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Pipeline to circumvent organic farm

Mitigation plan may set national precedent for organic agriculture

BY FREDERICK MELO
Pioneer Press

A settlement agreement reached Friday with the Minnesota Pipe Line Co. reroutes a proposed 300-mile oil pipeline to avoid 100 acres of organic cropland in Dakota County. The way Atina Diffeley sees it, the sun isn't shining brighter just on the Gardens of Eagan. The recent legal agreement, thought to be the first of its kind in the nation, may boost the outlook for organic farms everywhere.

"I'm beyond happy," said Diffeley, who once feared the MinnCan Project would first skewer and then shutter her family's organic farm south of Farmington.

Instead, the Diffeleys feel they have scored a double victory.

In an additional windfall, a separate mitigation plan outlines the sensitive measures the pipeline group is expected to take to protect the three organic farms along its construction route.

The five-page document, entered into public record Tuesday, would require construction crews to replace bird and insect habitat needed to keep pests at bay. It would bar crews from contaminating organic soils with chemicals, soil, water or fertilizers from neighboring conventional farms. Even tobacco use would be prohibited.

Administrative Law Judge Beverly Heydinger received the plan from the state Department of Agriculture during a public hearing at Farmington High School. Another hearing has been scheduled for Thursday at New Prague High School in Scott County.

The state Public Utilities Commission is expected to approve the mitigation requirements and make its final decision on the route by early December.

Organic farmers are cheering the plan, saying it may constitute a precedent-setting agreement that will help them keep their organic certification in the face of future pipeline projects, according to Ronnie Cummins, national director of the Organic Consumers Association.

"Part of the reason for taking this legal action was not only to prevent this pipeline from disrupting several organic farms in Minnesota but also to set a legal precedent for any other organic farms in the state, or anywhere in the United States," Cummins said.

His organization, based in Finland, Minn., tapped its Minnesota network of 30,000 volunteers, produce customers and farmers to wage a letter-writing campaign on the Diffeleys' behalf. That lent some public-relations muscle as legal talks progressed between the pipeline group and Paula Maccabee, a public interest attorney who represents the family.

Pipeline construction is expected to pass through at least three organic farms, disrupting sensitive topsoils that may take years to regain their fertility without chemical fertilizers. But with careful planning, organic farms may be able to keep their federal certifications even with an oil pipeline running beneath them, MinnCan consultants said.

"It can be done," said Richard Skarie of the Minneapolis-based Natural Resource Group. "It will be an inconvenience for the construction process. Anything that slows you down costs money."

The pipeline group is more than midway through its state permitting process. The MinnCan Project, its second crude oil pipeline through Minnesota, would stretch from Clearbrook, Minn., to the Flint Hills Refinery in Rosemount. Construction would take place in 2007, and the new pipeline could be operational by early 2008.

When completed, the \$300 million project is expected to draw as many as 165,000 barrels of Canadian oil per day. An existing 51-year-old pipeline carries about 300,000 barrels daily to Twin Cities refineries but is expected to reach capacity by next year.

The Minnesota Pipe Line Co. is owned jointly by Flint Hills Resources, Marathon Pipe Line LLC

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and Trof Inc. Its pipelines are operated by a subsidiary of Koch Industries Inc.

The company has been meeting individually with more than 1,000 landowners along the proposed route to reach settlements or discuss concerns, according to Patty Dunn of the public relations firm Goff and Howard.

"Part of the settlement for us had to be the mitigation plan," said Diffley, whose 32-year-old farm is known as one of the oldest certified organic farms in the country. "Just taking (the route) off our farm wouldn't be enough. We were fighting for both.

"This is really the first time it's been recognized that, hey, if we really mean what we say about wanting local foods, than we (should) create a protection for them," she continued. "Organic local food is constantly being threatened by development."

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