

According to Friends of the Headwaters, a northern Minnesota environmental group, the Minnesota Court of Appeals' unanimous verdict requiring an Environmental Impact Statement on the Sandpiper demonstrates good logic, good law, and common sense.

Like the Carlton County Land Stewards who filed an amicus brief in this appeal, both Friends of the Headwaters and the Minnesota Center for Environmental Advocacy contend that a comprehensive Environmental Impact Statement is necessary for an energy corridor of this size.

The preferred Enbridge route for the Sandpiper (and for Enbridge's Line 3 "rebuild") winds through the Mississippi Headwaters and some of Minnesota's most pristine water resources. Both the Pollution Control Agency and the Department of Natural Resources expressed concerns about Enbridge's proposed route, but expert testimony from the state's lead environmental agencies was not a factor in the ALJ's report, and the Public Utilities Commission declined to conduct a comprehensive EIS on the routes under consideration. Instead, the Commission decreed that an environmental review completed after Enbridge determined its route would be sufficient.

Richard Smith, president of FOH, said, "Friends of the Headwaters made the environmental argument, the science argument, the legal argument, and the economic argument. The PUC overlooked the merits of our case. So we are grateful the Court heard us."

In the September 14 ruling, the Court of Appeals held that a comprehensive environmental review must be completed before ANY significant decisions could be made on the Sandpiper, including the corridor in which it would be located. Their decision states: "Where routing permit proceedings follow certificate of need proceedings, MEPA requires that an EIS must be completed before a final decision to is made on issuing a certificate of need. Therefore, we reverse the grant of a certificate of need and remand to the MPUC to complete an EIS before conducting certificate of need proceedings consistent with this opinion."

"We are pleased that the Court recognized the importance of environmental review in this process," said Kathryn Hoffman, attorney for Friends of the Headwaters.

On August 3, 2015, the Commission formally approved the proposed route for the pipeline. Given the September 14 ruling, the Commission will need to conform its proceedings with the court's decision, which orders an Environmental Impact Statement for the pipeline.

The MN Court of Appeals ruling in favor of MCEA and the Friends of the Headwaters is here: <http://www.mncourts.gov/.../Standard%20o.../OPa150016-091415.pdf>

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We're shedding a little northern light on this issue:

