



United States Department of State

*Bureau of Oceans and International
Environmental and Scientific Affairs*

Washington, D.C. 20520

April 14, 2009

Kevin Reuther
Legal Director
Minnesota Center for Environmental Advocacy
26 East Exchange Street Suite 206
Saint Paul, Minnesota 55101

Subject: Late Comments on Alberta Clipper DEIS

Dear Mr. Reuther:

The DEIS supplemental comments on the Alberta Clipper Draft Environmental Impact Statement (DEIS) which you submitted on behalf of the Minnesota Center for Environmental Advocacy (MCEA) by letter dated March 5, 2009 were received in this office on Monday, March 9, 2009. Thank you for your letter and comments. However, those comments were received by this office approximately six weeks after the close of the official comment period. Further, the Department had received no indication from MCEA prior to that time that it planned to submit further comments on the Alberta Clipper DEIS nor any request from MCEA that the Department accept late comments on the DEIS.

To the extent practicable and possible, the Department attempts to take into account comments submitted after the formal deadline for comments on the DEIS; however, in this case, that proved to be neither practicable nor possible as the Department in the final stages of preparing the final EIS on the Alberta Clipper project for release in the very near future. I regret to inform you, therefore, that the Department is unable to accept your late filed comments for inclusion in the EIS on this matter.

This is not to say, however, that issues regarding the Fond du Lac/Enbridge negotiations and pipeline routing information in relation to the Fond du Lac reservation have not been addressed in the EIS. Indeed, such issues, were addressed in the DEIS and we anticipate that they will be discussed in the FEIS. Unfortunately, however, as I indicated above, due to the delay in submission of your latest set of comments on these issues, we are unable consider your latest set of comments officially in the EIS.

We wish to emphasize that, with the exception of your latest submission, your views have been heard and carefully considered throughout the process. We want to reassure you and your organization that the State Department takes its responsibilities under the National Environmental Policy Act (NEPA) seriously. The Department has prepared a thorough Environmental Impact Statement on the proposed project and took a hard and careful look at the

environmental documentation that was timely submitted for review, including documents that raised the issues regarding the alternative Fond du Lac routings and the negotiations between Enbridge and the Fond du Lac Band. As noted, we expect those issues to be discussed in the FEIS, to the extent that material was timely submitted for our consideration.

Your letter also seeks to raise as an issue on the Alberta Clipper application the claim by the Fond du Lac Band that it intends to seek ejection of any Enbridge pipelines currently traversing the Fond du Lac reservation if agreement is not reached. The Department views this as a separate, distinct legal issue between Enbridge and the Fond du Lac Band, which either those parties or the courts may need to resolve in the future. Such an independent, and at this stage speculative, action is outside the scope of the EIS.

Thank you for your correspondence and continued interest in the project.

Sincerely,



Elizabeth Orlando
Alberta Clipper EIS Project Manager
Oceans, Environment and Scientific Affairs
U.S. Department of State
OES/ENV Room 2657
Washington, D.C. 2007