

## Landowners: This Isn't About Money, It's About the Future

By Melanie Wilkinson Staff Reporter  
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News-Times photo - Ernie Fellows of Mead and Karl Connell of Newport visited York this week, talking about their concerns regarding the proposed route for the Keystone XL pipeline.

YORK – No amount of money will persuade Karl Connell of Newport and Ernie Fellows of Mead to allow easements on their land for the proposed route of the Keystone XL pipeline.

“We are looking at the future, 50 to 100 years down the road,” Connell said.

“I’m the fourth generation of my family on our property. I have sons, daughters and grandchildren already on the property. They’re the ones who will have to deal with it. Why should I roll over and take the one-time cash and then say to my kids, ‘enjoy that bulls\*\*\*t out there.’ Everybody’s got this short-term crap in their heads to take what TransCanada is offering – well, this for me isn’t about the money, it’s about the future.”

Certainly strong words – especially considering Connell’s coveted easement could now bring him big bucks, much bigger bucks compared to what he was originally offered.

Connell, whose ranch along the Niobrara River north of Newport, was offered an estimate of \$160,641 for nearly two miles of right-of-way.

That price, for a foot of easement, was about four times higher than the offer he received for right-of-way on the original route, he said while visiting York this week.

“Oh, and they offered me something extra,” Connell explained. The new offer included \$58,000 for damages to 24.64 acres of corn. “The problem there is that I don’t grow any corn.

“With a signing bonus, higher easement dollars and damage amount, the amount they are offering me is 1,000 percent higher than before. They are willing to throw all kinds of money at us now, to get us to sign those easements,” Connell said.

“It’s not going to work.”

“The thing here is that they think they can bribe us,” said Fellows.

“We won’t take any amount they throw at us.”

Fellows is a 67-year-old retired rancher living in Mills, a remote community that sits atop the Ogallala Aquifer along the South Dakota border.

He and Connell visited the York News-Times as they traveled home after attending a regulatory hearing before the Nebraska Public Service Commission regarding the pipeline.

“I’ve been working on this for four years,” Fellows said, noting he quit actively ranching to research the pipeline issue because he’s worried about what could happen if a spill were to contaminate the ground water.

“When I took on the family ranch, it became my responsibility to protect it,” Fellows said.

“And this bunch with this pipeline – they do nothing but say blatantly untrue things. They say my farm’s not in the Sandhills, it is and I think I should know. They know it will leak, they say it won’t.

They won’t even tell anyone what the heck is going to be running through that pipe – well, it’s not crude oil, it’s something else that’s a heck of a lot more dangerous.”

While a final decision regarding a presidential permit isn’t expected until early 2013, debate continues over the location of the pipeline.

While TransCanada has said it’s made concessions and proposes a reroute that will avoid the Sandhills – many like Connell and Fellows say properties such as theirs are of Sandhill status – and the pipeline would still go through the Ogallala Aquifer.

“We need to fight this and do this right, for our kids, for Nebraska’s kids,” Fellows said.

“Yes, whether our families continue on with our ranches, we need to save them for the next property owners,” Connell said.

“Why should an environmental disaster ruin it for them, take away their opportunity? We cannot let this happen.”

“We cannot jeopardize that many people’s water,” Fellows interjected.

“This is an issue of what we can live without and what we can’t,” Connell said. “We can’t make it without water, period. Why put our water in jeopardy?”

Fellows compared maps -- some provided by TransCanada and others of various counties and the state in general – detailing soil types, erosion patterns, etc.

“They (TransCanada) are changing the maps so it works for them,” Fellows said, indicating differences between soil areas, depending on where the map came from.

“This map, from 1934, shows where the sand is – well, the sand has never moved. So when TransCanada says they’ll stay away and not affect any Sandhills, that’s a blatant lie.”

Connell says a resolution passed by his local natural resource district, saying no to the pipeline’s route, has been overlooked and ignored. He argues that natural resource districts were given regulatory authority when created by statute in 1975.

Fellows argues that the pipeline should be installed in areas where there is heavy clay – not in sand.

“We tested it,” Fellows explained. “We heated oil to 150 degrees and then tested it with our sugar sand and clay. In the sand, it sunk down quickly, it won’t sink in clay.”

Both men say they are deeply concerned about what a leak could mean to the water supply, “and our livestock, our crops, our ability to farm after a leak for years to come, our health, our children’s livelihoods. And the endangered

species that live in the area where they say the pipeline would run.””

Fellows says he's concerned about the possibility of a spill, the reliability of TransCanada in cleaning it up and the toxicity of the tar sands oil that would be moving through it.

“I've been against this pipeline route after I found out how it could affect so many people's water,” Fellows continued.

“The constitution gives me the right to say no. When I took over my family's land, the point was that it was my job to keep this intrusion out. This pipeline should be off the aquifer and away from the Sandhills.

It should be in a corridor with other pipelines, in clay, so it can be watched more closely and if you're going to have a leak, if it's in clay, it can be cleaned up.”

Connell and Fellows both say they are frustrated with potential liability issues, years down the road, should the pipeline leak.

“Will the liability come back on the landowner?” asked Connell.

“And if the oil gets to the neighbor, who will they sue? They aren't buying the land – they're getting easements. So TransCanada will say they don't own the land and we'll be on the hook for damages.”

“If we don't take any money, don't sign any agreements and let them go about it with eminent domain, then it's not a contract,” Fellows said.

“Our main concern is the future of our water system,” Fellows said further. “Without the Sandhills, we wouldn't have the Ogallala Aquifer (because of the complexity of the interchanging recharge system). If we lose one or the other, we're in deep trouble.”

TransCanada continues to maintain that the pipeline would be safe and it would be responsible for any releases of oil.

The pipeline, should be it built along the current proposed route, would cross York County.

TransCanada says the majority of affected property owners in York County have already signed easement agreements – and have received payment.