preceding paragraphs strongly militate against routing a crude oil pipeline across certified organic farms if other feasible alternatives are available. Minnesota state laws also suggest that organic farming, described as “sustainable agriculture” in our statutes, has particular value that should be preserved. Minnesota law states:

Sustainable agriculture represents the best aspects of traditional and modern agriculture by using a fundamental understanding of nature as well as the latest scientific advances to create integrated, self-

reliant, resource conserving practices that enhance the enrichment of the environment and provide short- and long-term productive and economical agriculture. Minn. Stat. 17.114, Subd. 2

As described in paragraph A above, Dakota County recently adopted a resolution supporting the principles of sustainability and requesting that mitigation plans for the MPL pipeline be developed by the Department of Agriculture and considered by the PUC to “recognize the unique characteristics associated with organic farming.” (Dakota County Board Resolution, May 23, 2006).

Eureka Township, the local jurisdiction charged with land use authority over this segment of the crude oil pipeline clearly stated its requests regarding location, design and construction of the proposed pipeline in Resolution No. 45 unanimously adopted on May 15, 2006 attached as Exhibit D.

**THEREFORE BE IT RESOLVED**, that

1. The Township of Eureka opposes the current crude oil pipeline route proposed by MPL and requests:
  - a. That an alternate route be selected which avoids the Township of Eureka entirely; such as collocating with existing MPL Crude Oil Pipeline easements.
  - b. That if no alternate route which entirely avoids the Township of Eureka is feasible, any route crossing the Township of Eureka be designed to:
    - i. follow current and proposed street, railroad, and utility right-of-way, and established property lines, to avoid adversely affecting prime agricultural lands; and
    - ii. avoid crossing and irreparably damaging organic agricultural lands; and
    - iii. avoid crossing properties that will suffer significant limitations on potential future uses as a result of the construction process or the permanent easement associated with the pipeline.

MPL’s proposed pipeline route across the Gardens of Eagan organic farm is inconsistent with federal regulations and in direct conflict with a resolution adopted by the affected Township specifically requesting that the pipeline avoid crossing organic lands. MPL’s route across Gardens of Eagan also fails to protect policies and principles for sustainability reflected at every level of government -- township, county, state and federal.

The alternative route alignment proposed by Gardens of Eagan in Attachment A would reduce these conflicts with applicable law and policy, as would MPL’s possible route outlined in Attachment C.

**2. Environmental Impacts and Mitigation to Conventional Agriculture and Non-Productive Lands along the Alternative Route Alignment are Consistent with the Information Provided by the Applicant.**

In its Pipeline Routing Permit Application, Environmental Assessment Supplement to the Pipeline Routing Permit Application and Agricultural Impact Mitigation Plan (AIMP), MPL suggests that impacts on agricultural lands will be of short duration, limited to the specified construction and maintenance easements, mitigable through the customary methods contained in the AIMP, and readily compensable. Based on available evidence, Gardens of Eagan believes that this information provided by MPL would adequately reflect the

environmental impacts and mitigation for conventional commodity crop lands, conventional pasture lands or non-productive lands along the alternative route alignment in compliance with Minn. R. 4415.0075, Subp. 3, B.

Gardens of Eagan suggests that its organic farming of specialty produce is what requires a unique analysis of impacts and mitigation, as has been provided above.

### **CONCLUSION**

The initial pipeline route proposed by MPL to cut across the Gardens of Eagan would result in irreparable harm to the Gardens of Eagan due to natural environment and soils damage; threats to land use, management and organic certification; and unique economic and cultural factors due to its position as a supplier of name-brand organic produce to a local specialty market. MPL's proposed route across the organic farm would also conflict with law and policy at all levels of government. The alternative route alignment proposed by Gardens of Eagan in Attachment A would minimize these impacts, reflected in Minnesota pipeline route selection criteria, and create less substantial environmental and human detriment.

Respectfully submitted,

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