

The MN Court of Appeals has ruled in Friends of the Headwaters and the MCEA's case. They have decreed that, UNDER MN LAW, an EIS is necessary, BEFORE Enbridge can proceed with pipeline approval process.

In its response to the Court of Appeals ruling in favor of Friends of the Headwaters, Enbridge public relations continues to spew the lie that the Comparative Environmental Analysis (a CEA) is the equivalent of an Environmental Impact Statement (an EIS).

That is NOT TRUE.

1. The Environmental Impact Statement has been defined in RULES: there is MN Environmental Quality Board guidance documents and federal government guidance from NEPA. A CEA is whatever/however the Department of Commerce/Enbridge define it.
2. An EIS has quality control aspects, but 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.
3. An EIS provides opportunities for public commentary on scoping, on the initial draft EIS, and on the final EIS. Substantive comments must be answered by the Regulatory Government Unit. A CEA doesn't provide those opportunities.
4. Under Minnesota's Environmental Quality Board rules for an EIS, the applicant may not supply analysis, just data. Qualitative analysis and risk assessment are matters for scientists and specialists, NOT the applicant. Minnesota can't rely on the applicant, especially an applicant with Enbridge's record, to analyze the data, weigh the risks, or assess the consequences.

(See page 2 for graphic comparison.)

EIS PROCESS



CEA PROCESS



*RGU - REGULATORY GOVERNMENTAL UNIT (STATE AGENCY)