

## Court Strikes Down Nebraska Law That Allowed The Keystone XL Pipeline Through The State

BY [KATIE VALENTINE](#) ON FEBRUARY 19, 2014 AT 5:03 PM



*Nebraska rancher Randy Thompson, one of the landowners who sued Nebraska Gov. Dave Heineman.*

Anti-Keystone activists won a battle in Nebraska today, where a District Court Judge declared a rule that gives the state's governor the power to approve pipeline routes unconstitutional.

The ruling, handed down by Lancaster County District Court Judge Stephanie Stacy, declared Nebraska's LB1161 law unconstitutional and void. The law allows pipeline companies to choose whether to submit their pipeline plans to the state Department of Environmental Quality, which then passes the plans on to the governor for approval or rejection, or Public Service Commission, which has a more rigorous process for pipeline permitting that doesn't involve the governor. Three Nebraska landowners sued to challenge the law in 2012, and the lawyer for the case told InsideClimate News that year that LB 1161 was worrisome because it lacks safety regulations.

"The law as it's drafted doesn't require a good job. It doesn't have standards or criteria in place," the lawyer, Brian Jorde, said.

Stacy said in the ruling that the decision to approve or reject Keystone XL in Nebraska should have fallen to the Public Service Commission, instead of giving the company in charge of the pipeline a choice. The ruling also nullified the governor's ability to approve TransCanada's use of eminent

domain to take land from unwilling landowners. According to the AP, the decision could cause more delays in finishing the pipeline.

Dave Domina, another lawyer representing landowners in the case, said in a press release that, in Nebraska, “the Governor’s office has no role to play” in pipeline decisions.

“Under the Court’s ruling, TransCanada has no approved route in Nebraska. TransCanada is not authorized to condemn the property against Nebraska landowners. The pipeline project is at standstill in this State.”

Jane Kleeb, Executive Director of Bold Nebraska, which has been closely involved with the case, said in a statement that the ruling meant that citizens had won in Nebraska.

“We beat a corrupt bill that Gov. Heineman and the Nebraska Legislature passed in order to pave the way for foreign corporation to run roughshod over American landowners,” she said. “We look forward to the public service commission giving due process to a route that TransCanada will have to now submit to this proper regulatory body in Nebraska. TransCanada learned a hard lesson today, never underestimate the power of family farmers and ranchers protecting their land and water.”

Nebraska has been the home of some of the fiercest opposition to the Keystone XL pipeline in recent years — it’s the only state where residents have managed to continue to hold out against the pipeline. In all the other states along the pipeline’s route, landowners have signed away their land for use by TransCanada. The president’s decision on the pipeline is expected this summer.