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Pipeline alternative adds 50 miles

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LINCOLN — Rerouting the proposed Keystone XL oil pipeline could avoid the Nebraska Sand Hills while adding just 50 miles to the total route, said a lawyer who has researched the legality of a pipeline siting law.

The pipeline could follow a path that would add about 100 miles in South Dakota but would subtract about 50 miles from the Nebraska segment, said attorney [Brian Jorde](#) during a Thursday press conference called by pipeline opponents.

A representative of TransCanada called the suggestion a ploy to delay the project and, ultimately, kill it. Such a change would require the company to obtain a new environmental analysis, which the company says could take years.

"What they are asking us to do is ignore the rules we are required to follow by law," spokesman Shawn Howard said.

[Jorde](#) argued that since South Dakota has already given Keystone XL builder TransCanada Inc. the authority to use eminent domain, the altered route could result in fewer delays.

[Jorde](#) and attorney [David Domina](#) released an analysis this week saying that Nebraska has the legal authority to regulate where the oil pipeline can be built. The analysis was prepared on behalf of the group Bold Nebraska, which opposes the pipeline, to counter TransCanada's contention that Nebraska risks an expensive lawsuit if it tries to change the route.

Pipeline routing has been much discussed in recent months, but it became an even hotter topic this week when Gov. Dave Heineman called a special session of the Legislature to consider siting legislation. The session will start Tuesday.

Lawmakers will discuss the state's portion of the proposed \$7 billion, 1,700-mile pipeline that would pump oil from Canada's tar-sands region to refineries on the U.S. Gulf Coast.

In the course of researching rerouting issues, [Jorde](#) said, he saw what he considers a better route. He suggested turning the proposed route just north of the Nebraska-South Dakota line and running it east to the existing Keystone pipeline, which runs north-south through Nebraska. From there it would follow the same right of way as the existing pipeline.

Such a change would keep the pipeline out of the fragile Sand Hills, where porous, sandy soil provides less of a barrier to the shallow Ogallala Aquifer.

TransCanada's Howard didn't address the merits of the lawyer's suggestion other than to call it a major variation that would require a new federal review. Federal agencies conducted three reviews on eight proposed routes for the Keystone XL and selected the current route as the one that would cause the least environmental disturbance.

"These groups want to stall this as long as they can in hopes that the project dies," he said.

Otherwise, several opponents of the existing route praised the governor for calling the special session. They called on state lawmakers to protect the interests of Nebraskans over those of a foreign company.

"Please act like Nebraskans and show a little grit," said Randy Thompson of Martell, who owns land in central Nebraska on the pipeline route. "Stand up to these bullies from Canada and do what's right."

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