

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

SIERRA CLUB, MINNESOTA
CENTER FOR ENVIRONMENTAL
ADVOCACY, INDIGENOUS
ENVIRONMENTAL NETWORK,
and NATIONAL WILDLIFE
FEDERATION,

Plaintiffs,

v.

HILLARY CLINTON, in her official
capacity as Secretary of State, JAMES
STEINBERG, in his official capacity as
Deputy Secretary of State, UNITED
STATES DEPARTMENT OF STATE,,
Lieutenant General ROBERT L. VAN
ANTWERP, in his official capacity as U.S.
Army Chief of Engineers and Commanding
General of the U.S. Army Corps of
Engineers; Colonel JON L.
CHRISTENSEN, in his official capacity as
District Engineer and Commander of the
U.S. Army Corps of Engineers; the
UNITED STATES ARMY CORPS OF
ENGINEERS, TOM TIDWELL, in his
official capacity as Chief of the United
States Forest Service; ROB HARPER, in his
official capacity as Forest Supervisor for the
Chippewa National Forest; and the UNITED
STATES FOREST SERVICE,

Defendants,

and

ENBRIDGE ENERGY, LIMITED
PARTNERSHIP

Intervenor-Defendant.

Civ. No. 0:09-cv-02622-(DWF/RLE)

**DECLARATION OF SARAH H.
BURT IN SUPPORT OF
PLAINTIFFS' REPLY IN SUPPORT
OF MOTION FOR SUMMARY
JUDGMENT AND OPPOSITION TO
DEFENDANTS' AND
INTERVENOR-DEFENDANT'S
MOTIONS FOR SUMMARY
JUDGMENT**

Hon. Donovan W. Frank
U.S. District Judge

Hearing Date: August 9, 2010
Time: 9:00 am

I, Sarah Burt, declare as follows:

1. I am an attorney in the Oakland office of Earthjustice, and I represent Plaintiffs in this action. I am a member in good standing of the bar of the State of California and was admitted to this Court *pro hac vice* on October 5, 2009. I am the lead attorney of record representing Plaintiffs in this action. I submit this declaration in support of Plaintiffs' Reply in Support of Plaintiffs' Motion for Summary Judgment and Opposition to Defendants' and Intervenor-Defendant's Motions for Summary Judgment based on my personal knowledge and, if called to testify, could and would testify as stated herein.

2. Attached as Exhibit 1 is a true and correct copy of the June 23, 2010 letter from Members of Congress to Secretary of State Hillary Clinton regarding the State Department's permitting process for the Keystone XL tar sands pipeline.

3. Attached as Exhibit 2 is a true and correct copy of the July 2, 2010 letter from Congressman Henry Waxman, Chairman of the House Committee on Energy and Commerce, to Secretary of State Hillary Clinton regarding the State Department's permitting process for the Keystone XL tar sands pipeline.

4. Attached as Exhibit 3 is a true and correct copy of the July 2, 2010 letter from Congressman Henry Waxman, Chairman of the House Committee on Energy and Commerce, to Elizabeth Orlando, Keystone XL Project Manager.

5. Attached as Exhibit 4 is a true and correct copy of the February 17, 2010 letter from Marilyn Burke, PHMSA FOIA Program Manager, to Sarah Burt, attorney for Plaintiffs, regarding Plaintiffs' Freedom of Information Act request for documents

pertaining to the Alberta Clipper Project.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 14th day of July 2010, in Oakland, California.

Dated: July 14, 2010

/s/ Sarah H. Burt
SARAH H. BURT