



Welcome to the Nebraska Easement Action Team (NEAT)

As you know, standing together is how we protect our property rights and water. We're very happy to have you as part of the NEAT team!

Enclosed, you will find your welcome packet, including:

- Basic NEAT Structure, and copy of NEAT Commitment Form for your records;
- Flowchart describing the NEAT process;
- Documentation forms you can hand to TransCanada if they knock on your door, asking them to direct all future correspondence and contact to Domina Law;
- A NEAT info letter you can share with neighbors and friends;
- Keystone XL Fact Sheet; and
- Upcoming events hosted by our allied partner Bold Nebraska.

NEAT participation entitles you to:

- Updates on activities in Nebraska related to TransCanada, including the landowners' lawsuit challenging the Public Service Commission's approval of the Mainline Alternative route, the federal lawsuit challenging the cross-border permit, surveying by TransCanada, and any new public hearings or reviews that come about. These will mostly be sent via email, but we will also schedule periodic meetings for landowners.
- Regular meetings and calls with NEAT Attorney Brian Jorde and Dave Domina and Bold team members Jane Kleeb. We will let you know at least one week before each call or event with the legal team. To efficiently answer your questions, please submit questions at least 48 hours in advance to info@nebraskaeasement.org. NEAT is landowner-organized for the benefit of Nebraska landowners threatened by loss of property to Nebraska easements.

NEAT's power comes from landowners like you. Help spread the word. Consider hosting a neighborhood meeting where we can attend and help make sure landowners have all the information they need to protect their property rights.

Thank you,
Tom Genung, Nebraska Easement Action Team (NEAT)



Structure:

Affected landowners who join NEAT become part of a united front in information gathering and sharing to keep you all educated and up to date on TransCanada's moves and tactics as well as potentially negotiating collectively across the table from TransCanada if/when TransCanada tries to purchase an easement from you.

NEAT is primarily focused on gathering and providing information in relation to easement term negotiating with TransCanada. In the beginning NEAT acts as a 'buffer' between NEAT Landowners and TransCanada. Negotiations will not begin until all appeals are concluded and TransCanada is cleared to commence construction, or sooner, if deemed strategically necessary. NEAT's goal is to obtain the strongest and most protective easement terms possible for all NEAT landowners and provide increased peace of mind.

Funding:

Landowners joining NEAT after May 31, 2018 will pay an initial \$100 sign-up fee become a NEAT Landowner. Additional payments of up to a maximum possible amount of \$1,900 for pasture land to \$2,400 for farm ground may be necessary to fund all of NEAT's legal efforts. Couples or LLC's, Corporations, Partnerships, etc. that jointly own the affected land only pay one fee. The fee is tied to the affected property, not the number of individuals that may hold ownership stakes in the land. Non-affected landowners and others are encouraged to donate to NEAT's efforts as well!

Becoming a NEAT Landowner means you will:

- Be part of an established, strong coalition of similarly affected landowners
- Have a means to protect your and your neighbors' interests
- Have a medium for sharing and receiving important information from and with Landowners across NE
- Be provided experts in legal and advocacy issues to keep you informed and advocate for your interests
- Be provided options to help make the best decision possible when TransCanada contacts you
- If necessary, negotiate the fine print of the easement between you and TransCanada so that you are protected as much as possible (all terms other than price will be collectively negotiated)
- If necessary, provide information about legal representation for price negotiation

Although each parcel of land is unique, there will be a number of terms in common across all NEAT Landowners. NEAT's legal team can also assist with eminent domain/condemnation court proceedings, but that is a service not covered in the fee schedule described above.



Flow chart for Nebraska landowners on proposed KXL route:

**Do you live on the proposed Keystone XL route in
Nebraska?**

Then consider joining NEAT and benefiting from our Statewide
Network of landowners and top notch Legal Team!



Upon joining NEAT:

- Receive and review packet of welcome materials
- Visit NebraskaEasement.org to learn more about NEAT
- Look for email communications and meeting notifications from NEAT



What to do if TransCanada calls you, or knocks on your door?

- You may ask the TransCanada representative for information. We recommend that you jot down notes after the encounter. You can also record the conversation if you like, this is legal to do in our state.
- You are **NOT** required to provide any information to TransCanada reps.
- You may request TransCanada only contact your lawyers at Domina Law.
- Tip: Be cordial -- You may learn more, and get less hassle.
- **Right away:** Notify Domina Law that you have been approached by TransCanada info@nebraskaeasement.org



**NEAT attorneys work with NEAT landowner participants.
This work may lead to or contribute to stopping the KXL pipeline all
together - but NEAT is specifically focused on information sharing and
collectively working to protect all NEAT participants and your land
should the time come to negotiate easement terms against
TransCanada.**



When TransCanada Knocks, Be Prepared

When TransCanada takes your land by eminent domain for private gain, it means you can't use that piece of property exactly the way you want, our property values go down, our risks increase, and if there is a pipeline spill or explosion we might lose our water, livelihood, home, or even our lives.

TransCanada wants your property easements **forever**, which means our property rights are lost forever. You can try to deal with TransCanada alone, but the odds aren't good for one person against a massive foreign tarsands company. However, time and time again, history has shown that when facing powerful forces, landowners who band together and work as a team can beat the odds and better protect themselves, rather than going it alone.

The Nebraska Easement Action Team (NEAT) is a non-profit organization started by and for Nebraska landowners to join forces to keep TransCanada honest and from taking more property. NEAT has retained the legal services of Dave Domina and Brian Jorde, lawyers with Domina Law who have successfully represented landowners on all matters concerning TransCanada and KXL for nearly a decade. NEAT also works with allied groups like Bold Nebraska to ensure the voices of landowners are heard loud and clear in the fight to protect property rights and our water.

NEAT is designed to:

- establish a strong coalition of similarly affected landowners;
- offer you and your neighbors means to protect your interests;
- educate and organize landowners, and provide a medium for sharing information;
- provide experts in legal and advocacy issues to keep you informed;
- provide options to help make the best decision for you and your family;
- if necessary, negotiate the fine print of the easement between you and TransCanada so that landowners are protected as much as possible; and
- if necessary, provide information about legal representation for price negotiation.

Attend a NEAT meeting to understand:

- if joining NEAT makes sense for you and what NEAT will do for you;
- how to join NEAT;
- how NEAT's efforts will be funded;
- what to watch for when negotiating easements with TransCanada;
- what steps TransCanada could take to condemn your property; and
- how collective legal representation can benefit your personal property interests

Joining NEAT gives you immediate legal representation backed by the power of Nebraska landowners across the state who, like you, want to protect their property rights, property values, and their family's safety. There is simply too much at stake not to work together!

Sincerely,

Tom Genung, landowner and Chair, Nebraska Easement Action Team

Nebraska Easement Action Team

208 S. Burlington Ave., Suite 103, PMB 326
Hastings, NE 68901

Contact:

Legal questions: Domina Law Group (402) 493-4100
Landowners: Tom Genung (402) 984-7548
Email: tom@nebraskaeasement.org
<http://www.NebraskaEasement.org>



NEBRASKA EASEMENT ACTION TEAM

Nebraska Easement Action Team
208 S. Burlington Ave, Ste 103, PMB 326
Hastings, NE 68901
www.NebraskaEasement.org
(402) 493-4100

To TransCanada Employees and Agents:

We belong to the Nebraska Easement Action Team and are NEAT Landowners. We are represented by NEAT's legal team - Domina Law, and you are to direct any further communication of any kind related to us, our property, or your proposed project directly to them.

You can contact NEAT's legal team via Domina Law Group at (402) 493-4100.

Please refrain from any further contact with us.

Signed: _____ (Landowner name) Date: _____

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NEAT SUPPORT COMMITMENT FORM

Mail To: Nebraska Easement Action Team, Inc.
c/o Domina Law Group
2425 S. 144th Street, Omaha, NE 68144-3267

or via Email: Info@NebraskaEasement.org
www.nebraskaeasement.org
or via Fax: 402-493-9782

Name: _____, 201__

Company: _____

Mailing Address: _____ Address of Land Affected (If Different): _____

Number of Quarters Affected: _____

Phone: _____ Email: _____

On behalf of the persons and/or company or entity named above, I/we express these commitments:

1. I/we will join other Nebraska Landowners who face dealings with TransCanada to:
 - 1.1 Develop a body of expertise in legal, appraisal, and/or geological or other specialties to support Landowner negotiations with TransCanada concerning its desire to obtain Easements for its proposed Keystone XL pipeline that may affect my/our land or property;
 - 1.2 Procure group legal services to develop and negotiate all Easement terms and conditions, other than price, to better protect my property so I/we don't have to do this alone; and
 - 1.3 Procure group legal and organizational services to remain informed about issues related to TransCanada that affect my/our property rights and property values.
2. I/we understand the group was organized as Nebraska Easement Action Team, Inc., ("NEAT"), a not-for-profit non-Member corporation. Its Directors will be authorized to receive, account for, and expend funds solely to advance the objectives of NEAT. I/we are joining with other Landowners to benefit from NEAT but I/we are not becoming a Member or owner of NEAT by signing below.
3. The initial fee to join other Landowners and benefit from NEAT's services is \$100. I/we understand that when, if ever, TransCanada obtains full rights to commence action against my/our land or seeks an Easement restricting rights on my/our land, then NEAT and its legal team will continue its work for protective Easement Terms and negotiations on my/our behalf. At that time, I/we will be obligated for future periodic payments for NEAT's efforts. The absolute maximum amount, including the initial \$100 sign-up payment, that I/we will ever be obligated to pay for any and all NEAT efforts is \$2,000 per quarter-section of Easement affected pasture land or \$2,500 per quarter-section of Easement affected crop land. If TransCanada abandons its Keystone XL plans, any amounts paid by me/us to NEAT beyond the initial \$100, if any, that have not yet been allocated to support NEAT's efforts, shall be refunded to me. Non-Landowner supporters are encouraged to donate \$100 to NEAT's efforts.
4. I/we will encourage others to cooperate with NEAT to grow its Landowner coalition and I/we will not enter into any confidentiality agreements prohibiting me/us from sharing information about TransCanada with my/our neighbors. I/we will not divulge information learned from NEAT or persons associated with or hired by it concerning TransCanada or matters associated with TransCanada's Easement acquisition efforts, with any non-verified NEAT participants.

(Sign Name) _____

(Print Name) _____

Individually, and for the Persons & Entities Named Above



*Cathie and Tom Genung, landowners on the proposed Keystone XL pipeline route in Nebraska
(Photo: Mary Anne Andrei)*

KEYSTONE XL: FACT SHEET

(View this document and associated links online: www.BoldNebraska.org/KXLfacts)

Public comments guidelines:

- **If you're a landowner: State that you're a landowner on the KXL route, and location of property. (*Especially if your land is on the Mainline Alternative route.*)**
 - Include specific descriptions of sensitive areas on your affected property: private drinking or irrigation wells, water bodies/crossings, native prairie grasses, tribal/cultural artifacts or known burial sites, fragile and sandy soils, endangered wildlife habitat if applicable.
 - Abuse of eminent domain for private gain: taking your land against your will for profit of a private foreign corporation for a risky tarsands export pipeline -- not for the public good.
- Personal concerns about how a tarsands spill from KXL would specifically affect your particular land, water, farm, ranch, business. How long has it been in your family?
- Personal concerns for Ogallala aquifer, Sandhills of Nebraska, Whooping Crane, prime agricultural land economy of Nebraska vs. a foreign tarsands export pipeline.

Use this **KXL Fact Sheet** to help compose your public comments, as well as to inform yourself and friends and neighbors about the proposed pipeline. We also link to reports you can download and review for more detailed information:

- [Fact Sheet \(download PDF\)](#): "Dirty Business: How TransCanada Pipelines bullies farmers, manipulates oil markets, threatens fresh water and skimps on safety in the United States." (Friends of the Earth, 2011)
- [Fact Sheet \(download PDF\)](#): "Tarsands Pipelines Safety Risks" (NRDC, Sierra Club, National Wildlife Federation, Pipeline Safety Trust, 2011)
- [Fact Sheet \(download PDF\)](#): "The Impact of Tarsands Pipeline Spills on Employment and the Economy" (Cornell Univ. Global Labor Institute, 2012)

- **Keystone XL is not in the public interest** because it **violates property rights**, by granting **eminent domain** to a foreign corporation. TransCanada offends basic Nebraska values by threatening Nebraskans who have lived on the land for many generations.
- **Keystone XL is not in the public interest** because it would **harm Nebraska's economic interests**, which are rooted in agriculture, our number one industry because of the long-term risks of having a tar sands export pipeline on fertile Nebraska soil.
- This tarsands export pipeline is not in the public interest because it **impedes the lawful protection of Nebraska's natural resources**.
- KXL is not in the public interest because a tarsands export pipeline **threatens the continued economic viability of agricultural land** where it is located, as well as surrounding land. The water and other natural resources in Nebraska will become increasingly valuable, both economically and strategically as the demand for agricultural products for both food and fuel increases. The **irrigation economy of Nebraska** which relies on quality water increases the gross state product by over \$3 billion annually.

Nation's Largest Aquifer At Risk

- The route crosses the Ogallala Aquifer, which is one of the country's largest sources of freshwater. ([Bold Nebraska](#))
- A spill in the Ogallala Aquifer threatens the drinking water of millions of Americans. ([Bold Nebraska](#))
- A University of Nebraska at Lincoln professor estimated that the pipeline could have 91 significant spills in 50 years vs TransCanada tells the public their pipeline would have 11 spills ([Analysis of Frequency, Magnitude and Consequence of Worst-Case Spills](#))
- A spill in the Ogallala Aquifer would threaten the livelihoods of ranchers and farmers in the American heartland. ([Bold Nebraska](#); [Washington Post](#))
- Despite TransCanada's claim that the route has moved off of the Sandhills, in fact the route still crosses the fragile, sandy porous soils in the sensitive ecological region. ([Bold Nebraska](#))

No Approved Route in Nebraska—Water, Wildlife, Cultural Resources At Risk

- There is currently no approved legal route through Nebraska. ([Washington Post](#)) TransCanada has applied for a state permit, which will take up to 8 months for a ruling. The Nebraska PSC can reject, approve or modify the route.
- The proposed pipeline route will be within 1 mile of 2,398 Nebraska water wells, in addition to 523 in Montana and 105 in South Dakota. 1,115 of Nebraskan wells within 1 mile of the proposed pipeline route are classified as shallow or very shallow. ([Bold Nebraska](#))
- The proposed pipeline would affect at least one active Bald Eagle's nest in the Sandhills of Nebraska. The environmental study conducted by the State Department never accounted for this and other wildlife at risk.
- The proposed route crosses the historic Ponca Trail of Tears, and to date the Tribal Nations in Nebraska and South Dakota have not been properly consulted.

Property Rights Ignored

- TransCanada wants to use eminent domain for private gain in order to take private land from American citizens. Eminent domain for private gain by a foreign oil pipeline company sets a dangerous legal precedent of transferring American land to corporations.
- The land easements TransCanada would own would be forever, locking landowners into unfair contracts allowing TransCanada to add more pipelines without any further compensation. ([NEAT](#))
- The contracts TransCanada forces on to landowners restricts the use of their own land. Farmers can not build structures, plant trees or put in water lines. The route at times literally cuts right in the middle of a field, putting an undue burden on farmers and ranchers.

America Last; Foreign Steel

- One of the primary customers for KXL crude is the Motiva refinery, which is owned by Saudi Arabia. ([Oil Change International](#)).
- In a long list of broken promises, President Trump refused to stand up for U.S. unions and workers – the KXL [won't use U.S. steel](#). The majority of steel was sourced from an Indian company Welspun that has an awful worker safety record and has been sued for defective steel by pipeline companies. Another large portion of the steel was made in Italy and Canada by a subsidiary of a Russian company (Evraz) controlled by an oligarch with close ties to both Vladimir Putin and Ivanka Trump. Meanwhile the President still says all the pipe will be made in the US.
- KXL puts America last — it won't use U.S. steel, it won't carry U.S. oil and [over half of the products](#) carried by KXL are likely to be exported. A foreign export pipeline is not in the public interest.

- Tar sands oil is made mostly into diesel, not gasoline. Most diesel is exported. ([Oil Change International](#)) The pipeline will not increase U.S. energy independence — it is not in the public interest.
- According to the [North Dakota Pipeline Authority](#), over 1 million bpd of new pipeline capacity has been built since Keystone XL was first proposed, with more expected. Meanwhile, low oil prices have blunted once projected increases in [Bakken oil production](#). Thus, it's unlikely TransCanada would even be able to find US producers interested in long term shipping contracts. The pipeline is not in the public interest.

Mass protests

- We will remember the elected officials who stood with the landowners, tribes, and future generations next election cycle.
- National support for the pipeline has fallen sharply since 2014. According to a [February 2017 Quinnipiac Poll](#), 51% of Americans oppose restarting the Keystone XL and Dakota Access pipelines, compared to just 38% in support.
- As with the Dakota Access Pipeline, the pipeline [crosses](#) tribal lands and the company has failed to consult tribes along the route. Tribal nations such as the Cheyenne River Sioux, Rosebud Sioux, Yankton Sioux and Oglala Sioux, which partnered with Standing Rock to oppose DAPL, have repeatedly expressed their adamant opposition to KXL, as have the Ponca Tribe of Nebraska and Ponca Nation of Oklahoma.

Wrong Direction on Climate: Negative Impacts Not in Public Interest

- At a time when decisive action on climate change is urgently needed, the Keystone XL tar sands pipeline would make the [problem of carbon pollution worse](#) – enabling the production of some of the world's dirtiest fossil fuels. This action is not in the public interest.
- Tar sands crude is significantly [more carbon intensive](#) than conventional crude. Just the additional emissions from the tar sands in Keystone XL – above average emissions from producing non-tar sands oil – are equal to Americans driving more than 60 billion additional miles every year when we need to be reducing our carbon emissions.
- With climate change already harming our communities and pocketbooks across America now is the time for clean energy, [not expansion of dirty energy such as tar sands](#).
- We don't need another pipeline for Canadian tarsands. It may be in the interest of a few refineries and pipeline companies, but it is not in the public interest for Americans or Nebraskans.
- Tar sands are one of the [most carbon polluting sources](#) of oil on the planet, and limiting tar sands expansion is critical to fighting dangerous levels of climate change
- If approved, KXL would be responsible for at least [181 million metric tons of carbon dioxide equivalent \(CO2e\)](#) each year, comparable to the tailpipe emissions from more than 37.7 million cars or 51 coal-fired power plants.
- Keystone XL fails the climate test — it would significantly exacerbate global warming by unleashing production of tar sands oil in Alberta — which is not in the public interest.