

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

WHITE EARTH NATION, HONOR
THE EARTH, INDIGENOUS
ENVIRONMENTAL NETWORK,
MINNESOTA CONSERVATION
FOUNDATION, MN350, CENTER
FOR BIOLOGICAL DIVERSITY,
SIERRA CLUB, and NATIONAL
WILDLIFE FEDERATION,

Plaintiffs,

Case No. 14-cv-4726 (MJD/LIB)

**DECLARATION OF ROBERT
KRATSCH IN SUPPORT OF
ENBRIDGE ENERGY, LIMITED
PARTNERSHIP'S MOTION TO
INTERVENE**

v.

JOHN KERRY, in his official
capacity as Secretary of State, and the
UNITED STATES DEPARTMENT
OF STATE,

Defendants.

I, Robert Kratsch, have personal knowledge of the following and make this declaration in support of Enbridge Energy, Limited Partnership's ("Enbridge") Motion to Intervene:

1. My business address is 4628 Mike Colalillo Drive, Duluth, MN 55807.
2. My current position is the Manager, Design & Construction for Enbridge, which I have held since 2006. My current responsibility is managing the project execution of the Line 67 Expansion Project.
3. Enbridge is a limited partnership organized in Delaware. It is owned by Enbridge Energy Partners, L.P. ("EEP"), a publicly held master limited partnership based in Houston, Texas. EEP is involved in energy transportation and distribution in

North America and internationally with Enbridge Inc., a Calgary, Alberta based company. Enbridge operates the U.S. portion of the Enbridge System, which is a major crude oil pipeline system providing transportation of oil from North Dakota and Western Canada to the U.S. Midwest and points in Eastern Canada and New York State. The Canadian portion of the Enbridge System is operated by a subsidiary of Enbridge Inc. and is regulated by the National Energy Board in Canada.

4. Enbridge owns the U.S. portion of the world's longest liquid petroleum pipeline system. Combined with the Canadian portion of that pipeline system, Enbridge's pipelines span approximately 15,795 miles across North America, and its pipeline system transports approximately 2.2 million barrels per day ("bpd") of crude oil into the United States from Canada to refineries in Midwestern states, the Gulf Coast and Eastern Canada.
5. Enbridge is the owner and operator of Line 67 (known at the time of original permitting as the "Alberta Clipper Pipeline"), which is an approximate 1,000-mile, 36-inch cross-border pipeline that transports crude oil from Hardisty, Alberta, Canada, to Superior, Wisconsin. Acting pursuant to an Executive Order (E.O. 13337), the U.S. Department of State ("Department") issued a Presidential Permit to Enbridge on August 20, 2009, authorizing the construction, operation, and maintenance of the 3-mile segment of Line 67 that extends from the Canada-U.S. border to the first mainline valve in the United States (the "Line 67 Border Segment"). Enbridge constructed Line 67 in 2010 and it has been operational since that time. However, the Department has determined that under the current Line 67 Presidential Permit Enbridge may not use the Border Segment to transport more than an annual average of 500,000 barrels per day (bpd) of the type of crude oil for which the pipeline is currently used. That was the throughput volume assessed in the Environmental Impact Statement that the Department prepared before it issued the 2009 Line 67 Border Segment Presidential Permit.

6. On November 20, 2012, Enbridge applied to the Department for a new Presidential Permit to operate the Line 67 Border Segment up to its maximum design capacity. This would allow Enbridge to transport an annual average of 800,000 bpd of the type of crude oil currently transported on Line 67. The Department is continuing to process that application and is preparing a Supplemental Environmental Impact Statement.
7. Enbridge is also the owner and operator of Line 3, which is an approximate 1000-mile, cross-border crude oil pipeline that extends from Edmonton, Alberta, Canada to Superior, Wisconsin. The Border Segment of Line 3 (which extends about 16 miles from the Canada-U.S. border to the first U.S. mainline valve on Line 3) is also operated and maintained pursuant to a Presidential Permit issued to Enbridge for that portion of Line 3, which was recently replaced in connection with Enbridge's maintenance of the pipeline.
8. Both Line 67 and Line 3, which are adjacent to each other near the Canada-U.S. border crossing at a point near Neche, N.D., are operated to transport crude oil from Canada into the United States in accordance with U.S. refinery demands, and consistent with the national interest, as determined by the Department acting under the Executive Order governing Presidential Permits.
9. The Department determined in a letter issued to Enbridge on July 24, 2014 that no Department authorization is needed for Enbridge to use the Line 3 Border Segment to transport crude oil into the United States and then transfer that oil to Line 67 through an interconnection between the pipelines located south of the Line 67 and Line 3 Border Segments for continued transportation to Superior, WI. Enbridge has accordingly implemented the steps needed to transport oil in this manner, consistent with the Line 3 and Line 67 Presidential Permits.
10. Enbridge and its customers have a multi-million dollar economic interest in the continued operation of both of these pipelines to transport the volumes of oil required by U.S. refineries. Were the relief requested by the Plaintiffs to be

granted by this Court, Enbridge and the refineries that rely on oil transported on Line 3 and Line 67 would no longer be able to rely on the volumes of oil that they are currently receiving from Enbridge pipelines, at least pending lengthy environmental reviews sought by the plaintiffs. That would result in significant dislocation for refineries and end-users dependent on that oil, and economic harm to Enbridge and its customers.

I declare under penalty of perjury that the foregoing is true and accurate.

Executed on this 5th day of December, 2014.



T. W. Kent