

Judge says Keystone XL pipeline suit should go to trial

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LINCOLN — Opponents of the Keystone XL pipeline won a round in court Tuesday when a judge turned down a request to dismiss their amended lawsuit against the state.

This came a day after the Sierra Club filed a lawsuit in federal court in Washington, D.C., claiming that the State Department is withholding documents related to the project and potential conflicts of interest with the consultant who worked on the report.

Meanwhile, Nebraska GOP Rep. Lee Terry defended the pipeline Tuesday in a speech at the Canadian Embassy. He said it would create jobs and “has been the most studied pipeline perhaps in the history of the world.”

In Lincoln, the State of Nebraska had asked that a lawsuit brought by three landowners impacted by the crude-oil pipeline be dismissed.

But [Lancaster County District Judge Stephanie Stacy ruled](#) that the main complaints alleged by the landowners should be argued at a trial.

The landowners who filed suit — Randy Thompson, Susan Luebbe and Susan Dunavan — are among the pipeline's leading opponents.

They filed suit last year challenging a law passed during a special session of the Legislature in 2011 that allowed for an expedited state review of the new route that bypasses the environmentally sensitive Sand Hills. That law also put Gov. Dave Heineman in charge of approving the controversial change.

The landowners, among other things, maintain the law unconstitutionally shifted the power over pipelines to the governor.

Stacy, in December, declined to dismiss the guts of the original lawsuit. Tuesday's ruling was on an amended lawsuit, refiled by the property owners, that also seeks to nullify the state's approval of the new route.

In Washington, the Sierra Club argued in its suit that the consultant who prepared the environmental impact study for the State Department has financial ties to TransCanada and the American Petroleum Institute, which has advocated for the pipeline.

The Sierra Club criticized the study for downplaying the pipeline's importance to development of tar sands oil in Canada. “Even oil industry executives acknowledge that Keystone XL is the linchpin for tar sands growth,” the group said in a statement.

The pipeline requires a presidential permit because it crosses an international border.

The State Department is in charge of reviewing the permit application.

Terry, speaking Tuesday to the Canadian American Business Council in Washington, talked about how TransCanada's project would not only transport oil sands from Alberta to Texas but also create jobs and help

the U.S. achieve energy independence. Terry has been a leading proponent of the pipeline.

“I've been working that so long and so hard now that when my colleagues introduce me they don't say my name, 'Lee Terry,' they just introduce me as the 'Keystone guy,' ” Terry said to a receptive audience.

“Congressman Lee Terry has become something of a folk hero among those of us that are working so hard to see that the Keystone XL pipeline is approved,” council board member Toby Mack said in introducing Terry.

Terry said the pipeline would be safe, based on 15,000 pages of environmental reviews.

Foes argue that those studies are fundamentally flawed.

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