

# Put safety of citizens and natural resources above all else

**Greg Awtry Publisher | Posted: Tuesday, August 21, 2012 12:00 am**

**Open letter to:** *Nebraska Gov. Heineman and Nebraska's Washington delegation Representatives Smith, Fortenberry and Terry, Senators Nelson and Johanns, Senate candidates Fisher and Kerrey, and Speaker Flood.*

**From:** *Greg Awtry, York News-Times Publisher*

All of you are aware of the controversy surrounding TransCanada's Keystone XL pipeline.

I personally want to thank Gov. Heinemann for calling a special session of the Nebraska Unicameral to look into the matter of routing this pipeline through our state.

I would also remind him that his August 2011 letter to President Obama and Secretary of State Clinton read, "... I believe that the pipeline should not cross a substantial portion of the Ogallala Aquifer."

He goes on to mention the aquifer five times in his brief letter, ending by saying "Do not allow TransCanada to build a pipeline over the Ogallala Aquifer and risk the potential damage to Nebraska's water." Governor, where do you stand now in regards to the pipe crossing the aquifer?

Representative Adrian Smith, you have been completely AWOL on the subject, responding identically when asked on two separate occasions by the York News-Times what your position was regarding this pipeline. You said you would trust the science.

Well, Congressman Smith, the science is falling short and the facts are these high pressure tar sand pipelines are leaking all over the place, the most notable being the million gallon spill into the Kalamazoo River in Michigan, others along Keystone 1, another in Wisconsin and even more tar sand pipelines spills in Canada.

Representative Terry, do you even have a clue to the position your own House of Representatives and the Internal Revenue Service took on tar sand? Terry wrote a letter on May 8 this year to key members in the Senate and the House urging, "the Keystone XL pipeline be built quickly and properly through the transportation bill."

In his letter he indicated the pipe would transport oil, petroleum products and Canadian crude. According to an IRS Technical Advice Memorandum a year earlier, the House Ways and Means Committee ruled that tar sand is not oil, petroleum product or crude, and therefore not subject to the excise tax to fund the Oil Spill Liability Trust Fund.

This will save the producers and refiners about \$20 million a year on Keystone XL alone. That's \$20 million which won't be paid into the Oil Spill Trust Fund, thanks to the House's ruling.

At least one Nebraska congressman has heard the people in this regard. Fortenberry, you have repeatedly called for a slow down so more studies can be conducted.

And, oh my, how right you look now, in light of the National Transportation and Safety Board's (NTSB) scathing criticism of the entire tar sand high pressure pipeline regulations and PHMSA, the administration which oversees America's underground pipes.

Fortenberry, you understand that the Nebraska people don't want to be test dummies for more of these bursting pipelines.

Senators Johanns and Nelson, you have been little help other than squabbling among yourselves on whether the state has any rights in routing such a pipeline.

Nelson said the states do; Johanns said it is a federal matter. It turns out Nelson was right, but Nebraska had been negligent in

their foresight and didn't have citing legislation on the books as other states had done.

Speaker Flood, you missed the boat entirely when you were initially opposed to a special session and seemed willing to let the U.S. Department of State work this out with TransCanada and step all over Nebraskans.

The people pushed back and you finally met with the TransCanada folks in Norfolk and there, you completely missed the opportunity to stand firm and demand this pipeline avoid the aquifer.

TransCanada blew some smoke saying it would build it even safer than the "safest pipeline ever built," which seemed to be a bit of an oxymoron, and you agreed. Avoid a couple of sand hills in northern Holt County and all aquifer concerns seemed to disappear.

The entire Keystone XL issue in regards to Nebraska has become a much larger issue than fragile soils, rivers and aquifers.

It is now the centerpiece and shining example of what civic duty and responsibility means to a society when their leaders refuse to listen to their concerns about safety, not only of their own water, but the water supplies that turned this once Great American Desert into one of most productive food suppliers in the entire world.

The IRS's determination of the House ruling that this is not crude oil is correct. It is diluted bitumen; a highly toxic and poisonous concoction laced with benzene, which is a known cancer-causing agent.

The House Ways and Means Committee's ruling is insane, saying this is not oil or a petroleum product and therefore not subject to the tax in the Oil Spill Liability Trust Fund.

The NTSB report on the Michigan spill basically said we are not yet ready for pipelines of this type from a regulatory and safety perspective. They published at least 19 recommendations that must occur before we proceed down this path.

So, we are about to make a decision. Are we basing it solely on TransCanada claims of jobs and taxes and energy independence? Their motive is crystal clear.

They want to make billions for their stockholders. The delay has given us the time to learn that much if this "oil" is owned by foreign countries and will be exported. The delay has given us the chance to learn that Canadian tar sand oil being piped through our country will not be contributing to the Oil Spill Fund.

The delay has given the NTSB a chance to review the process and lack of safety and response regulations. The delay has shed new light on this dangerous plan.

And everyone in this state owes a huge thank you to the landowners and organizations that forced the overambitious politicians to take a second look.

If not for these courageous folks, who seem a lot more concerned about Nebraska's safety than anyone we elected to protect our interests, this would have been a done deal.

Here's what must happen before we proceed.

**First:** Smith, Fortenberry and Terry, you must make the House Ways and Means Committee change their ruling that tar sand is not oil, and that tar sand producers and refiners pay into the Oil Spill Liability Trust Fund.

**Second:** Heineman, you must deny the re-route based on the NTSB findings and wait until all their regulations are passed with proper legislation and tested for effectiveness.

**Third:** Johanns and Nelson, or Fisher or Kerrey, (depending on the election) if you are concerned about the safety of Nebraska citizens, you must put full court pressure on the president and the state department to deny approval of the Keystone XL permit until the NTSB recommendations have been implemented.

**Fourth:** Flood, if you truly want to be the next governor of Nebraska, you need to put the safety of the citizens and economic interests of our state above everything else. You can begin by listening to the proud Nebraskans who want to preserve our water and soil for generations to come.

**Fifth:** TransCanada, you need to stand up to your claim of being a "Good Neighbor" and find an alternative route, avoiding the Ogallala Aquifer, to get your foreign customers' oil to the world market.

I could make a very long list of Nebraskans who have shown remarkable courage in the fight to protect Nebraska.

They have withstood intense criticism, suffered the name-calling, yet continue to fight for all of us. They know who they are, and in my world, people who sacrifice their own self to protect others are called heroes.

I urge our political leaders to put the safety of our citizens and the preservation of our natural resources above all else and join them in their fight.

I urge our readers to let the politicians know how you feel, pro, con or otherwise. This is a lasting decision which will have major consequences to all Nebraskans as well as set precedent for the future.

Let your voices be heard. It is the Nebraska way.