

Gov. Dave Heineman, meet Friedrich Durrenmatt.

Durrenmatt is the Swiss fellow who observed: “Religion and political expediency go beautifully, hand in hand.”

Heineman, a Republican, got political religion Wednesday when he cited growing public opinion among Nebraskans as his reason for writing to President Obama and urging the administration to deny a permit for construction of the TransCanada XL Pipeline.

More importantly, Heineman maintained his refusal to call the Legislature into special session to use its authority to decide the route of the pipeline. Instead, he said he urged the 49 state lawmakers to write to Obama and Secretary of State Hillary Clinton to oppose the current route.

The pipeline would carry sand tar oil from Alberta across a portion of Nebraska’s porous Sandhills and the Ogallala Aquifer. The oil, which critics call the dirtiest source of energy on the planet, would go to refineries on the Gulf Coast of Texas.

The pipeline would run from Canada, south through Montana, South Dakota, Nebraska, Kansas and Oklahoma on its way to those Texas refineries.

“We’ve got to focus on the most immediate opportunity we have to impact this decision,” Heineman told the Omaha World-Herald after release of the letter. “If they (the administration) say ‘No,’ the route’s going to change.”

Chronologically, what Heineman said was untrue. The one-house Nebraska Legislature could act well before the federal government is likely to make its move.

Lawmakers can be called into special session within a matter of days. If they chose, legislators could pass a regulatory bill, also within a matter of days, and send it to Heineman’s desk for approval—or a veto if he chose. State senators can also call themselves into special session if a super majority of members agree. At least one legislator previously said an effort would be made this month to get the Unicameral to take that step.

The Congressional Research Service said last fall that the Legislature, not the federal government, had primacy in deciding the routes of pipelines. Heineman has ignored that position, previously saying any effort to stop the pipeline or change its routes should be made by Nebraska’s congressional delegation.

Heineman’s letter came about a week after a final environmental impact statement from the feds basically said the danger to the Sandhills, the aquifer and other environmental considerations weren’t sufficient to deny the building permit sought by TransCanada.

Most observers said the statement was a virtual green light for the project, which for months has drawn increasing and withering criticism on the national level.

In a rare show of solidarity, Nebraska U.S. Sens. Ben Nelson and Mike Johanns have opposed the pipeline route. Nelson is a Democrat, Johanns a Republican. And Rep. Jeff Fortenberry, R-Neb., has also opposed the route.

The Canadian government and TransCanada have disputed several studies which have said a pipeline leak was virtually inevitable, that it couldn’t be detected before the aquifer was badly damaged and that carbon emissions associated with it would damage the environment beyond repair.

Proponents of the pipeline have argued that environmental concerns are exaggerated, that it will provide thousands of jobs while reducing America’s need for oil from other countries.

The predecessor to Keystone XL, the Keystone pipeline, has had 15 recorded spills in the United States and over 20 spills in Canada since it became operational last year.

A portion of that pipeline runs through Nebraska. Last July, an Enbridge pipeline dumped 800,000 gallons of tar sands crude into the Kalamazoo River, and the Exxon Mobil pipeline that spilled 42,000 gallons of oil into the Yellowstone River this year also carries tar sands crude.

As for the impact of using tar sands oil, one study noted: “.... [G]asoline made from the tar sands gives a Toyota Prius the same impact on climate as a Hummer using gasoline made from oil.”

Dr. James Hansen, director of NASA’s Goddard Institute for Space Studies said June that “exploitation of tar sands would make it implausible to stabilize climate and avoid disastrous global climate impacts.”

“If this project gains approval, it will become exceedingly difficult to control the tar sands monster,” Hansen wrote in an essay. “The environmental impacts of tar sands development include: irreversible effects on biodiversity and the natural environment, reduced water quality, destruction of fragile pristine Boreal Forest and associated wetlands, aquatic and watershed mismanagement, habitat fragmentation, habitat loss, disruption to life cycles of endemic wildlife particularly bird and Caribou migration, fish deformities and negative impacts on the human health in downstream communities.”

Here is the text of Gov. Heineman’s letter to President Obama and Secretary of State Hillary Clinton.

Dear President Obama and Secretary Clinton:

I am writing to you today regarding a very important issue to the State of Nebraska and to our citizens- the Keystone XL Pipeline. I am opposed to the proposed route of this pipeline. The Final Environmental Impact Statement compares a potential spill in the Sand Hills region to a 1979 Bemidji, Minnesota spill and concludes that “the impacts to shallow groundwater from a spill of a similar volume in the Sand Hills region would affect a limited area of the aquifer around the spill site.” I disagree with this analysis, and I believe that the pipeline should not cross a substantial portion of the Ogallala Aquifer.

Of the current proposed route, 254 miles of the pipeline would come through Nebraska and be situated directly over the Ogallala Aquifer. The aquifer provides water to farmers and ranchers of Nebraska to raise livestock and grow crops. Nebraska has 92,685 registered, active irrigation wells supplying water to over 8.5 million acres of harvested cropland and pasture. Forty-six percent of the total cropland harvested during 2007 was irrigated. Maintaining and protecting Nebraska’s water supply is very important to me and the residents of Nebraska. This resource is the lifeblood of Nebraska’s agriculture industry. Cash receipts from farm markets contribute over \$17 billion to Nebraska’s economy annually. I am concerned that the proposed pipeline will potentially have detrimental effects on this valuable natural resource and Nebraska’s economy.

I want to emphasize that I am not opposed to pipelines. We already have hundreds of them in our state. I am opposed to the proposed Keystone XL Pipeline route because it is directly over the Ogallala Aquifer.

Therefore, I am asking you to disapprove TransCanada’s pending permit request. Do not allow TransCanada to build a pipeline over the Ogallala Aquifer and risk the potential damage to Nebraska’s water. Thank you for your consideration of this matter.