

**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

AFFIDAVIT OF ATINA DIFFLEY

ATINA DIFFLEY, being duly sworn, deposes and says:

1. My husband, Martin Diffley and I are the co-owners of the Gardens of Eagan, a federally registered, certified organic farm with an address of 25498 Highview Ave., Farmington, Minnesota 55024. Our 100-acre farm is located in Eureka Township in Dakota County, approximately 35 miles from either downtown Minneapolis or St. Paul. The crude oil pipeline route proposed by the Minnesota Pipeline Company cuts across the heart of our farm, affecting fields on which we grow organic vegetables and fruits and affecting wildlife habitat areas.
2. The Diffley family has farmed in Dakota County 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. It is one of the longest-certified organic farms in the United States.
3. In 1989, the Diffley family was forced to sell our farm in Eagan due to suburban expansion and development. Martin and I bought our current Eureka Township farm land in 1991, renting land to continue the organic status of Gardens of Eagan from 1990 to 1994 while preparing the Eureka Township farm for organic production of vegetables.
4. My husband, Martin, and I have been 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. In these roles, Martin worked with the Minnesota Department of Agriculture to develop Minnesota's organic certification standards.
5. When our Eagan farm was lost due to suburban development, we collaborated in the production of the "Turn Here Sweet Corn" documentary released in 1991 and worked with the Land Stewardship Project to

promote awareness of the importance of urban area land preservation. We have provided seminars and workshops at educational conferences on organic farming for over thirty years and have created an on-site internship training for new organic farmers at the Gardens of Eagan. We are closely connected with a community of local organic farmers.

6. From 1991 to the present, Martin and I have built the quality of soil health and biodiversity at Gardens of Eagan in Eureka Township through sustainable and organic farming practices, increasing yields and quality. In 2004, the Gardens of Eagan received the MOSES Organic Farmer of the Year national award and the Dakota County New Initiative Farm Family of the Year award.

7. In 2005, Gardens of Eagan shipped approximately 650,000 pounds of organic produce to Twin Cities grocers, including Whole Foods, Lunds, Byerly's and a network of cooperative grocers, such as the Wedge Coop and Mississippi Market. We have become a key supplier of certified organic produce to the Wedge and other co-ops.

8. The Gardens of Eagan organic farm is vulnerable to great harm from crude oil pipeline construction and maintenance. In our organic system, we cannot use chemical fertilizers, herbicides or pesticides. We rely on the careful development of fertile soil to create healthy plant growth and provide the main defense against crop disease, insect infestation and weed pressure. Our farm depends on its organic certification and a detailed organic management plan. Construction of a crude oil pipeline across our farm jeopardizes our certification, our organic management plan, and our organic integrity.

9. 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. Compaction and topsoil removal destroy organic soil fertility, which 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. Gardens of Eagan, in its current Eureka township location, has had 15 years of soil building programs. Despite our many years of experience in organic farming, we don't know how long it would take to restore the soil to current productive levels after pipeline construction or even whether such restoration would be possible.

10. Protection of crops from pests and disease also depends 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 and hedgerows affects beneficial insects and other aspects of farm ecology, which will impact pest and disease control on the entire farm, placing all of our crops at risk.

11. 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 tobacco products are potential carriers of the disease, which is known to infect members of nine plant families, and at least 125 individual species, including tobacco, tomato, pepper and melons. The only organic treatment available for tobacco mosaic is prevention.

12. We are careful to protect our farm from chemical contamination and disease vectors. Pesticides, herbicides and other chemicals not permitted under National Organic Program standards are not allowed on our farm. If we bring in a piece of equipment from off the farm, we pressure wash the equipment before it enters our fields. We don't allow smoking on our farm or allow people with smoke on their clothes to enter our fields.

13. Watering of organic vegetable and fruit crops in times of drought is critical to preserving yield and produce quality. The proposed pipeline route cuts through our underground system. Even a few days interruption in underground irrigation can cause the loss of an entire crop. We obtain water for irrigation from deep wells to ensure that organic lands aren't contaminated with materials suspended in surface waters.

14. We have improved, graded and planted grass on the banks of the intermittent stream crossing our farm both to provide biodiversity habitat and to ensure that runoff from neighboring conventional farms would not introduce prohibited chemicals onto our organic lands. The proposed pipeline cuts through this runoff control system. Nearly 35 percent of our farm is dedicated to biodiversity habitat and control of drainage and erosion

15. If Minnesota Pipe Line Company's proposed pipeline route were to be approved, approximately 6 acres of our farm would be directly affected. The Pipeline Company has given us maps showing that they need a 125-foot construction easement, rather than a 100-foot easement across much of our farm. In addition, both during construction and operation of the pipeline, we would need an addition buffer zone to comply with national organic certification requirements.

16. Our individual fields are small and carefully designed to fit the farm's soil, topography and crops. The proposed pipeline route across our farm could eliminate seven fields, which gross from \$4,000 to \$70,000 per acre, depending on the crop in rotation. Even after construction is done, sub-standard soil could result in total crop losses due to the nature of our organic farming business. Loss of these fields would also strongly impact our crop rotation system.

17. Commodity farm products may be saleable even if they are not up to usual quality standards, but our business is dependent on a strict quality organic brand name and image. 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 and organic certification, which may not ever be possible. Losses from affected fields would hurt our overall revenues enough to threaten our farm.

18. A specialty farm dependent on brand name and image like Gardens of Eagan can't sell lower quality produce without irreparably damaging our 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 and a perception of our products' purity. The presence of a pipeline in itself could taint consumers' perceptions of our product and impair its marketability.

19. Since learning about the pipeline proposal, I spoke with Bonnie Wideman, the Executive Director of the Midwest Organic Services Association to ask about effects of the pipeline on certification. Ms. Wideman emphasized that we needed to know about every chemical used in the construction and maintenance process, including any chemicals that coat the pipeline. She told me that there was some uncertainty about the effects of pipeline construction on organic certification. Ms. Wideman explained that the usual 3 year time frame to prepare land for certification applied where the prior land use was agricultural. Land used for pipeline construction would be like an "industrial" land use and she was not sure how certification would be addressed.

19. Martin and I are passionate about organic farming and food production for local consumption. We take tremendous care in every step of our work from germinating seeds to bringing the produce to the market. We plant our own seeds, transplant our seedlings in the spring, tend to our plants, harvest our own crops and pack our own trucks, often with our own hands. To see the labor of decades of our work and study and devotion placed at risk by a crude oil pipeline that could go someplace else where it would do less harm is devastating to us. If this pipeline is routed across our certified organic farm, we would almost certainly lose our ability to sustain it. We would lose not only our livelihood, but our connection with the land and the purpose that has sustained our lives.

Further your affiant sayeth not.

ATINA DIFFLEY

Subscribed and sworn to before me this ____day of May, 2006.

Notary Public

My Commission expires: