

# United States Senate

WASHINGTON, DC 20510

October 23, 2015

The Honorable John Kerry  
Secretary of State  
United States Department of State  
2201 C Street NW  
Washington, DC 20520

Dear Secretary Kerry:

We write to inquire about the details of State Department's review process during its consideration of Enbridge Energy's Line 3 pipeline expansion project.

Enbridge Energy is seeking to increase oil deliveries from extraction projects in Alberta, Canada, to Midwestern refineries by expanding its pipeline network, including through the replacement of the cross-border section of the Line 3 pipeline. The existing Line 3 was approved and constructed in the 1960s and has deteriorated. The proposal to replace the line will significantly increase the volume of oil transported.

We have heard concerns that the State Department may not have performed an adequate environmental and historic preservation analysis prior to approving this project. We would like to better understand the steps that the Department took. Under Executive Order 11423, pipelines that cross the Canadian-U.S. border require a Presidential permit, and the State Department has the authority to issue the permit. We understand that the State Department did not deem an updated or modified Presidential permit necessary in this situation. Why is this the case?

We would like to understand whether and how safety and environmental impacts from potential spills were considered as part of the approval process. Furthermore, we would like to know whether the climate impacts of this project were considered. The Department of Energy estimates that carbon emissions from oil derived from Canadian tar sands is 17 percent higher on a lifecycle basis than traditional U.S. crude. As part of the review for issuance of a Presidential permit on a different project, President Obama stated that he would not approve the pipeline unless it did not "significantly exacerbate the problem of carbon pollution." Was this metric applied to the Line 3 replacement? Finally, was there an opportunity for members of the public and Tribal nations to present their views? If such views were not considered, can you please provide information as to why not?

In addition to the Line 3 expansion, Enbridge Energy has also applied for a Presidential Permit to expand the capacity of the Alberta Clipper line (Line 67). Though the permit for expanded capacity on Line 67 is currently under review at the State Department, it is our understanding that Enbridge intends to route additional product from Line 67 to Line 3 to cross the border, and then back to Line 67, effectively bypassing the State Department's permitting

process. Are there limitations on the length of time or volume of product that this diversion can be used for while the State Department reviews the cross-border pipeline permit for Line 67?

Thank you for your attention to this matter.

Sincerely,



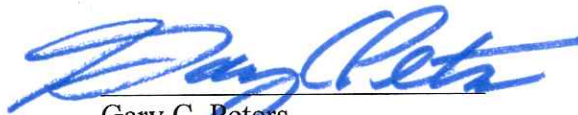
Al Franken  
United States Senator



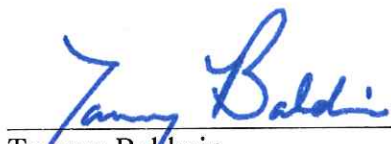
Richard J. Durbin  
United States Senator



Debbie Stabenow  
United States Senator



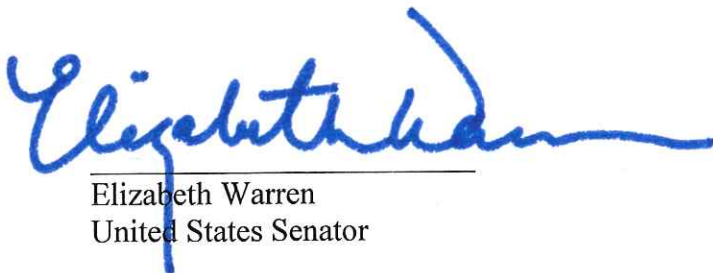
Gary C. Peters  
United States Senator



Tammy Baldwin  
United States Senator



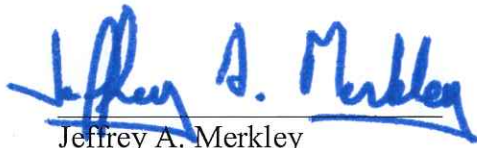
Sheldon Whitehouse  
United States Senator



Elizabeth Warren  
United States Senator



Barbara Boxer  
United States Senator

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Jeffrey A. Merkley  
United States Senator

Handwritten signature of Brian Schatz in blue ink.

Brian Schatz  
United States Senator

Handwritten signature of Bernie Sanders in blue ink.

Bernie Sanders  
United States Senator