



Nebraska Farmers Union

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June 6, 2011

The Honorable Hillary Clinton
Secretary of State
U.S. Department of State
2201 C Street, NW
Washington, DC 20520

Dear Secretary Clinton:

On behalf of our 5,288 family farm, ranch, and rural members, many of whom are directly affected by the Keystone XL Pipeline, as President of Nebraska Farmers Union, I welcome this opportunity to provide you with our organization's comments on the Supplemental Draft Impact Statement (SDEIS) for the proposed TransCanada Keystone Pipeline.

As a former public official myself who dealt directly with natural resource and environmental issues for 14 years and has read and contributed to many environmental impact statements, I was surprised and alarmed by some of the inadequacy of the SDEIS.

First, let's state the obvious. The SDEIS failed to understand the enormity of the potential water quality ramifications of a statistically probable toxic tar sand pipeline failure routed through the highly permeable and porous sandy soils of the Nebraska Sandhills that overlay the Ogallala Aquifer, especially considering the groundwater level is in most areas, depending on the season of the year and annual rainfalls, either a few feet above or below the static water level. Given the permeability of the porous soils and the depth to water, when the pipeline leaks, and based on TransCanada's track record to date, it is going to leak at some point; it is going to contaminate the domestic ground water.

Once in the groundwater, the more toxic contaminants will disperse quickly because of the nature of the sand and gravels into which they will flow. In addition, in the proposed route, there is a close and direct relationship between the ground and surface waters, which will make an already bad and out of control contamination problem even worse.

The Sandhills overlay the Ogallala Aquifer, the largest groundwater regional aquifer of its kind in the nation. It is not only the source for the majority of our state's drinking water supply, it also supplies water for livestock. Nebraska is the largest red meat producing and processing state in the nation. Running a potentially contaminating tar sands pipeline through our water supply is not only unnecessary, it is downright foolish, especially considering that TransCanada already has the necessary easements to run the pipeline through a much safer and acceptable route, the one it already has.

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The second primary environmental issue the SDEIS failed to adequately address is the difficulty or restoring the vegetation on the proposed route. The Sandhills are in many places, a still moving sand dune with a very shallow amount of vegetation on top. When that vegetation is removed, it cannot be easily or satisfactorily replaced because of the lack of a viable soil profile. That is why many of our members on the proposed route have been fighting to stop and heal blowouts for generations. Not only do the lighter sands blow, they do not hold water well enough to supply young plants with water in sufficient levels to get established. This is a problem not easily solved by a press release.

Nebraskans understand these two very elementary and basic facts, which speaks to why there is overwhelming public opposition to the proposed route. They have enough real world understanding to realize just how unnecessarily risky and misguided this proposed route is. When these problems are brought up, TransCanada first dismisses them, and then makes vague sweeping promises as to what they are going to do. Unfortunately, based on TransCanada's February 9th Hearing before the Natural Resources Committee of the Legislature, they are consistently long on promises and short on the provisions necessary to follow through. This has become a pervasive pattern.

Third, what are the promises from a foreign company worth in today's market that has developed a richly earned reputation for lying to our Nebraska landowners? In the 21 years I have served as President of the Nebraska Farmers Union, I have had the opportunity to work with many pipeline projects across our state. Never in that period of time have I had such an overwhelmingly negative situation develop between the pipeline and the landowners.

TransCanada officials have lied about who has signed easements, and who has not. They have lied about the content and provisions contained in the easements, and they have lied about their legal authority to use eminent domain in order to beat landowners into agreements and terms they otherwise would not have accepted. In addition to lying about when they had eminent domain authority, they have lied about what happens if landowners do not accept the terms of the latest offer, telling our landowners that if they did not accept the terms offered, they would get nothing, which is not true. There simply are no excuses or rational basis for this Canadian company to treat landowners in such a roughshod and shoddy fashion. TransCanada's treatment of our Nebraska landowners is simply deplorable. As a result, any promises they now make are not to be believed. Furthermore, it sows the seeds of public opposition and hostility to the project, not a good omen for the future.

Instead of answering questions, it seems the draft SDEIS raises other questions. For example:

1. Is there a proven need for this pipeline in the first place? At face value, this pipeline seems to be in direct conflict with President Obama's goals to reduce oil imports and to lower GHG emissions. This pipeline increases both.
2. This pipeline will compete with U.S. agriculture based renewable energy development. How can it not? It is at odds with the Administration's track record on ethanol and renewable energy, including corn ethanol, second generation bio-fuels such as cellulosic ethanol.
3. Tar Sand Oil extraction is a highly energy intensive way to produce energy. The Carbon Dioxide (CO₂) emissions in the atmosphere will definitely increase with increased deforestation and tar sand extraction in the Boreal Forest in Alberta, Canada and North America. At a time when CO₂ levels are at all-time recorded highs and climate change appears to be worsening, it does not make sense to expand this particularly environmentally destructive source of fossil fuel energy. The State Department's studies on production emissions are exceedingly low, especially when compared to other reports that we have seen.

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4. One of the biggest disappointments was the State Department's determination that a potential siting alternative would not offer an overall environmental advantage, therefore there was no need to re-route the pipeline. Let us be very clear on this point: TransCanada took advantage of the lack of routing and siting guidance on the part of both the federal government and the state of Nebraska. They chose to take the environmentally risky cut across through the Sandhills to reduce their pipe laying costs.
5. The lack of clarity as to who has what kind of authority has been exploited by TransCanada. The route through Nebraska is not environmentally responsible, and the overwhelming majority of Nebraskans understand this obvious fact, including Nebraska Senators Mike Johanns and Ben Nelson.
6. With 12 TransCanada spills already on record from Keystone pipeline, there is a statistical probability that more spills will happen in the future. It is alarming that TransCanada will not disclose the chemicals they use to dilute the tar sand oil to be used to pump through the Keystone XL Pipeline. How can an accurate assessment of the potential for contamination be made without knowing the potential contaminate? For example, we learned the hard way that MTBE moves through the groundwater much faster than water. So if a significant spill were to occur there is no way of telling what the long-term damage to our freshwater resources could be.
7. Also if there is a catastrophic pipeline disaster, the economic impacts to our low-income rural communities could be devastating. The Nebraska Legislature could have addressed liability, financial assurance, the use of eminent domain, siting and routing authority, and emergency response requirements, but they did not. That leaves our state and our landowners in a very vulnerable position. As we have seen in Michigan, the issue of who assumes what liability is seen very differently after the damages are occurred.

April, May and June are the months when we our farmers and ranchers are calving, working calves, fixing fences, getting cows and calves to pasture, and planning our spring crops. In many cases, they are both livestock and grain producers. As a result, Nebraska Farmers Union respectfully requests that the State Department's comment period be extended to a minimum of 120 days.

In addition, we urge you to hold field hearings along the pipeline route to give rural communities an appropriate opportunity to adequately express their concerns about this proposed pipeline that will directly impact them and their communities for decades to come.

Thank you for this opportunity to comment. We close by asking you to protect our natural resources, and our family farmers, ranchers, and rural residents that our country depends on to produce our food, fiber, and fuel.

Sincerely,



John K. Hansen
President, Nebraska Farmers Union

Cc: Lisa Jackson, EPA Administrator

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