



Netroots Nation: The Last Stand Against the XL Pipeline

By Charles P. Pierce
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PROVIDENCE, R.I. — Upon arrival at Netroots Nation — the progressive convention that seems, quite honestly, a bit muted compared to past years, and whatever idiot it was who didn't accept Dave Neiwert's panel on rightwing extremism needs to be fired — I dropped by a breakout session concerning our old friend, the Keystone XL pipeline, and the efforts, both here and in Canada, to stop construction of a major delivery system for the dirtiest fossil fuel in the history of the planet. Appearing from Alberta via Skype, a Native activist named Ken Powless talked about how the rights of Canada's First Nations may turn out to be the most powerful weapon that can be wielded against the project up there. Meanwhile, down in Nebraska, friend of the blog Randy Thompson and two other landowners have taken the state to court.

At issue was a bill dealing with the siting of pipelines in the state that was passed last winter. This measure not only defanged a better regulatory bill that had been passed earlier, but it gave the governor the sole power to approve the project and unilaterally to grant Trans Canada, the energy giant behind the project, eminent domain rights in the state. Trans Canada already has spent years doing eminent-domain mischief on Nebraska. They went so far as to visit property owners in nursing homes to get them to sign over the land, and to threaten other landowners with eminent domain if they didn't lease their property to Trans Canada at the company's price. That tactic was the one that frosted Randy Thompson in the first place. Now, he's got the state into the Lancaster County District Court, challenging the new law as unconstitutional under Nebraska law. The problem, of course, is that, unless and until the legal process ends, Governor Dave Heineman still has the powers granted to him under the law in question.

"He has given every indication that he's going to go forward," said Jane Kleeb, the founder of BoldNebraska, which has been fighting the pipeline since the project was first proposed. "He's already said that, despite this lawsuit, I am moving forward with this pipeline review and we want it done as soon as possible." Once the review is done, the governor's new eminent domain powers could come into play, and that could be as early as this fall. "That could happen in September and October," Kleeb explained. "The lawsuit could be a year in the making."

Rather than waiting for the legal process to play out, landowners in Nebraska are organizing on the ground. "We've formed a new group that essentially creates a wall of opposition against Trans Canada where landowners are not even allowing Trans Canada to come on their land to do surveys, so we're going to create a standard easement that they, as a bloc, will negotiate with Trans Canada. At the moment, there's no legal avenue for Trans Canada, or even the state of Nebraska, to say, you have to let us on your land to survey."

The action in Lancaster County is the only legal avenue left, since, on May 31, the Nebraska Supreme Court refused to hear the case.