

*Eureka Township
Dakota County
State of Minnesota*

RESOLUTION NO. 45

Regarding Minnesota Pipe Line Company Routing for a Crude Oil Pipeline

WHEREAS, ordinances enacted by the Township of Eureka (Eureka Township Ordinance 3, Chapter 5, Section 2A, adopted June 7, 2005) establish that the production of agricultural produces is “an important part of the environment and economy” of Eureka and that “the continued viability of the agricultural community and production of these products is essential to the economic well-being of the Township of Eureka and its residents;” and

WHEREAS, as stated in the Eureka Township Comprehensive Plan, “the major purposes of Eureka planning efforts are to protect agricultural lands from premature conversion to urban uses, and to protect the economic viability of farming,” (Eureka Township Comprehensive Plan, adopted December 8, 2003, p. 24); and

WHEREAS, goals and policies adopted in the Eureka Township Comprehensive Plan include to “protect fragile environmental systems from unnecessary impacts of future growth and development activities” (p. 48), to “preserve prime farmland in the Township” and to “protect the economic viability of farming operations” (p. 52); and

WHEREAS, the Twin Cities Metropolitan Council in its *2030 Regional Development Framework* acknowledges that “Prime agricultural soils are important not only to farming communities but also to the region as a whole” (*2030 Regional Development Framework*, adopted January 2004, p. 15); and

WHEREAS, the Minnesota Pipe Line Company (MPL) has proposed a crude oil pipeline route that cuts across prime agricultural land in Eureka Township in order to avoid construction on developed lands along MPL’s current pipeline right-of-way, which new pipeline would require a 100-foot construction right-of-way and a permanent right-of-way of 50 feet and would carry 165,000 barrels per day of crude oil; and

WHEREAS, the proposed route for the MPL crude oil pipeline is not designed either to protect agricultural and other land uses in Eureka by following established property lines or street, railroad, and utility right-of-way, or to avoid prime farmland and fragile environmental systems to minimize impacts; and

WHEREAS, the proposed route would cross environmentally fragile and highly productive organic farmland that would be irreparably harmed ecologically and economically by the construction of the MPL crude oil pipeline across its fields and intermittent stream due to the complex biological relationships of soil, bacteria, plants and animal life in organic farming and the requirements of organic certification; and

WHEREAS, the proposed route would cross several highly productive multi-generational family farms, and other local-market conventional produce and livestock farms, that would be harmed economically by the construction of the MPL crude oil pipeline; and

WHEREAS, the proposed route for the MPL crude oil pipeline would conflict with the purposes and intent of Eureka Township ordinances and comprehensive planning to protect agricultural lands, fragile environmental systems and the economic viability of farming; and

WHEREAS, the proposed route crosses the location of the newly constructed Eureka Town Hall, and would prevent the township from erecting other permanent structures on this parcel for governmental or civic uses; and

WHEREAS, the cumulative potential effects of the MPL pipeline construction, in addition to existing local utility easements, the 2010 MUSA sewer interceptor, and the proposed Northern Lights Pipeline expansion, would significantly constrain future zoning options in the Township of Eureka and would result in substantially higher planning costs due to multiple easement considerations; and

WHEREAS, the Township of Eureka is currently engaged in a strategic visioning process that will include identifying prime agricultural land and sensitive natural areas, as well as areas more suitable for development; and

WHEREAS, the Township of Eureka is directly adjacent to rapidly developing communities to its north, east, and west and has the potential for development density change in the near future; and

WHEREAS, properties in the Township of Eureka will be differentially affected by construction of the pipeline based on current usage and potential future usage following construction activity;

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; and

- c. That if no alternative route which entirely avoids the Township of Eureka is feasible, land appraisals to compensate landowners should take into consideration both existing uses and future development potential of the land, and reflect current market prices for land where such development potential is imminent.
2. The Township Clerk is authorized to transmit this resolution and other appropriate documents to the Department of Commerce for PUC Docket No. PL5/PPL-05-2003 and to the Administrative Law Judge conducting proceedings for MPL's crude oil pipeline route selection (In the Matter of the Application of Minnesota Pipe Line Company for a Routing Permit for a Crude Oil Pipeline, Office of Administrative Hearings, File No. 15-2500-17136-2).