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No Rubber Stamp for Massive Oil Pipeline Project
Conservation Groups Sue DNR to Ensure Proper Environmental Review on
Crude Oil Pipeline

Madison – Today, Midwest Environmental Advocates filed a lawsuit on behalf of the River Alliance of Wisconsin (RAW), the Wisconsin Wetlands Association (WWA) and the Friends of the St. Croix Headwaters (FOSCH), challenging the Wisconsin Department of Natural Resource’s (DNR) decision approving Enbridge Energy LP’s 321 mile long crude oil pipeline without adequately studying and addressing impacts to the environment, as required by law.

The pipeline stretches 321 miles, from Superior to Delavan, with construction disturbing 242 streams, and clearing 1,265 acres of wetlands and 1,930 acres of forestland. The Superior to Delavan route is the first segment of a larger Enbridge plan to expand pipelines from Superior to refineries and pipeline connections in Illinois. Despite a long list of unanswered questions, on November 27, 2006, DNR claimed the impacts would likely be insignificant and approved permits for construction.

“This project will carve two huge trenches through 68.6 miles of wetlands and clear-cut trees and other vegetation from more than 1,200 wetland acres,” says WWA Executive Director, Becky Abel. “If our state natural resource agency doesn’t consider impacts of this extent significant, our wetlands are really in trouble.”

Pipeline construction will impact some of Wisconsin’s most pristine resources, requiring the deforestation of 262 acres of high-quality wooded wetlands, and causing major disturbance to the banks and bottoms of the Namekagon River, a federal Wild and Scenic River, 18 Outstanding and Exceptional Resource Waters, and 18 trout streams.

Scott Peterson, President of Friends of the St. Croix Headwaters, has been working with DNR and citizens in Washburn County to designate the Upper St. Croix River as a State Wild River. “It’s absurd that this project could be allowed to proceed without an analysis of how crossing the Upper St. Croix and increasing erosion from nearby land will affect fish habitat and river health,” says Peterson.

In addition to the direct impacts from construction and the long-term impacts from alteration of wetlands and wildlife habitat, the pipeline carries the risk of a crude oil spill – a risk that the DNR has not evaluated despite Enbridge’s history of spilling more than 252,000 gallons in Minnesota in 2002, and more than 3.3 million gallons of crude oil into the Canadian environment since 1990.

To address potentially significant impacts to the environment, the conservation groups stress the need for an Environmental Impact Statement (EIS) for the entire project, prior to the start of construction. The EIS would require DNR to take the time to identify and analyze all project impacts, and to reduce them by imposing more informed permit conditions prior to allowing construction to proceed.

“Because of the Jobs Creation Act, DNR is forced to issue decisions on river crossing permits with no time to really evaluate the impacts,” says Lori Grant, Water Policy Manager for the River Alliance of Wisconsin. “The environmental review process can help ensure the project is done right, and point out how to avoid problems.”

“Wisconsin has a longstanding policy against this type of ‘act first, study later’ agency action,” said Brent Denzin, attorney for Midwest Environmental Advocates. “By taking time to study the pipeline impacts before approving major projects, we can make educated decisions and take actions to meet our needs while protecting our most valuable resources.”

FAST FACTS

- Enbridge has proposed to ultimately construct a pipeline from Superior to refineries in Illinois, requiring a new right of way through southern Wisconsin and large stretches of Illinois. <http://www.enbridge-expansion.com/expansion/main.aspx?id=1214&tmi=288&tmt=4>
- Despite these plans, DNR has only evaluated impacts from the first stage of the proposal.
- The project will require the dredging of 361 acres of wetlands and proposes clear-cutting of trees and vegetation in some 900 additional acres, including 262 acres of high-quality wooded wetlands.
- Of the 18 Outstanding and Exceptional Resource Waters, five received formal designation just last month. These five rivers are the Amnicon, Upper St. Croix, Totogatic, Thornapple and Flambeau.

- The project offers no guarantees for the replanting and recovery of wetland, stream bank, and forest vegetation.
- If replanted, mature stands of trees could take up to 100 years to fully recover.
- Site-specific impacts to wetland functions were not analyzed before DNR approved the project.
- EPA has twice objected to the issuance of federal wetland permits for the Enbridge expansion until adequate wetland mitigation plans have been finalized.
- Construction of the Enbridge Pipeline is estimated to impact approximately 3,900 acres, which is roughly the equivalent of 40% of the States' estimated annual construction area combined.
- DNR estimates that construction sites cause up to 30 tons of sediment per acre to wash into nearby wetlands and waterways.
- The pipeline will increase energy intensive crude oil excavation from the tar sand region in Alberta Canada, increasing production by 400,000 barrels per day.
- Tar sands extraction is very energy inefficient. At projected Year 2030 levels of development, extracting 5 million barrels per day of this oil would require the same amount of natural gas needed to heat every home in Canada for about two and a half years.
- The pipeline expansion will cross Ceded Territory and impacts to resources could have additional impacts on Native American practices and treaty rights.
- Under Wisconsin law, an EIS is required if impacts to the environment are potentially significant. An EIS must include a detailed assessment of impacts and proposed mitigation, a public hearing, and extended comment by the public and surrounding agencies.
- Wisconsin Wetlands Association (WWA) is a non-profit organization dedicated to the protection, restoration and enjoyment of wetlands and associated ecosystems through science-based programs, education and advocacy.
- The River Alliance of Wisconsin is a non-profit, non-partisan group of citizens, organizations, and businesses dedicated to advocating for the protection, enhancement and restoration of our rivers and watersheds.
- Friends of the St. Croix Headwaters (FOSCH) is a non-profit watershed organization dedicated to protecting the St. Croix River and its pristine headwaters.
- Midwest Environmental Advocates, Inc. (MEA) is a non-profit environmental law office committed to protecting the public's right to clean air, clean water, clean government, and responsible land use.