Good law, good economics and common sense prevailed in a recent Minnesota Appeals Court decision.

Ruling on suit brought by Friends of the Headwaters and the MN Center for Environmental Advocacy the Court said that oil pipeline companies must obey the same environmental law that other companies have been obeying since the early 1970s. That law, the Minnesota Environmental Policy Act, reads that before a company gets government approval for any large project that could damage land, water or air, the state must take a hard look at that potential damage and examine ways to avoid or minimize that damage.

When those laws were first passed, many private companies objected, claiming they would hurt or kill business and would create ruinous new costs that consumers would have to bear. Forty two years later, those laws have been incorporated into the fabric of government and business as usual – except for oil pipeline companies.

Until the Appeals Court handed down its decision, potato farmers irrigating their land with groundwater were subject to the full reach of Minnesota's laws, but oil pipelines were not. The issue of whether a pipeline should be built at all had never been subjected to the kind of environmental analysis that was mandatory for highway projects (an EIS must be done for a four lane highway more than two miles in length) or airport runways (an EIS must be done for a paved runway 5,000 or more feet in length.) The Sandpiper pipeline in Minnesota is 300 miles in length. Its right of way along with the other pipelines existing or proposed will be wider than an interstate highway right of way.

Rather than join the other private companies in Minnesota that have worked with this law for decades, we can expect to hear the direst predictions of ruin – devastating loss of tax revenues, oil shortages, ruinous reliance on foreign oil, and a terrible loss of jobs. These predictions will be repeated again and again, despite the fact that we know that fewer than thirty permanent jobs would be created if the Sandpiper pipeline is built. More construction jobs would actually be created if Enbridge accepted the alternative routes proposed by Friends of the Headwaters. Similarly, alternatives we have proposed would bring in more tax revenues than the project the company has proposed.

Contrary to the claims we will be hearing from Enbridge, the sky is not falling. The oil pipeline company wants to put its new pipeline and others along the same general route it created back in the 1960s, before the state or anyone else took potential environmental impacts into their project reviews. The Appeals Court merely said that oil pipeline companies must now join the rest of Minnesota's companies and comply with a forty two year old law that forms the basic foundation of Minnesota's environmental law.

If the past is any guide, oil pipeline companies will marshall their virtually unlimited economic, legal and political power to fight the Court of Appeals decision. In fact, it took barely a week for Enbridge to propose to the Public Utility Commission (PUC) a way out of the Court's decision.

On the 21st it filed a document to allow the Commission to avoid preparing the Environmental Impact Statement (EIS) that the Court mandated. Instead, the pipeline company wants the PUC to use a document, called a CEA (comparative environmental assessment), to hasten its process and to avoid the public participation and full environmental analysis that comes with the EIS other Minnesota businesses prepare when they want to build very large projects.

This CEA is allowed only for the PUC decision about where a pipeline will be located. It was never approved for the decision about whether a pipeline should be built. The Court's unanimous decision

said that the Commission's decision about whether a pipeline is needed at all should be made after the full process of an EIS, including wholehearted public participation, is completed.

Richard Smith, Friends of the Headwaters