

Landowners' rights discussed

By Melanie Wilkinson Staff Reporter

Posted: Wednesday, October 24, 2012 12:00 am

YORK — Dozens of landowners crammed into the meeting room at the Kilgore Library Monday night to hear information about their rights before signing easements with TransCanada for the proposed Keystone XL pipeline.

Jane Kleeb from Bold Nebraska and Brian Jorde, an attorney for the Nebraska Easement Action Team Inc. (NEAT), held nothing back as they warned property owners about TransCanada's alleged practices when obtaining easements.

They also presented information they say is true regarding TransCanada's motive, the integrity of the proposed pipeline and the dangers of the contents of the pipeline.

"People have questions about their rights," Jorde said. "We're here to give you information and then you make your own decisions."

Jorde, along with the Domina Law Group PC and Bold Nebraska, is urging landowners to band together under the NEAT umbrella in order to strengthen their negotiations with the Canadian company that wants to transport tar sands oil through Nebraska.

"If TransCanada wants your land, what are your options?" Jorde asked the group.

"You have two. One is that you help TransCanada save money and build their pipeline by signing an easement agreement early and inexpensively. Or you can sign nothing, wait them out and maximize the price. Force TransCanada to your local courthouse and let your neighbors (via a jury) in condemnation proceedings, not TransCanada, decide what your loss is worth."

While the pipeline has not yet received a presidential permit, many local property owners have already signed easement agreements with the company. Jorde and Kleeb urge the remaining landowners to hold off.

"There is absolutely no reason to sign anything with them," Jorde said.

"They do not have a permit. They are going to come to you and say here's our offer for the easement. Then if you don't respond, they'll come back and say here's another offer for the easement. And if you don't respond to that, they will threaten you with eminent domain to which they have no ability at this point because the project hasn't even been approved. If it is approved, let them take you to court because believe me, that's the last thing they want to do because it will cost them more money and time."

The new landowner rights group, NEAT, was formed with the purpose of creating a standard and strong Nebraska easement designed to protect Nebraskans, organizers say.

“We are stronger working together than individually. The legal team – Domina Law Group – as well as experienced landowners are making this happen.”

NEAT says landowner and citizen contributions to NEAT are tax deductible because it is a non-profit organization “that will fight for the best contract terms and help educate you in the process.”

To be a landowner-member of NEAT, the organization says the maximum fee is to not exceed \$2,500 per affected quarter-section of crop land and \$2,000 for pasture land. They say the fee will provide them legal representation from NEAT through the easement process.

Kleeb told the group that her organization “is clearly biased. I’ll say that right away. Tar sands are very different than crude oil as it is a lot more toxic. There’s a lot of misinformation about there. Tar sands are not a good form of energy. We are not happy with tar sands and we have issues with TransCanada.”

“Bold Nebraska was not formed due to the pipeline, it already existed,” Kleeb said of her organization.

“But since this pipeline was proposed, it has consumed us. (TransCanada) says it expects to have 11 leaks in this pipeline during its lifetime – experts predict that number to be more like 91. As we saw with other leaks, their sensors aren’t as great as they say and leaks will likely be reported by people like you, the landowners.”

Kleeb says TransCanada initially wanted to have 36 pipelines cross the United States with four through Nebraska.

“They probably think differently now, seeing all the opposition. We don’t know what will happen if Benzene (a component of the tar sands mixture) gets into the water. When a spill happens, it’s not just an oil spill, it’s also a chemical spill. Well, tar sands oil is 16 times more corrosive than crude oil and now we’re finding that the pipe would be made from steel that’s not all American-made but with the majority coming from India and China.

“Nebraska has no regulations regarding local energy response or oil response plans on oil pipelines,” Kleeb continued.

“And may I point out that 95 percent of the people who spoke during state department meetings were against the pipeline.

“If the pipeline is approved, that is still far off,” Kleeb said.

“There’s no rush for anyone to sign any easements or agreements. They like to tell counties and private landowners that you have to hurry – you have 30 days to sign, etc. There’s no rush to sign off on easements.

“And I want to point out that having an export pipeline through the country doesn’t achieve energy independence, it’s just going elsewhere,” Kleeb said.

“A lot of Nebraskans didn’t know this information when the first Keystone pipeline went through, and those who did know the pipeline was coming through thought it was crude oil. It’s not.”

“So they are lying when they say 25 percent of the oil in the pipeline will be from the United States?” asked one attendee.

“Yes, because their own documents to the state department say a maximum of 13 percent would be United States oil. They are liars and I’m quite comfortable saying they are liars,” Kleeb responded.

Kleeb also told the group that China is the “lead investor in tar sands.”

“And I’ve seen where they’ve said this pipeline will create 20,000, 60,000, even a million jobs. That’s not true. The reality is that about 100 Nebraskans got six-month jobs with the first pipeline.”

“This is a chance to right some of the wrongs,” Jorde said.

“They know Nebraskans are trusting until someone cheats you. I’m not charging you to be here tonight, I don’t want you to pay me to be here, because this is where we’re from. We don’t want you to be cheated and railroaded. What’s the urgency to sign their easements? Absolutely none – they have no permit, no project and no reason for anyone to sign anything. And we don’t want anyone to be seduced by price.”

“They have said to landowners ‘take this or we’re going to take your land away.’ At that point, people get scared and they sign. Of course, that’s not true.

“What exactly do they want?” Jorde continued. “Initially, they want a strip 110 feet wide to pass through your land, with 60 feet for a temporary construction easement they can use for machinery, equipment, supplies, etc. Then there’s the remaining 50 feet which would become theirs. Part of the title to that piece of ground is theirs. It’s not a lease. You are selling that to them forever for a one-time price.”

“In the easements they want you to sign, guess who has the liability? It’s you, not TransCanada. TransCanada has the right to abandon when they are done and that can be a present to your grandchildren. Does that make good sense? I don’t think so. And remember, they can come onto that ground at any time – you could even be a trespasser on what they think is their property as we’ve been seeing with other landowners (regarding an unrelated tar sands company) who just didn’t understand.”

“With the first pipeline, they had 14 leaks in the first 12 months,” Jorde said further.

“That was a pipeline they promised was going to be the safest pipeline in history. Now they say this one will be the safest. Why should everyone else pay the penalty for that? You need a negotiated easement – if we don’t all ban together with a group like NEAT, the document you’ll end up with will be a disaster.

“I don’t hate TransCanada, I just know who they are,” Jorde concluded.

“Let’s be honest about it. Look how they’ve treated other people. We just want everyone to be empowered. This is your ground. You want to leave it someday to your family and what are you going to leave them? I’m not here to scare anyone, but it will leak somewhere and we want you to be protected.”

Editor’s note: *No one from TransCanada was present at this particular meeting to dispute any of the information presented by these two groups. The meeting was sponsored by NEAT and Bold Nebraska, but was considered public as it was widely advertised. It should also be noted that TransCanada has long argued many of the points brought forth by Bold Nebraska and NEAT, maintaining safety of the proposed pipeline and fairness when dealing with landowners.*