

FALSE EQUIVALENTS - A CEA IS NOT AN EIS

Last week Minnesota's Appellate Court upheld the original intent of the Minnesota Environmental Policy Act and overturned the Minnesota Public Utility Commission decision to approve the Certificate of Need for Enbridge's proposed Sandpiper oil pipeline. Friends of the Headwaters and the Minnesota Center for Environmental Advocacy brought the suit before the Court. With amicus support from the Carlton County Land Stewards they made the argument a full Environmental Impact Statement is imperative at the onset of such a large scale oil pipeline project with potentially significant impacts upon Minnesota's environment. Rejecting the PUC and Enbridge's arguments that their environmental analysis was sufficient, the three judge panel unanimously agreed with Friends of the Headwaters.

So why are the Enbridge spokespersons continuing to make the statement , "A CEA is the same as an EIS?" What would be their reason for repeating this false statement over and over? Because once Minnesotans accept it as true, we will no longer have any role in how the environmental analysis is conducted on their pipelines. For starters there is no public review of a draft CEA.

The Minnesota Environmental Quality Board (MEQB) has extensive guidance documents for what constitutes an Environmental Impact Statement (EIS). The Comparative Environmental Analysis (CEA) has zero guidance documents. A CEA can be whatever Enbridge and the Department of Commerce(DOC) want it to be. On Enbridge's Alberta Clipper pipeline the DOC used a CEA prepared by Enbridge. Under MEQB rules for an EIS, the company may supply data, but not analysis.

Qualitative analysis and risk assessment are matters for independent scientists and specialists. During the Sandpiper Evidentiary Hearings Enbridge's environmental expert testified under oath there is no difference between a drainage ditch and a shallow lake. Minnesota must not rely on the company to analyze the data, weigh the risks, or assess the consequences.

An EIS has quality control aspects; a CEA has none. There is massive federal and state law defining the adequate EIS. There is zero case law on the content or adequacy of a CEA.

The EIS provides many opportunities for PUBLIC participation. From its original scoping process, to the initial draft EIS, and onto the final EIS, the public has a say. Substantive public comments must be answered by the Regulatory Government Unit (RGU), most often it's the MEQB for an EIS. This is not true for a CEA where there is no public review. Commentary from environmental agencies is routinely ignored or dismissed in the CEA process provided by the DOC. The DOC ignored 40 pages of DNR comments on Enbridge's Alberta Clipper pipeline CEA.

It is evident why Enbridge wants to pretend that the CEA is equivalent to an EIS, but repeating a lie does not make it true. Would you buy a house based solely on an agent's description and some glossy photos?

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