

Grassroots Resistance to the Keystone XL Pipeline in Nebraska

By

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Abstract:

While the Keystone XL pipeline project became a major cultural and political symbol for the greater environmental movement's effort to curb carbon dioxide emissions and begin shifting to a renewable energy economy, a vigorous and sustained grassroots movement, led by the social movement organization Bold Nebraska, emerged in rural Nebraska to fight the pipeline at the local level. Using the politics of contention perspective and framing analysis, this dissertation analyzes the Keystone XL debate in rural Nebraska at the structural, cultural and agency levels of analysis. At the structural and cultural levels, I use county demographic data to examine the sociopolitical factors shaping mobilization outcomes in Nebraskan communities. The main body of the analysis focuses on the narratives and discourses used by the various interests involved in the debate in Nebraska. Through the use of in-depth interviews and testimony from four public comment hearings held in Nebraska (N=528), I identify the major framing strategies employed by both pipeline supporters and pipeline opponents. Findings indicate that pipeline supporter frames were employed to maximize benefits of the pipeline and minimize potential risks, while pipeline opponents' frames were designed to minimize benefits and maximize risks associated with the project. More specifically, pipeline supporter frames closely mirror the economic, national security, and project safety frames used by political leaders and oil and gas industry advocates to promote the pipeline, while rural landowners and activists framed the pipeline debate in terms of protecting the Sandhills, the Ogallala Aquifer, and private property rights.

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ACRONYMS

CIA: Cowboy Indian Alliance
EIS: Environmental Impact Study
ERM: Environmental Resources Management
LIUNA: Laborers International Union of North America
NJEI: Nebraskans for Jobs and Energy Independence
NEAT: Nebraska Easement Action Team
NEPA: National Environmental Protection Agency
PSC: Public Service Commission
MSDS: Material Safety and Data Sheet
NDEQ: Nebraska Department of Environmental Quality
PADD: Petroleum Administration for Defense District

KEYSTONE XL TIMELINE

March 17, 2008 ~ U.S. State Department issues presidential permit for \$5.2 billion Keystone One pipeline.

September 19, 2008 ~ TransCanada makes application to State Department for Keystone XL pipeline.

January 1, 2009 ~ Department of State begins first of 20 scoping meetings for the Environmental Impact Statement (EIS).

April 7, 2009 ~ Fifty Nebraskans gather at York City Auditorium to discuss pipeline concerns.

March 2010 ~ Jane KleeB founds Bold Nebraska, which has become one of the most prominent organizations fighting the Keystone XL pipeline in Nebraska.

April 16, 2010 ~ U.S. Department of State releases first draft EIS; solicits comments on the draft.

May 2010 ~ Nebraskans question pipeline and risks to Ogallala Aquifer and Sandhills during three State Department hearings on Keystone XL pipeline in Nebraska.

June 2010 ~ Keystone One pipeline begins operation, transporting 600,000 barrels a day.

July 16, 2010 ~ The Environmental Protection Agency (EPA) criticizes the first draft of the Environmental Impact Statement (EIS), calling the report “unduly narrow.” The agency recommends the U.S. State Department look further into oil spill response plans, safety issues, and greenhouse gas concerns.

October 15, 2010 ~ Speaking to the Commonwealth Club of San Francisco, Secretary of State Hillary Clinton is asked about approval of the Keystone XL pipeline and she says, “we are inclined to do so.”

October 25, 2010 ~ The General Presidents of four international unions representing a total of 2.6 million workers send a letter to Secretary of State Hillary Clinton urging the Department of State to approve the Keystone XL pipeline project.

October 2010 ~ Gov. Dave Heineman and state Attorney General Jon Bruning each return \$2,500 in political contributions from TransCanada in response to concerns about accepting funds from foreign corporations.

January 1, 2011 ~ TransCanada agrees to 57 safety measures.

April 15, 2011 ~ U.S. Department of State releases supplemental draft EIS.

July 25, 2011 ~ The Obama administration issues a Statement of Administration Policy calling legislation related to the Keystone XL pipeline unnecessary, declaring, "the Department of State has been working diligently to complete the permit decision process for the Keystone XL pipeline and has publicly committed to reaching a decision before December 31, 2011."

July 26, 2011 ~ U.S. House of Representatives approves H.R. 1938, the North American-Made Energy Security Act. The bill, authored by Rep. Lee Terry (R-NE), requires a decision on the Keystone XL pipeline by November 1, 2011. The bill is approved with a vote of 279-147.

August 2011: Over a thousand peaceful protesters are arrested in front of the White House protesting KXL.

August 26, 2011 ~ State Department releases the first EIS report which suggests Keystone XL would have limited environmental impact.

August 31, 2011 ~ Heineman asks President Barack Obama to reject Keystone XL because of danger to Sandhills and Ogallala Aquifer.

September 2011 ~ The Cornell University Global Labor Institute releases a report raising questions about TransCanada's job creation estimates for the KXL project. Additionally, the report points out flaws in an industry-based study (The Perryman Group study) claiming the pipeline will create 119,000 total jobs.

September 2011 ~ Husker athletic department drops sponsorship agreement with TransCanada after backlash over "Husker Pipeline" video at Memorial Stadium.

September 27, 2011 ~ National interest hearing at Lincoln's Pershing Center.

September 29, 2011 ~ National interest hearing in Atkinson, Nebraska.

October 2011 ~ TransCanada lobbyist Paul Elliot's close ties to Hillary Clinton are documented by DeSmog, as well as those of several other lobbyists with ties to President Obama and then-secretary-of-state Hillary Clinton. TransCanada is accused of using eminent domain to secure land before the KXL is officially approved.

November 2011 ~ The State Department loses thousands of comments from public hearings about the pipeline. The department announces it will seek “additional information” and delays the decision until 2013.

November 1, 2011 ~ Legislature meets in special session called by Heineman because of growing public concern about proposed pipeline route through the Sandhills.

November 10, 2011 ~ U.S. President Barack Obama delays project until after 2012 election.

November 20, 2011 ~ DOS announced that before it can make a national interest determination, it must examine alternative routes for the pipeline that would avoid the Sandhills in Nebraska.

November 22, 2011 ~ Heineman signs Major Oil Pipeline Siting Act (LB1) and another bill (LB4) giving special consideration to the Keystone XL pipeline as part of deal struck to route the Keystone XL away from the Sandhills.

December 23, 2011 ~ Payroll tax bill clears Congress, requiring president to approve or deny KXL within 60 days.

January 18, 2012 ~ President Obama denies permit application for Keystone XL pipeline ahead of Feb. 21 deadline for action, saying timetable too tight for review of an alternative route in Nebraska.

February 7, 2012 ~ The Energy and Commerce Committee approves H.R. 3548, the North American Energy Access Act. The bill, authored by Rep. Lee Terry (R-NE), removes the president's authority over the pipeline's permit and transfers it to the Federal Energy Regulatory Commission.

February 9, 2012 ~ U.S. Department of State Office of Inspector General looks into claims of conflict of interest and finds no bias in State Department review.

February 16, 2012 ~ U.S. House of Representatives approves the PIONEERS Act with language from Rep. Terry's bill requiring swift approval of the pipeline.

February 27, 2012 ~ TransCanada starts Gulf Coast project, southern leg of KXL

March 8, 2012 ~ President Obama lobbies the Senate to kill an amendment calling for congressional approval of the Keystone XL pipeline. In spite of the president's efforts, 11 Senate Democrats joined all voting Republicans in favor of the project.

March 22, 2012 ~ President Obama publicly states Gulf Coast project has presidential support.

April 11, 2012 ~ Nebraska legislature passes LB1161 giving review of oil pipelines to the state Department of Environmental Quality and the governor authority to enact eminent domain powers.

April 18, 2012 ~ House approves H.R. 4348, the Surface Transportation Extension Act of 2012, including language authored by Rep. Lee Terry (R-NE) taking the pipeline out of the president's hands and requiring the Federal Energy Regulatory Commission to approve the permit within 30 days. The bill passed with veto-proof support by a vote of 293-127.

April 18, 2012 ~ TransCanada submits a reroute of the Keystone XL plan to the state of Nebraska for review.

May 4, 2012 ~ TransCanada reapplies for a Presidential Permit Application from the U.S. Department of State.

May 9, 2012 ~ Nebraska Department of Environmental Quality (NDEQ) holds first of several public meetings to review proposed re-route

May 18, 2012 ~ House passes a Motion to Instruct Conferees on H.R. 4348 to insist on Title II of the House bill regarding approval of the Keystone XL Pipeline. The motion passed with a bipartisan vote of 261-152.

May 23, 2012 ~ Pipeline opponents file lawsuit challenging the Major Pipeline Siting Law in Lancaster County Court.

June 15, 2012 ~ U.S. Department of State says it expects to make decision on project by first quarter of 2013. State Department publishes Notice of Intent (NOI) to prepare a Supplemental EIS (SEIS) for the second Keystone XL Presidential Permit application.

August 9, 2012 ~ Gulf Coast Project approved

September 5, 2012 ~ TransCanada submits new KXL route to NDEQ.

December 4, 2012 ~ NDEQ reroute public hearing in Albion.

January 22, 2013 ~ Heineman voices approval of state environmental review and alternate pipeline route through Nebraska in letter to Obama administration.

February 2013 ~ The Canadian government admits the toxins leaking into groundwater from tar sands tailings ponds are not naturally occurring.

March 1, 2013 ~ U.S. State Department's draft environmental impact statement draws heavy criticism for its take on climate change and groundwater contamination.

March 15, 2013 ~ H.R. 3, the Northern Route Approval Act, is introduced in the House by Rep. Lee Terry (R-NE). The bill addresses all the permits necessary beyond Presidential approval and would limit litigation that could halt the project.

March 22, 2013 ~ U.S. Senate agrees to Sen. John Hoeven's (R-ND) budget amendment urging approval of the Keystone XL pipeline by a vote of 62-37. 17 Democrats joined every

Senate Republican voting in favor of the amendment, signaling future filibuster-proof support for legislation to build the pipeline using congressional authority.

April 17, 2013 ~ The Energy and Commerce Committee approves H.R. 3, the Northern Route Approval Act, by a vote of 30 to 18.

April 18, 2013 ~ Final national interest hearing in Grand Island, Nebraska.

April 22, 2013 ~ The EPA finds the State Department's latest environmental review of the Keystone XL insufficient.

May 2013 ~ The State Department's inspector general launches an investigation into the conflicts of interest in the pipeline review process.

May 22, 2013 ~ House approves H.R. 3, the Northern Route Approval Act, with bipartisan support by a vote of 241 to 175.

June 25, 2013 ~ Obama says Keystone XL pipeline should only be approved if it doesn't worsen carbon pollution.

September 2013 ~ "Build Our Energy Barn" constructed by KXL opponents on the path of the proposed Keystone XL pipeline near Bradshaw, Nebraska.

January 4, 2013 ~ NDEQ releases final evaluation report.

January 23, 2013 ~ Nebraska Governor approves pipeline route.

March 1, 2014 ~ Department of State releases Draft Supplemental EIS.

January 22, 2014 ~ Oil begins moving through the Keystone Cushing Extension from Steele City to Cushing, Oklahoma.

January 31, 2014 ~ U.S. State Department issues long-delayed environmental impact report, which raises no major environmental objections and triggers national interest determination comment period.

February 19, 2014 ~ Lancaster County District Judge Stephanie Stacy rules LB1161 violates the state Constitution by shifting control over routing decisions of oil pipelines from the Public Service Commission to the governor and Nebraska Department of Environmental Quality.

February 28, 2014 ~ Nebraska Supreme Court takes up pipeline siting lawsuit following appeal of Judge Stacy's decision by Nebraska attorney general.

April 18, 2014 ~ U.S. State Department puts national interest determination process for Keystone XL on indefinite hold, saying the legal challenge to Nebraska's pipeline siting law brings into question the path the pipeline would take.

September 5, 2014 ~ Nebraska Supreme Court hears oral argument in KXL pipeline routing case. No deadline for a decision set.

September 18, 2014 ~ House approves H.R. 2, the American Energy Solutions for Lower Costs and More American Jobs Act.

November 14, 2014 ~ House approves H.R. 5682, a bill authored by Rep. Bill Cassidy (R-LA), which would approve the application for the Keystone XL pipeline.

January 9, 2015 ~ House approves H.R. 3, the Keystone XL Pipeline Act, authored by Rep. Kevin Cramer (R-ND), which would authorize construction of the project.

January 9, 2015 ~ Nebraska Supreme Court rules against landowners and approves the route through Nebraska.

January 20, 2015 ~ TransCanada enacts eminent domain against easement holdouts.

January 29, 2015 ~ Senate approves S.1, the Keystone XL Pipeline Approval Act.

February 11, 2015 ~ Holt County judge issues a temporary injunction barring TransCanada from using eminent domain.

February 11, 2015 ~ House approves S.1, the Keystone XL Pipeline Approval Act, sending the bill approving the pipeline to the president's desk.

February 24, 2015 ~ President Obama vetoes S.1, the Keystone XL Pipeline Approval Act.

February 26, 2015 ~ York County judge issues a temporary injunction barring TransCanada from using eminent domain.

September 29, 2015 ~ TransCanada announces the company will pull out of the lawsuit filed by over 100 Nebraska landowners challenging their right to use eminent domain to seize land for the Keystone XL Pipeline.

October 20, 2015 ~ Nebraska Easement Action Team goes to Holt County Court to prevent the dismissal of the lawsuit filed against TransCanada by landowners.

November 2, 2015 ~ TransCanada requests State Department pause the review process.

November 6, 2015 ~ President Obama rejects the KXL Pipeline

Chapter One **Keystone XL and At-Risk Communities in Nebraska**

Introduction

In 2008, the Canadian pipeline construction company TransCanada applied to the State Department for a permit granting permission to build the Keystone XL pipeline (KXL from here). The 1,179 mile long, 36” diameter pipeline would cross five states in the U.S. (Montana, South Dakota, Nebraska, Kansas, Oklahoma and Texas) and transport an estimated 850,000 barrels of diluted bitumen per day to refineries located on the Texas Gulf Coast.

Initially TransCanada’s application garnered very little media attention. But three years later, in November 2011, 12,000 citizens gathered in front of the White House to protest the pipeline. Many others, meanwhile, rallied against the pipeline in several of the states and communities located along its proposed pipeline’s path. Facing rapidly growing anti-pipeline sentiment, President Obama delayed a permit decision while awaiting a supplemental Environmental Impact Statement, which he requested in response to citizen concerns about potential leaks in the ecologically sensitive Sandhills and Ogallala Aquifer in Nebraska. Although KXL has become highly politicized at the national and international levels, the primary battleground for the pipeline controversy is undoubtedly the state of Nebraska. Every delay in the permitting process or reconsideration of the pipeline’s route originates ultimately in resistance in rural communities located along the pipeline’s path in Nebraska, where landowners stood up to TransCanada and their elected officials who ignored citizen concerns about potential leaks into the Ogallala Aquifer and threats of eminent domain by a foreign corporation.

The purpose of this dissertation follows from one simple question: why did a significant number of farmers and ranchers organize a sustained mobilization campaign to fight the construction of the KXL pipeline in Nebraska? More specifically, I want to know how the organized interests and actors involved KXL debate in Nebraska framed their support or opposition to the pipeline and how cultural factors present within rural Nebraska might help explain the emergence of protest in several communities located along the pipeline route.

My inquiry onto the anti-pipeline mobilization in Nebraska applies concepts and methods drawn from contentious politics (McAdam, Tilly and Tarrow 1998) and social movement framing analysis (Snow and Benford 2000). I examine the framing strategies used by three groups of claims-makers intimately involved in the pipeline debate in Nebraska. The first group includes TransCanada, the Laborers International Union of North America (LIUNA), and oil interests who are heavily invested in developing the tar sands deposits in Alberta, Canada. The second group is composed of elected officials and federal and state agencies that oversee and manage the review process for oil pipelines in the U.S. And the last group of claims-makers includes Nebraskan landowners and anti-KXL activists who have mobilized to stop the construction of the pipeline in their state.

The story of the KXL battle in Nebraska represents an ideal case for examining how structure (cultural and political forces) and agency (citizen activism) interact at the community level through interest group politics, and the imminent nature of the KXL fight in Nebraska allowed me to study the opposition mobilization process as it unfolded (2010-2015). Through a contextual analysis of twelve counties located along the pipeline's path, framing analysis of 528 public hearing transcripts, and interviews with

landowners and opposition activists, this dissertation offers a descriptive and explanatory analysis of a rare instance of sustained rural mobilization in Nebraska by answering five research questions:

- 1. Who are the main claims-makers in the KXL debate in Nebraska?**
- 2. How have contextual conditions in rural Nebraska shaped mobilization outcomes?**
- 3. How are the main interests involved in the KXL debate framing their positions and narratives?**
- 4. What can classical social movement analysis tell us about Bold Nebraska's mobilization campaign?**
- 5. What do Nebraska landowners and activists close to the fight have to say about the KXL debate?**

I will now describe the greater energy policy context in which the KXL debate to explain why TransCanada and oil companies invested in Alberta tar sands production in Alberta and proposed. I will also review literature related to the analytic methods that I employ in this study and summarize my research methodology.

U.S. Energy Policy, Energy Independence, and the KXL Pipeline

Any analysis of KXL must begin with the acknowledgment that the controversy over the pipeline is more than just a debate about a single energy project. The KXL pipeline cannot be separated from both U.S. and Canadian energy ambitions, its impact on the environment, and the carbon dioxide emissions generated by enabling further tar sands extraction. In a very general sense, the KXL pipeline represents an example of the inevitable confrontation between the infinite energy demands of neoliberal capitalism's oil-based economic system and the finite resources of our natural environment. What resources we tap into to produce our energy needs are based on the interests of the oil and gas industry and energy policy decisions made by elected officials, and those interests and decisions carry significant structural weight in determining industry practices and individual consumption choices.

To understand why TransCanada and oil interests developing the tar sands are trying to build the KXL pipeline, we need to examine the energy landscape and policy decisions that have led to the current energy relationship between the United States and Canada.¹ The root of our current petroleum relationship with Canada is based on the perennial policy goal of energy independence, or energy security, which is an energy policy agenda that emerged in early 1970's. Two historical events set the stage for the emergence of the energy independence policy: the peak of conventional oil production in the U.S. and the 1973 OPEC oil embargo. The first event occurred with the decline in domestic conventional oil production during the late 1960's and early 1970's, as predicted by Hubbert peak theory (1956). Table 1.1: U.S. Field Production of Crude Oil 1920-2014 illustrates the 1970 conventional oil crest and subsequent gradual decline in production that lasted until 2008, when the rapid expansion of new extraction techniques like hydraulic fracturing increased unconventional oil production. The distinction between conventional and unconventional oil is important. Unlike conventional oil sources, such as light, sweet crude, "unconventional oil consists of a wider variety of liquid sources including oil sands, extra heavy oil, gas and other liquids" (International Energy Agency 2015). It is also important to put our current oil and gas boom, which may itself be peaking due to overproduction (Oilprice 2015), into historical context. The oil and gas

¹ A note on the two terms (tar sands and oil sands) often used to describe the material being extracted in Alberta is important here, as both terms have become politicized. Historically, the terms oil sands and tar sands have been used interchangeably to describe the Athabasca region in Canada, although each term has come to symbolize opposing political views on petroleum production in Alberta. While the technically correct name of the material being extracted is *bitumen*, opponents of petroleum extraction in Alberta often use the term tar sands because it tends to carry negative connotations (dirty; messy; toxic), while the petroleum industry and the Alberta government began using the term oil sands in the 1960's because it sounds like a cleaner, more familiar product (Canadian Association of Petroleum Producers 2014). In my analysis I sometimes use the term tar sands to describe the extracted material because raw bitumen is nothing like conventional oil in its natural state, but more like soft clay. I do not use the term pejoratively, but only because raw bitumen is more tar-like in consistency than oil-like, and therefore tar sands is more accurate.

boom in the U.S. is a relatively recent event, and the future of shale oil production, as with conventional oil supplies, will eventually peak and then decline. Despite the current boom and abundance of domestic oil and gas supplies, the policy goals of energy independence and energy security remain primary narrative themes used by politicians and policy makers to design energy policy and regulation. The current shale boom is certainly relevant to the KXL debate, but here I focus on the historical trajectory of U.S. energy policy leading up to tar sands development and the Keystone XL pipeline proposal.

At the end of WWII, the U.S. was awash in oil and represented one of the world's leading oil producers (Odell 1963). The U.S.'s rise as an industrialized economic superpower, and the relative affluence of the 1950's and 60's, was built upon the nation's vast oil reserves. With the advent of peak conventional oil production in the 1970's, the country slowly became more dependent on foreign petroleum supplies from Middle Eastern and Latin American countries. Realizing the potential to make huge profits from the U.S.'s growing dependence on foreign oil, Iran, Iraq, Saudi Arabia, Kuwait and Venezuela moved to nationalize their oil reserves and form the Organization of Petroleum Exporting Countries (OPEC). As a result of dwindling domestic oil production, combined with steadily increasing domestic energy consumption, OPEC nations became a vital component of the U.S.'s energy policy.

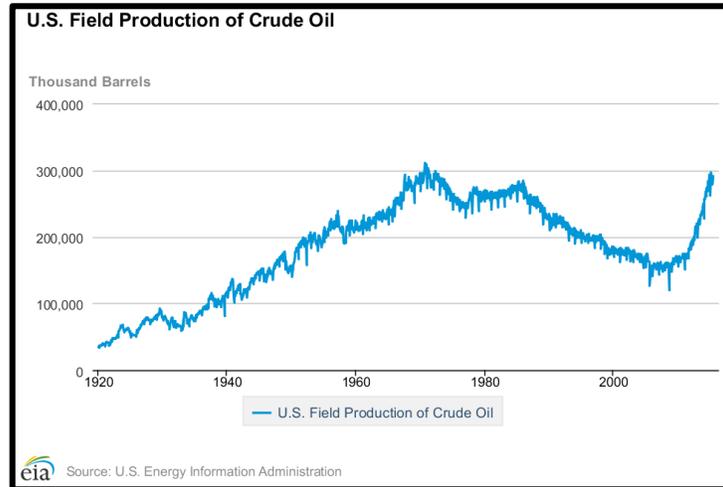


Figure 1.1: U.S. Field Production of Crude Oil 1920-2014. *Source: Energy Information Administration*

In geopolitical terms, countries with large petroleum reserves often have influence over countries dependent on foreign sources of petroleum for fueling their economy and societal needs. This fact was confirmed in the second historical event that led to a call for U.S. energy independence. During the 1973 Arab-Israeli War, the U.S. supported Israel by sending military aid and supplies to Israeli troops during the conflict with Arab states. The U.S.’s intervention infuriated Arab countries, which resulted in the 1973 oil embargo by OPEC nations. As a result of the embargo, there were long lines at gas pumps in the U.S. and a heightened awareness of how dependent America had become on petroleum for the basic functioning of everyday life. Surveys conducted in by social scientists measuring public responses to the 1973 energy crisis indicated that, “Agreement is widespread that responsibility for the energy crisis lies most heavily on the federal government and the oil companies, and there is little tendency to blame Arabs, Israelis, environmentalists, or individual consumers” (Murray et al 1974).

It was at this historical juncture that the phrase energy independence made its public appearance with President Richard Nixon’s address to the nation in November 1973. In

this speech Nixon laid out the objectives of Project Independence, an energy policy agenda consisting of "...a series of plans and goals set to insure that by the end of this decade, Americans will not have to rely on any source of energy beyond our own" (The American Presidency Project 2014). On November 27, 1973, Nixon signed the Emergency Petroleum Allocation Act that called for a national effort to curtail energy consumption through a reduction of gasoline and jet fuel use, setting speed limits to 50 mph, and cutting back on indoor lighting. We also find the first indication of a turn towards northern sources of petroleum with President Nixon's approval of the Trans-Alaskan Pipeline. Since Nixon's declaration of oil independence, which was supposed to have occurred by 1979, the U.S. has continually struggled to achieve energy independence, and this challenging energy goal has remained an important policy objective for subsequent administrations.

The decisive shift towards tapping into Canada's tar sands occurred during Bill Clinton's presidency. With the passage of the North Atlantic Free Trade Agreement (NAFTA), the U.S. began to shift away from Middle Eastern and South American sources of petroleum and begin importing oil from Canada. Chapter 6 of NAFTA, "Energy and Basic Petrochemicals," eliminates restrictions on petroleum sales between the U.S., Canada, and Mexico. While NAFTA does not require Canada export a certain amount of oil and gas to the U.S., the trade agreement "prohibits government intervention in the normal operation of North American energy markets, whether in the form of price discrimination (e.g., the imposition of export taxes), or the direct disruption of supply channels" (Holden 2006).

The Bush Administration continued oil imports from Canada, and vigorously pushed for expanding domestic oil exploration. It can be reasonably argued that no other presidency has been so closely allied with the oil industry as the second Bush administration, considering the Bush family's oil connections, George W. Bush's forays in the Texas oil business (Arbusto) and Dick Cheney's position as CEO of Halliburton from 1995 to 2000. In 2001, the National Energy Policy Development Group, headed by Vice-President Dick Cheney, was created by Bush to devise a long-term energy policy for the U.S. The final report produced by the task force, entitled the National Energy Policy (NEP), relied heavily on policy advice from oil and gas industries (Abramowitz and Mufson 2007). The report's policy recommendations included opening up public lands for drilling, expanded off-shore deep water drilling, the bolstering of gas and oil pipeline infrastructure, and the opening up of the Alaska National Wildlife Refuge for petroleum exploration. The close relationship between the Bush Administration and the oil and gas industry set the stage for expanding petroleum exploration and development under the Obama Administration's "all of the above" energy policy.

During this time in Canada (1992-2008), new technologies were being developed which made extracting oil from the tar sands profitable. When the *Oil and Gas Journal* reported in 2003 that Alberta's tar sands contained an estimated 180 billion barrels of oil, marking it as the world's third largest oil reserve, Alberta quickly became the primary source of petroleum imports to the U.S. (Clarke 2008). Canada, unlike Middle Eastern or Latin American sources of oil, is not only right next door, but also represents a "friendly neighbor" that shares many cultural values with the U.S. In terms of energy independence and security, turning to Canada for petroleum made good sense for both economic growth

and national security. Echoing Nixon's call for energy independence in the 1970's, President Bush signed the United States Energy Policy Act in 2005, which set out a policy plan for the U.S. to become energy independent by 2025. The Bush administration decided petroleum imported from the Canadian tar sands would become the primary source of petroleum for offsetting imports from other foreign (often pejoratively described as hostile, authoritarian, unethical, terror funding, or radical Islamic) sources of petroleum. Today, the U.S. imports more unrefined, heavy oil from Canada than any other foreign country, standing at 2.4 million barrels per day (37% of gross imports) as of December 2013 (U.S. Energy Information Administration 2014).

The development of the Canadian tar sands grew exponentially in large part due to rising world oil prices and the complicity of the Canadian government in facilitating tar sands expansion through providing large federal subsidies (approximately 928 million dollars per year) to oil companies operating in Alberta (Weber 2014). The expansion of tar sands production has been a top priority of not only Alberta's government officials, but the Canadian government as well. Canada's recently ousted Prime Minister Stephen Harper, who hails from Alberta, is an ultra-conservative politician and outspoken climate change denier (Nikiforuk 2010). Tar sands expansion greatly accelerated under Harper's watch. In a 2006 speech delivered to the Canada-United Kingdom Chamber of Commerce in London, Harper announced that through increased tar sands production, Canada was in a prime position to become a leading world energy superpower (Clarke 2008). With the entrance of Justine Trudeau as Canada's Prime Minister in October 2015, and the election of New Democrat Rachel Notely in Alberta, tar sands production may become more regulated or curtailed in the future. While Rachel Notely was against building KXL,

Justin Trudeau supported the pipeline project during his election campaign (Goldenberg 2015). No matter which course of action these political leaders take on environmental policy in the future, they have been left with the legacy of Stephen Harper's efforts to get the Keystone XL pipeline built, in addition to deregulating and further subsidizing tar sands production.

Since the mid 1990's, the Canadian government has worked to curtail environmental regulations, limit citizen input in energy policy review processes, and open up the tar sands for development by private oil companies (Cameron 2012). Much like the United State's ascent to power through petroleum production in the first half of the twentieth century, oil sands production in Alberta has become a significant part of the Canada's economic growth plan. As Canadian Finance Minister Joe Oliver stated in reference to any possible slowing of tar sands production through infrastructure delays, such as the Keystone XL pipeline: "...the choice is stark, either head down the path of economic decline, higher unemployment, limited funds for social programs like health care, continuing deficits and growing debt, or achieve prosperity and security now" (Wall Street Journal 2014). Oliver's statement is somewhat alarmist and overblown, considering that tar sands development only represented 8% of Canada's GDP during 2006-2013, while the public sector contributed 26% (Leach 2013, see Figure 1.2: Energy Share of Canada's GDP). Certainly, the tar sands are significant to Canada's energy policy, but it is important to separate political and economic ideology from the reality of Canada's productive landscape.

The KXL pipeline represents a significant component of the overall development plan for tar sands production, which is expected to triple from 1.9 million barrels per day in

2012 to 3.8 million barrels per day in 2022. The Alberta government suggests this increase is necessary for “keeping pace with demand, providing jobs to Canadians, and creating a sound economic basis for the future” (Government of Alberta 2014). Both government officials and oil representatives claim high capacity pipelines like KXL are essential for getting their product to market and facilitating further tar sands production. But why does Canada need to transport its heavy crude to the U.S. for refinement in the first place, rather than just refining the tar sands domestically? As is often the case with the oil and gas industry, it boils down to production costs, infrastructure costs, and profit margins.

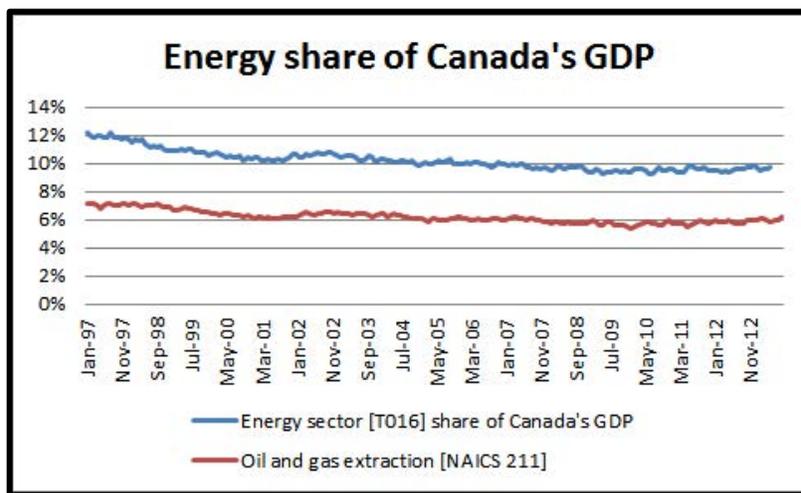


Figure 1.2: Energy Share of Canada's GDP. *Source: Statistics Canada (CANSIM Table).*

The Canadian tar sands are composed of a form of bitumen that is highly viscous and adulterated with sand and clay. Because the material is so viscous, it must be cleaned and upgraded from its natural state into a less viscous, transportable product. Upgrading is the process of separating unwanted material from the bitumen and making it less viscous through the addition of hydrocarbons and chemical solvents, essentially converting the raw bitumen into what is called diluted bitumen, or dilbit. Another name for upgraded bitumen is synthetic crude, or syncrude, which is a mixture of bitumen and synthetic

solvents. Many oil companies currently developing Alberta's tar sands own and operate separating and upgrading facilities in Alberta, but at present Canada lacks large-scale refining complexes capable of converting dilbit into marketable energy products. Due to the lack of refining infrastructure, and because it is very expensive to build new heavy-crude refineries, oil companies are upgrading bitumen in Canada and pumping the dilbit to American refineries outfitted for refining dilbit and heavy synthetic crude (Nikiforuk 2010). In addition to the high costs of building new refineries, another reason Canadian oil and gas companies are sending dilbit to the U.S. is because many Canadian citizens are opposed to constructing tar sands pipelines from Alberta to east and west coast Canadian ports. At present, railways and a handful of pipelines are the two main avenues available for transporting dilbit to U.S. refineries. Most of Canada's dilbit is transported to midwestern refineries located in Petroleum Administration Defense District II. These refineries are already at capacity and there is an oversupply of petroleum stored in the Midwest. The closest refineries equipped to receive large quantities of Canadian dilbit, and relieve the Midwest bottleneck, are located along the Texas Gulf Coast in Petroleum Administration Defense District III, which is also the chief export zone for energy products.

Peak conventional oil, the emergence of the energy independence and security narrative, new developments in petroleum extraction technology, the passage of NAFTA, and Canada's lack of heavy refining capacity all have contributed to a need for bitumen transportation infrastructure projects like the KXL pipeline. Under the Obama Administration's all of the above energy policy, natural gas exploration through fracking technologies has expanded greatly, yet the KXL pipeline has remained mired in political

contestation in rural Nebraska, as well as at the national and international levels. The enduring confrontation between TransCanada, ranchers and farmers, activists, and government agencies makes the KXL debate in Nebraska an ideal case for applying the politics of contention perspective to at-risk communities.

The Politics of Contention and At-Risk Communities

In my analysis of the KXL debate in Nebraska, I use the basic analytic components of the contentious politics perspective (claims-makers; collective action; politics) to describe the main interest groups involved in the debate and explain the emergence of landowner resistance to KXL in rural communities. The contentious politics perspective suggests mobilization can best be understood and explained through the identification of mechanisms of contention that, through the interaction of claims-makers, drive various forms of political contestation. The politics of contention perspective (McAdam et al. 2001) is a very useful analytical tool for focusing inquiries of political battles at the community level. The advantage of this perspective is that it examines *interactive processes of political struggle*, from routine political processes and interest group politics operating at the local level, to large-scale social transformations such as revolutions (Tilly and Tarrow 2007). Because this approach can be used to examine different kinds of episodes of contention, it offers a fresh alternative to traditional social movement analysis.

The ultimate goal of the contentious politics research agenda is to provide a process-based analysis of social phenomenon as an alternative to variable-based explanation (McAdam and Tarrow 2011). Through detailed comparison of carefully selected cases of episodes of contention, politics of contention analysis is employed to identify the

cognitive and *relational* mechanisms that make up episodes of contention, which operate at the agency and cultural levels in the form of motivations, attitudes, values, and the social networks created to foster and maintain mobilization campaigns. Some of the classic texts that established the foundations of the contentious politics perspective include Tarrow's *Power in Movement* (1989), Tilly's *Contentious Politics in Great Britain* (1995), and *Dynamics of Contention* (McAdam, Tarrow, and Tilly 2001). More recently, many other scholars have refined and applied the contentious politics perspective. For example, Mahoney (2001), Kurzman (2004), Mayntz (2004), and Zuckerman et al. (2007) worked to establish the mechanisms of contention model as a legitimate methodological alternative to correlational causal models of explanation. Several other studies helped identify and define a variety mechanisms and developed methods for analyzing them, including Campbell (2005), Cherkaoui (2005), Elster (1999), George and Bennett (2005), Hedström and Swedberg (1998), Little (1998), Norkus (2005), Pickel (2006), and Stinchcombe (2005).

While I do not apply any of the standard mechanisms of contention in my analysis, there are several analytic tools I adopt from the perspective to describe the dynamics of the KXL debate in Nebraska, such as a focus on interaction and processes, claims-making as performances, and repertoires of contention. Rather than using an established list of mechanisms of contention, my analysis identifies mechanisms of contention (e.g. risk perception, political engagement, economic necessity, and demographic data) present in rural Nebraskan communities “at-risk” for mobilization against the pipeline. When a community is presented with an energy project proposal such as the KXL pipeline, they must react in some way, even if this reaction is non-opposition to the proposal. In this

way, communities are potentially “at-risk” for mobilization against an energy project proposal.² Unlike traditional social movements that emerge organically in response to particular grievances, communities faced with energy project proposals must decide upon one of two choices: accept the project or fight it. Communities must react in some way, but opposition is not guaranteed, and small-scale mobilization campaigns might fail. This potential for mobilization in at-risk communities offers social movement scholars an opportunity to explore contentious politics operating at the local level, and analyze prevalent instances of interest group political interaction.

Tilly and Tarrow (2007) define contentious politics as, “interactions in which actors make claims bearing on someone else’s interests, leading to coordinated efforts on behalf of shared interests or programs, in which governments are involved as targets, initiators, or third parties.” The KXL debate in Nebraska contains all of these components.

TransCanada made claims on farmer and rancher lands in order to build the pipeline, which in turn caused a significant number of landowners to organize an opposition campaign, aided by the social movement organization Bold Nebraska and the landowner legal defense organization Nebraska Easement Action Team (NEAT). And because the pipeline requires State Department and Presidential approval, government agencies and political actors have been involved in the KXL debate since it began in 2008. During the debate in Nebraska, government agencies and state political leaders were targeted by the

² The term “at-risk” has a long history in social research looking into individuals and groups exposed to possible negative social outcomes. Often the term is applied to at-risk youth or at-risk children who are living in social conditions that could possibly lead to activities considered incongruous with healthy social behavior, such as drug use, crime, or violence. Social movement scholars studying community reactions to energy proposal have adopted the term and redeployed it in a novel way. Communities faced with a risky energy project, like KXL, are at-risk for mobilization against the project. Opposition may occur, or not occur. From a social movement perspective, whether a community mobilizes against a risky energy project is neither positive nor negative in terms of outcomes. The term at-risk merely indicates the presence or absence of mobilization and the potential magnitude of opposition based on the analysis of causal mechanisms operating within at-risk communities.

opposition as inept and out of touch with landowner environmental and private property concerns. Government agencies (State Department and Nebraska Department Environmental Quality) also played an important role in controlling the review process, acting as mediators during the four public hearings in Nebraska. Transcripts of the four public hearings are perfect cases, or events, for examining the interaction of interests involved in the debate: public hearings are essentially venues for episodes of contention. Because the KXL public hearings in Nebraska were held over several years (2010-2013), each public hearing represents a historical snapshot of the conflict, and thus I could compare all four hearings and discern any variations in framing tactics and narrative themes used by various interests during the debate.

In addition to the analytical usefulness of the three components of contentious politics, the politics of contention perspective opens the field of collective action analysis beyond the form of social movements proper to much more common forms of contestation operating at the community level. McAdam and Boudet (2012) offer two critiques of traditional social movement analysis that the politics of contention perspective helps remedy. First, they suggest traditional social movement analysis tends select on the dependent variable, or successful cases of mobilization, while neglecting communities at-risk for mobilization or instances of mobilization attempts. The second critique concerns the tendency for social movement scholars to focus solely on social movements, or SMO's, at the expense of analyzing other interests and claims-makers involved in episodes of contention. To overcome these analytical shortcomings, contentious politics offers a pragmatic methodological approach for studying many forms of political interaction outside of the standard form of social movements and social

movement organizations, including locally based, small-scale collective action like we find in rural Nebraska. And by focusing on the *interaction* of interest groups during episodes of contention, my analysis incorporates the objectives and goals of several of the main players involved in the debate, including concerned citizens, TransCanada, the oil and gas industry, construction unions, and political actors. This is where the four sets of public comment hearing testimony is especially useful, as they succinctly capture the main framing strategies and narrative themes employed by all of the interests involved in the debate. In this way, I avoid the exclusion of primary claims-makers and stakeholders and provide a more complete analysis of this particular episode of contention.³

Classical social movement analysis has contributed a range of theoretical and analytical orientations for explaining collective action. As the political and cultural landscape in the U.S. rapidly began to change after WWII, social researchers attempted to explain emergent protest movements, such as the Civil Rights Movement, not as the irrational outbursts of mob rule or anomic signs of social disease, but rather as rational collective behavior based on justifiable grievances. Since the late 1960's, a variety of methodological approaches have developed within social movement studies to explain various aspects of mobilization. Urban politics (Lipsky 1970; Eisinger 1973), resource mobilization (McCarthy and Zald 1973; Oberschall 1973), cycles of protest (Tarrow 1989; 1998), political process (Gamson 1968; Gamson and Meyer 1996; McAdams 1982) political economy (Schwartz 1976; Piven and Cloward 1977; Skocpol 1979) and framing analysis (Benford and Snow 1988) are among the most recognized theoretical approaches

³ Although my analysis does include a thorough description and analysis of the framing tactics used by the main interests involved in the KXL debate, the main object of analysis is landowner mobilization against the pipeline. My decision to focus primarily on the opposition movement is due to the rarity of sustained collective action in rural Nebraska, although I reference pro-pipeline interests and counter-mobilization efforts throughout my analysis when appropriate.

within the field. Each of these perspectives analyzes particular aspects and elements of collective action. Some approaches focus on structural forces while others concentrate on the motivational and meaning making processes that operate at the individual and cultural level of mobilization.

Unlike most classical social movements, community mobilizations against energy project siting decisions represent a particular type of contentious politics with their own set of mechanisms of contention. My analysis of anti-KXL protest in Nebraska is modeled on McAdam and Boudet's (2012) *Putting Social Movements in Their Place: Explaining Opposition to Energy Projects in the United States, 2000-2005*. Recent studies looking at at-risk communities and energy projects have compared "causal recipes" that may facilitate or thwart community protest against an energy project, focusing on siting decisions (approval or denial) and mobilization as the primary outcome variables (McAdam and Boudet 2012; Sherman 2012). Some of these studies compare several communities located in different geographical locations within a particular nation or state, such as Daniel Aldrich's *Site Fights* (1997) and Daniel Sherman's *Not Here, Not There, Not Anywhere: Politics, Social Movements, and the Deposal of Low-Level Radioactive Waste* (2011). Another notable study, *Don't Burn it Here: Grassroots Challenges to Trash Incinerators* (Walsh et al. 1997), examines how eight communities located within miles of a proposed landfill responded to the project.

While these studies compare several types of energy projects in a variety of geographical locations, each energy project analyzed is different in scale and scope and each community compared is politically and culturally diverse from one another. Unlike these studies, the KXL pipeline project represents a unique energy project in terms of the

extensive nature of the pipeline and the number of communities affected. Due to the extensive nature of the pipeline project in Nebraska (it crosses twelve counties), my analysis of the KXL debate is a case study of Nebraska, rather than a comparative analysis of state responses. I do compare demographic, cultural, and political data from the twelve Nebraskan counties affected by the pipeline, but this analysis is meant to provide a structural context for my discussing my framing analysis. Of course, this means we cannot make broad generalizations based on my analysis, but many of the mechanisms of contention I explore are transferable to other instances of community resistance to energy projects. Essentially, this study provides an in-depth case analysis that can be used for comparative analysis in the future, such as a comparison of state responses to the project.

There are several aspects of at-risk community studies that I use in my analysis, including a common set of causal mechanisms found in community mobilizations against energy projects, and the incorporation of qualitative fieldwork methods and framing analysis. The causal mechanisms I take from McAdam and Boudet's at-risk community study are *objective risk*, *political engagement*, *economic hardship*, and a set of *demographic and county data*. Using these contextual measures, I explore the cultural and political structures operating within rural Nebraskan communities by creating county profiles of the twelve counties the pipeline traverses. To balance out the structural analysis provided by my county profiles, I use extensive fieldwork data from my visits to Nebraska, a comprehensive framing analysis of public comment hearings, and information from several interviews with landowner and Bold Nebraska members.

Framing Analysis and Narratives of Injustice

In addition to the structural and contextual analysis provided by the politics of contention perspective and at-risk communities studies, framing analysis from the classical social movement studies tradition is a good complimentary research method for identifying and describing the pro-pipeline and anti-pipeline narratives employed in the KXL debate in Nebraska. Benford and Snow note that framing involves “the struggle over the production of mobilizing and counter mobilizing ideas and meanings... and denotes an active, processual phenomenon that implies agency and contention at the level of reality construction” (2000: 613-614). Unlike everyday discourse, social movement and interest group framing strategies are designed to “work” towards accomplishing some objective or goal. When community contestation over energy proposals like the KXL pipeline occur, the various interests involved in the episode of contention must produce and maintain a common narrative frameworks that rationalize and justify their mobilization, and counter-mobilization, efforts.

Framing analysis originated with Goffman’s 1974 classical text *Framing Analysis*, although the perspective gained prominence with the linguistic/cultural turn of late 1970s and 1980s. In agreement with the general postmodern turn in the humanities and social sciences, framing theory emerged as a corrective to the analytic dominance of structurally oriented explanations of collective action, such as resource mobilization theory (Lindekilde 2014). The basic criticism of resource mobilization was that it did not adequately address the ideological and cultural drivers of mobilization. Rather than concentrating on the rational and calculative elements of securing mobilization assets,

framing analysis is designed to identify and examine the narrative aspects of grievance interpretation and social movement goal construction through discursive practices. Following Goffman's lead, the collective action framing perspective was popularized within social movement analysis by David Snow and Robert Benford (1988; 1992). Other studies have expanded and clarified the conceptual aspects of frames, such as Fisher (1997), Hart (1996), Jasper (1997), Steinberg (1998), and Williams and Benford (2000). Over the course of the perspective's development, social movement scholars have identified several fundamental components of framing processes, including master frames, core framing tasks, frame resonance, frame diffusion, signifying agents, and many other concepts designed to identify and explain collective action frames. In my analysis of the KXL debate, I use the concepts of *master frames*, *core framing tasks*, and *injustice frames* to classify and describe the primary frames employed by pro-pipeline and anti-pipeline interest groups at the four public hearings.

The concept of master frame is helpful for identifying the main frames employed by pipeline supporters and opponents. Master frames, like mechanisms of contention, are transferable across different episodes of collective action and conflict. For example, the main master frames employed by KXL pipeline supporter interests, which include *job creation*, *economic benefit*, *energy independence/national security*, and *project safety*, are not specific to the KXL debate in Nebraska, and they often are used by energy project supporters during energy project contestations. I use the master frame concept to select and classify the major narratives frames found in the four sets of public hearing transcripts. Each master frame is then broken down into constituent elements, or narrative themes, that illustrate a component of that particular master frame. I also employ the

notions of diagnostic, prognostic, and motivational core framing tasks to further differentiate the purposes or objective of each identified master frame (Snow and Benford 1988). Essentially, diagnostic frames identify the cause of a grievance or social problem, prognostic frames provide solutions and courses of action to alleviate a problem, and motivational frames represent a “call to arms” for rallying movement members.

Early in the formation of social movement analysis, scholars recognized the role fundamental perceptions of injustice play in motivating collective action (Gamson et al. 1982). During the 1990’s, several studies expanded upon the relationship between collective action and injustice, such as Anheier et al. (1998), Cable and Shriver (1995), Capek (1993), Carroll and Ratner (1996), and Klandermans and Weerd (2000). As these studies make clear, instances of injustice, and the grievances they perpetuate, are very strong drivers of collective action. A vast number of social movement campaigns and episodes of contention are based on diverse types of perceived injustices. Print and broadcast news provide myriad examples of how perceived, and actual, injustice have fueled different forms of collective action. For example, popular mistrust and anger among politically far-right citizens towards establishment Republicans is driving the ultra-conservative Tea Party movement in Congress, and recurring instances of unjustified police violence against African Americans has given rise to the Black Lives Matter movement.

In the case of the KXL debate in Nebraska, there are several injustices driving landowner opposition the pipeline, such as *potential contamination of the Ogallala Aquifer, threats of eminent domain, conflicts of interest in the review process, and bullying of landowners*. While many of these frames are specific to the KXL debate in

Nebraska, and therefore not transferable to other instances of community resistance to energy projects, risk perception and concern for natural resources like water are common frames that appear in local resistance movements against energy projects (McAdam and Boudet 2012; Sherman 2011). KXL pipeline supporters also utilize the injustice frame to suggest that importing “unethical oil” from “hostile, terror-sponsoring” OPEC nations is a form of injustice, therefore making Islamic nations a source of grievances. Pipeline supporters also suggest environmental groups are “killing” jobs, which is framed as an injustice against construction labor unions.

Through a combination of the politics of contention perspective, at-risk community analysis, and framing analysis, this research project aims to provide a comprehensive analysis of several structural, cultural, and discursive factors that are driving both support and opposition to the pipeline in Nebraska. Community responses to energy projects, particularly risky energy projects associated with the oil and gas industry, represent perfect case studies for examining contentious politics at the nexus of energy policy and environmental concern. The Keystone XL pipeline controversy in Nebraska is exceptional in many ways. For example, very few energy projects require a Presidential permit, thus involving government agencies at the highest level. Rural landowner resistance to KXL in Nebraska is also rare, particularly considering the state’s predominately Republican political culture. And finally, Nebraska is the only state to see a large number of landowners from across the state join a social movement organization (Bold Nebraska) and fight TransCanada through both conventional repertoires of contention and novel forms of resistance that resonate with Nebraskan rural culture. For

these reasons, and many more, the KXL debate in Nebraska is worthy of analysis and documentation.

Research Design and Methodology

To provide a comprehensive qualitative analysis of the KXL debate in Nebraska, I employ a mixed methods approach to identify, monitor, measure, and compare contextual factors present in the twelve Nebraskan counties where the pipeline routed, identify the framing strategies used by pipeline supporters and opponents, examine Bold Nebraska's mobilization campaign, and capture the stories of farmers, ranchers and activists fighting the pipeline. The politics of contention approach to analyzing collective action requires close examination of the structural (political and cultural) factors and discursive mechanisms (frames) that drive episodes of contention. Moreover, the politics of contention approach addresses the dynamic processes of collective action which include routine and interest group politics that operate at the community level as well as broader social movements. The ultimate research goal of this study is to describe the interaction of the various interests involved in the KXL debate and explain why many Nebraskan ranchers, farmers, and activists have organized a sustained opposition campaign against the pipeline in rural Nebraska.

The methodological rationale for choosing Nebraska as my case study, or primary unit of analysis, was based on several considerations. Comprehensive qualitative research requires a balance between breadth and depth analyses, and it is important to choose a unit of analysis that is manageable and appropriate to one's research goals. For example, a state-by-state comparative analysis of the five states the pipeline would cross (Montana, South Dakota, Nebraska, Kansas, Oklahoma, and Texas) would be an excellent research

project, but selecting all five states for rigorous qualitative analysis represents a major research undertaking requiring extensive resources and time demands. By selecting Nebraska as my case study, I was able to circumscribe my research goals to a manageable level and focus on the individuals, interest groups and organizations involved in the debate in Nebraska, yet retain enough geographical context (state level) to provide meaningful county and regional level comparisons. Most importantly, it permitted an in-depth case study. Another reason for selecting Nebraska is that the state became the epicenter of the KXL fight between landowners and TransCanada. And, conveniently, Nebraska is located right next door to Kansas, which made repeated travel over three years to rural Nebraska for pipeline opposition events, public hearings, other KXL related events, and my overall fieldwork manageable in terms of time and resource management.

In the following discussion of my methodological approach, I use the five research questions introduced earlier in the chapter one as a basic guide. While these five research questions provide a general orientation for examining various aspects of the conflict, I use a grounded theory approach to explain the causes and motivations for opposition to the pipeline in rural Nebraska. Grounded theory offers a pragmatic, inductive approach for conducting social research, allowing collected evidence to inform theory through constant comparison (Glaser 1998). The primary methodological components of grounded theory are coding and memo writing. My analysis of the frames employed by the various interests involved in the debate uses coded public comment hearing transcript data to move from evidence to explanation. Rather than creating a research agenda based on pre-designed hypotheses about why rural Nebraskan landowners mobilized to fight the pipeline, I let the data gathered from my fieldwork, document/textual analysis, transcript

analysis, and interviews provide the material for my theory development. Much of the explanatory theory for this study is developed and discussed within my substantive chapters focusing on the contextual and narrative aspects of the debate, although I provide a more formal discussion of the theoretical and analytical implications of my research in the closing chapter.

The data for my analysis come from several sources, with each data source chosen to address one of my research questions.

1. **Who are the main claims-makers in the KXL debate in Nebraska?**
 - Descriptive analysis (organizational documents/texts, news sources)
2. **How have contextual conditions in rural Nebraska shaped mobilization outcomes?**
 - Comparative analysis (U.S. Census Data, pipeline data).
3. **How are the main interests involved in the KXL debate framing their positions and narratives?**
 - Framing analysis (public hearing testimonies).
4. **What can classical social movement analysis tell us about Bold Nebraska's mobilization campaign?**
 - Social movement analysis (organizational documents/texts, interview data).
5. **What do Nebraska landowners and activists close to the fight have to say about the KXL debate?**
 - Interview analysis (interview data).

For my description of the interests involved in the debate, I use organizational documents and texts, government agency data, and news sources. To examine and compare contextual factors present within the twelve counties affected by the pipeline, I use data taken from United States Census Bureau and information gathered on my fieldwork trips. The main body of my research data, which is used to classify and organize pipeline supporter and opposition collective action frames, comes from a set of four public comment hearing transcripts, representing 1,480 pages of testimony data and 528 individual testimonies presented by concerned citizens, union representatives, oil and gas interest groups, organization representatives, and political leaders. All of these public hearings were held in Nebraska between 2010 and 2013 (Lincoln ~ 2010, Atkinson ~ 2010, Albion ~ 2011, and Grand Island ~ 2013). My chapter on Bold Nebraska's

mobilization campaign relies on information from the organization's website, and interviews with Jane Kleeb and Bold Nebraska staff members. For this chapter I use several analytic perspectives from 'classical' social movement analysis (resource mobilization; political opportunities, and grievance mobilization) to deconstruct the organizational structure of Bold Nebraska. And finally, to understand what pipeline opposition members think about KXL and the anti-pipeline mobilization campaign, I conducted ten individual interviews and one focus group (twelve people) with ranchers, farmers, and opposition activists fighting the pipeline. Once transcribed, these interviews provide the quotes used in my final substantive chapter focusing on opposition member's thoughts and attitudes about the pipeline.

County Profiles: Measuring Causal Mechanisms

Taking my lead from McAdam and Boudet's (2012) work on at-risk communities and energy project proposals, I measure the strength of several contextual factors present within twelve Nebraska counties (Keya Paha, Boyd, Holt, Antelope, Boone, Nance, Merrick, Polk, Saline, York, Fillmore and Jefferson) affected by the pipeline using three composite measures: *objective risk*, *political engagement*, and *economic hardship*.

McAdam and Boudet employ Charles Ragin's (2000) fuzzy set/qualitative comparative analysis (fs/QCA) to compare causal mechanisms present within at-risk communities confronted with energy project proposals. For my analysis, I conducted a supplemental (QCA-light) analysis of the twelve counties based on the composite measures mentioned above. I use county level data to paint a general picture of rural Nebraskan counties, which I call county profiles. The objective of my county profiles is to provide a geographical, political and cultural context for discussing mobilization in Nebraska. As

units of analysis, counties represent a meso level unit of analysis between state and community level data. State level data is very useful, but lacks the specificity of county level demographic data. Community level data, particularly in very rural counties, is often lacking or missing, and therefore county level data available from the U.S. Census Bureau offers the best data for a uniform comparative analysis of Nebraskan communities.

There are two sets of data I use to measure subjective and *objective risk perceptions* in rural Nebraska. To analyze subjective risk perceptions, I use framing analysis, which I discuss in the next section. Objective risk perception, my first set of county measures, contains several types of demographic data, including the number of pipeline miles through each county, county area in square miles, county population [2010], major communities and their populations [2010], median house value [2011], and median family income [2011]. Each of these indicators measures different levels of risk. For example, the more miles the pipeline travels through a county, the higher risk it poses in terms of potential leaks. The more rural a county is, the less threat the pipeline poses to farmers and ranchers. And the higher home values are in communities, the more property values are threatened with devaluation due to potential leaks and other liabilities. With this information, I created a table for comparing the risk measures for all twelve counties.

Political engagement is the second composite measure I use for my county profiles. Political engagement represents the level of political activity present within counties in terms of voting registration, voter turnout and how many votes Barack Obama and Mitt Romney received in the 2012 election. Data for the political engagement measure come from the U.S. Census Department. The basic logic behind the political engagement

measure is that the more politically engaged a community is, the more likely they are to participate in other forms of political activity, such as episodes of contention or mobilization campaigns, while increased political apathy may indicate an unwillingness to become involved in political contention. Also, individuals who self identify as politically conservative are less likely to engage in collective action than people whom self-identify as progressive or liberal. As with the objective risk measure, I created a table to organize the data for comparative purposes. In addition to political engagement measures, I also include two tables focused on religious affiliation (major denominations in Nebraska and number of churches in major communities located along the route) in this section of my analysis. As the political engagement measures indicate, rural Nebraskan communities are predominately populated by registered Republicans. Political ideology, particularly conservative political ideology, closely correlates with strong religious beliefs. The rationale for including these tables was based on several instances of Nebraska landowners describing their care for land and water resources in terms of *environmental stewardship* in their testimonies, which is a Biblical interpretation of environmental stewardship.

The final contextual composite measure, *economic hardship*, is intended to measure the need for employment in the twelve counties located along the route. Job creation was a standard economic benefit frame used by KXL pipeline supporters to sell the project to the public, so it is important to measure the need for employment at the local level to see if the job creation frame resonates with Nebraskan communities. I created two tables containing unemployment data provided by the U.S. Census Bureau: national unemployment rates 2008-2014 and county level unemployment rates from 2010-2014.

Using these tables, I compared county unemployment rates with national unemployment rates and the twelve county level unemployment rates.

Framing Analysis: KXL Public Comment Transcripts

As mentioned above, the main body of my research concerns the framing strategies and narrative themes used by pipeline supporters and opposition members to establish a collective identity, defend their group interests, and motivate participation in collective action. My framing data comes from a set of four public comment hearings transcripts containing 528 individual testimonies. The personal and passionate testimonies we find in these transcripts are ideal for identifying the common concerns and frames provided by landowners and activists opposed to pipeline, as well as the main talking points put forth by pro-pipeline representatives.

To identify the frames and narrative themes used at the hearings, I first open coded all of the testimonies line by line and took memos to classify recurrent narrative themes and then employed axial coding to organize the narrative themes into two lists of frames, one for pipeline supporters and one for pipeline opponents. From these two lists, I identified the primary master frames used by pipeline supporters and opposition members. Each master frame is composed of several dimensions. For example, the *economic benefit* master frame is composed of the following four dimensions: job creation, tax revenue and local business stimulus, national economic stimulus, and good paying jobs/living wages. Both pipeline supporters and opponents used four master frames composed of several dimensions. After coding the transcripts and creating frequency counts and percentages for each frame, I created tables organizing the data in a bivariate format. I created three frequency counts/percentage tables to organize the framing data gathered from the four

public hearings held in Nebraska. The first table is a summary table containing data on pipeline support and opposition based on the variables sex (male or female) and affiliation (union members, citizens, organizations, and political representatives). For comparative purposes, each table contains frequency counts/percentage information columns for all four public hearings, with a fifth column containing the frequency/percentage totals from the four public hearings columns. The rows of the summary table contain data for each of my variables. The purpose of the summary table is to provide some general information on who attended the hearings, in what numbers, and their respective judgments on the pipeline (approve or deny).

In addition to the summary table, I created two tables containing frequency counts/percentages of the frames used by pipeline supporters and opponents. As with the testimony summary data, I organized the framing data in a bivariate table format. Again, the columns in these tables represent the four public comment hearings, with the fifth column containing frequency count and percentage totals for the four hearing columns. The table rows contain placeholder labels for the master frames and the component dimensions of each master frame used by pipeline supporters and opponents.

All of the frequency counts and percentages are calculated relative to the other dimensions composing each master frame. By restricting the frequency and percentage data relative to the other dimensions of a master frame, rather than comparing a dimension with all of the other dimensions for each master frame, we can calculate *meaningful* comparative data for each master frame and their respective dimensions. First, we can compare strength of each master frame's component dimensions by comparing their frequency and percentage for each hearing. We can also compare the

same master frame's dimensions across all four hearings to see how they changed over time. And finally, we can compare the over all distribution of master frames and their dimensions over time by comparing all of the frequency and percentage data.

Describing the Natural and Cultural Landscape: Fieldwork and Participant Observation

The data collection phase of my research on the pipeline issue lasted four years, from 2010-2014. During this time period I traveled to Nebraska on seventeen occasions to conduct fieldwork. Most of these visits were to attend Bold Nebraska events or to conduct interviews. Actually getting to see the landscape the pipeline would cross and visiting rural communities along the pipeline route provides a richness to my analysis of the environmental and cultural context shaping the debate in Nebraska.

There were three data collection methods I used during my fieldwork trips: participant observation, note-taking, photo-documentation, and interviews (I explain my interview methodology in the next section). Participant observation is a strong component of my qualitative approach to studying the KXL debate. Through participation, I was able to meet and interview several of the primary opposition movement members involved in the pipeline debate in Nebraska. My basic strategy for participant observation was to follow Bold Nebraska's "actions" section on their website, and when important events were scheduled I attempted to make it up to Nebraska to participate. Some of these events included information sessions hosted by Bold Nebraska and the Nebraska Easement Action Team at local libraries, public hearings, and several mobilization events. Some of my visits were not focused on the KXL debate or mobilization events, but trips made just to experience rural Nebraska. For instance, I traveled to northern Nebraska to attend a rodeo in Clearwater, Nebraska (pop. 419) one warm July evening. I also camped in the

Sandhills, traveling west along Highway 2, then northward along Maria Sandoz Sandhills Trail, then finally heading west on Crazy Horse Memorial Highway to Chadron State Park. Through photodocumentation, I attempted to capture images of rural Nebraska, the interest groups involved in the debate, and the landscape the pipeline would cross. Only a few of these pictures are included in my substantive chapters, but a broader set of photos from my visits is in Appendix D: Bold Nebraska and Cowboy Indian Alliance Photos and Paraphernalia.

Personal Accounts: In-Depth Interviews

The best research method available for truly getting a sense of what landowners think and feel about the pipeline is through in-depth interviews. It is important to state at the outset that I did not interview any TransCanada representatives, union members or citizens who support the pipeline project. There are two basic reasons for this exclusion. First, my framing analysis of pipeline supporter testimonies contains a very detailed examination of the main talking points, narrative themes, and framing strategies used by TransCanada, union workers, oil and gas interests, political representatives, and citizens to promote the pipeline. The pipeline supporter framing analysis, in my judgment, provides a clear enough picture of supporter interests and the reasoning behind their support. Secondly, my research is primarily focused on exploring at-risk communities in Nebraska and citizen reactions to the pipeline. Through my interviews, my intent was to conduct inquiry about the motivations for landowner and activist opposition to KXL and explore the mechanics of the mobilizing farmers and ranchers to fight the pipeline. TransCanada has access to ample financial resources to advertise their side of the story in Nebraska and Washington D.C. Rural Nebraskan landowners need their side of the story told as

well. I did, however, include a discussion of my respondents' thoughts on TransCanada's public relations campaign in Nebraska, but it did not require in-depth interviews with pipeline representatives to determine TransCanada's rationale for wanting to build KXL.

To explore what farmers, ranchers, and citizen activists think about a range of issues relating to the pipeline opposition movement I conducted ten individual interviews with Nebraskans involved in the KXL debate. I also organized a focus group in Atkinson, Nebraska with twelve landowners, several of whom are members of the Cowboy Indian Alliance (CIA). The CIA, which I describe in more detail in the next chapter, represents the northern branch (Holt and Boyd Counties) of the opposition movement in rural Nebraska.

My interview guide consists of twenty-one questions focused on four main topics: *TransCanada's reception in Nebraska, the causes of landowner resistance to the pipeline, Bold Nebraska's main goals and objectives, and the challenges of mobilizing Nebraskan landowners*. I created two slightly different interview guides, one for landowners and one for Bold Nebraska members. For the most part, the two guides are very similar, although my interviews with Bold members, particularly my interview with leader Jane Kleeb, contained several additional questions concerning their primary mobilization objectives and mission goals. A copy of the landowner interview guide is provided in Appendix XX: Landowner Interview Guide. I included this version of the interview guide because it was the one used for most of my interviews. My IRB application for conducting interviews was approved by the University of Kansas Human Subjects Committee in March, 2012.

To locate potential respondents, I attended Bold Nebraska events and introduced myself to organization representatives and staff members. From these initial contacts I used snowball sampling to find and interview core opposition members. Heckathorn (1997) suggests respondent-driven sampling is very useful for situations where the sampling frame is difficult to define or the study population is involved in stigmatized, illegal or contentious activities. Based on my research, and to the best of my knowledge, there are about 150-200 hardcore pipeline opposition members from rural Nebraskan communities, and maybe few thousand sympathetic citizens living in urban centers like Lincoln and Omaha. Because my study population is small, snowball sampling is the most appropriate method for selecting a representative sample from the pool of hardcore opposition members. Although I must note that representativeness in my analysis is less important than locating individuals willing to talk at length about the pipeline issue. There are two primary groups I selected as subjects for interviews: landowners (farmers and ranchers) and Bold Nebraska staffers. My interviews with Bold Nebraska staff members inquire about organizational strategies and community networking, while my interviews with farmers and ranchers mainly focus on motivations for protest and community reactions to the proposal. The interviews were digitally recorded, and I transcribed all interview data.

In closing, I offer a brief summary of forthcoming chapters as a general guide to my analysis. Chapter 2 outlines the mixed methodological approach I use for studying the debate in Nebraska and details the measures I use to create county profiles, organize my framing data analysis, and conduct my interviews. Chapter 3 introduces the main claims-makers and interest groups involved in the debate, and Chapter 4 explores several

community level variables present in the twelve counties located along the pipeline's path. Once I have discussed the structural and cultural context surrounding the debate, Chapter 5 provides a summary of the four public comment hearings that details the number of citizens, organizations, and interests groups in attendance at the hearings and an analysis of respective positions on the pipeline issue based on sex (male or female) and affiliation (citizens, union members, organizations, political representatives). In Chapter 6 and 7, I explore the framing tactics and narrative themes used by pipeline supporter and opposition interest groups to define and justify their mobilization, and counter-mobilization, campaigns. Chapter 8 provides an analysis of the opposition movement in Rural Nebraska through the lens of the classical social movement tradition, focusing on resource mobilization, political opportunity, the mobilization of grievances, and the organizational structure of Bold Nebraska and the Nebraska Easement Action Team. I explore my interview data with landowners and opposition activists in Chapter 9, my final substantive chapter. And finally, in Chapter 10 I discuss the relevance of my research for further research on at-risk community and citizen responses to risky energy projects.

Chapter Two Claims-Makers and Their Interests

The contentious politics and claims-making involved in the KXL debate in Nebraska can be understood as a story, or a confluence of narratives, with characters and players driven by particular interests and objectives. Before looking more closely at how the KXL project is being framed by pipeline opponents and supporters, we need to identify the main players and fundamental interests involved in the pipeline debate in Nebraska.

Keystone XL has become a huge political and cultural issue in the U.S. There are many interests involved in the debate at many levels, from individual citizens to well-established organizations and even national governments. I examine the main interest groups involved in the KXL debate in Nebraska, which include TransCanada and Gulf Coast refineries, the Laborers International Union of North America (LIUNA), governmental agencies and political actors, landowners and citizens, and finally Bold Nebraska and the Nebraska Easement Action Team (NEAT). After describing these interest groups and their claims, I will explore the narrative strategies they have employed in their attempt to shape public opinion about the pipeline in Nebraska.

I begin with TransCanada's interests, as it was their decision to build KXL that started the pipeline saga when they applied for a construction permit in 2008. I also include an analysis of Gulf Coast refineries because they will financially gain from tar sands imports to the U.S. The KXL story involves a struggle of interests groups, an important part of which concern narratives about natural resources, job creation, energy policy, and property rights. From this initial starting point we can unfold the KXL story as a struggle of narratives concerning natural resources, job creation, energy policy, and property rights. Effective 'framing' of a cause via narratives is a vital facet of social

movements aiming to inspire and mobilize their ‘troops,’ gain the attention and support of the wider public, and ultimately influence elite decisions and actions.

TransCanada and Gulf Coast Refineries

The Canadian province of Alberta has experienced a boom in petroleum production. Tar-sands production has increased at such an exponential rate that it has outpaced Canada’s ability to transport diluted bitumen to world markets. In addition to a lack of transportation infrastructure, Canada lacks the heavy refining capacity for converting bitumen into marketable distillates. This is the situation tar sands developers and investors, who come from all over the world, find themselves; stuck with vast quantities of product and a shortage in means to get it to world markets. So enters TransCanada and the KXL pipeline into our story.

Although the KXL pipeline is just one avenue being considered (the others being rail and barge) by tar sands developers for getting Canadian diluted bitumen to U.S. refineries, no other pipeline in recent history has received as much public and political attention as KXL. The company hired to build KXL, TransCanada Pipelines LP, has become one of the main protagonists in the pipeline debate in Nebraska. The choices made by TransCanada about siting, routing, easement acquisition, landowner relations, and lobbying politicians have created a groundswell of negative responses in several Nebraskan communities.

TransCanada is a major Canadian energy transportation company that works very closely with the petroleum industry and tar sands developers in Alberta. The company has primarily built natural gas pipeline’s, which as of 2014 includes six wholly owned and nine partially owned gas pipelines in Canada. In total, they own and operate 24,000

miles of natural gas pipelines in and 3,500 miles of crude bitumen pipeline (TransCanada 2014). The 2,151 mile long Keystone One pipeline, which transports diluted bitumen from Alberta to refineries in the Midwest U.S., is the only crude bitumen pipeline TransCanada has built to date, although they are currently involved in developing six tar sands pipeline projects, including the KXL pipeline (See Table 1: TransCanada Pipeline Projects, 2014).

| Project Name | Length | Barrels/day | Content | Location | Diameter | Stage |
|------------------|----------|-------------|---------|-----------|----------|----------|
| Keystone 1 | 2,151 mi | 59,000 | Dilbit | Canada/US | 36" | Complete |
| Keystone XL | 1,897 mi | 850,000 | Dilbit | Canada/US | 36" | Proposed |
| Energy East | 2,860 mi | 1.1 million | Dilbit | Canada | 42" | Proposed |
| Heartland | 125 mi | 900,000 | Dilbit | Canada | 36" | Proposed |
| Northern Courier | 56 mi | ----- | Dilbit | Canada | 24" | Proposed |
| Stony Mountain | 114 mi | 200,000 | Dilbit | Canada | 24" | Proposed |

Table 2.1: TransCanada Pipeline Projects, 2014.

It would not be inaccurate to describe TransCanada’s forays into tar sands pipeline construction as experimental, as the unconventional nature of Alberta’s bitumen is also mirrored in the methods used for transporting tar sands through pipelines. For example, the Keystone One pipeline, which was built to conventional oil pipeline standards, is operated at very high pressure and the bitumen mixture requires heating to temperatures up to 120 degrees. Alberta’s bitumen is similar to diluted bitumen and heavy crude from other geographic regions like Venezuela’s Orinoco Belt, although Canada’s natural bitumen is “extra-heavy” with more sulfur compounds and heavy metal contaminants (Meyer and Attanasi 2003). Compared to conventional light crude, Alberta’s diluted bitumen, or “dilbit” as it is known in the industry, contains as much as 10 times more sulfur and 20 times more acidic content, and it carries abrasive sand particles when transported through a pipeline (Swift 2011).

The heavy nature of Canada's bitumen requires it first be upgraded or diluted with naphtha or natural gas and a range of diluent chemicals - including hydrogen sulfide, n-hexane, toluene, benzene - in order for it to flow through a pipeline. If naphtha or natural gas are not used, developers use synthetic crude as a diluent to create what is called synthetic bitumen, or "synbit" (U.S. Department of State 2013: ES-3). In the past, most bitumen extracted from Alberta's tar sands was upgraded in Canada and shipped to U.S. markets as synthetic crude, but the material that would travel through KXL is a raw form of dilbit (Swift 2011). Dilbit is not classified as oil by Congress and the Internal Revenue Service, and therefore TransCanada is not required to contribute money to the Oil Spill Liability Trust Fund for cleaning up the environment in case of leaks (Song 2012). This lack of liability coverage for KXL is problematic because there has never been a diluted bitumen leak into an underground aquifer before, so there is no protocol for determining cleanup costs in the event of a leak. More than cleaning up the bitumen itself, the diluents used to thin the bitumen is of particular concern due to their high toxicity and ability to easily move through water. Considering the Enbridge's Line B6 diluted bitumen spill into the Kalamazoo River in July 2010 has cost the company 1.21 billion to clean up (Ellison 2014), we can assume the cost of cleaning up significant leak in the aquifer would be very costly.

Despite the extra heavy nature of Canadian bitumen, there is a high demand by refineries in Texas and Louisiana for the distillate fuels that can be created with it. As long as demand exists, production remains relatively profitable over the long term, and tar sands development continues to grow, energy transportation companies like TransCanada will step in to get dilbit to world markets. And even though the price of oil

steadily declined in 2014, to around 40 dollars a barrel, oil and gas companies will likely maximize the output of current operations in the interim and simply wait to expand capacity once oil prices rise. In other words, despite the low price of oil, the oil and gas industry will continue to extract petroleum and seek out new extraction opportunities. Tar sands extraction risky business, both in terms of returns on capital investments and potential environmental impacts. By getting into the tar sands pipeline business, TransCanada is positioning itself to capitalize on the growth potential of future tar sands production.

So what exactly are TransCanada's interests and objectives? There is a wealth of information provided on their website useful for determining the overall objectives of the company. The website provides information concerning the company's mission, current projects and future production goals. It also represents a virtual public face and information hub for potential investors. For example, on TransCanada's "about us" webpage we find a summary of the company's vision and strategy for future growth:

TransCanada will be the leading energy infrastructure company in North America, with a strong focus on pipelines and power generation opportunities located in regions where we have or can develop significant competitive advantages. TransCanada's strategy for growth and value creation has four key elements:

- Maximize the full-life value of TransCanada's infrastructure assets and commercial positions.
- Commercially develop and physically execute new asset investment programs.
- Cultivate a focused portfolio of high quality development options.
- Maximize TransCanada's competitive strengths.

Since we established our strategy in 2000, we've focused on its steady and consistent implementation. The fundamentals of that strategy remain the same. In addition to our extended focus on maximizing the value of the businesses, our achievements can be seen in our growth through acquisitions and the high quality portfolio of future growth opportunities.

(TransCanada 2014).

The information provided on TransCanada's website makes it very clear that maximizing profits for shareholders is the primary objective of the company. Considering

the current growth trajectory of tar sands production, the company is well-positioned to generate significant dividends for investors through future tar sands pipeline projects. When considering the interests of TransCanada it is important to keep in mind their interests are in alignment with the oil industry, refineries and U.S. petroleum exploration advocates. The success of TransCanada's tar sands pipelines depends on increased tar sands development and the future success of tar sands developers requires the transportation infrastructure provided by companies like TransCanada, and refineries located in the U.S.

The primary beneficiaries of the KXL pipeline in the U.S. will not be American consumers, but several refining companies located along the Gulf Coast in Texas and Louisiana. There are five Petroleum Administration for Defense Districts (PADD) located across the U.S. (See Figure 2.2: Petroleum Administration for Defense District Map). After the close of WWII, Congress passed the Defense Production Act of 1950, which created the Petroleum Administration for Defense Districts for analyzing "patterns of crude oil and petroleum product movements throughout the nation" (U.S. Energy Information Administration 2012). Gulf Coast refineries are located in PADD 3. The PADD 3 refining region includes Texas, Louisiana, Mississippi, Arkansas, Alabama and New Mexico.

Petroleum Administration for Defense Districts

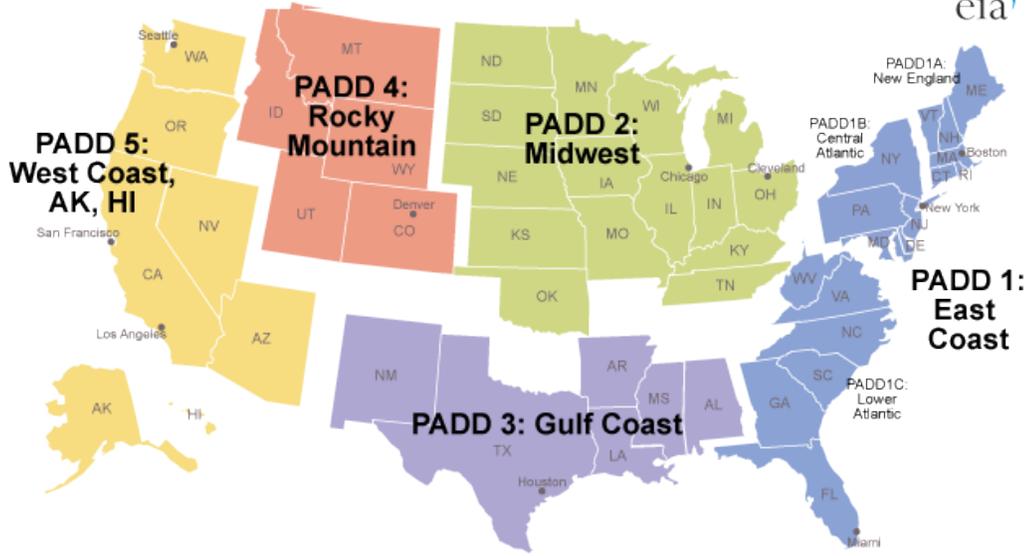


Figure 2.2: Petroleum Administration for Defense District Map.
Source: U.S. Energy Information Administration.

Many refining companies, including Valero, Exxon, Shell, Houston Refining, TOTAL, and Motiva in Texas and CITGO and Phillips 66 are outfitted to refine heavy crude and Canada’s dilbit (Oil Change International 2013). These refineries have spent billions of dollars over the last couple of decades reconfiguring their operations to process dilbit from Canada, although they are not well-configured to process the “tight” oil that the U.S. is currently producing in great quantities through hydraulic fracturing (Yergin and Barrow 2014).

As of 2014, refineries in PADD 3 accounted for almost half of the nation’s refining capacity at 49%, 58% of crude production, and they handle 55 % of all crude imports (Refinerlink 2014). In addition to having the highest number of refineries of the five districts, PADD 3 is the primary district that exports refined petroleum products to international markets. Seventy-four percent of all U.S. petroleum exports come from PADD 3 refineries. While there has been a ban on crude oil exports out of the U.S. since

the early 1970's, PADD 3 refineries exported around 100,000 barrels of petroleum products per day, including 6,000 barrels of oil, 12,000 barrels of natural gas, and 70,000 barrels of finished motor gasoline (U.S. Energy Information Administration 2014). The amount of exports from PADD 3 has risen significantly in the last decade. In 2012, 60% of finished motor gasoline, 41% of diesel, and 95% of petcoke was exported from Gulf Coast refineries (Oil Change International 2013).

These export numbers are important because one of the main arguments made by KXL opponents in Nebraska is that the material going through the pipeline will only be transported through the heartland of Midwest and then onto the world market, and would not benefit U.S. citizens. Although the dilbit transported through KXL, if built, will not be exported due to a ban on oil exports, a significant portion of the refined fuel products would likely be exported to international markets. There have been calls in recent years by several members of Congress - both Democrats and Republicans - to lift the ban on crude oil exports due to the rise in tight oil production from hydraulic fracking operations in the U.S. (Plumer 2014). Gulf Coast refineries outfitted for processing Canadian dilbit are opposed to lifting the export ban because it would bypass the need for processing, and therefore cut into profits. Nevertheless, lifting the ban on crude exports would likely mean a significant amount of the dilbit transported through KXL, in addition to oil produced in the U.S., would be sold directly on the world market.

TransCanada and U.S. refineries are the main protagonists in the KXL story. All of the other interest groups involved in the debate in Nebraska are essentially reacting to their move to build a pipeline across the heart of the U.S. The interests of TransCanada and Gulf Coast refineries are based on growing their industry and maximizing profits for

shareholders. Their values are also reflected in our cultural expectations for economic growth and the conveniences offered by the products oil and gas companies manufacture. Our entire built environment (roads, cities, neighborhoods) is structured for the continued use of fossil fuels. Indeed, our economy and society is addicted to oil.

In terms of the U.S. economy and economic growth, the KXL project has often been promoted as a major job creator that would boost the economy. Because job creation is the primary talking point that has used for selling the pipeline to the public, and construction workers would directly benefit from the energy project, we need to explore the role of some of the labor unions involved in the KXL debate in Nebraska.

Laborers International Union of North America and Nebraskans for Jobs and Energy Independence

The position of labor unions on the KXL pipeline is complicated. In terms of interests, it is important to include unionized labor in the analysis of KXL because some construction unions, specifically the Laborers International Union of North America (LIUNA), have organized and worked to promote KXL in Nebraska. Also, significant numbers of LIUNA union members were bused in to public comment meetings in Nebraska to testify in favor of the project, so that it is important to examine their reasoning for supporting the pipeline.

The spectrum of labor unions in the U.S. is broad. Many unions decided to remain silent on the pipeline issue, although a number of unions, to varying degrees, have come out in opposition to the pipeline, including the Amalgamated Transit Union (ATU), Transport Workers Union, Service Employees International, United Auto Workers, United Steelworkers, Communication Workers, Domestic Workers Union, and National Nurses United, while the Teamsters, United Associated, LIUNA, and the Operating

Engineers have shown support for the project (McGowan 2012). In part, the divisions we find among various labor unions concerning the KXL project represents the politicization of environmental issues in relation to the interests of labor. Some trade unions are more sensitive to environmental concerns, attempting to look beyond jobs reliant on the oil and gas industry. Other trade unions have committed themselves to work with the oil and gas industry because they provided plenty of work due to the expansion of oil and gas exploration throughout North America.

Perhaps among all organized labor, building and construction unions find themselves in a precarious position in terms of the future direction of our energy economy. Building trades associated with energy projects find themselves caught within, or in between, our gradual transition from an energy economy based on fossil fuels to a post-carbon energy economy based on renewables. This transforming energy landscape is in turn shaping what kind of jobs union workers take on. Some trade unions, like the United Steelworkers, have joined forces with environmental groups to form the Blue-Green Alliance, which works to promote clean energy projects for labor. Other construction unions have formed relationships with the oil and gas industry to provide the labor necessary for completing petroleum exploration, transportation and refining projects. In 2009, LIUNA and the AFL-CIO's Building and Construction Trades Department partnered with the oil and gas industry to form the Oil and Natural Gas Industry Labor-Management Committee. The committee's main goals are job retention and to "create communications campaigns around legislation that might squelch oil and natural gas development" (Laskow 2013). TransCanada has also developed Project Labor Agreements with several U.S. building trades unions, including The International

Brotherhood of Teamsters, The United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry, The American Federation of Labor–Congress of Industrial Organizations, The International Union of Operating Engineers and the Pipeline Contractors Association (TransCanada 2015).

A Cornell University study focusing the job creation and the KXL pipeline calls this partnership between labor and the oil and gas industry the “Blue-Black Alliance” (Cornell University Global Labor Institute 2012). Similar to the unlikely alliances that have formed to oppose the pipeline in Nebraska, LIUNA’s partnership with TransCanada and petroleum advocacy groups also represents a strange consortium of interests. In 2010, the organization Nebraskans for Jobs and Energy Independence (NJEI) was formed by TransCanada’s Director of Government Relations Beth Jensen and LIUNA Local 1140’s business manager Ron Kaminski to promote KXL in Nebraska. This organization is essentially an front for a conglomeration of oil and gas interests. Figure XX: LIUNA’s Partnership with Americans for Prosperity, ALEC, and the Oil and Gas Industry illustrates the complicated web of influence and interests surrounding Nebraskans for Jobs and Energy Independence.

With backing and support from Koch Industries, the American Petroleum Institute, the American Legislative Exchange Council, Americans for Prosperity, the Platte Institute and the Consumer Energy Alliance, NJEI was created to bolster support for KXL in Nebraska (see Figure 2.3: LIUNA’s Partnership with Americans for Prosperity, ALEC, and the Oil and Gas Industry). The organization held several public meetings in the state touting the benefits of the pipeline, and they initiated an automatic call campaign suggesting KXL will “bring hundreds of family-supporting jobs to Nebraska, hundreds of

millions in new tax revenue, and reduce our dependence on oil from countries like Iran and Venezuela.”.

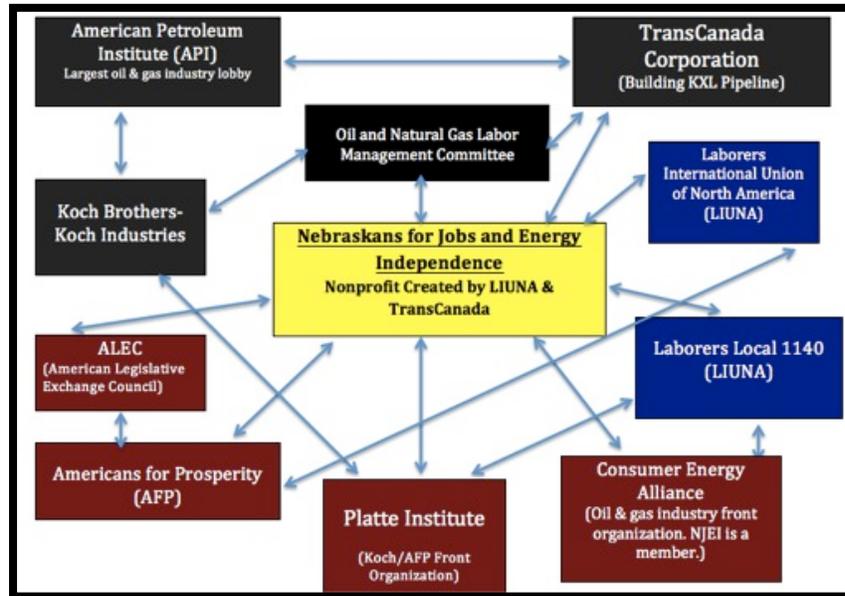


Figure 2.3: LIUNA’s Partnership with Americans for Prosperity, ALEC, and the Oil and Gas Industry. Courtesy Bold Nebraska.

It is interesting that most of the organizations associated with NJEI are generally considered anti-union, yet these organizations know the oil and gas industry needs unionized labor to build and expand their operations. Union members need jobs, whether that job is a pipeline or repairing aging infrastructure. When it comes to our energy future and climate change, it appears energy project employment is not just a job anymore, but also a political decision that can have potentially negative impacts on the environment. LIUNA is making a political decision by campaigning for KXL in Nebraska and favoring petroleum-based energy projects over other types of construction projects. This may in part be due the specialized nature of pipeline construction labor, such as pipefitting, and partly due to a vacuum in the green job construction market. As a result of the rapid expansion of oil and gas exploration in the U.S. since 2008, construction work created by oil and gas energy projects are shovel-ready jobs, not supposed green jobs that are

basically absent due to a lack of a political, financial, and cultural investment in renewable energy and infrastructure projects. For LIUNA, the growing oil and gas industry means job security, and groups like Nebraskans for Jobs and Energy Independence have been created to fill the green job vacuum with promises of good paying jobs and greater energy security through energy projects like KXL.

NJEI's mission statement references Obama's "all of the above" energy policy (which is open to expanding oil and gas exploration in the U.S.) and presents its organization's objectives as an alternative to Bold Nebraska's vision for Nebraska:

Nebraskans for Jobs and Energy Independence is a committed group of Nebraskans who believe that our state can play a key role in the future of U.S. energy policy...Nebraska's existing ethanol production, enormous wind power potential, and central geographic position mean that Nebraska can both generate and transmit power and energy sources for the rest of the nation -- creating jobs, growing the economy, and decreasing the need to import oil from unstable sources. Unfortunately, not all Nebraskans share our vision for the future. Some believe that we should limit Nebraska's participation in energy markets to just one form of energy or another. This short-sighted viewpoint ignores a simple truth: to strengthen our nation, we need an "all of the above" approach to energy that includes renewable sources and better, more stable sources of oil and natural gas. Nebraskans for Jobs and Energy Independence believes a majority of Nebraskans want their state to take an active role in this effort, and will work to make our voices heard.

NJEI implicitly targets Bold Nebraska as a minor self-interested organization advocating for an impractical energy future, while NJEI's vision provides job security and greater energy independence. Job creation and energy independence are the two primary talking points pro-KXL advocates and organizations have used to appeal to the mostly conservative base in Nebraska. The primary task of union leaders, of course, is to provide job security for their members. Thus it is not surprising that LIUNA is fighting for the jobs they are trained to do, although the tension it has created among labor unions has at times become heated. LIUNA's president Terry O'Sullivan told reporters, "We're repulsed by some of our supposed brothers and sisters lining up with job killers like the Sierra Club and the Natural Resources Defense Council to destroy the lives of working

men and women,” suggesting anti-KXL unionists were “under the skirts of delusional environmental groups which stand in the way of creating good, much needed American jobs (Laskow 2013).

Richard Kazis (1990) book *Fear at Work: Job Blackmail, Labor and the Environment* notes that since the Reagan Administration, job creation has become a powerful wedge issue used by pro-industry groups to pit labor against environmental groups. In part, I believe, environmental issues are a threat to the oil and gas industry because environmental concerns can transcend a particular union’s tendency to look inward to its own workers’ interests and broadly unify labor in a common cause, beyond mere job creation and retention. In the case of KXL in Nebraska, NJEI and its backers have used the strategy of job blackmail to portray Bold Nebraska and other anti-KXL groups as job killers. The job numbers associated with the KXL project have varied greatly during the review process, ranging from 50,000 to 5,000 jobs during the construction phase. According to data TransCanada provided to the State Department, the project will create between 2,500 and 4,650 temporary direct construction jobs for two years, with around 40 permanent jobs created after the projects completion. (Cornell University Global Labor Institute 2012).

There is little doubt that early in the KXL debate job numbers were inflated by pipeline advocates and media outlets sympathetic to the oil industry. The 2008 economic downturn helped make the oil and gas industry’s job blackmail strategy especially effective during a time of desperately needed work for so many Americans. Advocates for KXL tend to treat job creation as sacrosanct, an objective that is considered a good in itself and shouldn’t be tarnished by political meddling: a laissez-faire approach to job

creation. Construction unions sit in the crossfire of a battle over energy policy and the future direction of our productive economy. Luckily, there were many union members who testified at the public comment meetings in Nebraska. From the testimonies we can discern the narrative strategies and framing tactics used by union members to justify their claims about the pipeline. The next section will address agencies charged with determining if the pipeline is in the national interest and safe for American citizens and the environment.

Federal and State Agencies: Political Influence and Conflicts of Interest

Instances of contentious politics often involve political actors and government agencies (Tilly and Tarrow 2007). In cases of large-scale energy projects like the KXL pipeline, a diversity of political interests have organized and actively tried to shape the fate of the project. Government regulation and laws are designed to achieve policy goals, and NEPA regulations and laws are supposed to protect the environment, citizens and the overall national interest. Environmental risks associated with the expansion of oil and natural gas exploration are played out in policy decisions made by political actors that adhere to particular cultural values and interests, ranging from increased government regulation to the total dismantling of the EPA.

The idea of impartial, objective analysis and review sets a high standard for government agencies tasked with conducting environmental reviews for energy projects. From the very beginning of the review process, the KXL project illustrates how conflicting interests and a polarized political landscape can undermine thorough environmental review. The main political actors involved in the KXL debate are President Obama and his administration, federal and state regulatory agencies, private

environmental consulting firms, and political actors at the federal and state level. Of course citizen groups like Bold Nebraska, environmental organizations, unions, and industry lobbying organizations like the American Petroleum Institute are also political actors and claims-makers. But here I want to focus on the conflicts of interests and political influence found within the more formal, bureaucratic political structures that have become involved in the KXL review and permitting process.

Following the State Department permit approval for the Keystone One pipeline, which received little opposition from landowners or media attention in Nebraska, TransCanada pushed forward their more ambitious KXL project. On September 19, 2008 TransCanada applied to the State Department for a presidential permit “authorizing the construction, operation, and maintenance of pipeline facilities for the importation of crude oil to be located at the United States-Canada Border” (Department of State 2008). All pipelines that cross international borders with the U.S. require a Presidential Permit issued by the Secretary of State, as directed by Executive Order 13337. The Presidential permitting process is designed to determine if international energy projects like KXL are in the national interest.

According to federal law, the government’s primary interest in reviewing the KXL pipeline should be the protection of the environment and citizens. In order for the President to determine if the pipeline is in the national interest, the State Department is required to conduct a comprehensive review and produce an environmental impact statement (EIS). Because the State Department doesn’t have a department or agency specifically purposed for conducting EIS’s, the department contracts out the review process to a private third party consulting firm for evaluation. These private companies

specialize in helping energy companies navigate the complicated regulatory landscape of environmental review. To meet federal mandates, the EIS must determine how the pipeline would impact energy security; environmental, cultural, and economic factors; foreign policy; and compliance with relevant state and federal regulations. But in the case of KXL, there has been a widely recognized conflict of interest between the regulatory obligations of federal review and political interests involved in reviewing the pipeline. Due to the polarized political environment of Washington D.C., in addition to the vast amounts of money spent on lobbying law makers by the fossil fuel industry, it is important to consider the political context surrounding the main political actors in charge of delegating the permit approval process.

At the federal level, the final decision on whether the pipeline is granted a permit rests with the President. The President's decision is ultimately based upon the findings of the State Department's national interest review. President Obama rejected TransCanada's original proposed route due to concerns over the ecologically fragile Sandhills, which covers roughly one-third of Nebraska (23,600 mi²). Due to the permit rejection and legal challenges brought by landowners in Nebraska, the pipeline's fate has been in limbo for six years. During that time the House of Representatives has tried ten times to force the approve the pipeline by tying it to legislation through rider bills. All of these efforts at forced passage through rider legislation failed in the then Democratic controlled Senate. Some people began calling KXL the zombie pipeline, because it never seems to die.

Republicans took both the House and Senate in November 2014, which significantly changed the legislative climate in Washington. One of the first objectives of republicans, as stated by new House Majority Leader Mitch McConnell (R-Ky.) in his re-election

victory speech, was securing approval of the KXL pipeline. Making KXL priority number one is not surprising considering the millions of dollars energy companies and the oil and gas industry donated to sympathetic legislators in Washington in 2014 (Oil Change International 2014). No matter what politicians in Washington do to try and get the pipeline approved, President Obama has repeatedly signaled he would not make a final decision on the pipeline until the State Department's review process is completed.

What are Barack Obama's interests in the KXL debate? Since Obama initially rejected TransCanada's first application, he has essentially remained passive on the subject, although he did suggest in a press conference on November 14, 2014 that the pipeline, "...is providing the ability of Canada to pump their oil, send it through our land, down to the Gulf, where it will be sold everywhere else" (White House 2014). He has also said if the pipeline contributes to an increase in greenhouse gas emissions he will not approve the permit. There have been some indications the President will deny the permit before he leaves office (Cattaneo 2015), but in light of the unpredictable journey the pipeline review has taken thus far, it is impossible to predict what Obama's final decision on the pipeline will be. One way to judge Obama's general position on energy projects like KXL is by looking at his energy policy record while in the White House.

Following George Bush's legacy of environmental policy primarily based on input from business interests and the fossil fuel industry, Obama has taken a more bipartisan approach to environmental regulation by requesting feedback from both industry and environmental groups (Chait 2014). The Obama Administration has made some modest efforts at curtailing greenhouse gas emissions through fuel efficiency standards and the reduction of carbon pollution from power plants. Despite Obama's move towards a more

pragmatic strategy for energy policy reform, many environmental groups have criticized his “all of the above” policy. For example, groups such as the Sierra Club, Environmental Defense Fund and Earthjustice have criticized Obama’s significant expansion of the domestic production of natural gas and oil through hydraulic fracturing (Eilperin 2014). In fact, oil and natural gas exploration has expanded significantly, particularly in Texas and North Dakota, under Obama’s watch. In addition to a significant increase in fracking, the Bureau of Land Management (BLM) has opened up vast stretches of public land to energy developers and the Department of Energy approved four new natural gas export plants (Stangler 2014). The fact that the U.S. heavily depends on relatively cheap energy provided by the fossil fuel industry to grow its economy might help explain why the Obama Administration has given the natural gas industry a free pass to increase domestic production. It is difficult to find an area of modern consumer society that is not directly or indirectly touched by our dependency on oil. Energy policy, at least for the foreseeable future, will likely bend to the structural demands of economic growth.

Unlike President Obama’s somewhat passive role in the KXL review process thus far, the State Department was directly responsible for choosing the consulting firm that conducted the national interest review and produced the final Environmental Impact Statement. At this very early point in the KXL story we find serious conflicts of interest in the environmental review processes tasked to the State Department. It has become standard practice for state and federal regulatory agencies to contract out environmental reviews to consulting firms. Since the National Environmental Policy Act (NEPA) was established in 1970, government agencies have been allowed to hire outside consultants to conduct EIS reports, although the contractors are supposed to be chosen by lead

agencies to make sure consulting agencies have no financial or other interests in the outcome of the project (Rosenthal and Frosch 2011).

The outsourcing of the environmental review process has created a lucrative market for consulting companies who specialize in wading through the bureaucratic paperwork required by state and federal regulatory agencies, including the National Environmental Protection Agency. Because environmental review market is not very big, most of the large consulting firms have previously worked with the biggest energy companies, including Exxon, Shell, Chevron, Conoco-Phillips, Total and Syncrude, as well as TransCanada. In fact, most of the top environmental consultation firms, including CH2M Hill, Tetra Tech, URS, Golder Associates, AECOM, Environmental Resources Management (ERM), Arcadis, AMEC Environment & Infrastructure, MWH Global and Cardno Entrix have established relationships with the oil industry.

The small pool of third party contractors available for conducting environmental reviews has created serious problems in terms of conflicts of interest and objectivity in the permit review process. According to a Bold Nebraska report (2013) focusing on KXL and conflicts of interest, the environmental review contracting process for KXL followed five steps:

1. TransCanada chose which companies were allowed to apply for conducting the review.
2. TransCanada then chose the top three consulting firms from their list and gave those options to the State Department.
3. The State Department chooses a consulting firm from TransCanada's short list.
4. The consulting company reviews the project in order to secure approval.
5. State Department approves project.

This privatized contracting process undermines the purpose of independent review and objective analysis. In order to conduct an objective review as required by law, every proposed energy project should be reviewed in-house by state or federal agencies and not

outsourced to third-parties who shepherd projects through the review process for final approval. When an environmental consultation firm is hired to do a job, they want to succeed so that they can be considered for future contracts. If a review is too critical of a particular energy project, they might lose that client.

At TransCanada's recommendation, the initial KXL environmental review contract went to Houston based Cardno Entrix. As noted above, environmental consultation firms are required to sign a conflict of interest disclosure statement saying they would not benefit financially from the project or have not worked with the company they are reviewing in the past three years. Cardno disclosed they had received \$2.9 million to review an earlier pipeline project for TransCanada, although they did not disclose recent work they had done for one of TransCanada's natural gas projects in Wyoming, Montana and North Dakota (Rosenthal and Frosch 2011). In the case of KXL the State Department simply accepted Cardno's disclosure statement at face value. Considering Cardno's past relationships with TransCanada, the firm should not have received the KXL contract. Not surprisingly, Cardno's final EIS report suggested the pipeline would not significantly exacerbate carbon emissions or pose a threat to the environment or the communities located along its path. After several environmental groups, particularly Friends of the Earth, raised concerns about Cardno's potential conflicts of interests, the Office of Inspector General investigated Cardno's contract but found no *direct* conflicts of interest, although they acknowledged that there was a "perceived conflict of interest that could weaken the legitimacy of the review in the public's eye" (Bold Nebraska 2013).

When TransCanada's original permit was denied by the President due to concerns over the ecologically sensitive Sandhills region in Nebraska, the State Department had to

find another consulting firm other than Cardno to do a supplemental report for the new route. The British-based Environmental Resource Management (ERM) was hired on recommendation from assistant secretary for Oceans and International Environmental and Scientific Affairs Karri-Ann Jones, who wrote in a memo that, “ERM is the only candidate that has not worked for TransCanada or its subsidiaries or affiliates, nor has ERM been a third-party contractor on any reviews of TransCanada projects” (Sheppard 2013). But in reality ERM had more conflicts of interest with TransCanada than Cardno.

As with Cardno, ERM failed to disclose several instances of prior working relationships with TransCanada. ERM claims they are not an “energy interest,” yet their business record and marketing material suggests otherwise. The company touts itself as an agency that helps oil and gas companies gain project approval and supports the oil and gas industry. ERM affiliates Oasis Environmental Inc. and ERM-West Inc. worked on the TransCanada/Exxon Alaska Pipeline project since at least 2011, and they have business relationships with twelve oil companies with operating stakes in tar sands production (Elsner 2013). ERM also attempted to hid employees past working relationships with TransCanada by redacting the biographies of several ERM staffers from the final EIS report, including ERM’s second in command on the KXL report Andrew Bielakowski, who had worked on three previous projects for TransCanada over seven years as a consultant, and a staffer’s past work on the Koch Gateway Pipeline Company (Kroll 2103). When pressed to explain the missing information, State Department officials said it was “business confidential” information (Elsner 2103). Again, the Office of Inspector General conducted a conflict of interest investigation and determined there was no direct conflict of interest with ERM’s contract.

In addition to conflicts of interest from past working relationships with TransCanada, the greenhouse gas emissions evaluation portion of ERM's report was partially based on data provided by Jacobs Consultancy, a group owned by a tar sands developer and hired by the Canadian government. The carbon footprint estimates provided by Jacobs were much lower than those produced by the U.S. National Energy Technology Laboratory (Guillen 2014). ERM's evaluation was criticized by environmental groups for underplaying the emissions impact of the project and ignoring the difficulty of cleaning up potential leaks of diluted bitumen as evidenced by the expensive (\$500 million and counting) clean up of the Enbridge pipeline leak of dilbit into the Kalamazoo in July, 2010. The report was also criticized by the Department of Interior and the Environmental Protection Agency for not including sufficient information on a range of environmental concerns (Sheppard 2013).

Another conflict of interest concerns Paul Elliott, who was employed by TransCanada to lobby Congress in favor of the pipeline, and his close relationship with Hillary Clinton, who was Secretary of State from 2009-2013. Paul Elliot was Clinton's deputy campaign manager when she ran for president in 2008. Several reports have noted how Elliot's established relationship with high ranking Washington politicians allowed him special access to State Department officials during the EIS review process, including Cheryl Mills who was Hillary Clinton's chief of staff when she was Secretary of State (DeMelle 2011; Eilperin and Mufson 2011). Elliott also suggested to Washington officials that in exchange for their support for the pipeline his lobbying firm could help negotiate a climate deal with the Canadian government before the Copenhagen United Nations Climate Change Conference in 2009. In addition to special access to the State

Department officials and backroom negotiations, Elliott did not register as a lobbyist for TransCanada until December 16, 2010, meaning that up until the registration date Elliott was illegally lobbying for KXL (Eilperin and Mufson 2011). Also, David Goldwyn, who was an aide to Hillary Clinton when she was Secretary of State, worked with TransCanada representatives on how to better frame their messaging strategy in order to sell KXL to Washington officials (Elsner 2013).

After Clinton left the State Department in 2013, John Kerry took over State Department responsibilities. So far there has not been any indication Kerry has connections to TransCanada or any vested interest in approving or denying the pipeline permit. With Clinton's leaving, the potential conflicts of interest posed by her past relationships with Elliot and Goldwyn may have been dampened. Although these conflicts of interest, in addition to Cardno's and ERM's attempt to conceal past relationships with TransCanada, indicates a corrupted environmental regulatory system and failed vetting process for environmental review consultation. The way federal environmental reviews operate at present is essentially a rubber-stamping mechanism for corporate interests that significantly undermines the intent of objective and impartial review.

At the state level in Nebraska, we find more conflicts of interests in the environmental review process and heavy-handed political tactics within the Nebraska legislature. When the original pipeline route in Nebraska was rejected by the President, a Supplemental Environmental Impact Study was required to evaluate alternative routes circumventing the Sandhills in Nebraska. Dave Heinemann, Nebraska's governor, and several other legislators were initially against the pipeline's original route through the

Sandhills. But when the pipeline was rejected due these concerns, the authority to determine the new route and use eminent domain to obtain land along the pipeline's route became mired in Nebraska politics.

Before the original KXL permit was denied, the Nebraska Legislature passed LB1 (Major Oil Pipeline Siting Act) in a special session in 2011, which gave authority of pipeline siting in Nebraska to the elected officials of the Public Service Commission (PSC), although the law would not apply to KXL because TransCanada applied for a permit before its LB1's passage. To secure this exemption, TransCanada agreed to abide by LB4, which gave Governor Heinemann and his appointees at the Nebraska Department of Environmental Quality (NDEQ) the power to evaluate and approve the original KXL route, instead of the PSC (Zychal 2013). When the original permit was denied by President Obama, TransCanada's exemption was voided, so siting authority for KXL reverted back to the PSC. In another special session in 2012, the Nebraska legislature passed LB1161. LB1161, which was based on LB4, again exempted TransCanada and granted powers to Governor Heinemann and the NDEQ for siting, evaluation and approval of pipelines. The new law also granted TransCanada eminent domain power upon approval of a route in Nebraska, even before the company received a Presidential permit (Zychal 2012). Despite vocal opposition from many landowners, LB1161 passed 55-4 in the Nebraska legislature.

Three landowners represented by the Domina Law Group sued governor Heinemann, claiming LB1161 was unconstitutional because: 1) powers over common carriers should be delegated to the PSC, not the governor, 2) the power of eminent domain belongs to the legislative branch, not the executive branch, 3) the bill didn't provide judicial appeals or

notice to affected parties, depriving them of due process, 4) special sessions benefitting a particular party is prohibited, 5) the bill allows the NDEQ to spend \$2 million to evaluate TransCanada's application, in effect, loaning the corporation taxpayers money (Zychal 2012). On February 19, 2014 Lancaster County Judge Stephanie Stacy ruled in favor of the landowners. The case then moved to the Nebraska Supreme Court, which heard oral arguments on September 5th, 2014. Four months later, on January 9, 2014 the Supreme Court ruled against landowners, with four justices refusing to rule on the constitutionality of LB1161 because they said landowners did not have standing for bringing the case. Soon after the Nebraska Supreme Court ruling, TransCanada attempted to use eminent domain to force landowner holdouts to surrender their land. In response, a group of 70 landowners from Holt and several other landowners from York Counties sued TransCanada for using eminent domain against landowners before they have received a Presidential Permit. In February 2015, Holt County District Judge Mark Kozisek and District Judge Mary Gilbride from York County granted landowners motion for a preliminary injunction to halt TransCanada's use of eminent domain (Duggan 2015; Champ 2015).

As legally granted by LB1161, the pipeline reroute evaluation was tasked to the Nebraska Department of Environmental Quality (NDEQ), a state agency responsible for "protecting the quality of Nebraska's environment – our air, land, and water resources" (NDEQ 2014). Like the State Department's procedure for hiring consulting firms, the NDEQ outsourced the reroute evaluation to an environmental consulting firm. Three consulting firms applied for the job; Olsson Associates of Lincoln, EA Engineering Science and Technology Inc. of Lincoln and HDR, an engineering and consulting firm

based in Omaha. In the end, the evaluation was awarded to HDR. Olsson was eliminated because they had worked with a contractor on the original KXL route, and although EA Engineering's bid did not reveal any conflicts of interest, they did not get the job.

Like ERM, HDR is an environmental consulting firm that provides a range of services for the oil and industry. Looking at information provided on the company's website, it is easy to determine that one of their main business objectives is making it easier for oil and gas companies to gain permitting approval. They promise to provide "one-stop shopping for infrastructure solutions, giving you the ability to do what you do best – delivering oil and gas to fuel America's growth and strength...help oil and gas clients overcome the challenges of increasing government regulation and oversight and harsh physical and political climates, and exploit those opportunities...help oil and gas companies through the environmental planning and permitting process" (Bold Nebraska 2014). Again, like Cardno's and ERM's State Department evaluations, there were clear conflicts of interest in HDR's past work history with TransCanada. The company was hired by TransCanada in 2009 to help build a \$1.2 billion natural gas-fired power plant in Ontario, and up until November, 2011 HDR had conducted an environmental impact study for the TransCanada and Exxon Mobil Point Thomson Project (Genoways 2012). HDR also had contributed \$128,000 to political candidates that had shown support for KXL, including Lee Terry, Mitch McConnell, Jim Inhofe and John Boehner (Bold Nebraska 2014). Although HDR did not attempt to hide their past working relationships with TransCanada, these past consultations should have eliminated the company as a potential candidate for conducting the evaluation. Like the State Department's decision to

use Cardno and ERM for the federal EIS reports, the NDEQ accepted HDR's word when they promised there would be no conflicts of interest in their evaluation.

The report produced by HDR was roundly criticized by many Nebraska landowners and citizens due to several instances of missing information and incomplete or biased analysis. For example, the report lacked a Material Safety Data Sheets on the specific ingredients/chemicals/compounds to be transported through the pipeline, the eco-regions map used to define the Sandhills was inconsistent with USGS maps, and HDR used economic information provided by the Perryman Group – a consulting firm hired by the American Petroleum Institute and TransCanada – to prepare a positive economic report on the KXL project. The report also did not address many of the concerns raised by landowners. It is also important to note that both ERM and HDR were in charge of organizing and running the public comment sessions for the KXL review process, not the State Department or the NDEQ, although State Department and NDEQ representatives were present at the respective meetings. Throughout the review process, it seems that the State Department played a very passive and perfunctory role in carrying out the agency's regulatory duties.

The repeated exposure of conflicts of interests and political influence in the KXL pipeline review process illustrates how laws and regulations designed to protect the environment and citizens can be undermined by political contributions and influence. The amount of money the oil and gas industry, and their interest groups, contributes to lobby Congress and shape or dismantle regulatory policy, the outsourcing of environmental review to consulting firms that essentially work for the oil and gas industry, and the political manipulation of Nebraska state constitutional law for political ends have all

worked to serve TransCanada's interests, not the public interest. I will look more closely at the policy implications of the State Department's outsourcing of environmental review in chapter five. Below, I introduce the interests and concerns of the main subjects of my analysis; the Nebraska landowners and citizens who have chosen to fight the pipeline.

Nebraska Landowners and Concerned Citizens: One Big Backyard

The main focus of this study is the citizen activists, landowners and communities located along the pipeline's route in Nebraska that have chosen to fight the pipeline. Both communities and individual landowners standing the path of the pipeline must respond to the project in some way, given the interests they have at stake. They must decide if the project is in their best interests or a potential threat to the well-being and safety of their communities. TransCanada and oil industry interest groups worked hard to sell the pipeline to the people of Nebraska, spending millions on advertising the potential benefits of the pipeline in the state. Considering the mostly conservative cultural landscape of Nebraska, conventional wisdom suggests the main selling points for the pipeline (i.e. job creation, local tax revenue, energy independence/security, tax-free and shovel ready project) would have resonated in Nebraskan communities, especially with rural populations where traditional conservative values are the strongest. And, after all, the first Keystone pipeline received very little landowner opposition or media attention when it was constructed in the eastern portion of the state. So what changed in the time between the construction of Keystone One and the proposed KXL project, and what are Nebraskan landowners and concern citizens fighting for?

It is difficult to determine what exactly changed in Nebraska to cause significant landowner resistance to KXL as opposed to the minimal amount of resistance we find

with the first Keystone pipeline, but there are a few potential factors worth mentioning. Perhaps the most important factor in fomenting opposition to the pipeline in Nebraska is the fact that the Keystone One does not cross the Sandhills and only stretches across a fraction of the Ogallala Aquifer in eastern Nebraska. KXL's original route cut directly through the heart of the Sandhills and over a significant portion of the aquifer, and this was the primary reason many landowners expressed their opposition to the pipeline and TransCanada's original permit was denied. Yet even with the new route, which circumvents most of the Sandhills but still crosses areas of sandy, porous soil and portions of the aquifer (approximately 60 miles), we find a significant number of landowners continued to refuse TransCanada's easement offers. Another likely explanation for the appearance of landowner opposition must be attributed to the dedicated work of Jane Kleeb and her organization Bold Nebraska, which I discuss in more detail in the next section. Jane has become the charismatic leader of the pipeline resistance movement in Nebraska. Without her tireless work and savvy media skills, the opposition movement in Nebraska would likely not have grown and maintained itself for the duration of the pipeline's lengthy review.

We must also consider the cultural impact of the 2010 BP Deep Horizon oil spill in the Gulf of Mexico. Although TransCanada applied for a Presidential permit in 2008, people's awareness and concern about the KXL project in Nebraska did not become widespread until 2010. The BP spill, and the subsequent lack of accountability shown by BP and its contractors, could have heightened Nebraskans' awareness and mistrust of the oil industry in general, including TransCanada. In fact, some of my interview subjects did mention the BP oil spill fallout was as a warning signal that carried over to their

perceptions of potential risks associated with the KXL project. Another consideration is the abusive treatment of landowners by TransCanada's land agents, who most of my interview subjects said bullied and threatened them and other landowners with eminent domain and land condemnation if they did not agree to sign easement agreements.

These are a few of the factors that have potentially shaped community responses to the KXL pipeline in Nebraska. The reasoning for opposition to the pipeline expressed by many landowners' will become more clear in my analysis of the public comments and interview statements provided in the following chapter. Each landowner will have their own take on the pipeline and perceptions of the potential risks involved, but I think the cultural heritage of rural Nebraskan landowners and the communities located along the pipeline path can help illuminate their interests.

During western expansion in the later half of the nineteenth century, Nebraska was considered an inhospitable landscape, a great desert to get through on the way to the promise of Oregon or California. The treeless sea of grass was thought useless by many early explorers. No trees and no water meant no shelter or crops, and no place to settle down and raise a family. On the open range the best one could do was construct a sod home and take your chances dry farming, hoping nature would provide enough rain for crop production. Of course early explorers did not know about the vast reserve of fresh water sitting beneath their feet in the aquifer. Nebraska is often described as fly-over country by people shuttling between east and west coasts, an afterthought on one's way to somewhere else. Many Nebraskans I talked with were fine with this description, half-joking they hoped to keep the state's rustic beauty all to themselves.

Nebraska is the quintessential picture of rural America. Only fourteen Nebraskan cities have populations above 20,000. Outside these urban centers, the state is sparsely populated with small communities surrounded by sprawling farms and ranches. The geography and industry of the state, which is fundamentally agricultural in nature, has come to shape the values and interests of the people living in rural Nebraska communities. Whether a community ranches or farms is determined by geography, although in most rural communities we find some combination of beef production and farming. Beef production is the state's number one industry, which is mostly composed of cow and calf operations and cattle finishing feed lots. The Sandhills region, which covers 23,000 square miles, or roughly one third of the state, is essentially devoid of people except for rugged "Sandhillers" who raise cattle on large ranches. In Nebraska, cattle outnumber people four to one, and in the Sandhills that number rises to twenty to one.

The geography and local histories of Nebraska have created some archetypal qualities useful for describing the general character of rural Nebraskans, such as hearty, stoic, rugged, hard-working, conservative, religious, community-oriented, and self-reliant yet willing to help others in need. Most rural communities in Nebraska are bound by a shared cultural heritage and the homogeneous nature of the agricultural industries surrounding its towns and villages. Religious faith is strong in these rural communities, and most towns have several churches serving a mostly Christian demography. For example, O'Neill has fourteen churches, Atkinson nine, Albion eleven, Fullerton six and York has nineteen. The Catholic faith, in particular, is well represented in many of the rural communities located along the route, with several smaller towns offering Catholic

primary and secondary education alongside public schools. The fundamental value of community relationships appears again and again in my interviews with landowners and activists. When asked what they like most about Nebraska, all of my interview subjects mentioned how much they valued the strength of community ties and a willingness to help others in need. The fact that many family farms in Nebraska have been passed down through several generations has also helped solidify rural Nebraskans' collective identity.

We can roughly divide communities located along the proposed pipeline's route into two regions defined by agricultural industry; southern Nebraska (Jefferson, Saline, Fillmore, York, Polk, Merrick, Nance) is dominated by farmland while northern Nebraska (Keya Paha, Boyd, Holt, Antelope, Boone) has more ranchland mixed with farms. The most common crops found in communities located along the pipeline's path include corn, soybean, alfalfa, grain and sorghum. Traveling up highway 281, which runs parallel to the pipeline route, the landscape shifts from center-pivot farms to open ranges covered with vast seas of grass. In north-central Nebraska, where the Sandhills stretches its fingers eastward into farmland, reed-lined ponds and lakes rest between sand dunes stabilized by a mix of short and tall grasses. Windmills dot the horizon, with thin cattle trails branching off from water tanks like the spokes on a wagon wheel.

At the heart of landowner opposition to the KXL pipeline are three factors: the Ogallala Aquifer, the Sandhills and property rights. Undoubtedly, the primary concern of landowners and citizen activists fighting the pipeline is the potential contamination of the aquifer. Belief that the pipeline posed a great risk to the aquifer is the most consistent theme found in the testimony offered by pipeline opponents at public comment meetings. Considering Nebraska's productive economy is reliant on water hungry agricultural

practices, both in raising cattle and corn, it is not surprising the most vital environmental factor shaping life in Nebraska's rural communities is the aquifer, which underlies most the state. Before farmers learned to utilize the aquifer, agricultural production was limited to irrigated farms located in river valleys, such as the Platte, Loup, Elkhorn and Niobrara river valleys. Once the hidden wealth of water was discovered, agriculture spread to almost all of the state except the Sandhills. For many Nebraskan farmers and ranchers, water provided by the aquifer is life, and just the chance of an diluted bitumen leak into the aquifer represents an intolerable threat.

Many people haven't heard of the Sandhills of Nebraska. It is a vast desert of sand dunes frozen in place by a grasses such as the sand bluestem, prairie sandreed, little bluestem, and hairy grama and is the habitat of many other species of flora, including the stiff sunflower, bush morning glory, gilia, annual buckwheat, and plains gayfeather (Schneider et al. 2011). The idea of wilderness in our culture is often portrayed as forested woodlands or alpine heights, but we must also include the open wilderness of the Sandhills, where a delicate ecological network of animals, birds, reptiles, insects and plants make their home. Of all of the geographical settings in Nebraska, the Sandhills were initially dismissed by early explorers and surveyors as useless. For those first Anglo visitors, the value of land was judged by its usefulness in terms of trees for lumber and fertile soil for crops, both of which are lacking on the Sandhills rolling landscape. It was not until the 1870's that cattlemen realized the Sandhills were ideal for grazing their herds. Over the past hundred years, Sandhill ranchers have learned to respect the fragility of the sandy landscape. Blowouts caused by the removal of the grasses that anchor the dunes in place can create scars that last for decades. In fact, there are places in the

Sandhill where you can still see traces of the wagon trails used to traverse the region in the nineteenth century. Ranchers and farmers know first hand the fragile and porous nature of the soil found in central and northern Nebraska.

Landowners are worried about a leak into sandy soil because nobody knows what exactly will be flowing through the pipeline. Many of the people I interviewed wondered how a leak of unknown chemicals into the aquifer would be cleaned up. Diluted bitumen is not like conventional oil, it's a mix of bitumen and diluents. Although TransCanada has not released Material and Safety Data Sheet (MSDS) summaries for the material to be pumped through KXL, we can use the MSDS Enbridge released after their pipeline leaked dilbit into the Kalamazoo River in 2010 as a potential checklist of chemicals used to dilute bitumen. Among the diluents listed are benzene, toluene, ethyl benzene, xylenes, cumene, and hexane, all of which are highly toxic to humans (Embridge 2009). If built, the KXL pipeline will leak at some point. Dr. John Stansbury, an civil engineer from the University of Nebraska, wrote a comprehensive report suggesting KXL will likely experience "91 major spills over a 50 year design life..." (Stansbury 2011). And when it does leak, without MSDS sheets first responders and community members would not know what chemicals they are dealing with or what contaminants to test their wells for. A firefighter who testified at the State Department public comment meeting in Albion said the training first responders receive in relation to potential diluted bitumen leaks is essentially crowd control, keeping community members away from a leak site until TransCanada representatives arrive on the scene to take over. The Final Supplementary Environmental Impact Statement for KXL notes that TransCanada's monitoring system can only detect leaks to a level of approximately 1.5 to 2 percent of the pipeline's flow

rate, which means TransCanada cannot detect leaks smaller than 500,000 to 750,000 gallons per day (Song 2012). While the new KXL route does circumvent the main body of the Sandhills, it still traverses very sandy soil in Keya Paha, Boyd, Holt, and Antelope Counties and approximately sixty miles of the Ogallala Aquifer. An undetected leak above the aquifer in these sandy areas represents a very real risk to rural communities.

Another important issue for landowners is private property rights. There are many family-owned farm and ranch operations in Nebraska that go back several generations, and a number of the landowners I spoke with were third or fourth generation Nebraskans. Unlike most people who buy and sell houses in urban centers, many landowners in Nebraskan landowners consider their farms and ranches a legacy to be passed on to their children and a vital asset that must be protected. When TransCanada threatened landowners with eminent domain and condemnation, even before they company had secured permit approval, bristles were raised. The idea that a foreign corporation can come into the United States and take people's property against their will, all for private gain, astounded and angered many Nebraskan landowners. Nebraskans are nice and trusting people, but they won't take bullying, not even from a pipeline company backed by the most powerful industry in the world. For each of the landowners I interviewed, their position on the pipeline was simple: the disrespectful way TransCanada's representatives treated landowners just was not right, and no amount of easement money offered by the company will sway them to sign easements.

Nebraskan landowner's interests are bound to a way of life anchored in community, their landed property and its unique qualities that make their livelihoods possible. The KXL review process has lasted almost seven years, and time is TransCanada's worst

enemy in attaining landowner agreements. The company has secured about 90% of the easements needed to build the pipeline in Nebraska, while the remaining 10%, roughly 100 landowners, refuse to sign TransCanada's easements offers. Since the company first applied for a Presidential permit in 2008, landowners have had six years to organize, get informed and solidify their interests. This sustained mobilization of landowners would not have occurred without the hard work of Jane Kleeb and her organization Bold Nebraska, the Cowboy Indian Alliance (CIA) and the Nebraska Easement Action Team (NEAT).

Bold Nebraska, Cowboy Indian Alliance and Nebraska Easement Action Team

Successful social movements are often led by committed and charismatic leaders. An iconic figure skilled in organizing and public relations can operate as a symbolic bridge between a movement's base and the media, government officials and the general public. Most cases of community opposition to energy projects occur at the local level and are small-scale. This is because energy projects are often site-specific, affecting only one or two communities. Depending on the size and population of communities surrounding a proposed energy project, opposition can range from a few people to more formally organized resistance. Local opposition may be led by committed community members, but these efforts are not normally organized by people experienced in politics or leading an organization fully committed to achieving particular mission goals. Unlike localized energy projects, the KXL project is not site-specific and traverses the entire state of Nebraska. The scale and scope of the KXL project offers a unique challenge for those trying to stop it from crossing the state. Yet it is in Nebraska that we find largest number

of landowners who rejected TransCanada's easement offers and mobilized to stop the project in their state.

Landowner opposition to KXL in Nebraska has been organized and maintained for six years by Jane Kleeb and her organization Bold Nebraska. Jane Kleeb possesses a rare combination of charisma and tireless organizing abilities that has united people from diverse political and cultural backgrounds against the pipeline. With the help of staff members recruited from Nebraskan communities, Jane has worked with landowners to craft a messaging strategy representing their interests, which has become encapsulated in Bold's rallying slogan, "Stand, Defend, Protect: Land, Water and Home."

Bold Nebraska was not initially formed as an organization opposed to the KXL pipeline. In my interview with Jane Kleeb, she said Bold was created to advance progressive politics in Nebraska, particularly health care reform. It wasn't until the Nebraska Sierra Club asked Jane to attend a public comment meeting on the pipeline in Atkinson, Nebraska that she became aware of the KXL issue. Jane admits she was apprehensive about attending the meeting because she had little experience with environmental issues, but after hearing landowners testimony concerning potential risks associated with the pipeline, she decided KXL was an issue Bold Nebraska should incorporate into their mission goals. Since that initial meeting in Atkinson, Bold Nebraska has made the KXL pipeline its main focus, and the organization has been successful in their efforts to educate and rally landowners against the pipeline.

To organize landowners, Bold employed several unique mobilization strategies for solidifying landowner interests. In addition to more traditional forms of claims-making actions, such as marches and letter writing, Bold's mobilization tactics were designed to

resonate with rural Nebraskans. Bold helped organize the construction of an “renewable energy barn” which sits directly in the path of the proposed pipeline on a landowner’s farm. The barn was built by landowners and volunteers, and it is completely powered by wind and solar energy. Local Nebraskan musicians recorded an album in the barn as well, and sale of these albums helped provide funds for Bold Nebraska. Another creative action was the commissioning of artist John Quigley to create a large crop artwork piece on Art Tanderup’s farm that proclaimed “Heartland #NOKXL.” Bold also hosted a trail ride in Holt County so people could personally experience the landscape the pipeline would cross if built through northern Nebraska. In Antelope County, also in northern Nebraska, there was a “Harvest the Hope” concert held in Neligh, which was attended by 8,000 people and headlined by Willie Nelson and Neil Young. And finally, on the urban front, the organization helped Nebraskan landowners travel to Washington D.C. on several occasions to protest KXL in front of the Whitehouse and in December, 2012 Bold welcomed notable environmental leader Bill McKibbin to Omaha on his Do the Math Tour. In terms of reaching out to landowners living on the pipeline’s path, perhaps the most important action Bold took were landowner education meetings at community libraries, where landowners could learn about potential risks associated with the pipeline. Bold also held rallies and information sessions before important public comment meetings and legal decisions in the landowner lawsuit against the Governor Heinemann.

Another group closely aligned with Bold Nebraska organized to fight the pipeline in northern Nebraska. The Cowboy Indian Alliance (CIA) was formed to unite ranchers, farmers and Native American communities living along the pipeline’s route in South Dakota and northern Nebraska against the pipeline. In some ways, the CIA can be

considered the more aggressive branch of the opposition movement in Nebraska. Ranchers in northern Nebraska have a reputation for being fiercely independent, and willing to fight for what they believe. I was fortunate enough to conduct a focus group with several members of the CIA in Atkinson, Nebraska and I learned that several landowners had past experience fighting a proposed nuclear waste dump energy project in Boyd County in the late 1980's and early 1990's. The protests became very heated, and at one point many members of the anti-nuclear waste dump group Save Boyd County (SBC) were outfitted with automatic weapons to defend their community. Landowners were willing to take up arms to protect their water, land and livelihoods. As Susan Cragin notes in *Nuclear Nebraska*, "In the end, around 400 rifles arrived. Most of the active members of SBC signed up for one, including many elderly women... There were enough rifles to ensure that each anti-dump family had one and nearly 400 rounds of ammunition by their door, ready to act in a moments notice" (2007: 144). Although the Cowboy Indian Alliance is not nearly as militant as the SBC group, some members said they were willing to fight the pipeline with acts of civil disobedience if necessary. The same concerns that fueled opposition to the nuclear waste dump - primarily fears about contaminating the aquifer - were apparent when discussing KXL with landowners in my focus group in Atkinson.

The taking and despoiling of land is nothing new to Native American communities. TransCanada's effort to take landowner's property has now put farmers and ranchers in a position familiar to many Native peoples. The driving force of the CIA is a deep respect and concern about land and water. Native communities have a deep spiritual connection to the land and water, which they consider sacred. These feelings of respect for water and

land are shared by ranchers and farmers, even if from a more utilitarian perspective. With both groups threatened by potential pipeline leaks, the KXL project offered a opportunity to unite two groups historically in conflict with one another against a common threat. For example, in an effort to represent pipeline opposition in South Dakota, the Rosebud Sioux Tribe in collaboration with the CIA constructed a Spirit Camp on native land to both physically and symbolically protest the pipeline. The CIA also launched what they called the Reject and Protect campaign and traveled to Washington D.C. to protest, on horseback, in front of the White House.

As the petroleum industry pushes to open up more federal and private lands for oil and gas exploration, communities are starting to fight back. The unlikely alliances between Native Americans, ranchers and farmers represented by the CIA is becoming more common as petroleum interests attempt exploit every opportunity to maximize production. For example, in the Pacific Northwest the Lummi Nation and environmental groups have joined forces to stop a coal terminal from being built on sacred ground and the Quinault Nation is opposing Bakken oil terminals that threaten salmon, in Montana Northern Cheyenne tribal members have been joined by ranchers to fight the proposed Otter Creek coal mine, and in Wisconsin the Bad River Ojibwa and white ranchers have united to stop iron ore mining while Ho-Chunk and local residents have joined forces to stop fracking sand mining (Grossman 2014). These alliances offer an opportunity to heal old wounds caused by generations of mistrust and racism. Perhaps we are now witnessing an emerging form of ecopopulist protest based on the protection of natural resources, where the sacredness of land, water and home transcends lingering historical tensions between native and non-native communities. The case of KXL in Nebraska illustrates

how the common cause of water and land can also transcend other political and cultural divides as well. Instead of looking to past grievances, the claims-making of the CIA is focused on the future and our common fate as humans dependent on fresh water and viable food production.

While Bold Nebraska and the Cowboy Indian Alliance worked hard to organize community members against the pipeline, the Nebraska Easement Action Team was formed to provide legal representation to landowners in their fight against TransCanada. NEAT is operated by a legal team - primarily Brian Jorde and David Domina - from the Domina Law Group located in Omaha, Nebraska. The purpose of NEAT in relation to KXL was two-fold: the foremost goal was to provide collective legal representation to easement holdouts so that they could negotiate the best possible deal if the pipeline is approved, and secondly the group provided legal representation to several landowners who sued the Governor of Nebraska over the constitutionality of pipeline siting authority established in LB1161 and sued TransCanada over eminent domain claims. Unlike Bold Nebraska and the CIA, NEAT's main purpose is not to stop the pipeline. Certainly the Domina legal team is sympathetic with landowners' situation and would prefer the President reject the pipeline, but NEAT's purpose is mostly defensive, while Bold and the CIA are more offensive in their objectives. The main legal issue of driving NEAT is the protection of landowners' private property from TransCanada's threats of eminent domain.

TransCanada's basic strategy for acquiring land is to approach landowners individually and offer them an easement. Without legal guidance landowners could get a bad easement deal, and potentially leave their property at risk. NEAT was designed to get

landowners together and identify their main concerns about the pipeline. With collective representation, landowners are in a much better position to broker easement deals, rather than leaving landowners to be victimized by TransCanada’s land agents who often used intimidation for gaining easements. NEAT’s interests in the KXL fight are essentially landowner’s interests. The traditional and creative repertoires of contention employed by Bold and the CIA were integral for fostering a cultural and political base for fighting the pipeline. But it was the legal efforts of NEAT and lawsuits brought by landowners that stopped the KXL project in its tracks in Nebraska. Nebraska legislators set themselves up for potential legal challenges when they hastily passed LB1161, which fast-tracked approval of the pipeline’s re-route and granted the Governor eminent domain authority.

In Table 2.4: Anti-KXL Repertoires of Contention by Group Organization, I categorized the repertoires of contention used by Bold, the CIA and NEAT to represent their interests according to the kind of activity involved.

| Bold Nebraska | Cowboy Indian Alliance | Nebraska Easement Action Team |
|-------------------------------------|-------------------------------|--------------------------------------|
| Letters Writing (State and Federal) | Spirit Camp | Information Sessions |
| Information Sessions | Reject and Protect Campaign | Governor Heineman/LB1161 Lawsuit |
| Sign-making/Postcards | Washington March | TransCanada Eminent Domain Lawsuits |
| T-shirts/Arm Bands | Trail Ride | |
| Renewable Energy Barn Raising | | |
| Crop Art "Heartland #NOKXL" | | |
| Harvest of Hope Concert | | |
| Do the Math Tour (350.org) | | |
| Washington March/Civil Disobedience | | |

Table 2.4: Anti-KXL Repertoires of Contention by Group Organization

As we can see, Bold has employed traditional and novel methods for mobilizing and uniting rural and urban community members. Many events hosted by Bold were meant to educate landowners and citizens about the pipeline and its potential risks, while some of

the organization's efforts were mostly symbolic, such as manufacturing t-shirts, signs, postcards and arm bands. At protest rallies in Washington and public comment meetings in Nebraska, "I Stand With Randy" t-shirts and "Pipeline Fighter" armbands were used to create symbolic unity and let others know what their fight was about. Bold hired a very savvy design group called The Match Factory to produce many of the iconic images used on fliers and posters to promote their events. The artwork is cutting-edge and sophisticated, yet easily translatable to Nebraska's rural cultural landscape. The Energy Barn raising event and the crop art installation were creative approaches to resisting the pipeline that can be considered thematically rural and reflective of the rustic character of Nebraskan communities. The Harvest of Hope Concert in northern Nebraska, headlined by the iconic musicians Willie Nelson and Neil Young, was a very successful media event that heightened awareness about the KXL issue, raised over \$100,000 for Bold Nebraska, and lent some star power to the resistance movement.

On the urban front, the Do the Math Tour held in Lincoln showcased environmental leader Bill McKibben and his take on the dangers of increased carbon dioxide emissions associated with tar sands extraction. And finally, the several anti-KXL marches on Washington took landowner's claims-making to the seat of power and decision-making authority in the nation's capital. In front of the White House, several Nebraskan landowners allowed themselves to be arrested, illustrating their commitment and willingness to engage in acts of civil disobedience. Many Nebraskan landowners and activists who traveled to Washington had never protested anything in their lifetime, let alone been arrested for civil disobedience.

The repertoires of contention employed by the CIA and NEAT operate in two distinct domains: the cultural and legal. The CIA was formed to unite two divergent cultural heritages against a common threat. Due to the historical legacy of forced migration off their land, Native American tribes can sympathize with ranchers and farmers threatened with eminent domain by TransCanada. As one Native American leader told a rancher at a meeting to form the CIA, “Welcome to the tribe, we’re all in this fight together now” (Grossman 2014). While both groups’ interests are directly related to property rights, it is the shared concern about the natural environment that has brought together ranchers, farmers and Native Americans. For Native American communities, the natural environment is an integral part of their spiritual understanding of the world. As a form of cultural protest, members of the Rosebud Sioux tribe from South Dakota set a permanent Spirit Camp in Ideal, South Dakota directly in the proposed path of the pipeline. When I visited the Spirit Camp in the summer 2014 there were placards, banners and t-shirts with the iconic “Don’t Tread on Me” snake divided into three segments, one for Montana, South Dakota and Nebraska and the words “No Permit, No Pipeline, Protect Land and Water.” As noted above, the CIA is mostly composed of communities from northern Nebraska and southern South Dakota, and the organization represents an attempt to unify culturally disparate groups in an effort to protect natural resources, homes and livelihoods against potential threats posed by the pipeline.

As the legal front for landowner opposition in Nebraska, NEAT held several information meetings at local libraries along the route in Nebraska in order to educate landowners of their legal rights. As noted above, the threat of eminent domain takings is one of the most important issues fueling opposition to KXL in Nebraska. Just as nature is

considered sacred to Native American communities, private property rights in mostly conservative rural Nebraska is considered inviolable to many farmers and ranchers who have maintained their farms or ranches for generations. That a foreign corporation can threaten to take land away from farmers and ranchers for private gain (not for public use such as a highway or transmission lines that have some local benefits) infuriated landowners. For these landowners, the fact that TransCanada was threatening them with condemnation before the company had acquired permit approval illustrated the arrogance and heavy-handed nature of the TransCanada's treatment of community members who refused to sign easement agreements. From local ordinances to federal regulations, the United States is a land of laws. As traditional protest actions and civil disobedience have become more routinized and performative, one of the last, and often successful, lines of defense for achieving claim-making goals are legal challenges played out in the courts. Legal decisions may not be permanent, but they do have an authoritative gravity that must be recognized by all partisans involved in a legal debate.

Chapter Three

County Profiles and Contextual Measures

In this chapter, I discuss some of the cultural and political characteristics of communities located along the pipeline's path in Nebraska. A selective demographic analysis of the twelve Nebraska counties affected by the pipeline provides a snapshot of the cultural landscapes that have shaped community responses to the project thus far, and it offers a general picture of the economic and political conditions of Nebraskan communities during the KXL debate.

To help explain the dynamic and processual nature of the KXL debate I use the contentious politics perspective as an analytical guide, which is an ideal approach for analyzing the KXL debate because all of the fundamental components of a contentious episode are present in the KXL fight in Nebraska. As Tilly and Tarrow note, "Contentious politics involves interactions in which actors make claims bearing on someone else's interests, leading to coordinated efforts on behalf of shared interests or programs, in which governments are involved as targets, initiators of claims, or third parties. Contentious politics thus brings together three familiar features of social life: contention, action, and politics" (2007:4). Within the framework of contentious politics, TransCanada is the initial claims-maker, both in applying to the federal government for a building permit and approaching landowners in an attempt to acquire land. Coordinated efforts simply means collective action, and we have seen a significant number of landowners (around 80) and many citizens from Nebraska engage in both traditional and creative forms of collective action in order to protect their interests. In fact some Nebraska landowners have organized and initiated counter-claims against TransCanada through legal means, a topic I discuss in more detail in the chapter seven.

The involvement of government entities in political contention is a key aspect of the contentious politics perspective. From the very beginning of the KXL saga, government agencies and political actors have been involved in the debate, and the pipeline has become one of the most politicized energy projects in modern U.S. history. Big energy projects like KXL are great for studying contentious politics because government agencies like the State Department are required to conduct an environmental review of all energy projects that might impact the natural or social environment. This requirement puts state and federal regulatory agencies right at the heart of the review process, and potential contention. KXL is somewhat unique due to the international nature of the project, and therefore the environmental review process for the project requires a national interest determination in addition to the standard EIS report. The national interest determination involves the highest levels of the federal government (such as the President and Secretary of State) in the review process. A national interest determination is rare because almost all proposed energy projects are constructed within our national borders.

Not all energy project proposals incite community opposition or involve political contention, and most projects receive building permits and are constructed without public outcry. This is why communities faced with energy projects are “at-risk” for contention, but opposition or mobilization is not guaranteed or assured. For example, a community might welcome a wind farm project with open arms and view the project as a positive addition to their community, while another community confronted with a similar project might oppose the project based on the siting location or concern for migrating birds. It really depends on the particular project and community awareness concerning the perceived benefits and risks involved. But in terms energy projects and episodes of

contentious politics, government must be involved in some way because they “make the rules governing contention: who can make what collective claims, by what means, with what outcomes” (Tilly and Tarrow 2007: 5). I will briefly discuss the interests of some of the political actors involved in the KXL debate at the national level, but my primary focus is how the debate is being framed on the ground in Nebraska.

In my analysis I often refer to the required governmental environmental review for energy projects as “the process.” I borrowed this terminology from citizens who spoke at public comment hearings and how they discussed their participation at the hearings as “taking part in the process,” or how they trust or have lost faith in “the process.” The process encompasses all of the steps of the environmental review requirements, from the initial application for a building permit, to national interest public comment meetings, and eventually the final decision to approve or deny the project. Telling the KXL story as a process also provides convenient bookends for discussing the KXL debate: there was a definite beginning, a prolonged episode of political contention, and there will at some point be a final decision ending with approval or denial of a building permit.

County Profiles: A Picture of Rural Nebraska

Photographs capture moments in time, and a photograph is a good analogy for describing the general purpose of the county profiles. The objective of my county profiles is to provide a static image of the cultural characteristics representative of the communities located along the pipeline’s path in Nebraska, particularly between the years 2010-2012. The sets of county variables I examine fall into three general categories: objective risk, political engagement, and economic hardship. These categories are borrowed from McAdam and Boudet’s (2012) “context” variables used for describing structural and

cultural factors that can facilitate or diminish community opposition to proposed energy projects. While McAdam and Boudet use these variables, among others, to score and compare several at-risk communities using Charles Ragin's fuzzy set/qualitative comparative analysis (fs/QCA), I use these measures in a much more restrictive and simplified manner to discern basic demographic information about rural Nebraskan communities. For the purposes of my analysis, objective risk measures an energy project's threat level against economic and demographic data. Political opportunity measures levels of political engagement using voting data. And economic hardship measures rural Nebraska's need for jobs based on county unemployment records. I also include several geographical maps in my analysis in order to illustrate and contextualize the natural landscape the pipeline would traverse and highlight the importance of the Ogallala Aquifer for the agricultural production found in rural Nebraska.

Communities located along the pipeline's path in Nebraska did not ask to be drawn into a politically contentious battle with their political representatives and TransCanada. TransCanada confronted farmers and ranchers with a request (or a demand if landowners refused easement offers) for sections of their land. The communities located along the pipeline route in Nebraska were essentially put in a position of reaction: they can either accept the project or fight it, but they must react in some way. Even if community members suggest they are impartial or don't have an opinion on the pipeline, this is still a form of silent acquiescence to the project.

When a community is at-risk for mobilization against an energy project, the cultural history and political landscape of that community provides a structural context that shapes its reaction to an energy project proposal. My community profiles offer a picture

of what rural Nebraskan communities located along the KXL route look like based on demographic data such as median household income county, unemployment rates, and voter turnout.

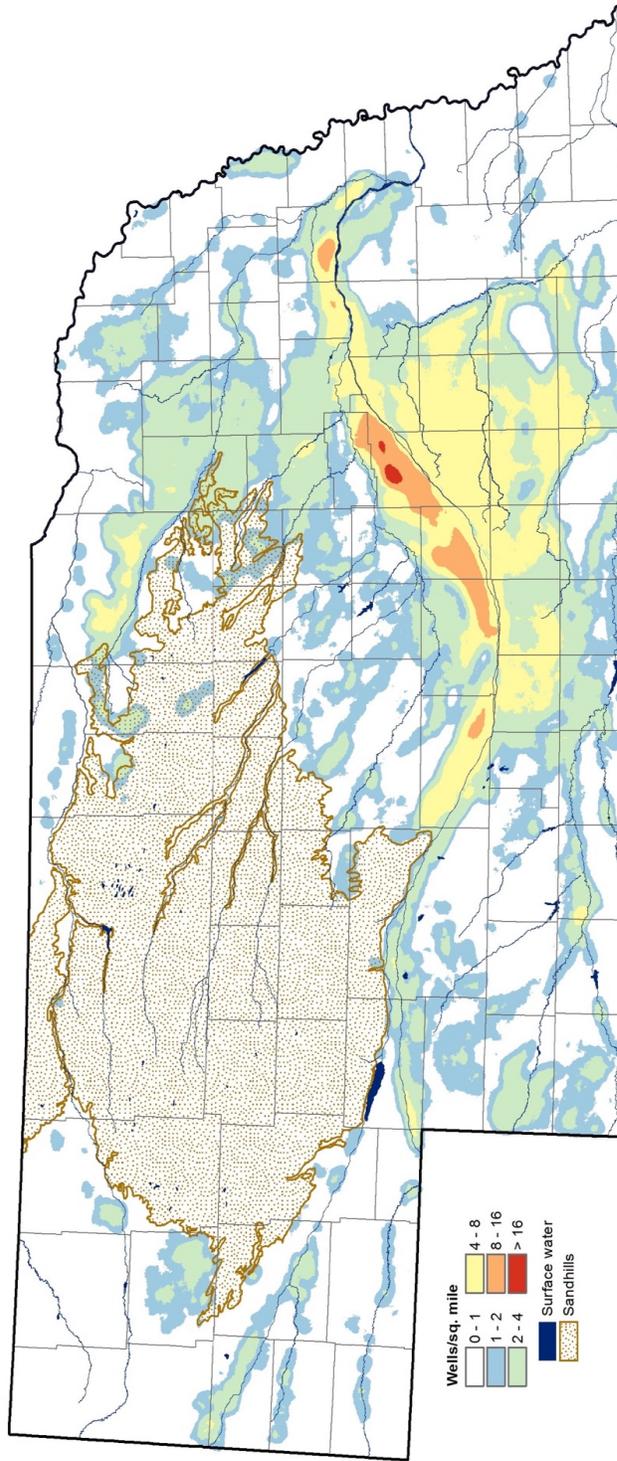
The Sandhills and Ogallala Aquifer

Before examining the demographic data, a brief overview of two sets of maps will help geographically locate our counties and illustrate the importance of the Ogallala Aquifer for Nebraska's agricultural industry. The first set of maps (Figure 3.1: Keystone Pipeline System in Nebraska; Figure 3.2: NDEQ Reroute Map 2012) show the twelve counties the pipeline would cross: Keya Paha, Boyd, Holt, Antelope, Boone, Nance, Merrick, Polk, York, Fillmore, Saline and Jefferson counties. The bent green line descending from Keya Paha County in north central Nebraska to Jefferson County in southern Nebraska is the current KXL route. The straight yellow line along the eastern border is the already existing Keystone One pipeline. And the hollow circles positioned at equal intervals along the pipeline route represent pumping stations that provide the pressure necessary for moving diluted bitumen through the pipeline. The Nebraska Department of Environmental Quality (NDEQ) Reroute Map was included in the reroute report produced by HDR, a Houston-based firm that conducts environmental reviews for the oil and gas industry and government agencies. The NDEQ map shows the original KXL route (brown dashed line), which passes through a significant portion of the Sandhills (area striped with tan lines) and the final reroute path (red line), which skirts the main body of the Sandhills, yet still crosses a significant portion (approximately 60 miles) of the aquifer.



Figure 3.2: NDEQ Reroute Map 2012

Density of Active Registered Irrigation Wells - December 2012



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Figure 3.3: Density of Active Registered Irrigated Wells – December 2012

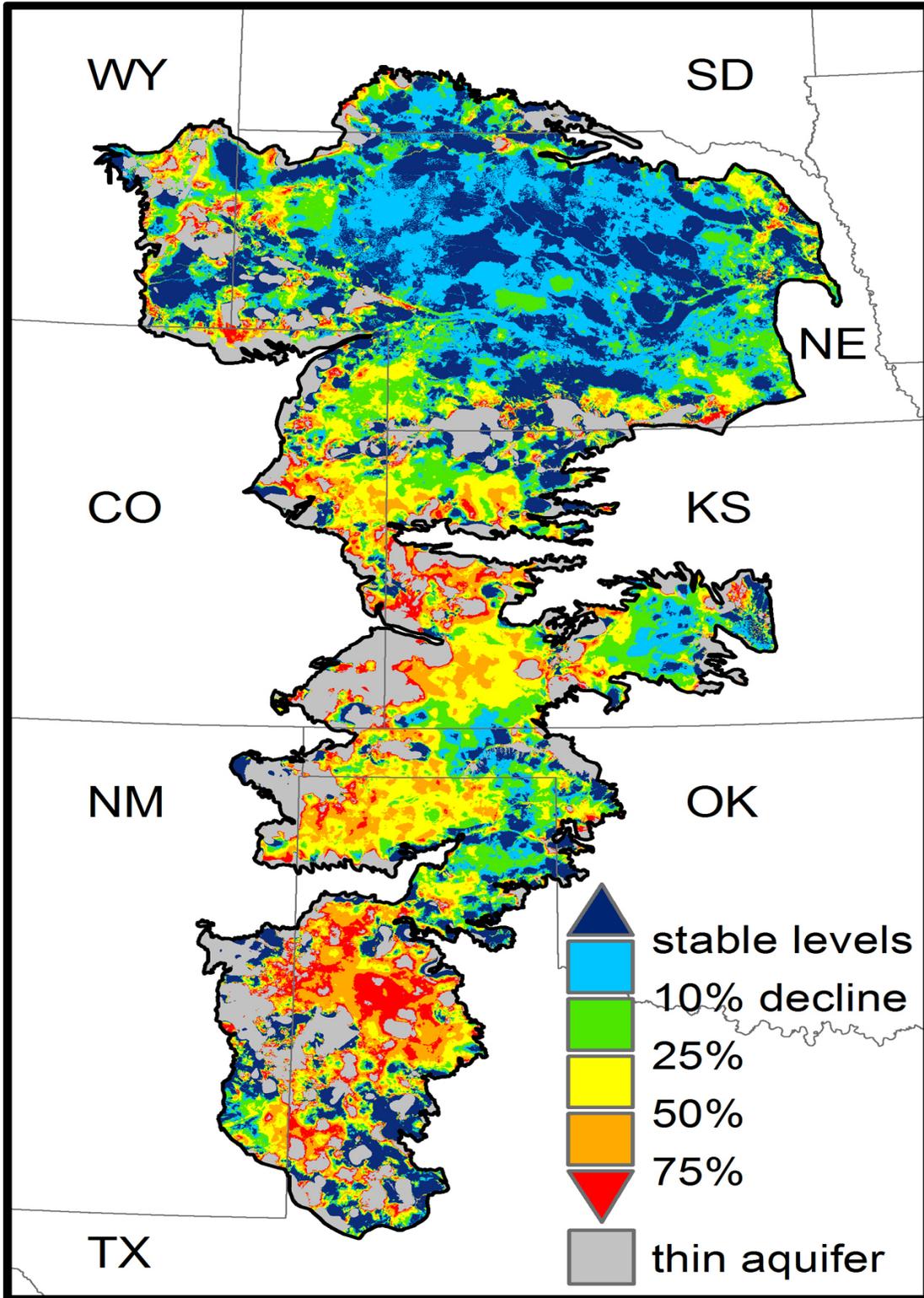


Figure 3.4: Michigan State University Ogallala Aquifer Map

The next set of maps (Figure 3.3: Density of Active Registered Irrigated Wells – December 2012; Figure 3.4: Michigan State University Ogallala Aquifer Map) show concentrations of irrigated farmland and the boundaries of expansive aquifer. The irrigation well density map clearly demarcates the Sandhills region, which is almost entirely composed of rangeland and an absence of farm irrigation wells. The yellow and orange areas on the map indicate higher densities of irrigation wells, most of which are located along, and just south of, the Platte River Valley. The bulk of farmland in Nebraska can be found in the south-central and eastern parts of the state. The aquifer map shows just how extensive the Ogallala Aquifer is in Nebraska. Underlying roughly 85% of the state, the discovery and utilization of the aquifer for raising crops and beef helped convert Nebraska from “the great American desert” into one of America’s the most productive agricultural states. The dark blue and green areas of the aquifer map represent the most stable portions of the aquifer system, and the red, yellow, and orange areas indicate areas where the aquifer is thinning.

As we can see, the aquifer is the most stable underneath the entirety of the Sandhills region. While most of the water in the aquifer is the result of thousands of years of glacial melts from the Rocky Mountains to the west (called fossil water), the Sandhills region, with its extremely porous soil, acts as a rain recharge zone for the aquifer (Opie 2000). After thousands of years of snow and glacial runoff from the Rockies, approximately three billion acre-feet of water was deposited underneath the plains. The water in the aquifer is not stored in underground caverns, but trapped between sand granules and percolates very slowly (about two to three feet per day) through the gravel beds in a the westerly direction (2000). Because the water in the Ogallala is ancient fossil water, and

not accumulated rainwater, any recharge that occurs from rainfall or snowmelt cannot stabilize the aquifer or keep pace with heavy water consumption practices.

In 2013, the Nebraska Department of Natural Resources (NDNR) listed 94,882 active irrigation wells and 26,596 active domestic wells registered in the state, and approximately 88 percent of the population relies on water from the aquifer (Nebraska Groundwater Quality Monitoring Report 2013). Without the aquifer, agricultural production, and the rural communities it supports, would not exist in the state. Today the aquifer is slowly being depleted through intensive, water hungry farming practices (up to 17 million gallons per day), in addition to being contaminated by plant fertilizers (nitrates) and cattle and pig manure related nitrogen runoff (Johnsgard 1995). In fact, a 2009 United States Geological Survey found 90 percent of samples taken from shallow groundwater in Nebraska portions of the Ogallala contained nitrate from fertilizers (USGS 2009). There is an inherent contradiction here between farmer and rancher concern about potential bitumen leaks from KXL and the detrimental environmental impacts of intensive agricultural practices, which has its own structural durability due to government subsidies and the ethanol fuel industry (Blair 2011). By noting this contradiction, my intention is not to downplay or take away from the very real concerns expressed by landowners over potential pipeline leaks. Farmers and ranchers are well aware of the environmental problems related to agriculture, but KXL represents a new threat that citizens have no control over.

When comparing the well density map and aquifer map with the pipeline route maps, we can see how the current KXL route still crosses some of the more stable areas of the aquifer and one of the heaviest areas of irrigation well use. It is important to note that the

original Keystone One route does not cross any of the Sandhills and only a small portion of the aquifer. If we ask why there was little resistance from Nebraskan landowners when Keystone One was proposed, I think TransCanada's decision to site the pipeline along the eastern border where there are fewer irrigated farms and it doesn't cross a significant portion of aquifer is the likely explanation. In the case of Keystone One, TransCanada was successful in their claims-making efforts to secure all the necessary land for pipeline construction, and at-risk communities located along the route did not organize to fight the project. This is not to say there was a total absence of community opposition to Keystone One, but as Jane Kleeb pointed out in my interview with her, landowners didn't have much time to organize:

I think the first one really went into the ground in like six months, it was very fast. And landowners in Seward County were very much opposed to the pipeline. The mayor was opposed to the pipeline, they were terrified at the risks to their local water supply and there was one or two newspaper articles in the Lincoln Journal Star but that's it. So it didn't catch fire, they didn't organize other landowners along the route...if you talk to landowners on Keystone One they'll tell you a few things, they'll say it happened really fast, we didn't know what the hell was going on, we didn't know what type of pipeline it was, like my husband thought it was a natural gas pipeline and I thought it was a water pipeline, literally that much confusion. Nebraskans had no idea it was happening.

If we compare the meager media coverage of Keystone One with the overwhelming media attention KXL has generated, it is not surprising many Nebraskan citizens did not hear about Keystone One. According to several activists and landowners I spoke to while visiting Nebraska, the Keystone One project flew right under the radar of their awareness. With all of this in mind, we can safely assume Nebraska citizen awareness about the potential risks of Keystone One didn't register because the pipeline didn't threaten areas with high irrigation well usage, it did not cross significant portions of the aquifer, and because the pipeline was built relatively quickly. Unlike Keystone One, the original KXL route followed a straight line from Alberta, Canada to Texas refineries, which is the

shortest distance between the two points. Based on their experience building Keystone One, TransCanada likely felt confident crossing the sparsely populated Sandhills and aquifer would generate little resistance from landowners. It was a gamble they lost. The company completely underestimated the organizing ability of landowners stirred to resistance due to potential contamination of the aquifer and private property rights.

We can now turn to some of the demographic data from the twelve counties located along the pipeline's path. I begin by simply presenting and explaining the information in the data sets of my three demographic measurement categories: objective risk, political engagement, and economic hardship. I then close the chapter with an analysis of how these demographic may have shaped opposition to KXL in Nebraska.

Objective Risk Measures

The first table (Table 4.5: Objective Risk Table) provides information for evaluating some of the objective risks the pipeline poses to communities along the route. All of the information included in this table, except miles through county, was taken from U.S. Census data sets (U.S. Department of Commerce 2015). In the first column are listed the twelve counties the pipeline would cross. The counties are not ordered alphabetically, but arranged by geographical location along the pipeline's path from north to south. So Keya Paha County, on the border with South Dakota, is the northern most county affected by the pipeline and Jefferson County, on the Kansas border, is the southern most county. The second column represents the number of miles the pipeline would run through each county. Holt County has the greatest number of miles at 54.7, followed by Antelope with 43.3 miles. Boone (28.3 miles), Jefferson (23.9 miles), Keya Paha (15.9 miles), Nance (14.7 miles), Polk (13.9 miles), and Saline (12.4 miles) fall into the middle range while

Fillmore (9.6 mile), Boyd (8.4 miles), Merrick (7.9 miles), and York (7.4 miles) have less than ten miles of pipe crossing them. In terms of objective risk, the more miles the pipeline travels through a county, the higher probability the pipeline could leak in that county. Going by pipeline miles, Holt County would rank highest for objective risk (54.7 miles) and York County would rank lowest (7.4 miles).

The second column represents county size in square miles, which is informative but not very useful in-itself as a measure of objective risk. The geographical area of counties becomes much more meaningful when linked with county population size, community size and persons per square mile. Taken together, these measures indicate how rural the twelve counties are. In general, the data shows that northern Nebraska more rural than southern Nebraska. Considering northern counties (Keya Paha, Boyd, Holt, Antelope and Boone) skirt the Sandhills and have more ranchland, it is not surprising they are more rural than the mostly farm-based southern counties. The more rural a county is, or the fewer people per square mile living in a county, the less likely these counties will experience organized opposition simply due to a lack of people for mobilization. The last two columns show median house values (2011) and median family income (2011). These numbers are useful for comparing the relative value of homes and income within our set of twelve counties. The higher the median home and income values, the higher the county ranks for objective risk. Looking at the data, we see that the most urban counties (York and Saline) have the highest median household values, although the correlation between high population and high home values does hold for all counties.

| Counties | Pipeline Miles Through County | County Area Square Miles | Population 2010 | Major Communities [Pop. 2010] | Persons per Square Mile 2010 | Median House Value 2011 | Median Family Income 2011 |
|------------------|-------------------------------|--------------------------|-----------------|-------------------------------------|------------------------------|-------------------------|---------------------------|
| Keya Paha | 16.7 miles | 773 | 824 | Springview [304] | 1.1 | \$71,300 | \$33,472 |
| Boyd | 8.4 miles | 545 | 2,099 | Spencer [455] | 1.1 | \$55,100 | \$38,281 |
| Holt | 54.7 miles | 2,412 | 10,435 | Atkinson [1,245] O'Neill [3,705] | 3.9 | \$87,500 | \$47,768 |
| Antelope | 43.3 miles | 857 | 6,685 | Neligh [1,599] | 4.3 | \$69,800 | \$40,397 |
| Boone | 28.3 miles | 686 | 5,505 | Albion [1,621] | 7.8 | \$79,200 | \$44,491 |
| Nance | 14.7 miles | 441 | 3,715 | Genoa [1,003] Fullerton [1,307] | 8 | \$65,100 | \$43,399 |
| Merrick | 7.9 miles | 484 | 7,845 | Central City [2,934] | 16.2 | \$84,200 | \$49,609 |
| Polk | 13.9 miles | 438 | 5,406 | Stromsburg [1,171] | 8.5 | \$93,400 | \$52,012 |
| York | 28.8 miles | 572 | 13,665 | York [7,845] | 16.2 | \$99,000 | \$47,220 |
| Fillmore | 14.7 miles | 575 | 5,890 | Geneva [2,217] | 23.9 | \$77,200 | \$45,970 |
| Saline | 14.9 miles | 574 | 14,200 | Crete [6,960] Wilber [1,855] | 10.2 | \$97,200 | \$46,434 |
| Jefferson | 28.1 miles | 570 | 7,521 | Fairbury [3,942] | 24.7 | \$71,000 | \$42,979 |

Table 3.5: Objective Risk Table

| Counties | Voter Registration 2012 [% of county population registered] | Registered Republican 2012 [% relative to county population registered] | Registered Democrat 2012 [% relative to county population registered] | Registered Independent 2012 [% relative to county population registered] | Romney Votes 2012 [% of party turnout] | Obama Votes 2012 [% of party turnout] |
|------------------|---|---|---|--|--|---------------------------------------|
| Keya Paha | 607 [76.06%] | 512 [84.35%] | 92 [15.16%] | 3 [49%] | 393 [60.28%] | 80 [86.96%] |
| Boyd | 1,493 [73.95%] | 1,037 [69.46%] | 321 [21.50%] | 135 [9.04%] | 873 [84.19%] | 188 [58.57%] |
| Holt | 7,056 [67.605] | 4,928 [69.84%] | 1,413 [20.03%] | 715 [10.13%] | 3,922 [78.60%] | 882 [62.42%] |
| Antelope | 4,637 [71.82%] | 3,025 [56.24%] | 1,054 [22.73%] | 558 [12.03%] | 2,598 [85.89%] | 571 [54.17%] |
| Boone | 3,913 [72.80%] | 2,407 [61.51%] | 1,098 [28.02%] | 408 [10.43%] | 2,138 [88.82%] | 615 [56.01%] |
| Nance | 2,476 [68.78%] | 1,235 [49.88%] | 910 [36.75%] | 331 [13.37%] | 1,106 [89.56%] | 481 [52.86%] |
| Merrick | 4,841 [62.06%] | 3,024 [62.44%] | 1,162 [24%] | 655 [13.53%] | 2,490 [79.67%] | 925 [79.62%] |
| Polk | 3,472 [66.13%] | 2,188 [63%] | 840 [24.19%] | 444 [12.78%] | 1,890 [86.38%] | 528 [62.86%] |
| York | 10,404 [75.04%] | 6,919 [66.50%] | 2,025 [19.46%] | 1,460 [14.03%] | 4,874 [70.44%] | 1,373 [67.80%] |
| Fillmore | 4,151 [73.02%] | 2,311 [55.67%] | 1,204 [29%] | 635 [15.30%] | 2,007 [86.85%] | 807 [67.03%] |
| Saline | 7,963 [55.7%] | 2,975 [37.36%] | 3,576 [44.91%] | 1,418 [17.81%] | 2,557 [85.95%] | 2,289 [64.01%] |
| Jefferson | 5,169 [68.49%] | 2,700 [52.23%] | 1,584 [30.64%] | 887 [17.16%] | 2,166 [80.22%] | 1,195 [75.44%] |

Table 3.6: Political Engagement Table

Political Engagement Measures

The information from Table 4.6: Political Engagement Table (pg. 16) focuses on data from 2012 because it was a Presidential election year, and 2012 represents a very active year for pipeline opposition in Nebraska. Examining the political climate of rural communities is important for two reasons. First, political affiliation is a fairly reliable indicator of which political orientation is more likely to participate in progressive forms of collective action (civil/equal rights and environmentalism) and which party is typically more sympathetic with the oil and gas exploration. For example, there is a reason why the slogan “Drill, Baby, Drill” was repeated like a mantra by many conservatives during the 2012 presidential election and why Democrats and progressives tend to favor more stringent environmental regulations. Secondly, political engagement measures indicate whether a community is participating in politics in terms of voter registration numbers and overall voter turnout, and therefore may suggest a willingness to engage in political actions outside of merely voting. In other words, an apathetic voting population may correlate with populations less likely to engage in forms of collective action, and politically active populations may be more likely to engage in collective action and/or mobilization campaigns.

The political engagement table contains a lot of information. First, I want to describe the structure of the data and then discuss the meaning of the numbers. In the first column, as with the objective risk table, are our twelve counties listed from north to south. The data in each of the following columns contains two numbers. The first number represents raw data taken from the U.S. Census Bureau, and in the brackets, I have calculated percentages relative to the collected census data. For example, in column two, total

registration numbers are represented by the first number and the bracketed numbers indicates registration percentages relative to total county population. Column three through five show voter registration numbers for Republicans, Democrats and Independents within each county, and percentages relative to total voter registration in each county. And the last two columns represent Presidential votes for Romney and Obama, with percentages relative to registered Republicans and Democrats in each county.

Moving from left to right, the second column tells us that voter registration relative to population is high for all counties located along the route (ranging from 62 percent to 76 percent) excluding Saline County where just above half (55 percent) of the population is registered to vote. The Saline case is a bit of a mystery because it has the second highest population of our counties, just behind York, yet a large segment of the population is not registered. Saline is also the only county with more Democrats registered (44 percent) than Republicans (37 percent) and it has the highest number of registered Independent voters (18 percent). Comparing columns three through five we find Republicans comprise the majority of registered voters in all of the counties except Saline. Keya Paha is the only county dominated by Republican voters, at 84 percent of the population. There is a significant bloc of Independents living in our selection of counties, which interestingly grows from .49% of voters in Keya Paha to around 18 percent of the population in both Saline and Jefferson Counties. Independents as a political affiliation are hard to position ideologically because the meaning of Independent can range from left-leaning progressivism to far-right conservatism, with many shades of populism in between. In terms of political leanings, self-identifying as an Independent places an individual in a

political black box, although a 2010 Pew Center poll suggests that, “nearly two-thirds (64 percent) [of Independents] say that both parties caring more about special interests than about average Americans” (2010). The Pew report also suggests that 40 percent of independents lean more to the Republican Party, 35 percent say they lean more to the Democratic Party, while 25 percent of independents do not lean on what or another (2010). For the purpose of this analysis, I only focus on Republican and Democratic voting behavior.

As northern counties located along the pipeline route are more rural than southern counties, the voter registration numbers suggest rural northern Nebraska is more conservatively oriented in terms of voting practices. Looking at the Presidential election results in the last two columns, Romney easily took all twelve counties and just barely scraped by in Saline County with 2,557 votes for Romney and 2,289 votes for Obama. Comparing voter turnout percentages, registered Republican turnout, which averaged around 80% in all counties, was much higher than Democrat’s turnout percentages for the 2012 election cycle. Interestingly, Keya Paha County, which has the lowest number of registered Democrats, had the highest Democratic turn out for all counties at 86%. Saline County, with its high Democratic voter registration, is an outlier in the set of counties.

As to be expected, the political engagement table paints a very conservative picture of rural Nebraska. Determining the meaning of conservatism for people living in rural communities is difficult to judge without actually talking to individuals about their political attitudes and beliefs. I did ask my interview participants about the general political climate of Nebraska, and they all said Nebraska was solidly Republican, although there are pockets of progressivism in the state.

A member of the Nebraska Farmers Union I interviewed concisely described the state as “very politically conservative. We have a very high Catholic base and I think that drives a lot of our politics as well.” Conservative values and strong religious values often correlate (Hirsh et al. 2013) Taking our lead from the quote above, it is worth exploring the general religious character of Nebraska because several landowners who spoke at the public comment hearings talked about their relationship with land and water in terms of *stewardship*, a concept taken from Biblical scripture that suggests humans should care for the environment and conserve natural resources. Demographic data on religious affiliation by county would have been ideal for my analysis, but there is no information on individual religious affiliation available at the county level. However, I was able to create a table with information concerning the number of churches within major communities located along the route, and there is good statistical data on overall religious affiliation by faith in Nebraska provided by The Association of Religion Data Archives (ARDA 2010).

| Religious Bodies | Tradition | Family | Congregations | Adherents |
|-----------------------------|------------------------|-----------------------|---------------|-----------|
| The United Methodist Church | Mainline Protestant | Methodist | 383 | 109,283 |
| Catholic Church | Catholic | Catholicism | 350 | 372,838 |
| Lutheran Church | Evangelical Protestant | Lutheran | 269 | 112,585 |
| Evangelical Lutheran Church | Mainline Protestant | Lutheran | 250 | 110,110 |
| Non-Denominational | Evangelical Protestant | - | 146 | 29,325 |
| Presbyterian Church | Mainline Protestant | Presbyterian-Reformed | 132 | 28,329 |
| Assemblies of God | Evangelical Protestant | Pentecostal | 98 | 20,118 |
| United Church of Christ | Mainline Protestant | Presbyterian-Reformed | 91 | 19,487 |

Table 3.7: Major Nebraska Religious Affiliations *Source: Association of Religion Data Archives 2010.*

| Counties | Major Communities | Population/ Church Ratio | Churches |
|-----------|-------------------|--------------------------|----------|
| Keya Paha | Springview | 304 [60:5] | 5 |
| Boyd | Spencer | 455 [91:5] | 5 |
| Holt | Atkinson | 1,245 [177:7] | 7 |
| | O'Neill | 3,705 [617:6] | 6 |
| Antelope | Neligh | 1,599 [266:6] | 6 |
| Boone | Albion | 1,621 [405:4] | 4 |
| Nance | Genoa | 1,003 [167:6] | 6 |
| | Fullerton | 1,307 [261:5] | 5 |
| Merrick | Central City | 2,934 [209:13] | 13 |
| Polk | Stromsburg | 1,171 [390:3] | 3 |
| York | York | 7,845 [394:20] | 20 |
| Fillmore | Geneva | 2,217 [316:7] | 7 |
| Saline | Crete | 6,960 [580:12] | 12 |
| | Wilber | 1,855 [371:5] | 5 |
| Jefferson | Fairbury | 3,942 [207:19] | 19 |

Table 3.8: Major Rural Community Churches

Table 3.7: Major Nebraska Religious Affiliations and Table 3.8: Major Rural Community Churches supplement the data from the Political Engagement measures. This information simply adds more cultural context to our demographic profiles as a general *religiosity* measure for rural Nebraska communities. Table 3.8 contains the number of churches within communities along the route and a population/church ratio number. The ratios simply represent what congregation sizes would look like if we equally divided the total population of a community among the number of churches within a community, and is meant to illustrate the relative number of people served by religious institutions. In reality, these churches are not equal in congregation size, and there are likely one or two main churches (i.e. Methodist and Catholic) with high membership numbers and several smaller churches serving lower population denominations (i.e. Assemblies of God; United Church of Christ). We can assume that a portion of the population in these communities do not belong to or attend a local church.

Looking at Figure 3.8: Major Rural Community Churches, we see that Springview, Nebraska has the lowest population/church ratio at 60 people per 5 churches [60:5], while Crete, Nebraska (the second most populous community at 6,960) has the highest ratio at 580 people for each of the 12 churches in that community [580:12]. I did visit a few of the churches in communities located along the route to see where they were located and how big they were in terms of building structure. The churches I visited were small, well-established Catholic and Methodist churches located near the central town squares. It seems five to seven churches per community is the ideal range for adequate religious representation in rural communities, while up to twenty churches exist in more populous cities like York or Fairbury.

Although the Major Nebraska Religious Affiliations data does not tell us which communities the congregations are located or where adherents live, the numbers allow us to rank/order the more prominent religious bodies in the state. Included in the table are religious bodies with over 90 congregations in Nebraska. According to the table, the Christian faith, primarily Protestantism and Catholicism, is the dominating religion in Nebraska. Widespread Christianity in Nebraska is not surprising considering the historical legacy of Christian European immigration and settlement in the region. The religious data combined with the political engagement data illustrates the correlation between the generally conservative political landscape in Nebraska and the presence of a large Christian base.

As noted above, religious ideology is an important cultural factor to consider in relation to the KXL debate because many Nebraskan landowners discussed their relationship to the land and the aquifer in terms of environmental stewardship at the

public hearings. The religiously based land ethic encapsulated in the notion of stewardship counters the Christian dominionist religious attitude towards nature discussed in Lynn Whit Jr.'s (1967) highly cited article "The Historical Roots of Our Ecologic Crisis." Dominionism, as opposed to the environmentally empathetic attitude embodied in the concept of stewardship, suggests the natural world exists for mankind's exploitation and for serving human needs. Dominionism is also a common perspective adopted by adherents of right-wing Christianity (Diamond 1995). Certainly, stewardship attitudes are not driving landowner opposition to KXL in Nebraska, but the sentiment may provide Protestant and Catholic landowners a religiously *legitimate* rationalization for expressing care for nature, particularly in terms of preserving natural resources for future generations.

Economic Hardship Measures

The last tables I discuss, Table 3.9: National Unemployment Rates 2008-2014, and Table 4.10: Unemployment Rates by County 2010-2014, attempt to measure economic hardship within counties located along the route. One of the main frames that consistently appear in pro-pipeline testimonies is job creation. The job creation frame tends to play well at the national level, but the need for labor in rural Nebraska communities did not resonate with many KXL opposition members. And temporary labor, the kind of work that would build KXL, definitely appeared to carry a negative connotation in the majority of opposition testimonies that mentioned jobs. I discuss the differences between labor union worker and landowner perceptions of labor in more detail in the next chapter, here I just want to focus on what the raw numbers can tell us about employment rates and labor needs within rural Nebraskan communities.

| Year | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec |
|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|------|-----|-----|
| 2008 | 5.0 | 4.9 | 5.1 | 5.0 | 5.4 | 5.6 | 5.8 | 6.1 | 6.1 | 6.5 | 6.8 | 7.3 |
| 2009 | 7.8 | 8.3 | 8.7 | 9.0 | 9.4 | 9.5 | 9.5 | 9.6 | 9.8 | 10.0 | 9.9 | 9.9 |
| 2010 | 9.8 | 9.8 | 9.9 | 9.9 | 9.6 | 9.4 | 9.4 | 9.5 | 9.5 | 9.4 | 9.8 | 9.3 |
| 2011 | 9.2 | 9.0 | 9.0 | 9.1 | 9.0 | 9.1 | 9.0 | 9.0 | 9.0 | 8.8 | 8.6 | 8.5 |
| 2012 | 8.3 | 8.3 | 8.2 | 8.2 | 8.2 | 8.2 | 8.2 | 8.0 | 7.8 | 7.8 | 7.7 | 7.9 |
| 2013 | 8.0 | 7.7 | 7.5 | 7.6 | 7.5 | 7.5 | 7.3 | 7.2 | 7.2 | 7.2 | 7.0 | 6.7 |
| 2014 | 6.6 | 6.7 | 6.6 | 6.2 | 6.3 | 6.1 | 6.2 | 6.1 | 5.9 | 5.7 | 5.8 | 5.6 |

Table 3.9: National Unemployment Rates 2008-2014. *Source: Bureau of Labor Statistics 2014.*

I included Table 3.9: National Unemployment Rates 2008-2014 to illustrate the rise in unemployment rates beginning with the financial downturn in 2008 and the slow recovery to almost pre-crisis numbers at the tail end of 2014. These national unemployment numbers are important because between 2010 – 2013, years when the KXL debate was being fiercely debated in Nebraska, the need for jobs was very high in most of the country. There were two national interest meetings held in Nebraska in 2010, and as the table shows, unemployment rates were particularly high during this particular year. The job creation frame used by pro-pipeline advocates, such as LIUNA union members, reflected a real need for employment in the county, but the national numbers do not mirror the labor situation on the ground in rural Nebraskan communities. When we compare the national rates with the rates presented in Table 3.10: Unemployment Rates by County 2010-2014, we see that unemployment numbers in counties located along the route were one half to one third the national rates from 2010-2014. It is also important to note that for 2010, 2011, and 2014 the state of Nebraska had the second lowest unemployment rates in the nation, and was the third lowest in 2012 and fifth lowest in 2013.

| Counties | Employment July 2010 | Employment July 2011 | Employment July 2012 | Employment July 2013 | Employment July 2014 |
|-----------|-------------------------|-------------------------|-------------------------|-------------------------|-------------------------|
| Keya Paha | 5.8 | 5 | 5.5 | 4.4 | 3.8 |
| Boyd | 3.3 | 3.5 | 3.8 | 3.6 | 3.4 |
| Holt | 3.1 | 3.1 | 3.2 | 3.1 | 2.9 |
| Antelope | 2.9 | 3.2 | 2.9 | 2.8 | 2.7 |
| Boone | 2.8 | 3 | 2.6 | 3.2 | 2.5 |
| Nance | 3.4 | 3.5 | 3.1 | 3.4 | 2.8 |
| Merrick | 3.8 | 3.6 | 3.5 | 3.7 | 3.2 |
| Polk | 3.6 | 3.3 | 3.1 | 3.7 | 3.3 |
| York | 4.7 | 4.3 | 3.7 | 3.9 | 3.6 |
| Fillmore | 3.5 | 3.5 | 3.8 | 3.8 | 3.2 |
| Saline | 4.1 | 4 | 4.3 | 4.2 | 3.4 |
| Jefferson | 4.5 | 4.1 | 4.1 | 4.2 | 3.6 |

Table 3.10: Unemployment Rates by Nebraska County 2010-2014. *Source: U.S. Census Bureau 2014.*

The low unemployment rates we find in rural Nebraska are reflective of the nature of labor in agricultural communities. Farming and ranching operations require permanent, year-round attention, and when the economy experiences a downturn like 2008, farms and ranches just don't shut down and lay off workers. Rural communities are not immune to economic recession, but the nature of labor in small communities composed primarily of family-owned farms and ranches is quite different from highly populated urban centers. Population is an important factor to consider as well. Rural communities typically do not have a large reserve labor force competing for farming and ranching jobs, and the service industry is not a major economic driver like we find in big cities. There is no such thing as full employment in our country, but the agriculturally based communities located along the route come relatively close.

To Protest or Not to Protest, that is the Question

Taken together, the objective risk, political engagement and economic hardship measures paint a somewhat contradictory picture of at-risk communities located along the route in Nebraska. Sparsely populated and politically conservative, red states like Nebraska are typically supportive of oil and gas exploration and critical of environmental regulation. And according to past experience, rural communities in Nebraska should have behaved much like other Nebraskan communities when the first Keystone 1 pipeline project went through rural counties. In other words, these communities should have been at low risk for mobilization.

So how have the Sandhills and aquifer structurally influenced mobilization in rural Nebraska? One of the primary factors shaping at-risk community responses to energy projects is siting. The location of the project must be carefully considered, and community perceptions of risk in many cases are determined by the proximity of a project to community assets and environmentally sensitive areas. If we revisit the pipeline route maps, irrigation well map, and Ogallala Aquifer map, the importance of siting a massive project like KXL becomes very clear. As noted above, the location of the pipeline's route is the main difference between Keystone One and KXL. TransCanada's initial choice to route the pipeline in a straight line across the Sandhills and aquifer was made for operational efficiency and reduced construction costs, which makes perfect business sense for a pipeline operation/construction company. But for large segment of the Nebraska's population, along with many of the state's top elected officials, the original siting choice for KXL presented a direct threat to the ecologically sensitive Sandhills and the aquifer. Without a doubt, the Sandhills and aquifer are at the heart of

the KXL debate in Nebraska. The importance of the aquifer and Sandhills for Nebraskans will be discussed in much more detail in the next chapter. For the moment, I only want to note that the aquifer and Sandhills as structural, geographic factors are vitally important for understanding what triggered mobilization in rural communities.

Turning to the objective risk table, the data suggests southern counties should be more at-risk for mobilization in terms of population numbers, median home value and median household income. There are more people living in southeastern Nebraska because that is where prime farmland is located, and this drives up property values and income levels. If we look below at Figure 3.11: Average Value of Nebraska Farmland 2010-2014, we can see that the value of farm and ranch land more than doubled all across eastern Nebraska between 2010-2014. The pipeline is currently routed through significant portions of the east and southeastern districts of this map. The map also indicates that land values in the north and central districts doubled between 2010-2014, so the potential risk to land value has grown significantly in these areas. This means that the risks the pipeline poses to land values, both in terms of potential leaks and the inherent devaluation of land because the pipeline runs through the property, has steadily increased over the course of the debate.

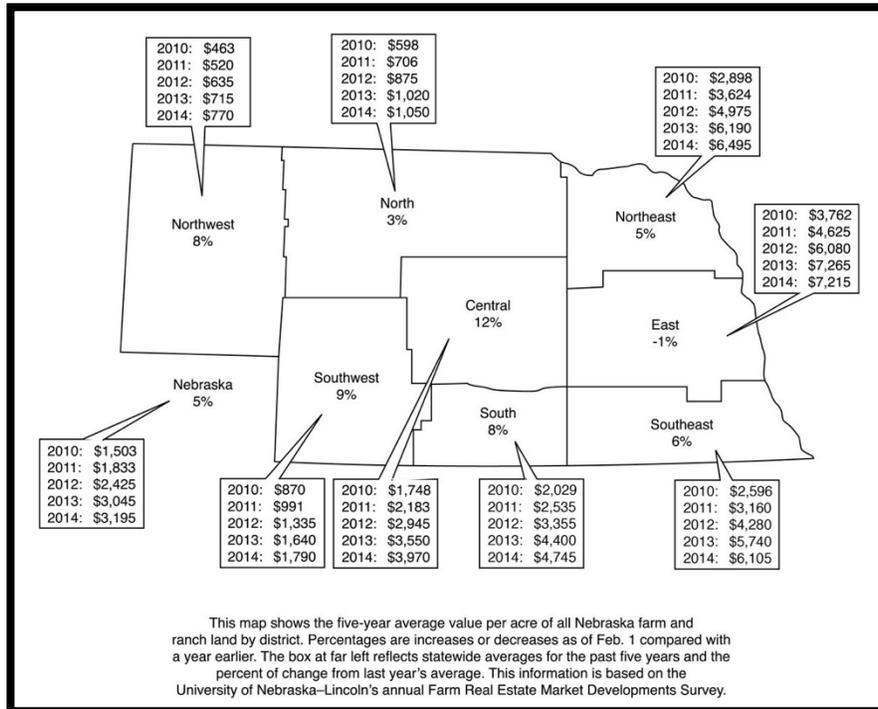


Figure 3.11: Average Value of Nebraska Farmland 2010-2014

Source: University of Nebraska-Lincoln 2014.

In terms of the political landscape of rural Nebraska, we can safely say the communities located along the route have a solid Republican base. Republican politics is common to rural areas in the Midwest, and core conservative values like hard work, individual responsibility, family, and faith are common attributes of the communities located along the pipeline's path. Politically speaking, red states tend to support energy projects like KXL. In politically homogenous populations like those in rural Nebraska, I think there is a tendency to reproduce the political status quo, and in this way, political engagement can become somewhat one-dimensional. Political homogeneity makes things stable and predictable, but it does not tend to facilitate the kind of contentious politics we have seen with landowner opposition to KXL. Conventional political wisdom suggests rural Nebraskans should be more accepting of oil and gas energy projects simply due to their Republican political affiliation. But this has not been the case with landowners in

Nebraska. In fact, the KXL project has united individuals across a range of political persuasions, a topic I discuss in more detail in the chapter on mobilization in rural Nebraska. In their public hearing testimonies many landowner's fighting the pipeline acknowledge their Republican political affiliation with pride, while other speakers made a point of stating they were not liberals or radical environmentalists although they remained staunchly oppose the pipeline crossing the aquifer. It is also important to note that several landowners mentioned they had never engaged in civil disobedience or protested anything in their entire lives, yet they traveled to Washington and allowed themselves to be arrested in front of the Whitehouse. To protect the aquifer from risk of contamination, landowners are willing forgo status quo political allegiances and sacrifice their time and energy in order to protest the pipeline and engage in acts of civil disobedience.

The unemployment numbers from the economic hardship table indicate the labor situation in rural Nebraska is one of the healthiest in the nation, and therefore we can assume the jobs argument for KXL has essentially been dampened or completely negated within these communities. The fact that most of the pipeline jobs will not come from rural communities, as illustrated by the many out-of-state LIUNA workers who traveled to Nebraska to testify in favor of the project, has also likely soured the jobs argument with landowners. Economic hardship is not a foreign subject to ranchers and farmers, as every new growing season brings unforeseeable risks, but in terms of a need for an influx of labor, particularly "temporary" labor, jobs are not really needed in the rural communities located along the route. Again, this speaks to the particular nature of labor

practices in agriculturally based communities, which is year-round, permanent and firmly grounded in family owned operations.

One last context variable, *similar industry*, is worth consideration for explaining why many Nebraskans are mistrustful of TransCanada and have come out against the pipeline. Similar industry is a good analytic tool for measuring state and community familiarity with certain industries and how this familiarity might shape community responses to a proposed energy project (McAdam and Boudet 2012). For example, Montana, South Dakota, Oklahoma and Texas - four of the five states the pipeline crosses - all have significant ties to the oil and gas industry either through the exploration, transportation or refining of petroleum. These states, despite a few instances of opposition, have tended to be more accepting of the KXL project. As already noted, Nebraska's economy is based on the agriculture, and there is very little oil and gas exploration in the state. The most prized natural resource in rural communities isn't petroleum, but fresh water provided by the aquifer. This illustrates how concern for a non-renewable natural resource, water, can counter the status quo Republican support for oil and gas energy projects. While Nebraskan landowners opposed the pipeline may not be against oil and gas exploration in general, they certainly do not support an energy project that threatens the Sandhills or the aquifer.

Taken together, the context variables suggest communities located along the pipeline route should not have been at minimal risk for mobilization against the pipeline project. TransCanada's initial decision to route the pipe through the Sandhills and aquifer, in addition to threatening landowners with eminent domain condemnation before they acquired a building permit, set the stage for landowner resistance. It is important to note

that resistance to the pipeline has not been limited to or concentrated in one county, but there are definitely two oppositional camps located in southern and northern Nebraska. In southern Nebraska, citizen opposition centers around York, Nebraska. There are several reasons for this. York's local newspaper, the York News Times, is the only county level newspaper to extensively cover the pipeline debate. I interviewed Greg Awtry, the editor of the paper, and he noted how York County was divided over the pipeline issue, but there was a significant number of county residents opposed to the project. For example, one of the three landowners who sued Governor Heineman over the constitutionality of LB1161, Susan Dunavan, resides in York county. The York County Board of Commissioners held meetings in 2014 on local siting regulations for pipelines due to citizen concern about KXL (Bergin 2014), and in 2015 a York County judge granted a temporary injunction against TransCanada's effort to use eminent domain against landowner holdouts. Bold Nebraska's renewable energy barn was built on farmland directly on the pipeline's path in York County. And finally, southern counties along the pipeline route are closer to Lincoln, where Bold Nebraska and the Nebraska Easement Action Team are headquartered. All of these factors contributed to making York County a locus of opposition in southern Nebraska.

In northern Nebraska, the opposition story is a little different. Holt and Boyd Counties, which are both a mix of farm and ranch land, are the only counties where we find a truly grassroots anti-pipeline coalition formed by local citizens. While Bold Nebraska and NEAT helped organize landowners all along the pipeline route, particularly in southern Nebraska, the Cowboy Indian Alliance (CIA) formed in 2011 to unify landowners and Native American communities against the pipeline. Of all U.S. citizens,

Native American communities know very well about forcible land acquisition, and many people from Native communities, such as the Rosebud Sioux Tribe from South Dakota, joined Nebraska farmers and ranchers to fight KXL. As mentioned above, the KXL fight has brought together many people who would likely not associate without a common cause uniting them above and beyond cultural and political differences.

Community mobilization against a big energy project like KXL does have historical precedent in northern Nebraska, as Boyd County was ground zero for a nuclear waste dump fight that lasted from 1989 to 1998. The dump fight was a big deal in Nebraska, and even more so for Boyd County and other communities located near the proposed project. The anti-waste campaign, despite lasting over a decade and dividing local communities, was ultimately successful. Landowner opposition to the dump was loud, persistent, and militant at times (Cragin 2007), and in terms of contentious politics and at-risk communities, the dump fight bares many similarities to the current KXL fight. This cultural history is important to consider because it connects past community mobilization in Boyd County to the opposition against KXL occurring in northern Nebraska today. It is also important to note some landowners in northern Nebraska, just as with landowners in York County, have organized legally and challenged TransCanada in court. When TransCanada attempted to acquire landowner property through eminent domain, a group of landowners brought a legal challenge against the company, stating they had no eminent domain rights without a Presidential permit. In 2015, a Holt County judge sided with 35 landowners and granted a temporary injunction against TransCanada's efforts to take land through eminent domain (Schindler 2015).

In terms of collective action and episodes of contention, rural mobilization is very rare. By all expectations community opposition to the pipeline should have been minimal, and certainly not at the level of organization and creativeness we have witnessed thus far in the KXL fight in Nebraska. Hopefully, after examining the data in the maps and tables, we have a better understanding of the natural and cultural environments existing in rural Nebraskan communities that have provided the contextual backdrop for the episodes of contention, and the lack of opposition, we have witnessed in communities along the route. The Ogallala aquifer, the Sandhills, past experiences with fighting an energy project, TransCanada's treatment of landowners, the Biblical notion stewardship, and the agricultural nature of rural Nebraska are all important structural factors driving opposition to the pipeline. A structural analysis of rural Nebraskan communities can take us only so far in terms of identifying the causal mechanisms shaping responses to KXL. To flesh-out the data provided by the maps and demographic tables, I now turn to the State Department national interest and NDEQ reroute public hearing testimonies in order to explore the narrative and framing strategies used by pro-pipeline and anti-pipeline interests to accomplish their campaign goals.

Chapter Four

Framing the KXL Debate in Nebraska

To understand how TransCanada, landowners, labor union members, citizens, business representatives, and political leaders framed the pipeline debate in Nebraska, we need to examine how these individuals utilized their agency for expressing opinions on the issue. In most social movements, agency and framing practices, particularly frames based on perceived injustices, are intimately related. As Steven Buechler (2011) points out, when people utilize their sense of agency, it allows them to engage in collective action on the belief that, “problems are not immutable but rather subject to change through people’s efforts. Agency is a big challenge for any movement given structural impediments to citizen participation and a political culture that encourages apathy, quiescence, passivity and cynicism.” I discussed some of the “structural impediments” that have shaped mobilization outcomes in communities along the pipeline’s path in the last chapter. Now we can examine the KXL issue from the subjective perspective of the individuals involved in the debate in Nebraska.

The Social Construction of Resistance Through Narrative Framing

Social movement framing analysis is a methodological approach designed to identify how individuals and interest groups involved in a social movement work to construct narratives reflecting their campaign objectives (Snow and Benford 2000). Framing analysis helps researchers understand how, through the cultural medium of language, people construct meaning and interpret their social world. Frames are conceptual tools, and they can be used very effectively for mobilizing people by defining a social movement’s objectives and goals during episodes of contention like the KXL battle in Nebraska. As Snow and Benford note, framing “denotes an active, processual

phenomenon that implies agency and contention at the level of reality construction” (2000: 614). The active and processual aspect of frames illustrates the dynamic and evolving nature of episodes of contention. The contentious aspect of the definition points to the constant struggle to control meaning-making processes within the cultural sphere. Framing is both a subjective and collective process. Subjectively, people frame their understanding of the world based on individual experience and socialization processes while collective frames constitute the shared cultural values and symbolic understandings of a particular society, group, or organization.

The primary data source for social movement framing analysis is narrative accounts, usually in the form of social movement organization (SMO) texts and documents, although any data source that can be coded or analyzed through content analysis, such as speeches or public comment testimony, are appropriate for framing analysis. Once collected, these materials are carefully coded to identify common and recurrent narrative themes and frames. To analyze how the KXL debate is being framed in Nebraska, we are fortunate to have an environmental review process in place that requires public comment hearings and records public testimony. I obtained all four public hearing testimony transcripts (Lincoln, Atkinson, Albion, and Grand Island) from publically available records maintained by the State Department and the Nebraska Department of Environmental Quality (NDEQ). The information provided in these testimony transcripts is a rich source of narrative data useful for discerning how supporter and opposition interests framed their arguments for and against the pipeline. In the framing analysis that follows, I only include data from the four sets of public comment testimonies, which accounts for a total of 528 individual testimonies.

Compared to most energy projects that occur within the U.S., the Keystone XL pipeline is exceptional because it crosses an international border and requires additional levels of review to determine whether the project is in the national interest. Essentially, the determination of national interest in relation to energy projects is dependent on current economic and cultural conditions in the U.S, although the exact requirements for determining what is in the national interest is not clearly defined. While all energy projects that could have a significant impact on the environment or society require an environmental review as outlined in the 1970 National Environmental Protection Act (NEPA), “the national interest determination was established in a few lines of a 2004 executive order, without any further description of guidelines agencies should use” (Banerjee 2015). In the case of KXL, the State Department and the Nebraska Department of Environmental Quality (NDEQ) hired private consulting firms (Cardno Entrix, ERM, and HDR) to examine the economic, cultural, and environmental impacts of the project. Three State Department national interest meetings were held in Nebraska, in addition to one public comment meeting conducted by the NDEQ concerning the pipeline reroute out of the Sandhills. Once the final environmental impact statement for KXL was completed, the public was allowed to comment on the project at several national interest meetings held within each state the pipeline would cross. These hearings are open to the public. Anyone interested in expressing their opinion about the pipeline, even if that individual is not from the community or state in which the meeting is held, is allowed to speak. At the first two national interest hearings, a significant number of construction union workers from the Laborers Union of North America (LIUNA) were bused in from out of state. People from bordering states also attended many of the public meetings, particularly the

last hearing in Grand Island, which had the highest number of attendees at 180. In addition to spoken testimony, people could also submit written statements to the hearing officials. After all of the meetings were concluded, the testimonies were transcribed and cataloged as government documents available to the public upon request.

There is one issue worth mentioning here concerning the public availability of these documents. In late 2010, I was able to obtain PDF versions of all three national interest testimonies (Lincoln, Atkinson, and Grand Island) through the Department of State website. At some point after I downloaded these documents, the transcripts were removed from the State Department website, making it difficult to easily access the data without a formal written request. In the case of the NDEQ meeting transcripts (Albion), a private transcription service was hired to record and transcribe the testimony data. When I contacted this firm to request copies of the NDEQ transcripts, they initially wanted me to pay for the document, although after I insisted the transcripts are public record and should be made freely available, they agreed to email me a PDF copy of the transcripts. The difficulty of obtaining KXL transcript data may not be intentional, but it does speak to the challenge of locating important research documents concerning citizen input on the pipeline debate in Nebraska.

The rules for the public comment hearing process is very straightforward: people sign a roster, take a number and when called upon are allowed three minutes to talk. All political officials and Native American representatives in attendance are given speaking priority, and then the floor is opened to the public. Table 4.1: Public Comment Hearing Schedule contains the location, date and time, presiding officer's name, and the number of people who spoke at each of the four public hearings. Also included are names of

firms hired by the State Department and the NDEQ to conduct the environmental reviews.

| Location | Date | Time | Presiding Officer | Testimonies | EIS Preparer |
|-----------------|-----------------------|---------------------|--------------------------|--------------------|---------------------|
| Lincoln | Tues. Sept. 27, 2011 | 12:00 pm - 8:33 pm | Teresa Hobgood | 133 | Cardno Entrix |
| Atkinson | Thurs. Sept. 29, 2011 | 4:30 pm - 11:30 pm | Teresa Hobgood | 108 | Cardno Entrix |
| Albion | Tues. Dec. 4, 2012 | 6:00 pm – 2:00 am | Tom Lamberson | 107 | HDR |
| Grand Island | Thurs. April 18, 2013 | 12:00 pm - 11:30 pm | Teresa Hobgood | 180 | ERM |

Table 4.1: Public Comment Hearing Schedule

It is important to note that the consulting firms hired to conduct the environmental reviews and State Department and NDEQ officials jointly ran the public hearings. Government officials presiding over the meetings do not answer questions from the public, but rather keep time and make sure all who wish to be heard have the opportunity to speak or submit written testimony. Government officials also acted as referees, making sure the crowd did not get out of hand when passions were stirred. At several points during the hearings I attended, the audience was rowdy, yelling, clapping loudly, and booing at certain comments made by speakers. Disruptions and loud clapping, which officials repeatedly reminded the audience to refrain from doing, are also a form of protest. The three-minute time limit is convenient for data collection purposes because it requires speakers make concise arguments streamlines the hearing process so the maximum number of people are able to speak. The uniform, condensed form of the testimony transcripts also makes the work of coding transcripts much easier. After coding 528 individual testimonies, the narrative patterns and framing strategies employed by the various interests involved in the debate begin to emerge and come into focus.

Core Framing Tasks: Diagnostic, Prognostic and Motivational Framing Tactics

Collective action frames are a particular type of framing activity that focuses on mobilizing groups of people to achieve some objective or goal. Most cases of collective action include a common set of framing tasks. Snow and Benford (2000) identify three core framing tasks often utilized by social movements organizations (SMOs): *diagnostic framing, prognostic framing, and motivational framing*. I will use these core framing tasks as analytic tools for examining the narrative components of the master frames found in the four sets of public hearing transcripts. Each core framing task focuses on a certain aspect or phase of the mobilization process. Diagnostic framing attempts to identify a problem that a group or interest believes needs to be addressed through organized action. Diagnostic frames also try and clearly indicate who or what is the cause of the problem or issue that needs to be addressed. Attribution of blame is important for a social movement because it defines a target or injustice and solidifies the collective identity of the movement. Prognostic framing processes involve narratives that set out the goals and objectives for collective action or episodes of contention. This task essentially provides a roadmap for action and defines proposed solutions for alleviating a problem or fulfilling a need. And finally, motivational framing works to provide a rationale for action, appealing to people's sense of moral obligation and duty to engage in collective action over a particular issue. Social movement organizations and movement leaders must constantly adjust and attend to these core framing tasks as episodes of contention unfold, especially if the struggle becomes protracted like the KXL fight in Nebraska.

I begin my analysis of the public hearing testimonies with a general overview of the meetings, which includes a breakdown of the testimonies by affiliation, sex, and position

(approve or deny) on the pipeline. Once this summary is completed, I first introduce the framing tactics used by pipeline advocates (TransCanada; union workers; business interests). Following the pro-pipeline frames, I examine the opposition's framing tactics (landowners; activists; citizens). I discuss the most prominent and salient frames first and then proceed in order of importance. Framing significance is determined by the frequency of appearance within the testimonies: a high frequency count corresponds to high significance, and a low frequency count indicates low significance. Because each public comment hearing represents a snapshot in time of the KXL debate in Nebraska, we can see how supporter and opposition frames changed, or didn't change, between 2011-2013.

My analysis of the public comment testimonies mostly concerns diagnostic and prognostic aspects of the core framing tasks. In the next chapter I discuss the motivational and creative framing strategies employed by Bold Nebraska in their effort to mobilize rural landowners. This is where my interview data with Jane Kleeb, Bold Nebraska members, and landowners is particularly informative. With the public comment testimonies, I am able to code and categorize the information offered by speakers as a ready-made source of data. In other words, with the testimonies what you see is what you get in terms of information. Unlike the testimonies, where I have no control over the content of the information, my interviews allowed me to ask questions directly relevant to mobilization efforts in rural communities. Separating my analysis of framing tasks into two areas (diagnostic/prognostic and motivational) is somewhat arbitrary, as all three framing tasks are interconnected and work together throughout the life of a social movement. The rationale for this separation was driven by the kind of data and the type of information contained in the testimonies and interviews.

Public Comment Testimony Summary

The national interest public comment hearings for KXL were open to the public, and there was no requirement that speakers come from the communities where the meetings were held. So long as an individual signed the roster and took a number, they could speak. This open, democratic approach to the hearing process is good from a research perspective because it allows a variety of interests to come and speak at the hearings, including individuals and organizations from outside the state, although the vast majority of the 528 people who testified at the hearings were Nebraska residents.

Before we look at the testimony table, a quick summary of the layout of the table will make it easier to understand the data (see Table 4.2: Public Comment Testimony Summary). All of the tables contain five columns. The first four columns contain information relative to each of the four meetings (Lincoln; Atkinson; Albion; Grand Island), while the fifth column contains frequency and percentage totals for the four public hearing columns. The rows contain data on the outcome variables (support or oppose) and the demographic categories (sex and affiliation) I examine. Each outcome variable and category is measured with frequency counts and percentages, which is a very simple method for putting my data into perspective. The table provides frequency counts and percentages for support/opposition totals, female/male totals, female opposition/support, male opposition/support, support by affiliation and opposition by affiliation. Looking at the support/opposition rows it is clear that at all of the meetings the majority of speakers were against the pipeline project.

| | Lincoln, Nebraska | St. Dept. Hearing 2010 | Atkinson, Nebraska | St. Dept. Hearing 2010 | Albion, Nebraska | NDEQ Hearing 2011 | Grand Island, Nebraska | St. Dept. Hearing 2013 | Totals | Totals |
|-----------------------------------|-------------------|------------------------|--------------------|------------------------|------------------|-------------------|------------------------|------------------------|------------------|-------------|
| | Frequency | Percent | Frequency | Percent | Frequency | Percent | Frequency | Percent | Frequency | Percent |
| SUPPORT/OPPOSITION TOTALS | | | | | | | | | | |
| Oppose | 95 | 71.43% | 64 | 59.26% | 85 | 79.44% | 154 | 85.86% | 398 | 75.38% |
| Support | 38 | 28.57% | 44 | 40.74% | 22 | 20.56% | 26 | 14.44% | 130 | 24.62% |
| | total 133 | 100% | total 108 | 100% | total 107 | 100% | total 180 | 100% | total 528 | 100% |
| FEMALE/MALE TOTALS | | | | | | | | | | |
| Female | 35 | 26.32% | 25 | 23.15% | 39 | 36.45% | 58 | 32.22% | 157 | 29.17% |
| Male | 98 | 73.68% | 83 | 76.85% | 68 | 63.55% | 122 | 67.78% | 371 | 70.83% |
| | total 133 | 100% | total 108 | 100% | total 107 | 100% | total 180 | 100% | total 528 | 100% |
| OPPOSITION/SUPPORT FEMALES | | | | | | | | | | |
| Female Oppose | 33 | 94.29% | 22 | 88% | 36 | 92.31% | 25 | 96.25% | 116 | 92.80% |
| Female Support | 2 | 5.71% | 3 | 12% | 3 | 7.69% | 1 | 3.85% | 9 | 7.20% |
| | total 35 | 100.00% | total 25 | 100% | total 39 | 100% | total 26 | 100% | total 125 | 100% |
| OPPOSITION/SUPPORT MALES | | | | | | | | | | |
| Male Oppose | 56 | 57.14% | 40 | 48.19% | 50 | 73.53% | 129 | 83.76% | 275 | 68.24% |
| Male Support | 42 | 42.86% | 43 | 51.81% | 18 | 26.47% | 25 | 16.23% | 128 | 31.76% |
| | total 98 | 100% | total 83 | 100% | total 68 | 100% | total 154 | 100% | total 403 | 100% |
| SUPPORT BY AFFILIATION | | | | | | | | | | |
| Union Members | 12 | 31.58% | 23 | 53.49% | 1 | 4.76% | 10 | 38.46% | 46 | 35.94% |
| Citizens | 13 | 34.21% | 15 | 34.88% | 10 | 47.62% | 5 | 19.23% | 43 | 33.60% |
| Organizations | 10 | 18.42% | 1 | 2.33% | 10 | 47.62% | 11 | 42.31% | 32 | 25.00% |
| Political Representatives | 3 | 7.89% | 4 | 9.30% | - | 0% | - | 0% | 7 | 5.47% |
| | total 38 | 100% | total 43 | 100% | total 21 | 100% | total 26 | 100% | total 128 | 100% |
| OPPOSITION BY AFFILIATION | | | | | | | | | | |
| Citizens | 87 | 91.58% | 55 | 85.94% | 80 | 94.12% | 128 | 83.12% | 350 | 87.94% |
| Organizations | 7 | 7.37% | 9 | 14.06% | 5 | 5.88% | 26 | 16.88% | 47 | 11.91% |
| Political Representatives | 1 | 1.05% | - | - | - | - | - | - | 1 | 0.25% |
| | total 95 | 100% | total 64 | 100% | total 85 | 100% | total 154 | 100% | total 398 | 100% |

Table 4.2: Public Hearing Testimony Summary

Out of the 528 testimonies, 398 (or 75 percent) of the testimonies were opposed to building KXL. To see how Nebraskan citizens view the project, we need to exclude organization representatives, union workers, and political representatives from the totals. This means we would exclude 85 testimonies from the support numbers and 47 testimonies from the opponent testimonies, which leaves us with 45 (11 percent) citizen supporters and 351 (88 percent) citizen opponents. Of the 351 citizen speakers, the majority were Nebraskans, although at the last national interest meeting in Grand Island a number of out-of-state speakers attended, mainly coming from Colorado and Michigan. In terms of sex, there were many more male speakers (371/70 percent) than female speakers (157/29 percent). Almost all of the union worker and union representative speakers were male, as were all of the political representatives who testified. Perhaps the most interesting information in the summary table is the difference between male and female support/opposition for the project. While a significant number of males (62 percent) spoke against the project, 92 percent of women who testified were against the pipeline. Only 9 women out of the 125 women who testified at the four meetings supported the project, and several of those women were business managers for local chapters of union organizations like the Nebraska's Laborers International Union of North America (LIUNA).

Looking at pipeline support and opposition by affiliation, the composition of the interests involved in the debate becomes clearer. The bloc of supporters is split between union representatives (35 percent), citizens (33 percent), organizations (32 percent), and political representatives (5 percent). It is telling that more union supporters (46) were at the hearings than Nebraskan citizens (43). The significant number of union workers

indicates the mobilization power of LIUNA and TransCanada. Notice that at the NDEQ reroute public hearing only one union worker testified, which makes sense considering the meeting was not about the national interest, but rerouting the pipeline in Nebraska. Organization support for the pipeline was also prominent at all of the meetings. Some of the organizations that sent representatives to speak in favor the project include the American Petroleum Institute, Platte Institute for Economic Research, Great Plains Laborers District Council, Consumer Energy Alliance, General Council of the Nebraska Chamber of Commerce and Industry, Nebraskans for Jobs and Energy Independence (NJEI), Consumer Energy Alliance, and Americans for Prosperity (API). Most of these organizations focused on the economic benefits of the project, suggesting the pipeline would stimulate the national economy through job creation and local economies through tax revenue.

The opposition affiliation frequency numbers illustrate the differences between the composition of the various organizations and interests found in both camps. Looking at the table, we see that citizen opposition to the project (350 people, or 87 percent) is significantly higher than organizational opposition (48 people, or 12 percent). Some of the organizations that spoke out against the pipeline include the Nebraska Sierra Club, Audubon Nebraska, the League of Women Voters of Nebraska, Bold Nebraska, the Nebraska Farmers Union, and local church representatives. While several political representatives elegantly spoke out against the original routing of the pipeline, most were not against the project in-itself. The demand for a reroute by politicians at the first two national interest meetings, I believe, was a political decision designed to appease citizen concern yet still maintain support the project in the end. In fact, looking at the final

national interest meeting in Grand Island meeting, which occurred after the pipeline reroute, there was a noticeable absence of any political leaders speaking in favor or against the project. Again, I believe this was a calculated decision by political leaders to protect their political standing. Many Nebraskan landowners, as we shall see in chapter seven, felt betrayed and ignored by their political leaders, accusing them of waffling, flip-flopping, or simply remaining silent on the issue. When it comes to supporting the KXL pipeline and addressing citizen concerns about potential contamination of the aquifer, it is very difficult for political leaders to have their cake and eat it to.

Something I did not include in the table, but is very useful information to discuss, is the order of speakers and their position on the pipeline. At all of the meetings, there was a strong showing of support for the pipeline at the beginning of the hearings from business and oil and gas industry interests groups. The beginning of the meetings is when the majority of pro-pipeline organizations and labor representatives testified. After the first hour or two of testimonies, the majority of the remaining speakers were Nebraskan citizens opposed to the pipeline. One possible explanation for the front-loading of pro-pipeline testimony is that news coverage for these events tends to be heavy just before and during the first couple of hours of the meeting, and then coverage begins to dissipate. In terms of collective action, one of the objectives of the pro-pipeline and anti-pipeline interests at the hearings is garnering as much media exposure possible. This is why union members, wearing orange pro-pipeline shirts, arrived early to the first two national interest meetings and sat together as a group to maximize the visual effect of their solidarity. Most of the pipeline supporters came to the hearings early, and they left early.

For the late running meetings, many of the union workers likely left early because they were bused in from out-of-state and needed to get home at a reasonable hour.

Overall, the summary table shows overwhelming opposition to the pipeline at the public comment hearings in Nebraska, despite efforts from pro-pipeline interests groups to show support for the project. At every meeting, the majority of speakers were against the project, particularly at the final national interest meeting in Grand Island. We can now turn to the testimonies to see how the different interests involved in the debate are framing their arguments for and against the pipeline.

Chapter Five

Pro-Pipeline Framing Analysis: Maximizing Benefits, Minimizing Risks

In terms of shaping public attitudes on the pipeline, the primary objective of the interests involved in the KXL debate is to control the public conversation about the pipeline issue. All of the interests involved in the KXL debate in Nebraska have attempted to frame their position through narratives that best reflect their values and goals. Because there are essentially only two positions speakers at the hearings can take on the pipeline, support or opposition, we can best understand the framing strategies used by interests involved as efforts to either to highlight the project's benefits or focus on risks associated with the pipeline. More specifically, the main objective of the support camp is to maximize all of the associated benefits of the pipeline and minimize any perceived risks or safety concerns. For opposition interests, the main objective is to maximize the risks associated with the pipeline and minimize or downplay the proposed benefits.

Government agencies involved in the review process, at least in theory, should remain neutral on the pipeline and act impartially in their duties. In reality, government and political agents, such as Nebraskan legislators and the President, do impart narratives and employ frames concerning the project, however subtle. While the political actors' interests involved in the KXL debate are not the focus of this chapter, I do incorporate and reference their narratives when appropriate. In the following analysis, I primarily discuss the frames and narratives employed by pipeline supporter interest groups, including TransCanada, the Laborers International Union of North America, oil and gas advocacy organizations, and Nebraskan citizens.

| | Lincoln, Nebraska | St. Dept. Hearing 2010 | Atkinson, Nebraska | St. Dept. Hearing 2010 | Albion, Nebraska | NDEQ Hearing 2011 | Grand Island, Nebraska | St. Dept. Hearing 2013 | Totals | Totals |
|--|-------------------|------------------------|--------------------|------------------------|------------------|-------------------|------------------------|------------------------|------------------|-------------|
| | Frequency | Percent | Frequency | Percent | Frequency | Percent | Frequency | Percent | Frequency | Percent |
| ECONOMIC BENEFITS | | | | | | | | | | |
| Job Creation | 20 | 40.82% | 18 | 42.86% | 11 | 37.93% | 13 | 40.63 | 62 | 40.78% |
| Tax Revenue/Local Business | 15 | 30.61% | 10 | 23.81% | 9 | 31.03% | 10 | 31.25 | 44 | 28.95% |
| Benefit to National Economy | 8 | 16.33% | 9 | 21.43% | 7 | 24.14% | 3 | 9.38 | 27 | 17.76% |
| Good Paying Jobs/Living Wages | 6 | 12.24% | 5 | 11.90% | 2 | 6.90% | 6 | 18.75 | 19 | 12.50% |
| | total 49 | 100% | total 42 | 100% | total 29 | 100% | total 32 | 100% | total 152 | 100% |
| NATIONAL SECURITY CONCERNS | | | | | | | | | | |
| Reduce Dependency of OPEC/Hostile Nations | 17 | 30.36% | 11 | 29.73% | 7 | 43.75% | 8 | 34.78 | 43 | 32.58% |
| National Security/Energy Independence | 16 | 28.58% | 13 | 35.14% | 2 | 12.50% | 6 | 26.09 | 37 | 28.03% |
| Canada is a Friendly Neighbor/Ally | 13 | 23.21% | 9 | 24.32% | 4 | 25% | 7 | 30.43 | 33 | 25% |
| Petroleum Will Be Needed for Decades | 10 | 17.86% | 4 | 10.81% | 3 | 18.75% | 2 | 8.7 | 19 | 14.39% |
| | total 56 | 100% | total 37 | 100% | total 16 | 100% | total 23 | 100% | total 132 | 100% |
| PROJECT SAFETY | | | | | | | | | | |
| FEIS is Accurate, Environmental Concerns Addressed | 15 | 25.86% | 2 | 6.67% | 10 | 32.26% | 5 | 19.23 | 32 | 22.07% |
| Pipelines Are Safe/Already Existing Pipelines | 14 | 24.14% | 10 | 33.33% | 7 | 22.59% | 6 | 23.07 | 37 | 25.53% |
| Highly Trained Union Labor | 10 | 17.24% | 7 | 23.33% | 1 | 3.23% | 7 | 26.92 | 25 | 17.24% |
| State of the Art Technology | 8 | 13.79% | 3 | 10% | 5 | 16.13% | 3 | 11.54 | 19 | 13.10% |
| KXL Safe Pipeline/57 Special Conditions | 7 | 12.07% | 4 | 13.33% | 6 | 19.35% | 4 | 15.38 | 21 | 14.48% |
| Safe For Environment/Aquifer/Sand Hills | 4 | 6.90% | 4 | 13.33% | 2 | 6.45% | 1 | 3.85 | 11 | 7.59% |
| | total 58 | 100% | total 30 | 100% | total 31 | 100% | total 26 | 100% | total 145 | 100% |
| IMAGE OF OPPOSITION | | | | | | | | | | |
| Emotional/Unrealistic Fears/Misinformed | 6 | 54.55% | 2 | 66.66% | 3 | 50% | 1 | 100% | 12 | 60% |
| Environmental Extremists | 3 | 27.27% | 1 | 33.33% | - | - | - | - | 3 | 15% |
| Opposition Not Based on Science/Common Sense | 2 | 18.18% | - | - | 3 | 50% | - | - | 5 | 25% |
| | Total 11 | 100% | Total 3 | 100% | total 6 | 100% | total 1 | 100% | total 20 | 100% |

Table 5.1: Pipeline Supporter Frames

Table 5.1: Pipeline Supporter Frames contains all of the major frames found in KXL supporter testimonies from the four public hearings. The higher the frequency of a frame's occurrence, the more significant it is to the framing strategies of the interest group or organization under investigation. The pipeline supporter table, as with the pipeline opposition framing table discussed in the next chapter, is divided into categories of narrative themes, with each category determined by a master frame. The categories are also ranked in order of importance and relevance. The KXL supporter master frames include *economic benefits*, *national security concerns*, *project safety*, and an additional category called *images of opposition*. Recall that master frames are, in many cases, not context specific, but may appear in other instances of mobilization or episodes of contention. For example, the economic benefit, national security, and project safety master frames are not specific to the KXL debate in Nebraska and may appear whenever an energy project is proposed. These talking points can also be used to promote and justify different kinds of energy projects, like renewable energy projects, not only oil and gas energy projects. As Benford suggests, "a master frame's articulations and attributions are sufficiently elastic, flexible, and inclusive enough so that any number of other social movements can successfully adopt and deploy it in their campaigns" (2013). I added the images of opposition as a master frame category for the few, yet significant, instances of critical portrayals of the opposition in order to highlight the way many KXL supporters characterized opposition members.

Within each master frame category are listed specific frames and narrative themes employed by supporters and opposition interests, along with the frequency counts and percentages relative to the other frames found within that master frame category. I primarily examine testimony frames through the lens of benefits and risks, and note whether a master frame is diagnostic or prognostic in nature. When relevant, I also note if a particular frame changed (diminished or intensified) over the course of the four public comment meetings. Testimony quotes are included when salient to the discussion of particular frames, and I only include quotes that capture and succinctly summarize the frames and narrative themes under discussion.

Economic Benefit Frames: Job Creation, Tax Revenue, and Living Wages

Looking at the first set of the supporter frames, we see that the most prevalent frames used by pipeline supporters concern economic benefits associated with the project. The economic benefit master frame is prognostic in that it offers solutions or highlights the potentially positive economic aspects of the KXL project. Essentially, the economic benefit frame suggests KXL can address or help alleviate certain economic and social needs. In this case, supporters suggest the pipeline will generate thousands of jobs and tax revenue for local communities. Job creation and tax revenue are the most prominent benefit frames found in the pro-KXL testimonies, and these particular frames are commonly used by interest groups to gain public support for energy projects (McAdam and Boudet 2012). The importance of jobs and job creation for the supporters of KXL cannot be understated. After the 2008 financial downturn, unemployment rates soared across the nation. In response to the general need for employment, job creation became the primary master frame used by KXL supporters to sell the project to the public. Even

if the economy was not suffering during the KXL debate, and the housing crisis never occurred, job creation would have likely been the primary framing strategy used for selling the project. Although unemployment rates in rural Nebraska never rose above six percent in any of the counties located along the route from 2010-2014, the job creation frame accounted for 40.78 percent of the economic benefit frames found in the testimonies, followed by local tax revenue and business stimulation (28.95 percent), benefits to the national economy (17.76 percent), and references to good paying jobs and living wages (12.50 percent).

Because TransCanada was the initial claims-maker for constructing the KXL pipeline, I begin with the official stance of the company on the economic benefits of the project. The vice president of the TransCanada, Corey Goulet, spoke at the Nebraska Department of Environmental Quality hearing in Albion in 2011 and the final national interest meeting held in Grand Island in 2013. At the NDEQ meeting in Albion, Goulet mainly addressed the pipeline reroute and attempted to allay environmental and safety concerns, but in his closing statements he turned to the project's economic benefits for Nebraska:

“From a Nebraska perspective, there will significant economic benefits. In 2011, TransCanada paid more than \$2.3 million in state and local taxes here in Nebraska. In 2012, the taxes we will pay in Nebraska are expected to be two or three times greater. This is money that is available to help build schools, medical facilities, and other community infrastructure, or to lower taxes...if KXL is approved, we will invest an additional \$1 billion in Nebraska infrastructure, which will further add to the tax base for many years. In addition, if the pipeline is built, the construction activity will generate significant economic stimulation through the purchase of local goods and services.”

At the Grand Island meeting, Goulet opened his remarks diagnostically by stating, “First, we believe *there is a need* for the Keystone XL pipeline,” and then goes on to prognostically suggests the project will “create 9,000 direct construction jobs for hard working Americans and support thousands of indirect jobs. Further, the project will

provide a significant boost to the states that it crosses in the form of tax revenue, estimated at over \$30 million a year.” In addition to Goulet’s comments, TransCanada’s website provides some information on the pipeline’s proposed economic benefits. In a company document titled “Delivering Economic Benefits and Energy Security,” the company suggests the project will create 15,000, “high-wage jobs and construction jobs in 2011-2012 across the U.S., stimulating significant additional economic activity” (TransCanada 2014). Specifically addressing Nebraska, the document goes on to state the pipeline would provide more than \$465 million in new spending for the Nebraska economy, 7,500 person years of employment, increase personal income by \$314 million, generate additional state and local tax revenues of more than \$11 million, and create \$390 million in increased Gross State Product (2014).

Over the course of the KXL debate, the job creation numbers associated with the project have fluctuated drastically. In supporter testimonies we see numbers ranging from 7,000 to 50,000, with a few wilder claims stating over 100,000 jobs would be generated during the pipeline’s construction. Reading through pipeline supporter testimonies, we see that inflated job numbers tended to appear in testimonies from the first two national interest meetings in 2011, when the U.S. was still deep in the midst of the financial downturn. I don’t think it was a coincidence high job numbers were vigorously promoted in this time of economic stress, as there was a very real need for employment across many sectors of the labor market. Also, the first two national interest hearings were held very early in the debate, when the specifics of the project were still murky for both pipeline supporter and opponents. As the project came under public scrutiny, the inflated job numbers decreased significantly to a more realistic level.

In the State Department's Final Supplemental Environmental Impact Statement report, the jobs numbers settled at 12,000 direct jobs created in Montana, South Dakota and Nebraska; basically falling right between Goulet's 9,000 and TransCanada's 15,000 jobs numbers (FSEIS 2014). In terms of total job creation, the FSEIS suggests 42,000 direct and support jobs would be created over the two-year construction period. The report notes that, "A job consists of one position that is filled for one year. The term support means jobs ranging from new jobs (i.e., not previously existing) to the continuity of existing jobs in current or new locations" (2014). The distinction between direct and support jobs is important because support jobs are often conflated with the direct jobs number, which in turn led to the inflation of construction job numbers by many pipeline supporters. Most of the opposition comment testimonies focused on direct construction jobs, suggesting it was the more important number used to judge the economic viability of the pipeline within local communities. After the project is complete, 35 permanent jobs would be created, which would have "negligible impacts on population, housing, and public services in the proposed project area" (2014).

We cannot talk about job creation without discussing the role of union workers and the Laborers International Union of North America (LIUNA) in the KXL debate in Nebraska. At the first two national interest meetings, there was a large showing of union, particularly LIUNA, support for the project. For KXL supporters and certain construction unions, job creation takes on an almost sacred quality, as if creating any kind of work is a good in-itself, even if that work might contribute to environmental problems in the long term. I believe the valorization of jobs at any cost is directly related to the fundamental economic growth perspective many KXL supporters adopt on the pipeline issue; in order

to unsure the health of the economy, and provide “good paying jobs,” we need people working, producing and consuming. Throughout the pipeline debate, LIUNA local 1140 worked closely with TransCanada, oil and gas industry advocates like the American Petroleum Institute and economic development organizations like Americans for Prosperity to economically frame the project as in the national interest. In 2011, TransCanada partnered with LIUNA to form Nebraskans for Jobs and Energy Independence (NJEI), a counter-mobilization organization created to promote KXL in Nebraska (Bold Nebraska 2012). The label counter-mobilization here requires some qualification, as the organization did not try to organize landowners to support the project, but they did send out pro-pipeline robo-calls and worked with TransCanada to deploy a PR campaign to sell the pipeline. Although general union support for the pipeline was by no means universal, and unions such as National Nurses United came out in opposition to the project, for the sake of simplicity I often use the terms union workers and labor interchangeably in the following discussion when referring to LIUNA local 1140 members/officials and Nebraskans for Jobs and Energy Independence (NJEI) representatives. There were no other union representatives present except pipeline construction unions at the hearings, we just need be careful to not homogenize all construction unions as pro-KXL.

The testimonies offered by labor representatives at the meetings tended to follow a common pattern with some minor variations: identify the number of union workers represented in their union, discuss the need for jobs, reinforce the training, safety record and high skill level of workers, and link KXL to national security issues. In terms of job creation, union workers often defined and defended their kind of labor - construction

work - as living wage jobs, not minimum wage work. As the real cost of living has fallen behind inflation since the 1970's, there has been a growing call to provide "living wage" employment for workers in the U.S. In 2012, most minimum wage jobs across the U.S. do not provide a living wage. Pointing out this distinction at the national interest meeting in Atkinson, a LIUNA union worker stated how, "This pipeline will be built with living wages, not a minimum wage. It will provide jobs all the way from the Canadian border to the Gulf of Mexico, jobs that people can live on and make house payments with, can pay a mortgage payment, provide medical care for the whole family, and pay into a very good pension fund by my union." In a similar line of argument, a laborer in Lincoln mentioned how, "In our house we get excited when we hear about a construction job starting up. It means a consistent paycheck where we don't have to worry about how we're going to live. Although we know eventually the job will end, we have the hope another job will be ready to start up. So I am here today to support the Keystone XL pipeline project, and the living wage jobs it will create." Unlike farmers and ranchers, who typically have very high job security, union workers have to constantly seek out work that pays well, but is never permanent. As many laborers mentioned at the hearings, all construction jobs are temporary, and every day working is one day closer to being out of a job. The difference in perceptions between landowners and laborers on the value of work is a very interesting topic I discuss in more detail in the following chapter on pipeline opposition frames.

The economic benefit frame is powerful and appealing because it resonates with the needs, demands, and imperatives of our capitalist, neoliberal economic society.

Capitalism, and the underlying growth imperative of this particular economic system, is one of the sacred tenets of the idealized "American way of life." From an economic

benefits perspective, the productive functioning of capitalism is often taken as inherently good, and most Americans, due to socialization processes and cultural forces, do not think outside of a capitalist economic framework when considering solutions to problems like energy security and environmental problems. When the economy is floundering, as it did after the 2008 financial downturn, and many people are out of work, the national conversation tends to myopically focus on job creation and economic stimulus. So, if jobs are highly valued in a “good” economy, they are especially prized when the economy is suffering. Because most Americans would likely agree that jobs are vitally important to the health of our economy, it makes it very difficult to criticize the job creation argument for KXL, even if those jobs are limited and temporary.

We have already seen that from 2010-2014 rural Nebraska was not in need of jobs, but tax revenue is another story. The tax revenue argument for KXL is appealing because many rural communities, unlike larger urban centers, often do not have a large tax base for generating the funds necessary for initiating significant community projects or repairing ageing infrastructure. In the case of KXL, TransCanada would pay county property taxes for the first fifteen years of the pipeline’s operation. TransCanada’s website suggests that during this fifteen-year period the pipeline can help fill local county monetary needs and illustrates this claim with an example taken from the Keystone One project:

“This [project] is private sector stimulus, not a single tax payer dollar is required to make this shovel-ready project a reality. Keystone XL will inject millions of dollars into state and county budgets that can be used to build roads, fund schools and support other critical infrastructure projects throughout Nebraska. The extra revenue from TransCanada’s existing Keystone Pipeline flowing into Saline County was used to repay \$4 million used to build a new school. Additional revenues from Keystone XL would go to funding the construction of a bridge over the Big Blue River, according to Saline County Board of Supervisors Chairman Willis Luedke” (TransCanada 2015).

At the public comment hearings, job creation and local tax revenue were almost

always linked in the testimonies of pipeline supporters. While most union workers did not mention exact numbers relating to tax revenue or overall economic stimulus, a few laborers did mention local taxes revenues. For example, at the meeting in Grand Island a laborer highlighted the potential boost to local taxes:

“You have heard extensive testimony that the Keystone XL pipeline will create thousands of jobs and that this will cost American taxpayers nothing. But workers won't only be the ones to benefit economically. Communities and states along the pipeline will benefit from millions of dollars in tax revenues. I can only imagine what states and communities can do with the extra income, especially in an age of budget cuts that we're in today.”

Table 5.2: KXL Projected Tax Revenue for Nebraska Counties show approximate tax amounts that each county would receive over the fifteen-year collection period. As the tax table suggests, approximately \$50,000,000 million dollars in total local taxes would be generated during the tax collection period. The tax numbers for each county is based on the amount of pipeline mileage through a county; therefore, larger counties would generate more tax revenue. It is interesting to note that the county with the most to gain from property taxes (Holt County at \$9,866,190 dollars) also happens to be the county where we see the most organized grassroots opposition to the project.

| Counties | Total Gross Property Taxes | Total Gross Sales or Use Taxes |
|--------------------|-----------------------------------|---------------------------------------|
| Keya Paha | \$1,091,416 | \$364,734 |
| Boyd | \$2,299,848 | \$768,573 |
| Holt | \$9,866,190 | \$3,297,123 |
| Antelope | \$8,300,850 | \$2,774,011 |
| Boone | \$3,896,508 | \$1,302,151 |
| Nance | \$3,966,974 | \$1,325,699 |
| Merrick | \$1,909,590 | \$638,154 |
| Polk | \$4,347,990 | \$1,453,029 |
| York | \$1,163,542 | \$388,837 |
| Fillmore | \$4,360,737 | \$1,457,288 |
| Saline | \$6,205,735 | \$2,073,857 |
| Jefferson | \$2,045,955 | \$683,725 |
| Total Taxes | \$49,455,336 | \$16,527,181 |

Table 5.2: KXL Projected Tax Revenue for Nebraska Counties
Source: The Goss Institute for Economic Research 2013

While the tax revenue argument for KXL might seem like a tempting financial incentive for county officials, local businesses and community members, several of the people I interviewed considered the fifteen-year cut-off date inadequate for a pipeline that will be buried under their property in perpetuity.

Considering the neoliberal orientation of the economy of the United States, and the fact that the functioning of this economic system was seriously threatened by the mortgage meltdown in 2008, the economic benefit frames employed by KXL supporters should have played well at the national and local levels.

Construction unions that have partnered with the oil and gas industry (the black-blue alliance) currently find themselves in the middle of our country's cultural debate over the future direction of energy policy, and the growing tension between continued petroleum exploration, rising CO2 emissions, and the need to begin transitioning to a renewable energy economy. Although there has been a boom in oil and gas exploration in the U.S. and Canada recently, the future of oil and gas construction work is precarious due to the

inevitable shift towards renewable energy sources. This, of course, is not to say construction union workers will not get good paying jobs building renewable energy projects in the future, but there is a very real possibility major pipeline construction projects like KXL will become antiquated in 20 or 30 years, or sooner.

The apparent tension between job creation and environmental protection is a common myth that has historically been used by the oil and gas industry to pit certain segments of the construction labor force, and by extension the general public, against environmental regulation and efforts to research and develop alternative energy sources. This manufactured debate is not new. Over thirty years ago, Kazis and Grossman (1982) argued that oil and gas industry leaders, working with conservative politicians, waged a “job blackmail” campaign against unionized labor designed to create a divide between the interests of labor, mainly job security, and the environmental movement’s push for stricter environmental policy. The KXL debate in Nebraska illustrates the continuation of this tactic of victimizing laborers and valorizing job creation and at the expense environmental concerns over risky energy projects. In their testimonies, many landowners said they sympathized with union worker’s need for jobs, but they were not willing to risk potential threats to *their livelihoods and labor practices* for short term economic benefits generated by an influx of temporary jobs and property taxes into their communities.

National Security Frames: Hostile Nations, Friendly Allies, and Petroleum Fatalism

Along with the goal of maximizing the economic benefits of the pipeline, one of the major framing strategies used by KXL supporters in their testimonies was the identification of friends and enemies in the debate and an emphasis on the embedded

reality of petroleum use in everyday life. These narrative themes are components of the *national security* master frame. The national security frame is diagnostic in orientation, focusing on “problem identification and attributions,” or determining whom to hold responsible for an adverse situation (Snow and Benford 2000:616). The national security frame is also motivational in that it encourages people to support KXL based on perceived threats to collective identity, moral obligation, and the cultural values Canada shares with the U.S. There is a difference here between the motivational aspects of supporter frames and opposition frames worth noting. Because most KXL supporters are not directly affected by the pipeline, unlike Nebraskan landowners living along the route, they are likely not motivated to engage in any counter-mobilization efforts beyond letter writing or other traditional tactics that require little effort or time demands. Even the union workers at the public hearings were paid to be there, so we have to question their motivation for discussing the pipeline in terms of national security, rather than their personal job security. After all, very few of the union workers at the hearings claimed to be out of a job or seeking employment, or said they would be employed by TransCanada to build the pipeline if it were approved. Regardless, the national security frame was a very common narrative them found in union worker testimonies, and it plays upon the fear of the “other” and the reactionary tendency to protect cultural identity from outside threats.

Episodes of contention involve struggles between claims-makers and their particular interests, and the identification of the various parties involved is important for solidifying group identity and providing an image of the opposition. The employment of the friend/enemy distinction is common to many forms of collective identity and actions,

from sports competition to military conflict, and it functions very effectively at providing a cultural framework for motivating collective action. For example, the war on terror has been used by right-wing organizations and conservative political leaders as a pretext for painting Islamic and OPEC nations as the hostile “other.” The unease many Americans feel towards Islam or foreignness in general can easily become reactionary if people feel their way of life is threatened by some identified other. Fear of the other, and KXL supporter’s playing upon this fear, has in part informed the national security frames we find in the KXL supporter testimonies.

To promote national security and energy independence, KXL supporters designed a friend/enemy argument for the pipeline based on shared cultural values between the U.S. and Canada and the notion of “ethical oil,” as opposed to unethical oil imported from OPEC nations. For many KXL supporters, the “enemy” is not the pipeline opposition movement in Nebraska (landowners and activists), but OPEC nations such as Saudi Arabia and Venezuela, which are characterized as unstable, hostile, and a threat to American values and freedoms. Canada, on the other hand, is portrayed as a friendly ally that shares the United State’s cultural and economic aspirations. Moreover, Canadian bitumen was described as ethical oil by several KXL supporters, while the oil imported from the Middle East was characterized as unethical due to the politically oppressive nature of several OPEC nations. For KXL supporters, ethical concern only seems to be applied to human rights issues in OPEC nations, not health issues suffered in First Nation communities in Alberta due to tar sands extraction or the greater environmental impacts of tar sands production. The influential Canadian scientist David Suzuki nicely summarizes the problematic nature of claims that Canada’s oil is more ethical than

petroleum sources from OPEC nations:

Canada is one of the highest per capita emitters of greenhouse gases. Our rapidly melting permafrost releases massive amounts of the potent greenhouse gas methane, amplifying our contribution to the global crisis of climate change. Alberta's tar sands require enormous amounts of energy and water to extract, further compounding Canada's already excessive emissions. Is there not an ethical component to our demand for a greater share of the Earth's atmosphere than most other nations? Rapid exploitation of Canada's tar sands — by companies from countries including the U.S., Korea, and China — is not crucial for our nation's survival or even well-being, yet we ignore the impact on the rest of the world. If that isn't unethical, I don't know what is (Suzuki 2011).

In their testimonies, supporters often conflated the cultural values of Canada as a nation and the objectives of TransCanada as a private corporation driven by profits. Although Canada's Prime Minister Steven Harper, who hails from Alberta, is fully committed to further tar sands development, not all Canadians support the unbridled expansion of tar sands extraction. In fact, the 2015 electoral success of the New Democratic Party as majority government and the election of Rachel Notely as Alberta's Premier may indicate a shift away from the long tradition of conservative politics and tar sands expansion in the province. The strategic logic of focusing on Canada as a friendly nation rather than talking about TransCanada as a profit-seeking, private company makes perfect sense: it is easier to sympathize with and relate to the people of Canada than a faceless corporation that works for the oil and gas industry. Throughout the KXL fight, TransCanada has attempted to portray the company as a "good neighbor" to the U.S., although this friendly neighbor image, due to perceived mistreatment by the company, never resonated with landowners living along the route in Nebraska.

In addition to the friend/enemy distinctions made by KXL supporters, there was also a high frequency of what I call *petroleum fatalism* in the testimonies. Fatalism is a form of acquiescence or surrendering to circumstances that are perceived to be beyond one's control. Petroleum fatalism suggests our current social and economic system is so

permeated and dependent on petroleum products that it will take many decades to shift to a post-carbon energy economy. In the meantime, the U.S. should rely on “ethical” petroleum supplies from our friendly neighbor to the north, rather than unethical oil from oppressive, terrorist funding nations in the Middle East. In some of the testimonies, petroleum fatalism was linked to the notion that the tar sands will inevitably be exploited even if KXL is not built. For example, a union worker at the Lincoln meeting said, “This is a good idea, I think, for this pipeline to come this way because Canada is a good neighbor, and if we don't buy the oil, that doesn't mean that Alberta is not going to exploit those tar sands; they definitely will. So you're not helping any kind of environmental condition in Canada by not taking their oil.” Another quote from a Pipeliners Local 798 union member’s testimony also illustrates the notion of petroleum fatalism, and it contains most of the other components of the national security master frame as well:

But you know, really the most important part for me is not about the jobs, even though it would employ my members. The most important point for me is this: We're going to continue to buy oil in this country, at least for the next 10, 15, 20 years. Now we have an option of where we're going to buy it from. If we continue to transfer the wealth out of this country into OPEC countries that finance wars against this country, we're doomed to fail, period. It's going out at a million dollars a minute. That's how much money we send to OPEC; a million dollars a minute. Fact check it: it's a half a trillion dollars a year. Nobody can afford that, environmentalists can't afford it, labor can't afford it, America can't afford it. When you buy oil from OPEC countries, you buy a barrel of oil and a barrel of problems. We don't need that. When you buy from Canada, they share in our economy.

When we talk about petroleum fatalism, it is important to link our country’s petroleum dependency to the growth and expansion of the economy. The development of modern industrial capitalism, particularly in its neoliberal form, has been driven by easy oil and the globalized transportation it enables. We only need consider the grid work of roads, parking lots, and a seemingly endless list of plastic commodities and conveniences to see that our entire society and individual experience is organized and based on fossil fuel consumption in one form or another. The term “throw away society” aptly describes

the excesses of unbridled modern capitalism driven by oil production. When KXL supporters talk about the embedded nature of petroleum use and the continued need for oil products in their testimonies, they are describing the reality of our current oil economy. The petroleum fatalism perspective essentially suggests that the goals of profit-driven capitalism (a system often described as having “no alternative”) requires the energy provided by the oil and gas industry, and renewable energy sources simply cannot support the neoliberal production and consumption practices necessary for competing in the global economy.

The reality of our changing climate demands alternative approaches to our current economic model that is based on the untenable goal of infinite growth. The question going forward in terms of future energy policy in the U.S. is determining how quickly, or slowly, we will shift our economic base away from petroleum use to renewable energy sources. This is where the notion of petroleum fatalism comes into play in the KXL supporter testimonies. For example, a retired Nebraskan law enforcement officer at the public comment hearing in Atkinson attempted to defend continued oil use when he stated that, “...we will need oil to fuel our transportation requirements for decades to come, a fact even our own United States Department of Energy acknowledges. And unless some miraculous invention that will enable us to cost-effectively replace all of the millions of vehicles we have on the road today that rely on oil, I believe that fact to be true: America needs oil, and that oil can come from a friendly, reliable source in Canada via the Keystone XL pipeline.” Most instances of petroleum fatalism found in supporter testimonies did recognize our need to develop renewable energy sources, as long as the move to cleaner energy was based on an “all of the above” approach. Testimony from the

President of the Nebraska Petroleum Marketers Convenience Store Association illustrates this call for a pragmatic approach to future energy policy, going so far as equating car ownership with individual freedom:

...we don't have the luxury of taking philosophical stances on visions of what things would be like if oil and gasoline weren't interwoven so tightly into our daily lives and well-being. The fact is, petroleum has done more to improve the standard of living over the last century than any other single innovation. While other energy technologies will emerge, petroleum will remain our most reliable source of energy for the foreseeable future. We take pride in our position as a provider to our customers of a product that fuels their freedom, which is to say their cars.

While this realist position does reflect the United State's energy situation in terms of petroleum dependency, it is often used by oil and gas industry apologists to justify an incremental or gradualist approach to renewable energy research design and development.

Many KXL supporters also contrasted Canada's shared democratic values with the undemocratic values of "foreign" OPEC nations. For example, a citizen at the Lincoln public comment hearing who supported the pipeline said, "Canada is our neighbor, our ally, and will supply a stable supply of energy from a democratic country with high environmental and safety standards. Canadian oil reduces our dependence on foreign oil from countries that are hostile to our nation, our democracy and freedom." By characterizing OPEC nations as hostile aggressors, Canada and the tar sands can be framed as friendly and ethical. When applied to tar sands production in Alberta, the claim of high environmental standards is certainly questionable, but most American citizens are unaware of how tar sands are extracted and the associated negative impacts on the environment and First Nations communities living near the tar sands. Associating Canadian cultural values with TransCanada is a framing tactic designed to humanize the pipeline company. It is important to note that KXL supporters rarely targeted landowners

or Nebraskan citizens as the enemy. This was a conscious decision made to avoid denigrating Nebraskan farmers, ranchers and citizens. Painting OPEC nations as the “real threat” shifts the conversation away from environmental concerns expressed by landowners to the more abstract and reactionary issue national security concerns about unethical oil, Islamism, and potentially funding foreign terrorism.

It is interesting to note that supporters always applied the term *foreign* to OPEC nations, but never to Canada, although it is a foreign nation as well. The close proximity of the U.S. and Canada may have something to do with this omission, but the suggestion that the United States would become more energy independent by importing and refining Canadian oil rather than oil from OPEC nations is simply not accurate. The reality of the situation, such as the fact that we already import the majority of oil from Canada, is less important than making sure people associate unethical oil with foreign, hostile, essentially Islamic nations. By focusing on national security concerns and unethical oil, KXL supporters also shift the public conversation away from serious dialogue about reducing oil use (which would lead to real energy independence) to a debate about ethics and shared cultural values. In short, the ethical oil issue and petroleum fatalism argument are merely distractions used to define and control the public conversation about the KXL debate. Again, the underlying narrative strategy here is based on the assumption that the U.S. will be dependent on petroleum for decades to come.

The national security frame is a narrative strategy used to play upon people’s reactionary feelings concerning threat perceptions. When coupled with a petroleum fatalist attitude towards future energy sources, the national security frame easily becomes a conversation about choosing between importing oil from a foreign, hostile “other” or

our friendly next-door neighbor.

Project Safety Frames: Skilled Labor and State of the Art Technology

The project safety master frame is composed of several narratives designed to address and allay public concerns about the risks - particularly environmental risks - associated with the pipeline. While the economic benefit master frame operates to maximize the economic and national security benefits associated with the pipeline, the project safety frame works to minimize the environmental and construction risks associated with the project. In terms of core framing tasks, the project safety master frame is a prognostic counterframing tactic which offers reassurances that the “problems” of environmental risks and pipeline safety concerns can be addressed by the “solutions” of highly trained labor and state-of-the-art technology. Most of the 145 references to pipeline safety occurred at the first national interest meeting in Lincoln, with a frequency count of 58, or 40 percent of the total project safety references. While the project safety frame numbers dropped at the following three meetings, the frequency remained significant at around 20 percent at each of the following hearings. The final Grand Island meeting had the lowest frequency count with only 26 references, which is not surprising considering it was the hearing with the fewest KXL supporters, including union representatives, in attendance.

There are several key elements of the project safety frame I discuss below, including these narrative themes:

- The State Department and NDEQ environmental reviews were scientifically sound and adequate.
- Highly trained, skilled union laborers will be used to build the pipeline.
- Pipelines are the safest way to transport crude oil, as opposed to rail.
- TransCanada will use a state-of-the-art leak detection and monitoring system.
- Any spill will be localized and not contaminate the whole aquifer.
- Bitumen is not toxic and just like any other heavy crude oil.

Looking at the supporter frames table, we can see that one of the most significant safety frames used by KXL supporters concerns the State Department and NDEQ environmental review findings. Normally, the oil and gas industry and business interests are critical of government regulation and stringent environmental policy. Environmental regulations are considered fetters on free-market activity and business development. But what we find in KXL supporter testimonies are several instances of praise for the State Department's EIS report and the NDEQ reroute analysis. This may seem strange at first, but the explanation is quit simple: the environmental reviews for KXL were conducted by private environmental consulting firms who work closely with the oil and gas industry to help shepherd energy project proposals through the regulatory and review process. In the following discussions of supporters comments concerning the State Department's and NDEQ's reviews, it is important to separate the State Department and the NDEQ as hiring agents and the contracted firms that actually conducted the reviews. When discussing supporter testimonies, I use their language, which always referred to government agencies when discussing the reviews, not the consulting firms. When discussing the actual studies and the findings, I reference them as Cardno Entrix's, Environmental Resource Management's (ERM's), and HDR's reports because they produced the data and were ultimately responsible for deciding what information was included or excluded from the analyses.

KXL supporters were particularly approving of the environmental reports at the Lincoln national interest meeting, with a frequency of 15, and the NDEQ reroute meeting in Albion, with a frequency of 10. I think was important early on in the KXL debate for pipeline supporters to show approval of "the process" and reiterate the positive findings

of the environmental reviews. The reports were often described as scientific and thorough, and some testimonies mentioned that KXL has been the most scrutinized energy project in recent history, which is true. Representatives from many pro-business organizations, such as Americans for Prosperity and the Ports-to-Plains Alliance, also indicated their approval for the review process in their testimonies. For example, at the Lincoln meeting a Ports-to-Plains representative praised the State Department's environmental findings:

As leaders from the region that the Keystone pipeline will traverse, we applaud the Department of State's thoroughness in the approval process, and appreciate the multiple opportunities for public input on the project. You have fully analyzed the environmental impact and rightfully concluded that there are no substantial economic concerns that should prevent the construction of this valuable energy infrastructure project. We were particularly interested in the potential of the Ogallala Aquifer, the major source of drinking water not only in Nebraska, but across many of our states. And yet it was determined by a multiyear study that different routes would disturb more land and cross more water bodies than the proposed route.

The speaker's reference to the review process as the *approval* process clearly indicates how confident pipeline supporters were early on in the KXL fight, as if all of the environmental concerns had been addressed by the review and the pipeline was only awaiting the President's approval. In light of the President's rejection of the building permit in 2012, and subsequent reroute of the pipeline off of the aquifer, the argument that the original route was the environmentally safest route was clearly refuted, but testimony statements like these, even when inaccurate, worked to reinforce ERM's positive findings at the public hearings. Another supporter at the Lincoln meeting applauded the State Department review and defended the original route choice, suggesting that the "...State Department has completed an exhaustive environmental impact statement which has concluded that none of our nation's precious natural resources will be adversely affected. Of the many routes evaluated by this review, it was

determined that the Keystone XL [route] is the best alternative. Alternative routes are found to disturb more land, cross more waterways and cause more disruption for all involved.” When looking at the original KXL route through the Sandhills, the pipeline runs in a straight line from its entry point in northern Nebraska to its endpoint in southeastern Nebraska. It is easy to see that the original pipeline route was chosen as the shortest distance between the two points not because it was the most environmentally safe choice, but because it would be the least expensive route in terms of construction costs and materials. Again, the narrative strategy here is not to reflect the reality of threats to the environment and communities located along the route, but to minimize risks and reinforce ERM’s findings.

After the pipeline was rerouted off the aquifer, KXL supporters at the NDEQ meeting in Albion praised HDR’s positive findings that suggested the reroute would have no significant impact on the environment and posed little risk to public safety. A representative from Americans for Prosperity applauded the NDEQ’s work as fair and scientifically sound, stating that he wanted to, “...thank the Nebraska Department of Environmental Quality for putting together the unbiased hard facts on the impact of the pipeline on the Ogallala Aquifer. I really appreciate what you guys have done for that matter, as well as a lot of the experts that have talked a lot about this. I mean we’re talking science here, not so much how you feel. I mean it’s hard facts.” This approving attitude towards the reroute report was also reflected in the testimony of a representative from the Nebraska Chamber of Commerce when he commented that, “We certainly believe that the State Department’s review of the proposed project is based on sound science, that Nebraska has been treated fairly in this process. We have confidence in the

scientific, thorough review conducted by the officials at the Department of State, other federal agencies, the Nebraska Department of Environmental Quality, and other state agencies.” Before discussing the recurring narrative theme suggesting KXL approval is backed by “hard facts” and sound scientific analysis, I want to briefly talk about supporters’ comments concerning union worker training and safety practices.

Testimonies from Laborers International Union of North America members and other union representatives at the national interest hearings tended to follow a basic pattern, with some minor variations. First, they mention the number of union members in their organization and then discuss the quality of worker training practices. Union representatives often quoted union member numbers, usually in the hundred of thousands, in order to bolster their representative numbers at the hearings. The testimony from a United Association of Journeymen and Apprentices representative nicely illustrates the main points of the training/safety narrative formula:

Thank you for allowing me to address this hearing. I represent 340,000 members of the United Association, along with their families. The UA provides the highly trained craftsmen and women who build everything from homes, schools, hospitals, to power plants, and manufacturing facilities. And our members will be constructing the Keystone XL pipeline. It is important to the United Association that everyone understand that the security of our environment is and will continue to be an important concern to us. We are deeply committed to preserving our air, water, and natural resources for future generations. We also know pipelines have already been shown to be the safest as well as the most economically viable and environmentally secure way to transport oil. I have seen firsthand the construction of pipelines throughout North America, and I can tell you that when the UA is involved, you can rest assured that we will build it with the utmost skill, integrity and commitment to safety. The UA spends more than 200 million dollars a year in training our members to do this work. The State Department is correct when it states the Keystone XL pipeline will have minimal environmental impact. The route has been carefully prepared and rerouted to insure that the fragile aquifers will not be disturbed.

In addition to union numbers, the mention of training funds (\$200 million dollars) is another way of legitimizing the quality and skill level of union workers. A union representative’s testimony at the Lincoln meeting reiterated many training/safety frame

elements and attempts to justify the project by situating KXL within the already existing network of pipelines in the U.S.:

I also share the concerns of everyone in this room and across the country about the safety and environmental issues of the Keystone XL pipeline. But I do feel TransCanada will do everything possible, such as use the most qualified personnel such as the welders, laborers, and operators represented in this room. And also, they will use the most advanced materials in the construction of this pipeline. I know without a doubt it is in their best interest to build and maintain this pipeline with state-of-the-art technology and to treat the public as well as landowners with respect and dignity. On the safety of oil pipelines in general, there are currently 55,000 miles of crude oil pipelines in America. Saying that, there are very few incidents for that many miles of pipeline in production. Pipelines are the number one safest way to transport products in America. Also, the U.S. State Department has done an extensive study on the impact of this pipeline to the environment, and have found there to be no significant impact to our environment.

Many supporter testimonies mention how pipelines are the safest method for transporting petroleum products and that the U.S. currently has thousands of miles of pipeline already existing and operating with minimal problems. But supporters fail to mention that most of those existing pipelines are 10 to 14 inches in diameter, not 36" in diameter, and carry water or natural gas products to residential homes or businesses. The scope, scale, and contents (dilbit) of KXL puts it in a unique class of pipelines, and it is misleading to compare the many already existing, smaller pipeline systems to KXL. There was also a tendency in supporter testimonies to equate Canadian bitumen with conventional petroleum sources, such as heavy crude from Venezuela. Pipeliners Local Union 798 from Omaha even hired a geologist to testify on the non-toxic characteristics of natural bitumen and suggest that if a leak were to occur, it would be localized and would not spread throughout the aquifer system. Not surprisingly, this individual's testimony supported the project by minimizing its environmental risks:

I've heard a lot of things today that I really agree with. One is that we're concerned about our environment. But I've also heard things that I don't agree with, and I don't agree with them on a technical basis. One is "the whole aquifer is at risk." It's not. The pipeline's current route is in the Northeast corner of the Ogallala Aquifer, and where it crosses the Sand Hills the gradient -- water flows down-gradient, in this case mainly downhill -- is to the east and south, away from the bulk of the aquifer. It does not endanger the drinking water supply of two million people. Number two, that the oil is somehow different from

other types of oil, or that it's filled with toxic materials. Well, you know, it's really very similar chemically to Mexican Mayan heavy crude or the California heavy crudes, chemically, and it would have the consistency of something like 40 or 50 weight motor oil, pretty thick stuff. And it's not going to sink into the aquifer. It's still lighter than water; it would float. And its viscosity is quite high, so it can't move very easily through the aquifer, and it's not going to mix and be miscible with water that's present in the aquifer.

The statement that the whole aquifer would not be contaminated by a pipeline leak is accurate, although the claim that diluted bitumen flowing through the pipeline is like other sources of heavy crude is clearly inaccurate. Supporter testimonies often talked about characteristics of bitumen in its natural state, before it is diluted with chemical agents to make the bitumen less viscous. Supporter claims that bitumen is like other sources of heavy crude are referring to raw bitumen, excluding any reference to highly toxic additives mixed into the final product flowing through the pipe. If KXL were to leak near a community, the toxic additives such benzene, xylene, toluene, ethylbenzene, and chromium added to the product mix pose a serious risk to landowner and citizen drinking water. Like the national interest friend/enemy framing strategy, this narrative slight of hand is designed to shift the focus to discussions of the characteristics of raw bitumen while remaining completely silent on toxic additives that easily dilute in water. Landowner testimonies consistently indicate they are more concerned about chemical additives than the material make-up of natural bitumen from Alberta.

In a report entitled “Analysis of Frequency, Magnitude and Consequence of Worst-Case Spills From the Proposed Keystone XL Pipeline,” John Stansbury, Associate Chair of Environmental Water Resources Engineering at the University of Nebraska, Lincoln, suggests an estimated 91 major spills will occur over a 50-year design life of the pipeline (2011). TransCanada readily admits KXL will experience leaks, so at the public comment hearings it was important for supporters to minimize risks associated with leaks by

suggesting that when they occur, they will be small and localized. An environmental toxicologist who works for the Kansas City based engineering consulting firm AECOM suggested the aquifer would be at no risk if a leak were to occur: “Based on my professional experience and technical expertise, the Keystone XL pipeline poses minimal risk to environmental resources, particularly the Ogallala Aquifer. Concerns that the Ogallala Aquifer could suffer severe impacts if a pipeline spill were to occur are completely unfounded. Impacts to ground water, if any, would be highly localized.” Every testimony by experts in support of the pipeline discussed potential leaks in terms of how bitumen would behave in water, but they never mentioned how added diluent chemicals, which make up a significant portion of diluted bitumen, would behave if released into the aquifer. This method of compartmentalizing risks selectively focuses on certain facts about the pipeline and its contents, which are true when taken in isolation, yet are only partially true if not applied in a comprehensive, complete, and unbiased way. Next I discuss some of the narrative strategies used by pipeline supporters to characterize themselves as rational and scientific while trivializing the concerns of the opposition as irrational and based on emotion.

Framing the Opposition: Unscientific, Emotional and Misinformed

The last framing strategy that appeared in many supporter testimonies concerned images of the opposition. One of the objectives of KXL supporters is to downplay local knowledge as anecdotal and unscientific, while bolstering their position with supporting “expert” analysis. The opposition image frame is not a master frame, but the frequency of occurrence in supporter testimonies was significant (21 references), and the reasoning for framing the opposition as unscientific, emotional, and misinformed warrants discussion.

The recurring appeal in supporter testimonies to solely rely on “hard facts” and science does two things: it legitimizes the environmental review findings of Cardno Entrix, ERM and HDR and it discounts local expertise and knowledge of the Sandhills and Ogallala Aquifer. In terms of core framing tasks, oppositional image framing is essentially diagnostic in that it operates through attribution and characterization.

When KXL supporters suggest pipeline opponents are reacting to the project with their emotions and not rationally through “hard facts” or economics, the passion they are referring to is landowner’s deep care and concern for the aquifer and the Sandhills. The role of emotion in the KXL debate is important because pipeline supporter testimonies suggest landowners should divorce their emotions from their concern for the water and land. When a member of the pipeline opposition movement passionately expressed concern about the aquifer that was not based on economic arguments or backed up with fact-based numbers, that testimony was open to criticism by pipeline supporters as being emotional and unscientific, and therefore invalid. It is interesting to note that some of the most passionate, yet clearly presented, opposition testimonies came from Nebraskan women. Recall from the testimony summary table that 92 percent of the women who spoke at the hearings were against the project. I believe this may in part explain why pipeline supporters often referred to opposition testimony at the hearings as emotional. Many landowners proudly acknowledged their emotional reaction to dangers posed by the pipeline and stated it was a completely valid response to the risks associated with the project. For example, in response a pipeline supporter’s critique of landowners expressions of emotion in their testimonies, a rancher from north central Nebraska said, “First I want to apologize to the gentlemen who spoke before me who more or less

criticized the use of emotion in giving testimony. I'm a Nebraskan and we are speaking of our land, our soil, our water, the future of generations, emotion has to fit into it."

I can attest that emotions were running high at the public comment hearings I attended. At the NDEQ meeting in Albion, the tension was electric, with each interest group gathered together in their respective camps. It becomes clear when reading through the testimonies that many pipeline supporters considered themselves realists (typically economic and national security realists) and viewed the opposition as essentially irrational and misinformed. A union worker's comments at the Lincoln meeting provides a good example of how KXL supporter's narratives reduced the opposition's concerns to emotionalism: "It's been interesting listening to the various arguments on both sides. Been hearing facts, been hearing lots of emotion, been hearing a lot of manufactured wishes. There's been very little in the way from the opposition, in the way of factual opposition. It's all been based on emotion, all based on anger, all based on supposition, There's very few facts to back up their claims." Here, again, we see a focus on science and facts, which are considered to be on the side of supporters, while the opposition's concerns are based on "supposition." It is not difficult for supporters to argue their position is scientific and backed by Cardno Entrix's/ERM's/HDR's review findings while discounting landowner's concern for land and water as emotional. After all, landowner's do not have access to the resources to hire a private consulting firm to conduct their own in-depth scientific analysis of the environmental impacts of the pipeline along the route. In the testimonies, many Nebraskan farmers and ranchers opposed to the pipeline stated how they believed that *landowners are the real experts* on the Sandhills and aquifer and

considered Cardno Entrix's/ERM's/HDR's environmental review findings incomplete and biased.

I think there was a general attitude among KXL supporters that the opposition was taking an unrealistic position concerning the future of energy policy in the U.S. This criticism is illustrated in the testimony of a Nebraskan citizen who attempted to associated pipeline opposition members with Bill McKibbon's "Do The Math" campaign to drastically reduce fossil fuel use: "Some of the pipeline opponents are devotees of this idea of "Do the Math," that for some reason if we can keep 80 percent of our fossil fuels in the ground then we'll avoid catastrophic global warming. Now, rather than address all of that in this forum, I'll only point out to say that this is illustrative of the mindset that is against the pipeline. It is not science-based, it is emotional-based, and it is displayed on irrational displays of emotion. We've seen nothing, nothing from the other side, in legitimate science to counteract anything in the DEQ's report." In this testimony, we see a noticeable disconnect between the criticism of a very generalized segment of the KXL opposition (350.org) and the underlying motivations for landowner opposition in Nebraska, which is focused on the protection of the Sandhills and aquifer. This is indicative of how both supporters and opponents often talked past each other at the hearings. For example, as noted above, most supporters at the hearings did not directly disparage farmers and ranchers, and most opposition members did not want to directly attack union workers. In general, supporters often focused their criticisms on OPEC nations, while opposition members focused their attacks on TransCanada and Nebraska legislators.

Some of the testimonies from economic development organizations attempted to paint the opposition as politically or ideologically motivated, thus shifting the conversation away from local concerns to generalized political attitudes. A representative from Americans for Prosperity stated that, “Some are not motivated by scientific evidence. Some are not motivated by economic reality; but motivated by ideology. As citizens, what we need to do is step back, take some deep breaths, and understand what we're dealing with here. Educate ourselves to the best of our ability. Examine the scientific facts, the economic facts right now. Look at this proposal and don't be swayed by emotion.” At times, anti-pipeline audience members became boisterous and rowdy, hollering at inaccurate or pejorative comments made by KXL supporters. The following section of hearing transcription is taken from the executive director of Platte Institute’s testimony in Lincoln, and it illustrates an attempt to characterize the opposition as environmental extremists. The quote captures the lively and energized atmosphere at the meeting:

“Despite significant economic energy security benefits at the national and state level, there are opponents of building a pipeline in Nebraska. Unfortunately, many of the critics are either misinformed or worse, intentionally misinforming the public in order to advance a political agenda. To be clear, many critics of the TransCanada XL pipeline are not opposed to the pipeline or its route; they're actually opposed to further development of Canadian crude oil as an American energy source. Nebraska's currently caught in the middle of an ideological fight between environmental extremism and premarket forces. The debate is not necessarily against the Keystone XL pipeline itself, but what it represents to various political factions. Consider which organizations are opposed to the pipeline and funding the campaign against it.

(Audience shouts.)

Sierra Club, Audubon, the Green Party, Nebraskans for Peace, and Bold Nebraska.

(Applause)

Nebraska is -- what these organizations have in common is a desire to end America's dependence on oil.

(Audience: Yes)

Special interest extremism is at the center of this debate, not the particulars of the pipeline, its route, oil sands, or safety. The Green movement is assembling against the Keystone XL pipeline as one more front in the war against oil. Examples of their actions are staging sit-ins and arrests outside the White House, which requires time –

(Applause)

-- and resources of law enforcement paid by the taxpayers.

As we can see, the speaker's claim that the pipeline debate in Nebraska is primarily driven by political objectives rather than landowner concerns about potential contamination the aquifer received a lively response from the audience. It is clear that the director viewed the opposition as driven by ideology, suggesting mobilization efforts against the project are obstructionist and a nuisance to society and taxpayers. Pipeline supporters, on the other hand, are portrayed as arguing for the project from a non-political, realist, and economically sound perspective.

To summarize, the main objective of framing the opposition as emotional and unscientific was to back up the findings of the environmental reviews, minimize risks associated with the pipeline and trivialize landowner concerns. Through the employment of the economic benefit, national security, project safety, and oppositional image framing narratives, KXL supporters attempted to keep the public conversation about the pipeline focused on the benefits of the project while at the same time downplaying and quieting landowner risk perceptions.

In the next section, I discuss the framing strategies found in KXL opposition testimonies from the public comment meetings. To counter KXL supporter narratives, the opposition also employed a set of narrative frames designed to highlight risks associated with the pipeline and minimize supporter benefit claims.

Chapter Six

Anti-Pipeline Framing Analysis: Maximizing Risks, Minimizing Benefits

As with supporter testimonies, the opposition's master frames are composed of several narrative themes. One of the main objectives of landowners and activists that have mobilized against KXL in Nebraska involves developing frames that maximize the risks associated with the project and minimize the purported benefits. To achieve this goal, the opposition employed four master frames, which include *risk perception*, *perceptions of injustice*, *TransCanada critique* and *climate change/global concern*. In terms of the three core framing tasks, almost all of the frames and narratives employed in supporter testimonies were either diagnostic or prognostic. I discuss the motivational aspect of the opposition movement in detail the next chapter on mobilizing strategies in rural Nebraska.

In essence, much of the opposition testimony is reactionary and defensive in nature. It is important to clarify the term reactionary when applying it to cases of community resistance to energy projects. Although some opposition members from rural Nebraska may be politically conservative or concerned mainly with protecting private property rights, citizen opposition in Nebraska is not driven by reactionary politics. Rather than being reactionary movements, I think the term *reactive mobilization* is a better descriptor for at-risk community opposition to energy projects. I provide a detailed description of the notion of 'reactive mobilizations' in the closing chapter where I discuss my analytical contribution to social movement analysis, here I only want to note that the term reactionary simply refers to the form of protest, not to the content or motivations for protest. Based on the testimonies, the opposition movement in Nebraska, while reactionary in form, is mostly progressive in content with a focus on the viability of

future generations and the protection of water resources. Landowners and activists are trying to protect the Sandhills, the aquifer and their property from perceived threats, a sentiment nicely captured in the opposition's main campaign slogan: "stand, defend, protect: land, water and home." This *protective* stance is what makes rural opposition to KXL reactionary in nature; landowners value how things presently are within their communities, and they don't want the change TransCanada is offering them with the KXL pipeline. It also helps explain why most of the narratives used by opponents contain diagnostic and prognostic qualities. Oppositional diagnostic frames work to identify the perceived risks of the pipeline and prognostic frames identify the cause or source of these risks, in this case TransCanada and the pipeline itself. In the testimony analysis that follows, as with the pipeline supporter testimony, I discuss opposition frames in order of their significance, beginning with the key issue driving landowner opposition to KXL in Nebraska: concern for the Sandhills and Ogallala Aquifer.

Risk Perception Frames: Protecting Land, Water and Home

Opponent reactions to the original KXL route fell into three general categories: 1) landowners totally against the project, 2) landowners opposed the project, but if it had to be built, wanted it rerouted out of the Sandhills and off the aquifer, 3) landowners who were not against the project, but wanted it rerouted out of the Sandhills and off the aquifer. It is important to note that the people in the third category did not necessarily speak in favor of the pipeline even though they were not opposed to it, but they were definitely against routing the pipeline through the Sandhills and over the aquifer. The majority of the speakers fell into the first two categories: total opposition and conditional opposition. These different positions illustrate how the KXL issue in Nebraska is not

black and white for many landowners, but conditional upon TransCanada's addressing landowner and citizen concerns about land and water.

Reading through the opposition testimonies, it becomes very clear that TransCanada's decision to route the pipeline through the Sandhills and over one of the most stable parts of the aquifer was a serious miscalculation made by the company. If TransCanada had sited the pipeline route next to the Keystone One, as many landowner's suggested they do at the first two national interest hearings in Lincoln and Atkinson, KXL would likely already be built and in operation today. Moving the route next to the first Keystone pipeline would entail major routing changes in Nebraska and South Dakota, and significant additional costs to an already expensive project. In fact, over the seven-year delay of the pipeline, the construction cost of KXL has grown from 5.4 billion to 8 billion (Harder 2014). Given the opportunity to move the pipeline parallel with Keystone One after the President denied the first construction permit, TransCanada ignored landowner suggestions and rerouted the pipeline the minimum distance needed to skirt the eastern edge of the Sandhills, yet the route still crossed sandy, porous soil and still traversed approximately 60 miles of the Ogallala Aquifer.

TransCanada's failure to listen to citizen input - in addition to a general distaste for the perceived arrogance of the company within the opposition camp - explains why many landowners on the original route continued to protest the pipeline when they could have simply stopped fighting KXL and gone back to their normal lives. The intimate connection Nebraskan farmers and ranchers have with land and water is something many urban dwellers may have a hard time understanding or relating to. Agricultural work is not just a "job" for farmers and ranchers, but a livelihood embedded within their daily

experience and family histories. Many opposition members are third and fourth generation farmers and ranchers, and the accumulated knowledge about the landscape and aquifer runs deep within their communities.

| | Lincoln, Nebraska | St. Dept. Hearing 2010 | Atkinson, Nebraska | St. Dept. Hearing 2010 | Albion, Nebraska | NDEQ Hearing 2011 | Grand Island, Nebraska | St. Dept. Hearing 2013 | Totals |
|--|-------------------|------------------------|--------------------|------------------------|------------------|-------------------|------------------------|------------------------|------------------|
| | Frequency | Percent | Frequency | Percent | Frequency | Percent | Frequency | Percent | Frequency |
| RISK PERCEPTION | | | | | | | | | |
| Concern About Aquifer | 39 | 31.45% | 30 | 33.71% | 33 | 25.38% | 36 | 33.03% | 138 |
| Reroute Around Aquifer/Sandhills | 25 | 20.16% | 20 | 22.47% | 6 | 4.62% | - | 0% | 51 |
| Concern About Sandhills | 23 | 18.55% | 18 | 20.22% | 32 | 24.02% | 28 | 25.69% | 101 |
| Concern About Toxic Diluents | 10 | 8.06% | 6 | 6.74% | 19 | 14.62% | 13 | 11.93% | 48 |
| T.C. Inexperienced at Building Dilbit Pipelines | 7 | 5.65% | 2 | 2.25% | 2 | 1.54% | 1 | 0.92% | 12 |
| Keystone One Problems/Leaks | 7 | 5.65% | 4 | 4.49% | 9 | 6.92% | 3 | 2.75% | 23 |
| Unsafe High Pressure/Corrosive Material | 6 | 4.84% | 4 | 4.49% | 5 | 3.85% | 5 | 4.59% | 20 |
| Mentions BP/Kalamazoo Oil Spills | 5 | 4.03% | 2 | 2.25% | 10 | 7.69% | 22 | 20.18% | 39 |
| TransCanada Will Not Release MSDS Sheets | 2 | 1.61% | 3 | 3.37% | 14 | 10.77% | 1 | 0.92% | 20 |
| | total 124 | 100% | total 89 | 100% | total 130 | 100% | total 109 | 100% | total 452 |
| INJUSTICE FRAMES | | | | | | | | | |
| Disagree with FEIS Analysis | 19 | 38.76% | 5 | 17.86% | 12 | 38.71% | 15 | 34.89% | 51 |
| Mistreatment of Landowners/Bullying | 15 | 30.61% | 6 | 21.43% | 6 | 19.35% | 6 | 13.95% | 33 |
| Threatened With Eminent Domain | 7 | 14.29% | 9 | 32.14% | 2 | 6.45% | 11 | 25.58% | 29 |
| State Dept./NDEQ Conflicts of Interest | 5 | 10.20% | 5 | 17.86% | 8 | 25.81% | 10 | 23.26% | 28 |
| Exclusion of Local Expertise in EIS/NDEQ Reports | 3 | 6.12% | 3 | 10.71% | 3 | 9.68% | 1 | 2.33% | 10 |
| | total 49 | 100% | total 28 | 100% | total 31 | 100% | total 43 | 100% | total 151 |
| TRANSCANADA CRITIQUE | | | | | | | | | |
| Oil is for Destined For Foreign Markets | 12 | 26.67% | 6 | 33.33% | 13 | 43.33% | 19 | 61.30% | 50 |
| Inaccurate Job Numbers | 11 | 24.44% | 1 | 5.56% | 2 | 6.67% | 1 | 3.23% | 15 |
| Temporary Jobs Versus Permanent Jobs | 10 | 22.22% | 4 | 22.22% | 3 | 10% | 4 | 12.90% | 21 |
| Pipeline for Private Gain/Not Public Good | 8 | 17.78% | 3 | 16.67% | 7 | 23.33% | 4 | 12.90% | 22 |
| Lobbying Politicians in Nebraska | 4 | 8.89% | 4 | 22.22% | 5 | 16.67% | 3 | 9.68% | 16 |
| | total 45 | 100% | total 18 | 100% | total 30 | 100% | total 31 | 100% | total 124 |
| CLIMATE CHANGE/GLOBAL CONCERN | | | | | | | | | |
| Concern About Climate Change | 17 | 30.91% | - | - | 14 | 35.90% | 34 | 46.58% | 65 |
| Concern About Future Generations | 15 | 27.27% | 12 | 54.55% | 15 | 38.46% | 22 | 30.14% | 64 |
| Short Term Vision Versus Long Term Vision | 9 | 16.36% | 7 | 31.82% | 6 | 15.38% | 6 | 8.23% | 28 |
| Tar Sands Increases CO2 Emissions | 7 | 12.73% | 1 | 4.55% | 2 | 5.13% | - | 0% | 10 |
| First Nations People/Boreal Forests in Canada | 7 | 12.73% | 2 | 9.09% | 2 | 5.13% | 11 | 15.07% | 22 |
| | total 55 | 100% | total 22 | 100% | total 39 | 100% | total 73 | 100% | total 189 |

Table 7.1: Pipeline Opposition Frames

Looking at Table 7.1: Pipeline Opposition Frames, we see that the Risk Perception master frame comprises the majority of opposition narratives concerning the project, accounting for 452, or 49 percent, of the references of the 916 coded frame indicators from opposition testimonies. The Risk Perception frame consists of many narrative elements, mostly centered around three issues: concern about potential contamination of the aquifer, concern about a potential leak in the ecologically sensitive Sandhills, and concerns about the toxic chemicals used to dilute bitumen. Other risks identified by opponents include TransCanada's inexperience at building bitumen pipelines, the high operating pressure of the pipeline, and potential corrosion of the pipeline over time. The frequency of opposition narratives focusing on these three issues remained high at all of the meetings. Although requests for a reroute, references to the BP Deep Horizon and Enbridge Kalamazoo oil disasters, and mentions of TransCanada's refusal to release Material Safety Data Sheets (MSDS) are not safety risks per se, they are concerns directly related to risks associated with pipeline and deserve our attention.

While reading through KXL supporter testimonies, the comments and arguments used by pipeline supporters often felt scripted and mechanical, only focusing on facts, figures and economic data. There simply wasn't much passion behind supporter testimonies. The focus on science and hard facts, and an absence of emotion, is not detrimental to pipeline supporter frames, it just indicates the rationalist and realist tone permeating supporter testimonies.

Examining the opposition testimonies, almost all of the narratives used by landowners and activists contained a vigorous defense of land, water, and home, particularly within Nebraskan women's testimonies. I begin with a lengthy quote from the testimony of a

fourth generation Holt County rancher that captures landowner frustrations with TransCanada, and the passion many landowners expressed about the aquifer:

We as Nebraskans and Americans are humanitarians. We feed the world. This is the breadbasket of America, where the Ogallala Aquifer is located. When contaminated, we will be the ones who need humanitarian aid. This is a Canadian project and it needs to stay in Canadian soil as long and as far as possible. Let Canada assume more risk of their vital ground. If this is not possible, then this project needs to be scrapped. I'm appalled to think you politicians would consider letting a toxic pipeline of this stature cross a vital natural resource as the Ogallala Aquifer, and that the EPA has no wrong findings. Evidently, a leak in the pipeline has no impact on the environment. I'm a rancher who works with metal and safety switches every day. Safety switches fail. Metal cracks, breaks, and wears out. TransCanada claims this pipeline would be safe. The safest mechanism would be to go around the Ogallala Aquifer. TransCanada needs to show respect to Americans on American soil, instead of bullying, bribing, and soliciting eminent domain to our people to get what they want.

(Applause)

This is our soil. We need to tell them where the pipeline goes instead of them telling us where it goes.

(Applause)

Common sense should tell you it needs to lay alongside the other pipeline, so it's easily and readily watched over. But they can bribe for new easements and throw money at football, county fairs, state fairs, TV ads, radio ads to smooth over the public. With all that being said, I think they would have had enough money to go around. In my professional opinion, this pipeline is not in the best interests of the American people. This is not about jobs, revenue, or other hardball issues; it's about the water, the American people's water.

It is apparent from this testimony how much the landowner values the aquifer and Nebraskan agriculture in general. The speaker uses prognostic frames to identify perceived threats (potential contamination of the aquifer and TransCanada's bullying and political influence in Nebraska) and diagnostic frames that offer solutions to the problem (TransCanada should move the pipeline next to Keystone One and treat landowners with respect). Frustration with state politicians is also evident, which is a common theme repeated throughout the opposition testimonies. The landowner's critique of the EPA is misplaced however, as the agency played no part in the environmental review of KXL. In fact, the EPA was one of the few federal agencies to openly critique ERM's initial

environmental review, suggesting the report was incomplete and ignored the impact of KXL on future tar sands development and climate change. The EPA's statement also claims the environmental review didn't adequately address concerns about the "dissolved components of the dilbit" and how chemicals such as "benzene, polycyclic aromatic hydrocarbons (PAH), and heavy metals could be slowly released back into the water column for many years after a release and could cause long-term chronic impacts to organisms in the benthic and pelagic portion of the aquatic environment" (Environmental Protection Agency 2013). Rather than supporting the KXL proposal, The EPA's analysis actually reinforces landowners' concerns about toxic chemicals and the potential contamination of the aquifer. The misattribution of the EPA as author of the EIS report is an example of the general confusion among both supporters and opponents over who conducted the environmental reviews for KXL. Despite this minor oversight, the testimony drives home what the debate means for many landowners when the speaker claims the fight in Nebraska is not about jobs, but water. Another quote from a female Holt County resident at the Atkinson meeting illustrates the value of the aquifer for landowners:

The idea that this tar sands oil gushing through the largest reservoir of freshwater on our planet will pose little environmental risk is absolutely ludicrous. The only explanation to this absurd idea is the connection of big oil money with the EIS, State Department and other leaders. The actual water experts are the people of Holt County. These are families who have lived here for generations and they love their land, and they love their water. We know the serious risk and the permanent devastating consequences of the spill into our groundwater. We don't want to risk our water, land, and people for the sake of a foreign company's profits. The Keystone XL is in the interest of governmental officials influenced by big oil, and it's also in the interest of a foreign company desperately wanting to get this oil on the world market. This is not in the national interest for Americans, especially Americans living in Holt County, where we value our number one resource, our very priceless water.

The claim that Nebraskan ranchers and farmers are the real experts on land and water, and not the State Department's or outside hired analysts, is another common theme that

shows up in many opponent testimonies. Based on the testimony evidence, it appears many landowners believe TransCanada views farmers and ranchers as provincial, uninformed, politically apathetic, and unlikely to protest. In terms of at-risk communities, there is little doubt that a politically disengaged, apathetic rural population would have worked in TransCanada's favor. The company's negative treatment of landowners who refuse to sign easements, coupled with the condescending tone found in some KXL supporter testimonies, was considered insulting to many landowners. The barbed critique of Ben Gotschall, a rancher who works for Bold Nebraska and the Nebraska Farmers Union, sums up the feeling anger and resentment felt by many landowners towards TransCanada and the company's disregard for community fears about the possible contamination of the aquifer:

There is no reason to rush into building this pipeline when we don't know what can happen to our water and to our people. When TransCanada's paid lobbyists say that this pipeline is safe; when TransCanada's hired experts say there's no threat to the aquifer; when TransCanada's contractor Cardno Entrix says that risks of contamination to the aquifer and damage to the Sand Hills is not significant enough to warrant concern; they're saying something else. They're saying that the people here and our basic human rights, and our basic human needs, and our simple way of life, are of no consequence to them. As a citizen of Nebraska and a person from this community who loves this place, as a human being, I resent that statement. I repudiate it for its arrogance. Arrogance based on ignorance is the chief attitude exuded by TransCanada, its representatives and its hired contractors. They say we use fear tactics to fight their so-called facts, facts that have been bought and paid for to be published and played. I think it is TransCanada who is afraid. They are afraid that all the money they have spent on ad campaigns can't buy them the truth. They're afraid that all the money they have spent on lobbyists haven't bought them consent. They are afraid because they can't buy our trust and they have done nothing to earn it.

Reading Ben's testimony, we get a sense of his mistrust of TransCanada and resentment at the company's attempt to influence the review process by hiring Cardno Entrix and lobbying politicians in Nebraska. Notice how he does not refer to the EIS as the State Department's report, but Cardno Entrix's, which is the consulting firm that prepared KXL's initial environmental review. We can see that the speaker considers the

“so-called facts” of TransCanada’s “hired experts” invalid and insulting to the intelligence of landowners. We also find here an example of *narrative inversion*, a framing strategy that takes an opponent’s framing narratives and turns it against them (Acevedo et al. 2010). It’s not landowners that are using fear tactics, but rather TransCanada is afraid their PR campaign to sell the pipeline in Nebraska isn’t working. At the meeting in Atkinson, a rancher attempted to frame the safety of the aquifer as a national security issue, and like Ben, employs narrative inversion to turn the tables on pipeline advocates who accuse landowners of being extremists:

I was born and raised in Nebraska and I'm a fourth generation Nebraskan. Everything's been said. I just want to reiterate the true national security issue is our fresh water supply. Oil bound for the globalized open market is not in our national interest. Protecting the largest aquifer in a state that is historically challenged by drought is a conservative act of self-preservation. *Those willing to compromise it, those are the extremists.* We can't risk it, it's not worth it. Please reject this pipeline.

At the first two national interest meetings, 69 pipeline opponent testimonies mention concern about potential contamination of the aquifer and 41 speakers said they wanted the pipeline rerouted out of the Sandhills and off the aquifer. As mentioned above, some speakers were not totally against the project, but wanted the pipeline rerouted next to Keystone One. Most references to rerouting the pipeline occurred at the first public meeting in Lincoln, with a frequency of 25, followed closely by the Atkinson meeting with 20 requests for a reroute. Almost all of the opposition testimonies requesting a reroute suggested TransCanada should move the pipeline next to Keystone One, not only out of the Sandhills. The reroute issue is important to the pipeline fight in Nebraska because it illustrates the significant citizen outcry over the potential environmental impacts of the pipeline and it offered TransCanada an opportunity to listen to landowner input. When the company rerouted the pipeline in 2012, it was moved primarily due to

citizen concerns about the ecologically sensitive Sandhills. TransCanada did not willingly move the pipeline, but were forced to reroute it by the Obama Administration. The NDEQ reroute meeting I attended in Albion was very tense because landowners felt TransCanada had done the bare minimum to circumvent the main body of the Sandhills. Yet the new route suggested by TransCanada still crossed very porous, sandy soil and a significant portion of the aquifer, which were the primary environmental concerns for landowners at the first two national interest meetings.

As with the aquifer, landowners also expressed strong feelings about the ecologically fragile Sandhills. Though the pipeline route was moved out the main body of the Sandhills in 2012, many landowners expressed the same care and feelings of protectiveness for the rugged landscape of grass covered dunes as they did for the aquifer. Opposition concerns about the Sandhills and sandy soil located along the final pipeline route primarily focused on potential blowouts and the porous nature of the sandy soil, which allows water to easily move from the surface down into the aquifer.



Figure 7.2: Sandhills Blowout *Photo: Kody Unstad*

Blowouts occur when grass and vegetation that stabilize sand dunes is disturbed or removed, thus beginning a process of wind erosion that results in a bowl-like pit which can grow quite large and take decades to re-stabilize (Stubbenieck et al. 1989). The testimony of a rancher from Holt County touches upon this narrative's theme:

My husband and I ranch in northwestern Holt County. Earlier KXL wanted to go down through the center of our ranch five miles. Now they say they have revised that route and they are out of the Sandhills and away from the aquifer. Actually, they moved one whole mile across our ranch. Now they want to go on the north side of the ranch. It is very sandy soil. It's a high water table and we who live there know that you can't, once it is disturbed, reseed that ground in a lifetime.

Opposition claims that the pipeline still crosses sandy, porous soil on the reroute were most apparent at the NDEQ meeting in Albion, and many landowners accused TransCanada of using inaccurate maps of the Sandhills region for the reroute. In fact, the NDEQ used a different map of the Sandhills for the reroute than TransCanada used in their permit application for the original route. The NDEQ reroute map reduced the boundaries of the Sandhills, allowing for a corridor for the reroute approximately forty miles east of the original route. While establishing the boundaries of the Sandhills was important for getting the reroute approved, it was more of a technical definition for many landowners. Whichever Sandhills map TransCanada used for the reroute, the pipeline still crosses sandy and porous soil, as one property owner pointed out: "We have soil samples that show sandier and more porous soils along parts of the reroute than the original route. And it still crosses the most vulnerable parts of the aquifer." Again, TransCanada's decision to move the pipe the minimum distance to avoid the vaguely defined boundaries of the Sandhills may have appeased Nebraskan politicians and the State Department, but it only intensified landowner frustration with TransCanada and the pipeline project.

When discussing landowner concerns about the potential contamination of the aquifer, it is important to identify the potential source of contamination they were concerned about. The main concern is not contamination from raw bitumen, but the chemical additives used to reduce the raw bitumen's viscosity, which include benzene, xylene, and toluene. If KXL leaked (buried four feet in porous, sandy soil) the toxic chemicals and diluents used in the dilbit mixture could easily move into the aquifer system and potentially contaminate drinking water supplies for local communities, farms and ranches. Concern about pipeline leaks into porous soil located above the aquifer is directly linked to TransCanada's refusal to release KXL's Material Safety Data Sheets (MSDS) and landowners' inability to test their water wells for toxic chemicals. After all, how would a landowner know if their water is safe to drink if they do not know what chemicals to test their wells for? TransCanada representatives have stated they will release the MSDS in the case of a leak. According to TransCanada, the reason they are not releasing MSDS reports is because there will be several different "mixes" traveling through the pipeline at different times, yet the company says they will release the specific MSDS in the event of a leak. TransCanada's promises were not good enough for many landowners. There were simply too many unknowns and questions left unanswered to ease landowners' risk perception. References to toxic chemicals and water contamination were especially high at the reroute meeting in Albion, with a frequency of 19. As one speaker in Albion noted, "Let's not kid ourselves. Not all oil is created equal. Many of the chemicals used in the diluents are cancer causing, some of which are even banned in this country. This proprietary information must not be allowed to remain undisclosed to everyone except for the company and a few public officials when a spill occurs." I think

the high number of references to toxic chemicals at the third public comment in Albion is due to landowners getting more educated about the project and the contents of the pipeline after the two initial national interest meetings in Lincoln and Atkinson. Again, it is not the bitumen from the tar sands landowners are concerned about, but the other unknown materials in the dilbit mixture. The quote below taken from a Holt County resident's testimony, who I also had the chance to interview, expressed her fear that even a very small pipeline leak could contaminate citizen and animal drinking water:

Pinhole. What a misleading term to describe the very small leaks not detected by the monitoring equipment that can actually spill several barrels of this toxic mix into our drinking water daily. Dr. Stan Sperry, a UNL scientist, did an independent study describing a plume of benzene contamination 15 miles long in our groundwater posing serious health risks to our people. I spoke with Brad Vann, an environmental scientist. He told me he would be concerned also if he had a drinking water well downgradient from a petroleum source, and he would want to know specifically what safety protocols are being employed to insure that a release has not occurred, such as routine testing. Because it only takes five parts per billion of benzene in water to make it undrinkable. You can't taste, see, or smell it, and you can drink it unknowingly. It requires lab analysis to detect these minute amounts. What provisions have you made for testing our groundwater? The numerous real wells used for people, livestock and irrigation are not monitored by any public utilities entity. Who will bear the financial burden for this testing? How can we safely drink this water once the pipeline is in place?

Benzene is the most cited toxic chemical mentioned in opposition testimony, and the question of who would be responsible for testing wells for difficult to detect chemicals like benzene is mentioned in several times. The minute amount (five parts per billion) of benzene that makes fresh water unsafe to drink represents a real threat to landowner drinking water. TransCanada's detection system can only identify leaks over a threshold of 1.5 to 2 percent of total flow. Considering KXL would carry 830,000 barrels of dilbit per day, TransCanada's leak detection system would only detect leaks larger than 500,000 to 700,000 gallons per day (Song 2012). The possibility of an undetected leak flowing into the aquifer, even if it was one gallon a day, is a risk many landowners are unwilling to take.

Other issues related to the risk perception frame include concern about TransCanada's operation and construction practices, problems with the Keystone One pipeline and mentions of the BP Deep Horizon and Kalamazoo River oil spills. The claim that TransCanada is inexperienced at building oil pipelines is true, as the company is primarily a natural gas pipeline construction company and has only built one dilbit pipeline, which is the Keystone One pipeline. Many testimonies mentioned how KXL would be partially built with imported steel from India, operated at high pressure and heat levels, and contain material that is more corrosive than traditional oil sources. All of these factors create unease among opposition members who cited operation problems with Keystone One, including 14 confirmed leaks at pumping stations. There were also several references to the BP Deep Horizon leak (April 2010) in the Gulf Coast and Kalamazoo River leak in Michigan (July 2010), particularly at the Grand Island meeting with a frequency of 22 references. The BP and Kalamazoo leaks were often used as worst-case scenario examples of what can go wrong with a KXL leak and the aquifer. The several leaks Keystone One experienced and the Kalamazoo bitumen pipeline leak was often used by opposition members to counter the safety claims of KXL supporters and highlight the extreme difficulty of cleaning up diluted bitumen after a significant leak.

A massive energy project like KXL brings a host of potential threats to communities located along the route. The opposition testimonies from Nebraska public hearings make it clear landowners were aware of the risks associated with the pipeline and were willing to organize to protect their community's natural resources. Above all, potential contamination of the aquifer was the number one risk identified by landowners, followed by concern about the Sandhills and toxic chemicals in the dilbit mix. Looking at the

opposition frequency table, we can see how the risk perception frames used by opposition members evolved over the course of the four public meetings to meet the changing nature of the risks associated with the pipeline. The Nebraska Department of Environmental Quality reroute, which was considered inadequate by many pipeline opposition members, did nothing to quell the anger and injustice felt by landowners who wanted the pipeline moved completely off sandy soil and the aquifer.

Perceptions of Injustice Frames: Conflicts of Interests, Eminent Domain, and Bullying

Perhaps one of the most important factors driving collective action and episodes of contention are perceived injustices. Injustice has been consistently associated with many modern social movements and cases of community mobilization against energy projects (McAdam and Boudet 2012). When a community or collection of interests feels injustices have been committed against them, it provides a rationale and justification for mobilization. Injustice is a very broad concept that can be perceived in a variety of ways. For example, community opposition to energy projects can be driven by political and government agency corruption, exclusion from the review process, or unfulfilled promises made by energy companies, among many more possibilities.

KXL opponents in Nebraska identified several injustices in their testimonies, most of which focused on problems with the findings of the environmental review reports, TransCanada's treatment of landowners and conflicts of interest with the consulting firms (Cardno Entrix; ERM; HDR) hired to conduct environmental reviews for the pipeline. The following quote is from a very active citizen from Seward, Nebraska. She mentions in her introduction that she belongs to the Seward County Ground Water Guardian Team and the Seward Citizens on Pipeline Route Committee, an organization that sponsored

information meetings in Seward about safety concerns and KXL. Her testimony includes several examples of perceived injustices:

The EIS was developed by Entrix, the same company that is used by both U.S. Department of State and TransCanada. It is obvious that the EIS is biased in favor of TransCanada. The U.S. Department of State has failed to respond to Stansbury's analysis of worst-case spills from the proposed Keystone XL pipeline. Pipelines break, leak, and spill. Deny the Presidential Permit. The U.S. Department of State has the power to demand that this pipeline be moved away from the aquifer; but no, the EIS statement says: The Western alternative was eliminated since it was financially impracticable. If you can't afford to build this pipeline right, using the strongest U.S. steel, and you can't afford to place it in a route to avoid the Sand Hills region and the Ogallala Aquifer that supplies drinking water to 2 million people, then you have no business building the pipeline at all... TransCanada will only do what the U.S. Department of State requires them to do to get the pipeline built. What TransCanada agrees to do and what they actually do are two different things. Instead of fixing a problem up front, they try to negotiate their way out of it or pass the buck. We learned and observed this when the first Keystone pipeline was built. There are lots of examples, from violating road haul agreements, failing to restore the land, to bullying landowners. But I only have three minutes.

The statement above illustrates the belief that “the process” failed Nebraskan citizens due to a biased and incomplete environmental review. The speaker also complains about TransCanada’s failure to hold to past agreements with Nebraskan communities, providing several examples from the first Keystone pipeline of negligence and mistreatment. Here we see how past injustices informs concern about the possibility of future injustices.

Landowners and citizen activists were particularly critical of the Nebraska Department of Environmental Quality’s commissioned Environmental Impact Study for the reroute, suggesting the report was based on shoddy and biased analyses. The fact that the NDEQ report did not address landowner concerns about porous, sandy soil or the aquifer, but essentially provided a green light for approving the pipeline reroute, was like a slap in the face to many Nebraskans who took the time to voice concerns at the first two national interest hearings.

Many landowners felt also betrayed by their political leaders and the NDEQ. According to Nebraska’s Major Oil Pipeline Siting Act, which was passed as LB1 in a

2011 special session, the Nebraska Public Service Commission (PSC) is responsible for determining pipeline routing issues in Nebraska. The KXL pipeline was exempt from this law, and a PSC review, because TransCanada applied for a building permit before LB1's passage. When TransCanada's application for a building permit was denied by President Obama in 2012, KXL was no longer exempt from LB1. In response, the Nebraska legislature quickly convened and passed LB 1161. With the passage of this bill, TransCanada was granted eminent domain powers for the KXL route and the NDEQ was assigned the task of conducting the reroute review, thus once again circumventing PSC review. The bill also allotted \$2,000,000 dollars from state funds to hire HDR for conducting the EIS reroute report, another complaint that appeared in many opposition testimonies. Why did the Governor Heineman select the NDEQ for the reroute analysis rather than the PCS? Perhaps one explanation is that board members of the NDEQ are appointed by Nebraska's governor, while PSC members are elected officials. By giving the reroute review to the NDEQ, Nebraskan legislators essentially eliminated direct accountability to citizens who have the power to vote officials out of office who ignore the will of the people. The political wrangling and backroom deals that occurred over the reroute process only exacerbated feelings of injustice felt within the opposition movement and contributed to the disenfranchisement of landowners from the review process.

As with the State Department's policy of outsourcing environmental reviews to private consulting firms, the NDEQ hired HDR, a Houston-based firm, to conduct the reroute review. The strongest critique of the NDEQ's decision to use HDR for the reroute analysis came from Chelsea Johnson, who worked for Bold Nebraska and was tasked by

the organization to identify conflicts of interest in the HDR review. In terms of perceptions of injustice, Chelsea's testimony lists several problems with hiring HDR, suggesting the firm's positive findings are a disservice to citizen's concerns:

I can't believe the NDEQ would commission this company (HDR) to conduct what is supposed to be an impartial analysis of the route. First, and this is on HDR's website, the stated goal of HDR is to "help oil and gas clients overcome the challenges of increasing government regulation and oversight and harsh physical and political climates, and exploit the opportunities." ... It's not hard to see that their work is to get permits granted to oil pipeline companies, not to provide impartial reviews. This business plan is clearly reflected in the DEQ report, which I'll just say is extremely flawed. And you've heard many complaints about the report. HDR's conflict of interest goes even further. HDR has worked on two previous projects with TransCanada, which is significant because another tenant of good business is to keep customers happy and coming back. Clearly, HDR wants to keep TransCanada as their customer. It's report gives TransCanada raving reviews. The conflicts of interest go on. HDR has invested \$128,000 in candidates that have given their public support for Keystone XL, even introducing legislation to force the pipeline through the nation... If you read through the NDEQ report prepared by HDR, you will probably notice that a lot of the issues and questions people have brought up tonight are either barely addressed or not addressed at all. This is not because these concerns are not valid. It's because if HDR were to address these concerns, they would not have provided TransCanada with the favorable result as advertised on their website. So I'm calling on NDEQ to not only answer the questions that the citizens have brought up tonight, but do it without HDR's help, because HDR is not capable of fulfilling the mandate of NDEQ.

Chelsea's pointed comments provide the most extensive and detailed analysis of landowner grievances related to NDEQ's hiring of HDR. Accusations of conflict of interest in the review process occurred at all of the public hearings, with the frequency growing over time (Lincoln *f*-5; Atkinson *f*-5; Albion *f*-8; Grand Island *f*-10). This increase in frequency suggests that over time landowners and citizens became more aware of how the environmental review process works, and therefore were more likely to mention problems relating to Cardno Entrix/ERM/HDR in their testimonies.

Ranchers from northern Nebraska (Keya Paha, Holt, Boyd, and Antelope) were often the most hostile to the NDEQ and political leaders in their testimonies. This may have something to do with the general character of ranching communities in northern Nebraska. When I interviewed Jane Kleeb, the leader of Bold Nebraska, she mentioned

how:

...folks up in the Sand Hills are much more aggressive in the face of their elected officials and disrupt parliamentary procedure at meetings versus the folks in York who would never break parliamentary procedure and follow everything by the book. It's actually like more of a farm culture versus a ranch culture, and so it's been interesting to see that happen.

If you visit northern Nebraska, you will see that the rugged rancher and cowboy ethos is alive and well in places like Atkinson, Spencer, Stuart. Walking around Atkinson, you can sense an open friendliness to strangers, yet this hospitality is tinged with protectiveness. Ranchers in northern Nebraska pride themselves on being "decent people," but if their trust is betrayed or community threatened, you might as well be kicking a hornet's nest. The testimony from a female rancher residing in Holt County is characteristic of the unabashed resentment and anger expressed by many landowners from northern Nebraska communities against the NDEQ:

I am from Stuart, Nebraska, and I live in west-central Holt County. I am president of the Nebraska Farmers Union, Sandhills Region, a rancher sitting on the original route of KXL where we did not sign an easement. There's a reason why politicians call us the fly-over country, because the Midwest does not matter until everyone bitches enough. The Beltway in D.C. is full of people that only care about getting reelected to maintain their political power. What about our power, the power of the people? And I hope you see that tonight. I am outraged that NDEQ is letting HDR, a company that does work for TransCanada, prepare this pipeline report. The NDEQ report is a shamble. I tried to match the content chapters with the resources numbers and found 60-plus examples that did not match up or were never found. How many people are sitting in your office that could have done this job better? Truly, an embarrassing documentation for the \$2 million this report is costing us. NDEQ, you let us down...Thirty days is not enough time to read and research a truly disorganized report as this one. I am not sure even 90 days would be enough. I am so disgusted because it sounds as if TransCanada wrote this review... Many of us know you are proposing to cross many landowners with sandy soils in Keya Paha, Boyd, and Holt County, where I live. If you look at the Nebraska reroute map book, pages 7 through 14, you will see an illusionary corridor in the Sandhills that has such porous soil. You can never repay the debt you put upon us. I know you, TransCanada, Keystone, and NDEQ do not care because it is not your backyard. However, it is in ours and we will not go away.

The speaker appeals to the power of citizens to say no to the pipeline, a power she suggests is being undermined by cronyism and conflicts of interest in the review process. The purpose of an environmental review is to produce a report for both government

agency and citizen analysis. As the testimony illustrates, landowners at the Albion meeting complained they needed more time than the allotted 30 days for reviewing and fact-checking HDR's reroute report. I believe fast tracking the report and allowing only 30 days for review was a conscious decision made by the NDEQ and HDR to reduce the time citizens had to look over the report in detail. I also think NDEQ officials knew the review was inadequate and citizens were going to severely criticize the report at the Albion meeting. The Albion meeting was the rowdiest of the four public meeting sessions precisely because citizens were feeling so exasperated at that point in the process. In the above testimony, we get a sense of the tenacious spirit of resistance against the pipeline found within northern Nebraskan communities.

One final perceived injustice related to the Cardno Entrix/ERM/HDR reports was the exclusion of local knowledge and expertise of the Nebraska landscape and its natural resources. In addition to an independent analysis conducted by a civil engineering professor from the University of Nebraska (Stansbury 2011), local expertise included the personal experiences of farmers and ranchers and a culturally accumulated knowledge gained from generations of working the land in Nebraska. An intimate knowledge of land and water is engrained within the farming and ranching communities of rural Nebraska. This frustration at the exclusion of local knowledge in the review process is captured in the testimony from a lifelong rancher living in northern Nebraska:

I've been engaged in this process since the original route was declared. After testifying many times, being diplomatic, understanding, and civilized, the concerns of the citizens have not yet been met. After reading through the Draft Evaluation Report and finding out how incomplete it is, it's hard to swallow. When public officials say let science make the determination, there has not been any science or common sense applied. Wetlands, sandy soils, high water tables, creeks, rivers, recharged part of the Ogallala Aquifer are still being crossed. The scientists in this whole process is the public that made comments. This was tainted from the very beginning when the DEQ denied the citizens input in helping define the Sandhills... We citizens are the second governing body of the state, and when the elected officials and state agencies and departments of the state do not protect

the aquifer, the citizens will. It will not be civil disobedience as in Texas... So I suggest you folks go home, prepare yourself to protect this aquifer from TransCanada's tyranny. And I'll see you on the front lines.

From my experience visiting rural Nebraska, I believe most Nebraskans are pragmatic people and will try to accommodate and agree to reasonable terms in good faith. It takes a lot to wear down the "Nebraska Nice" veneer and get people upset or angry. One thing that would upset most people is being asked for advice, expecting that advice to be taken seriously, only to be completely ignored. TransCanada and the NDEQ consistently disregarded and ignored citizen input about sandy soil and the aquifer during the review process. When the official process for citizen input is undermined, leaving citizens powerless, the alternative response to perceived injustice is citizen resistance. We see hints of that militancy with the "call to arms" in the above testimony. Several other landowners warned of potential citizen unrest if the pipeline was approved. For example, a female speaker at the Albion meeting declared, "We will not stop fighting this pipeline. You have not even begun to see how much we are willing to do to stop it. The resistance will be strong. It is our right to protect our livelihoods and our water and we will." Jane Kleeb was more pointed in her testimony statement, putting TransCanada on notice: "TransCanada either moves the route out of the Sandhills and out of the aquifer, or you're going to see a landowner and citizen rebellion."

Two other injustices commonly identified in opposition testimonies were TransCanada's threat to use eminent domain against easement holdouts and bullying by land agents. For TransCanada's land agents, I suspect the basic strategy for securing easements was to approach landowners as quickly and quietly as possible and have them sign a nondisclosure agreement so they would not discuss details of their agreement with neighbors and others in their community. The eminent domain issue is very important to

many landowners, and in relation to perceptions of injustice, the threat of property condemnation by a foreign company was incomprehensible and represented a direct threat to farmer and rancher livelihoods. For farmers and ranchers, property rights are considered sacred. When a Nebraska family has tended to their ranchland or farmland over four or five generations, the value of that land is not merely a dollar amount, but a family legacy that extends from the past into the future. The fact that TransCanada is a “foreign company” and the pipeline is for private gain, not a common carrier that directly benefits citizens, only helped contribute to the negative image of the company with landowners. Some landowners who refused to sign an easement received letters from TransCanada stating if they did not sign within 30 days, the company would begin eminent domain condemnation proceedings, which TransCanada had no legal right to do without Presidential and State Department permit approval. The testimony of a landowner at the meeting in Lincoln touches upon the anger many ranchers and farmers felt over a foreign company coming to Nebraska to take land for private gain:

I’m a landowner in southern York County, Nebraska, whose native pasture is in the path of the proposed Keystone XL pipeline. I am not a liberal, an environmentalist, or a radical; I don’t belong to any extremist groups. But I am concerned about our water supply, the contamination of the Ogallala Aquifer, and the proposed route of the pipeline. I am also disturbed that a foreign company can come into our country, into the state of Nebraska and threaten me, not just once but twice, with eminent domain condemnation before any permits are issued. Five different land agents have approached us over the last five years to sign easements. We have sent five certified letters to TransCanada, including two certified letters to Robert Jones, Vice President of TransCanada, that remain unanswered. Each easement that was offered to us raised more questions. We would write another certified letter, it would still remain unanswered. I do not understand how a company that can spend hundreds of thousands of dollars on advertising in newspapers, magazines and television, and does not have the courtesy or the money to answer a landowner’s letter... TransCanada said that they did not want to move the route because their expenses would increase. Is that our concern? Is not our water source more valuable than a foreign company’s bottom line?

Here the speaker makes a point of stating that she isn’t a liberal or a radical environmentalist, and standing up to protect the aquifer as a valuable natural resource is

not radical behavior. Certainly, wanting to protect one's source of drinking water is political in terms of protecting individual, family and community interests, but the motivation for landowner opposition in rural Nebraska not driven by political ideology. There was a tendency among the older ranchers and farmers to distance themselves from being characterized as radicals or environmentalists, instead describing themselves as *stewards* of the land. The land and water stewardship theme, which stems from Biblical interpretations of a caregiving relationship between humans and the natural world, occurs quite often in opposition testimonies. James Tarnick's testimony at the Albion meeting, for example, touches upon the stewardship theme:

As a landowner and farmer, I am, and others on the route are stewards of the land. If we don't protect it, and leave it in the hands of others is a scary option. It is our livelihood and I hope you have taken that into consideration... Again, I will say as a steward of the land and the water underneath it, to move this pipeline and protect the farmers, ranchers, and rural communities that need this agriculture.

Adopting the role of steward makes perfect sense considering the highly religious character of rural Nebraskan communities, and the notion of environmental stewardship offers a culturally legitimate rationale for protecting the aquifer without appearing overtly political.

The most personal injustice expressed by landowners was bullying by TransCanada. As Tom Genung, who is a member of the Cowboy Indian Alliance in Holt County, claimed in his testimony, "The tactics used by TransCanada to acquire these easements is despicable. Without a doubt, the word "bullying" does fit the situation." Looking at the Opposition Frames Table, we can see that complaints of bullying were the strongest at the first meeting in Lincoln with 15 references, and then references drop to 6 at each of the remaining meetings. This makes sense because in 2010 TransCanada was aggressively trying to secure land easements early in the review process. After this initial

push to secure easements, and due to growing media exposure, TransCanada pulled back on their aggressive tactics in order to avoid criticism and preserve their image as a “good neighbor.” Indicative of the negative perceptions of TransCanada early in the pipeline fight, a speaker at the 2011 Lincoln meeting expressed his mistrust of TransCanada due to the pressuring and bullying landowners into signing easements:

TransCanada’s tactics of trying to hurry and pressure people to sign easements before they legally have the government’s approval tells me this is an untrustworthy salesman trying to sell the public something they don’t want, just to save them money by going the shortest route. And not being able to disclose their settlements with other individuals is unbelievable too... We’re cracking down on bullying in our schools, but it seems TransCanada can keep bullying the public into doing what they want and tell you its for the betterment of the people and the country, when really the Canadians will be the winners and we’ll be the losers of our natural resources.

The quote mentions the non-disclosure component of TransCanada’s easement deals, which some landowners suggested was causing divisions within their community. For example, a framer from Grand Island stated how, “This kind of secrecy causes distressed and fractured friendships, making it easier for the company to further exploit other landowners.” Non-disclosure requirements, in addition to the unscrupulous treatment of landowners, illustrates of the divide and conquer approach TransCanada’s land agents employed to secure easements. TransCanada was likely aware that routing KXL through the Sandhills and over the aquifer could possibly lead to community opposition, but there is always potential for citizen and community resistance when building environmentally risky energy project like KXL. The company gambled on their ability to quickly convince landowners to sign right of way easements. In my interview with Jane Kleeb, she mentioned one of the more nefarious examples of TransCanada’s “cultural awareness” of rural Nebraskans. Several landowners were confronted by a TransCanada land agent who pretended to be a preacher, asking to pray with landowners before discussing easement terms (Genoways 2013). As Jane notes, “They had one of their land agents have people

pray before the meeting would start and then pray again before they showed them how much they would give them for the easement... He said he was an ordained minister when he's not." This attempt to manipulate religious sentiments infuriated many landowners. A quote from a Bold Nebraska employee reinforced the disdain for TransCanada's mistreatment of landowners, suggesting the company's divide and conquer approach not only failed, but also worked to create an unlikely alliance between diverse populations in rural Nebraska:

Regardless of past relations with Canada, there is absolutely nothing neighborly or friendly about coming down and threatening landowners and trying to shove this pipeline down our throats. And for the State Department to approve this pipeline would be taking allegiance with a foreign corporation that absolutely does not have our national interest at heart; they have their bottom line at heart, and it would be turning their back, turning your back on your own citizens...It has been said that the opposition to the pipeline is comprised of crazy environmentalists. I can tell you from working on this issue for the past year, the opposition to the pipeline crosses all political parties and ideologies. People from all backgrounds, sensible Nebraskans are opposed to this pipeline. As a young adult, I know our generation wants change. I witnessed the whole students section at the University of Nebraska-Lincoln boo TransCanada's ad at the football game. My generation is the future.

The bottom line is Nebraskan ranchers and farmers don't like to be bullied, especially when it comes to their private property. Land and water is the livelihood of the rural communities located along the pipeline's path, and TransCanada made a serious misstep when they decided to wrangle with rural landowners over their land and water resources. As the above quotes from opposition testimonies illustrate, conflicts of interest in the review process, bullying landowners into signing easements and threatening them with eminent domain only worked to compound perceived injustices among opposition activists and landowners.

TransCanada Critique Frames: Good Neighbors Don't Dig Trenches!

Another set of narrative themes closely related to the injustice frames discussed above can be found in opposition testimonies that specifically focused on critiquing

TransCanada's lobbying campaign in Nebraska and certain claims made about the benefits of the pipeline. These critiques can be divided into five general categories:

- Refined fuels made from KXL bitumen are destined for the world market.
- TransCanada and KXL supporters exaggerated job numbers.
- Construction jobs associated with the pipeline are temporary.
- The pipeline is for private gain, not the public good.
- TransCanada and other oil interests have attempted to influence Nebraskan politicians through financial contributions.

One of the main selling points for the pipeline used by KXL supporters is the claim that the bitumen transported through KXL is ultimately destined for U.S. markets and would lower domestic gas prices. TransCanada has never publically stated that the fuels refined from imported bitumen would stay within U.S. borders. In fact, TransCanada does not own the dilbit in the pipeline and therefore has no control over the final destination of the pipeline's contents. TransCanada can only speculate that the Texas and Louisiana refining companies buying the dilbit - which happen to be located in the PADD III export zone - will keep the fuel in the U.S. and not sell the refined products on the world market.

Opposition groups picked up on this fact early on in the pipeline fight, as illustrated by a landowner at the Lincoln hearing who stated, "TransCanada is an export company. They will pump a tar sands mixture from Alberta, Canada, through the Sandhills and the Ogallala Aquifer down to the refineries on the Gulf Coast in Texas to be refined and exported to China and Europe. There is zero guarantee that any of this oil will stay in the U.S." The claim that the pipeline was going through the U.S., not to the U.S, was a common theme found in opposition testimony. Another Nebraskan citizen at the Albion meeting reinforced this sentiment:

Why are we exporting oil? If we have to resort to having this pipeline coming through

our country. It's not oil for America. It's going to be oil that's going to be shipped out on the open market.

(Applause)

We're not upset with Canadians; TransCanada isn't Canadians. TransCanada is going to be transporting oil that's going to come from the forest that's going to be dug up, that has investors from China and other foreign countries that have already went in and bought all the leases. And they're going to be using that pipeline to transport that oil down to our refineries and putting us at risk.

If the refined fuels made from KXL dilbit are not going to U.S. consumers, the claim that the pipeline is a common carrier becomes tenuous. The term common carrier refers to utilities that are consumed by the public or for the public good, and eminent domain can be used by government agencies and private corporations to secure land for common carrier energy projects. For example, most natural gas and water pipelines are common carriers, so when the government or private companies need to build common carrier energy projects like natural gas pipelines, they are granted eminent domain rights. If the majority of the refined fuels from KXL are to be sold on the world market, which means the pipeline is not a common carrier, KXL can technically be considered an export pipeline.

In terms of selling KXL to the American public, particularly from 2010-2012 when the economy was suffering, job creation was the primary economic benefit espoused by pipeline supporters. Early in the PR campaign to promote KXL, the job numbers put out by many supporters were inaccurate and possibly inflated to make the project more appealing to the American public. The inflation of job numbers primarily occurred at the first two hearings, when there was a lot of misinformation about job numbers circulating within both supporter and opposition camps. Looking at the Opposition Frames table, we see that the highest frequency (11 references) of references to inflated job numbers occurred at the first hearing in Lincoln. Most of the opposition testimonies only mention

job inflation in passing. For example, a farmer from Fillmore County admonished TransCanada on several counts, saying, “Shame on TransCanada, threatening and silencing landowners, preventing them from answering questions from state senators, buying off officials and the media, and using grossly exaggerated jobs claims.” Another speaker at the Lincoln hearing noted the ambiguity of job claims early on the debate, asking if the State Department is, “...really ready to ruin the land and water of Nebraska for a few jobs that have not been specified and will probably be temporary as well as imported?” Once the details of the actual job numbers were clarified (2,500 - 4,500 construction jobs), we see a drop in references to job inflation at the remaining three public hearings.

Pipeline opposition critiques of inflated job numbers were often linked to a critique of the kind of labor the pipeline would bring to Nebraskan communities. The main critique offered was that KXL construction jobs would be temporary, and could possibly bring unwanted problems to local communities often associated with man camps. Why did landowners focus so much on criticizing the temporary nature of construction work? A straightforward explanation, as evidenced in opposition testimonies, is that because the construction jobs would only last two or three months, the economic benefits to communities would be minimal. But there is more going on here. It is apparent from reading through the opposition testimonies that many landowners considered temporary labor less valuable than permanent labor, which would add long-term value to communities. There was also a noticeable awkwardness between landowners and union labor representatives at the hearings, as if the two groups spoke different languages about work and the value of labor. I believe Nebraskan ranchers and farmers evaluation of work

is based on their labor experiences, which is embedded in the agricultural industry. I do not think farmers and ranchers consider what they do a “job” so to speak, but rather a lifelong *calling*. A family farm that has been operated by generations of family members is the antithesis of temporary labor.

In response to these criticisms, some union workers defended the nature of their work. For example, a union member at the Lincoln meeting said, “In construction we don’t consider these short-term or temporary or part-time jobs, we consider these construction jobs. For anyone in construction knows that the minute you walk on the job, you’re actually working to put yourself out of work, because once that project is done, you move on to another project.” The transitory or migratory nature of their labor, as opposed to the “settled” labor of farmers and ranchers, is just a part of construction work experience for pipefitters and welders who build pipelines. I think that for Nebraska farmers and ranchers, labor that is not permanent is considered less valuable to the long-term economic success of their community. There is an inherent suspicion of “outsiders” coming into rural communities, lingering for two or three months, and then moving on. In my focus group with landowners in Atkinson, several individuals expressed concerns about potential crime, drug use, and other dubious behavior commonly associated with mobile man-camps. Despite sympathy expressed for union laborers need for work, the temporary and transitory nature of KXL jobs was not agreeable to many landowners.

The last set of landowner critiques concern TransCanada’s financial role in operating KXL and the company’s effort to manipulate the review process and lobby political representatives in Nebraska. The notion that a foreign company can take U.S. citizens land for private gain was considered a serious injustice by many landowners. One of the

main anti-pipeline slogans employed by the opposition movement during the debate was “no eminent domain for private gain.” The simple fact is TransCanada is in the business of operating pipelines for a profit, and ultimately the company answers to shareholders and their expectation for a return on their investment. Several testimonies mention how TransCanada’s main focus is their bottom-line, not the safety of the environment or landowners. As already noted, the company spent hundreds of thousands of dollars in Nebraska in an attempt to convey the image of a good neighbor that works with landowners and cares about the natural environment. But TransCanada’s PR campaign fell flat in rural Nebraska. Once the word about the company’s threatening and bullying behavior spread throughout rural communities, there was little chance of winning the trust of many farmers and ranchers.

At each of the public hearings, there were a handful of references to TransCanada’s effort to influence politicians and shape the outcome of the review process in Nebraska. TransCanada worked very hard to develop relationships with county level officials, Chambers of Commerce, and state politicians in order to promote the economic benefits of the project. At the hearing in Lincoln, a Nance County supervisor opposed to the project noted the lobbying efforts of the company within his community, and goes on to praise Nebraskan citizens for educating themselves on the pipeline and actively engaging in the review process:

I’ve been a Nance County supervisor for the last four years. I’ve got four weeks left and I’m here to represent the people in Nance County that agree with me, I guess. For about the last three years, we’ve been approached by TransCanada pretty regularly at our County Board meetings, so we’ve been lobbied pretty strongly since then. It amazes me to see the citizens of our county and of the state come together so quickly when they only have a month or two to prepare for these hearings. I’m also amazed at how they come up with what I would consider sound responses for not allowing this pipeline to come through.

The basic logic of TransCanada's approach to community involvement is to secure the approval of political power and the business community before attempting to gain easements from landowners. If the company can secure the support of business interests and political power, landowners would essentially be left to fend for themselves if they decided to fight the pipeline. In effect, lobbying local and state officials for their support worked to isolate landowners and create a sense of powerlessness within communities. A quote from a landowner at the Albion meeting makes reference to this "legal bribery system," and it offers a nice segue for discussing the last set of frames concerning climate change:

... It is especially disappointing that so many Nebraska state and federal politicians have succumbed to this legal bribery system, giving the steering wheel to TransCanada and throwing their constituents under the bus... allowing TransCanada to build an export pipeline to secure profits on a foreign market at the expense of the health, safety and environmental well-being of our state and the planet makes this debate for more than an evaluation of routing. It is a moral issue.

When state politicians and local officials decided to support the pipeline even though the reroute still crossed the aquifer and sandy, porous soil, many landowners felt betrayed. As with TransCanada's disregard for landowner concerns, Nebraskan politicians' failure to listen to citizens worked to bolster the opposition mobilization campaign, and due to a lack of political leadership to protect their interests, landowners began to organize and join Bold Nebraska and the Nebraska Easement Action Team. While political influence and lobbying occurs behind closed doors, TransCanada's public relations campaign in Nebraska attempted to create a friendly image of the company. This PR campaign included a range of media sources and community events, including radio ads, television ads, billboards, state fairs, and even an advertisement during a Cornhusker football game, which was not received well among University of Nebraska

students in attendance (Jervey 2011). TransCanada's PR campaign was part of their overall lobbying effort in Nebraska. The political side of the equation was solved early on in the pipeline debate, but public trust in the company was never established in rural communities.

Climate Change and Global Concern Frame: One Big Backyard

The narrative themes making up the Climate Change and Global Concern frame are wider in scope than citizen concern for the Sandhills and aquifer, although these two natural resources are closely linked to issues related to the climate change and global concerns. By far the greatest global concerns were related to the impacts of tar sands extraction on CO₂ emission and the risks climate change poses to future generations. Some testimonies cited specific examples of problems found on the ground in Alberta, Canada such as increased rates of cancer in First Nation communities located near or downriver from tar sands operations, but most of the global concern narratives focused on issues related to climate change.

Looking at the Opposition Frames table, we see that climate change was brought up most often at the final national interest hearing in Grand Island, with 34 references. This high frequency is in part due to the significant number of out-of-state people who came to the Grand Island meeting. Several groups came to Nebraska from Denver, Chicago, and Michigan, and most of the narratives in these citizen testimonies focused more generalized topics like climate change and CO₂ emissions. It is interesting that climate change was not mentioned once at the second national interest meeting in Atkinson. I think this conspicuous absence can be explained by the location and audience of that particular hearing. Atkinson, Nebraska certainly is the most rural community of the four

public hearing venues, and most of the opposition members in attendance were from northern Nebraskan communities, not from out-of-state. So it makes sense that the narratives and frames used by local landowners at the Atkinson meeting were primarily focused on the aquifer and Sandhills, not climate change.

Although many out-of-state testimonies mention climate change issues, several Nebraska landowners also discussed issues beyond local concerns. For example, a landowner at the Lincoln hearing mentions how, “Like others, I’m deeply concerned about this pipeline and where it is going. But I also believe that there are deeper concerns. Like others, I am part of not just Nebraska but I am part of the United States and the world.” One of the main differences between cases of Not-In-My-Backyard (NYMBY) movements and the KXL fight in Nebraska is that for rural Nebraskans, the aquifer and Sandhills are considered a shared natural resource, or a community resource that goes beyond the individual family farm. The scale and scope of the KXL project means many “backyards” are affected. The pipeline is not just perceived as a threat to individual landowner’s private property, but a threat to whole regions of the agricultural industry in Nebraska. Another quote from a concerned female citizen at the Albion meeting mirrors the global perspective mentioned in the quote above:

I am opposed to the pipeline, and the reason I want to speak is that I am not just opposed to the particular route; I know that is important, and many people have addressed that. But I want to talk about the over all global picture. I can’t bring you photographs of the devastation that so-called tar sands mining causes...I’m speaking for some non-people here today. I love America not just for its human beings, its money, its prosperity, and its energy, but also for the animals and wildlife that surrounds us.

Here we see the speaker’s concern extends beyond Nebraska to include the people living near tar sands operations in Alberta. It is interesting how the speaker qualifies her care for wildlife by praising the affluence of the United States, as if care for human

beings and the valorization of the American prosperity was needed to temper her care for animals and wildlife. A speaker at the meeting in Lincoln also focused on the impacts of tar sands production in Alberta, linking tar sands extraction with increasing carbon dioxide emissions and extreme weather patterns:

Mining tar sands is a very expensive and a very ecologically-destructive process. We must remember that Canadian forests have to be cut down and the land strip-mined in order to obtain oil from these tar sands. This process creates many toxic by-products, which further pollute the groundwater and the land around it. Plus extracting and processing tar sands oil will contribute much more to greenhouse gas emissions than conventionally-produced oil, thus warming up our planet even more, causing much more extreme weather patterns to occur.

The global concern frame is meant to capture landowner and citizen concerns that reach beyond the Nebraskan borders. This concern applies to the future as well. A significant theme that consistently appeared at all of the meetings was the importance of the relationship between natural resources and future generations, a concern that extends beyond myopic, short term economic thinking to the long term vision of natural resource conservation. For several opposition members, the decision to approve or deny KXL represented a symbolic decision concerning the future survival of humanity itself:

By providing an avenue through which to refine and sell the tar sands oil, TransCanada has aligned itself with a conglomeration of fossil fuel empires that have declared war on our climate and thereby declared war on the future of the human race. I, for one, will not stand for it...I know that building or not building this pipeline will not necessarily stop Canada from extracting its tar sands oil or burning it up, but Nebraska can be a voice to stand up for what is right in the climate change conditions of this world. We are running out of time. No pipeline route is safe for our future.

Here the speaker calls for Nebraskans to stand up and do what is right, not just for Nebraska, but the world. Even if denying the permit doesn't slow down or halt tar sands production, getting Nebraskans to stand up in defense of the planet is portrayed as a morally symbolic act, while building KXL would send a signal to the world that the U.S. remains commitment to carbon-intensive petroleum industries like the tar sands.

For many opposition members, particularly among citizen activists, there is a belief that the United States currently stands at a crossroads in terms of our future energy policy. As the oil and gas industry expands their exploration efforts into riskier energy projects like fracking, deep sea drilling and tar sands extraction, political leaders and governments can either heed the warnings from climate scientists and push for the development of alternative energy sources, or they can continue to be held captive by our economic dependency on fossil fuels and open the door to riskier forms oil and gas exploration. The Obama Administration's all-of-the-above energy policy, for example, may represent a politically and economically pragmatic strategy, but it essentially turned the American landscape into the Wild West for the booming fracking industry. In the larger context, approval of KXL would certainly tarnish Obama's climate policy legacy among environmental groups and signal to tar sands producers and investors that the U.S. is open for business.

In some of the opposition testimonies, the pipeline debate was framed as a conflict between a long-term vision of sustainability versus a short-term view of economic and political returns. I think for many KXL supporters and business leaders, the idea of long term planning for the future, even when talking about finite natural resources, carries hints of socialism and state control of economic development through environmental regulation. But for the farmers and ranchers who rely on the aquifer and are dealing with changing weather patterns, long-term planning for an unpredictable future is just a part of life in agricultural communities. A farmer's testimony from the hearing in Lincoln illustrates the sense of urgency some Nebraskan citizens expressed about the need to look

beyond politicking and short-term economic thinking and begin shifting to a clean energy economy:

I've spent a large part of my collage and early professional career studying integrated food, water, and energy policy. Sadly, one common theme is the short-term political cycle, which is undercutting our long-term abilities to deal with complex and interconnected environmental and agricultural issues. We need to frame the issue here today in new, long-term natural resources planning contexts. Risking water quality, among other issues, for short term minimal energy returns is not working in the long-term context... We need to start being visionary today with our food, water, energy and security paradigm in our own federal government and state agencies. Business and politics as usual will not work. Today we face leaving the next generation worse off for the first time in our nation's history.

Concern for future generations was also prominent narrative theme found in opposition testimonies. Looking at the Opposition Framing Table, we see that the frequency of references to future generations were high at all of the hearings, particularly at the last meeting in Grand Island with 22 references. For many family-owned farm and ranching operations, the family business is handed down through generations. The land they farm and ranch are considered family legacies, and this is why so many landowner testimonies associated conservation of the aquifer with the survival of future generations in rural Nebraska. As the testimony above shows, not all young adults from small towns leave for the big city never to return to the family farm or ranch. Several of the younger Nebraskan farmers and ranchers I spoke with expressed a deep appreciation for the rustic lifestyle rural communities offered, and the natural resources that assures their family farms and ranches survival. There were a few younger Nebraskans who spoke out against KXL at the hearings and they all framed their testimonies in terms preserving the land and water for future generations. The following quote comes from a fourteen-year girl who uses both diagnostic and prognostic frames to criticize the pipeline:

I do not stand here was some brainwashed hippie child. I stand before you as a freethinking young adult. I stand before you as a representative of the hundreds of outraged young people who could not make it today. I represent the future not just of Nebraska but the future of America. We don't see a future with this pipeline. We don't

see a future of an America still reliant upon filthy oil. We don't see a future where farmers are bullied for their land while the government just stands and watches. We see a future with windmills, solar panels, and hydroelectricity. We see clean air in the big cities. None of that can happen if we use this crutch, this atrocity that is this pipeline.

Here again we see the speaker qualify her position by stating that she is not a brainwashed hippie child. Diagnostically, the speaker identifies the problems with KXL: it would continue our reliance on oil and citizens, unprotected by their political leaders, were being bullied by corporate power. Prognostically she offers the solution of building a future society driven by clean energy sources and freed from the “crutch” of fossil fuels. What we see in the majority of testimonies focusing on future generations is great concern from parents and grandparents for the future of their children and grandchildren.

Opposition members concerns and framing tactics evolved over the course of the KXL debate in Nebraska. As the Opposition Frame Table illustrates, the most significant concerns of the KXL opposition were land, water and property rights. The narrative themes used by landowners to express their opposition to the pipeline were thoughtfully crafted and deployed at the hearings. But we would have never seen resistance in Nebraska if landowners were not organized. In the next section, I explore the various creative strategies and tactics used by Bold Nebraska and other activists to motivate and mobilize rural landowners.

Chapter Seven

Mobilizing Rural Communities

In this chapter I shift my attention to the mobilization strategies employed by Bold Nebraska to recruit, motivate and maintain a solid oppositional front in rural Nebraska. I begin with a discussion of how rural mobilization is similar to and different from its urban counterpart and examine some of the challenges to mobilizing rural landowners. I then move on to a review of the basic strategies used by social movement organizations (SMOs) to secure resources, recruit/maintain membership, and motivate collective action.

The Challenges of Rural Mobilization

A brief discussion about the challenges of rural protest will help orient the following examination of Bold Nebraska's mobilization efforts in rural Nebraska. To begin with, most cases of collective action occur in urban centers. There are several reasons for this concentration of mobilization in the city. For instance, high population numbers means more people are available for recruiting into a movement. Public messaging is an important aspect of SMO mobilization efforts, and the chances for media exposure are higher in urban centers like Washington D.C. or state capital cities that are hubs of political power: the locus of political power is where citizens gather to express their grievances. Compared to the frequency of collective action in urban centers, a mobilization effort in rural Nebraska is very rare.

So why is rural protest rare? First, we must consider how population distribution shapes mobilization efforts in rural communities. Population numbers are important because organized collective action, obviously, requires people, and sparsely populated areas simply lack the numbers to foment large-scale mobilization campaigns. This is not to suggest a small group of five to ten, or more, committed people from a rural

community cannot mobilize and successfully impact community laws, regulations, or other important community decisions. There is also evidence that politically conservative rural populations are harder to recruit and mobilize than urban, more politically diverse populations (Snow and Soule 2010). The U.S. Census Bureau defines urbanized areas (UAs) as having 50,000 or more people, urban clusters (UCs) having at least 2,500 and less than 50,000 people, and the term rural “encompasses all population and territory not included within an urban area” (U.S. Department of Commerce 2014). Lincoln, Nebraska has a population of 268,738 (14 percent of state population), and Omaha’s population is 434,353 (23 percent of state population). This means that 37 percent of Nebraska’s population resides in two cities. After Omaha and Lincoln, the average population of larger urban centers ranges between 20,000 and 30,000 people. Ten out of the fifteen major communities located along the pipeline route have populations less than 2,500 people, and therefore are considered rural. It is remarkable, considering the rural nature of the twelve counties the pipeline would cross, that at approximately 100 landowners from across the state, and many more Nebraska citizens, joined forces and mobilized to fight the pipeline.

Not only do rural Nebraskan communities lack a large population base for recruitment, almost all of the communities located along the route do not have contemporary experience with sustained, organized collective action. Here I make the distinction between contemporary Nebraska and its more radical, progressive past as embodied in the Populist Party movement of the 1890’s. The politically progressive landscape of 1890’s rural Nebraska was very different from the overwhelmingly conservative political environment we see today. In relation to social movements in

general, rural Nebraska communities are not culturally linked to many of the progressive civil rights and identity politics movements that emerged from the 1970's to late 1990's. Even today, I would suggest, many residents from rural Nebraskan communities are more likely to identify with the recent push by conservatives to protect religious freedoms than liberal and progressive calls for equal rights. All this being said, there have been recent cases of contentious politics in rural Nebraska, such as the anti-dump protests in Boyd County (which shares many similarities with the KXL fight) and local opposition to school consolidation efforts by the state. A full-bodied social movement is not required for contentious politics to appear at the community level, but the level of landowner opposition to KXL, all across Nebraska, is something that has never occurred in the state. In other words, the magnitude of citizen opposition to KXL in rural Nebraska is very unique in terms of rural collective action.

The traditionally conservative political culture found in many rural communities located along the route works to curtail vocal protest and acts of civil disobedience. Based on my conversations with Nebraskans, many older conservative folks consider vocal protest and civil disobedience tactics used by liberal groups who are fighting for progressive causes, such as civil/equal rights. For traditional conservatives, collective action may be the option of last resort when traditional avenues for addressing grievances, such as legal action, fail. It should be noted that the wave of Tea Party mobilization and activism that spread across the U.S. in 2009 did not catch on in rural Nebraska, as Jane Kleeb noted in my interview with her:

...the Tea Party movement is not strong in Nebraska. You know, when the Tea Party was at its height during health care reform in 2011, the biggest Tea Party rally that was in our state was like 200 folks in Omaha. There is a Liberty Caucus in the Republican Party that's the Tea Party Caucus but they stick to the Republican Party. So really, from my

perspective, the Tea Party in Nebraska's like the right wing of the established Republican Party.

While the Tea Party represents the libertarian *radical flank* of the conservative political spectrum, the general political sentiment in rural Nebraska tends to favor traditional Republicanism. For example, a 2008 Gallup poll shows that Nebraska, situated between solid red Wyoming and solid blue Iowa, leans more Republican than Democrat (see Figure 8.1: Political Party Affiliation by State 2008).

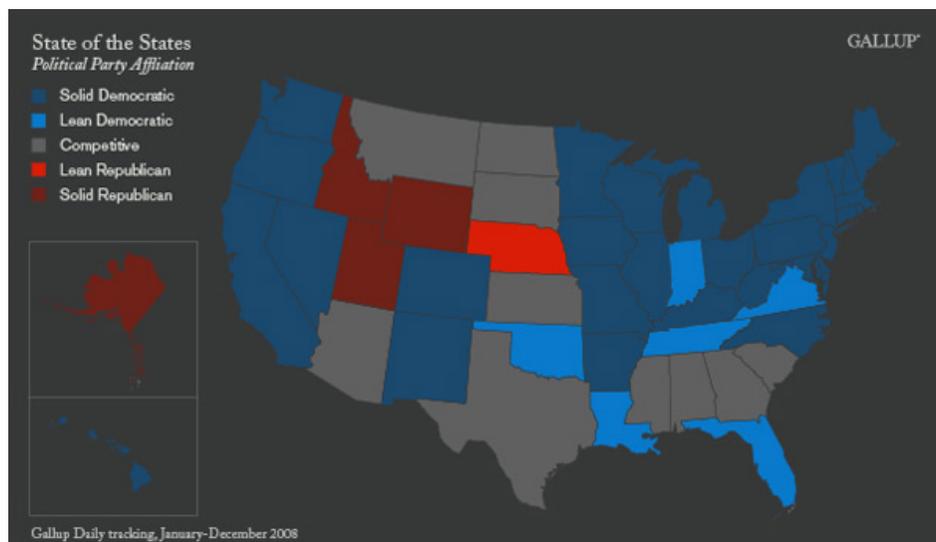


Figure 8.1: Political Party Affiliation by State 2008. *Source: Gallup*

It is important to make this distinction because libertarians (and liberals) are more apt to mobilize and protest than traditional conservatives. As Snow and Soule point out, “Political orientation on a left/right or liberal/conservative continuum also seems to influence one’s decision to be politically active; typically, research conducted by sociologists and political scientists shows that individuals who self-identify as liberal are more likely than other people to participate in social movement activity” (2010:129). In addition to being mostly conservative, Nebraska rural communities are also very homogeneous in terms of racial diversity, with most county constituencies nearing 100

percent Caucasian. Conventional wisdom and sociological research suggests politically conservative and racially homogeneous communities like those located along the pipeline's route have a low probability for engaging in organized political action, particularly acts of civil disobedience. The KXL fight has proven to be an exception to this rule. To protect the aquifer and Sandhills from potential contamination and conserve these natural resources for future generations, the KXL opposition movement in Nebraska has brought together Republicans, progressives, libertarians, cowboys, and Native Americans in an extraordinary form of prairie populism.

Low population, a lack of experience with collective action, and the religious/conservative cultural character of rural Nebraska bring challenges to mobilization efforts of Bold Nebraska. The common denominator that has united so many people from various cultural positions, and the fundamental grievance that has transcended traditional political/cultural divisions is the threat KXL poses to the aquifer. The mobilization of landowner and citizen passion for this natural resource was strong enough to overcome the demographic and cultural barriers to rural mobilization mentioned above. Now that I have discussed some of the general characteristics of rural mobilization, we can begin exploring specific mobilization processes in rural Nebraska.

One of the primary research objectives of social movement analysis is explaining why people decide to participate in collective action, even if doing so may involve high risk or high costs. In this section I attempt to explain why so many landowners living along the KXL route in Nebraska have taken valuable time away from their farms and ranches to protest the pipeline and are risking eminent domain condemnation by refusing to accept TransCanada's easement offers. To explain the causes of landowner mobilization within

a collective action framework, I adopt an analytical approach proposed by Snow and Soule (2010) which suggests that to understand the complex nature of collective action we must consider five aspects of mobilization campaigns: *grievances, contextual conditions, reasons for participation, organizational structure, and mobilization outcomes*. I have already touched upon landowner grievances and the reasons they oppose the pipeline, and many of the contextual conditions (county profiles and demographic data) that have shaped mobilization efforts in rural Nebraska. Using Snow and Soule's (2010) analysis and overview of the elements of social movements as a guide, I revisit these dimensions of mobilization as they relate to the process of rallying rural Nebraskan landowners to fight the pipeline.

Mobilizing Grievances

Perhaps the most important drivers of collective action are perceived injustices or grievances concerning a particular issue deemed important to an interested group. Snow and Soule suggest the reason individuals choose to engage in organized protest is rooted in the mobilization of *grievances*: "When individuals collectively challenge authorities via social movements, they typically do so over matters about which they are deeply troubled, have considerable concern, and feel passionately. These troublesome matters or conditions, and the feelings associated with them - such as dissatisfaction, fear, indignation, resentment, moral shock - can be thought of as grievances. They provide the motivational impetus for organizing social movement campaigns and for engaging in social movement activities" (2010:23). It is not surprising that people choose to protest over issues they find deeply troubling. There is a long tradition of mass mobilization in response to oppression, exclusion, or the denial of civil rights: perceptions of injustice,

and actual injustice, are the most common cause of collective action. But many people are troubled by or concerned about an issue and never engage in collective action. This is the classic free-rider problem (letting the most committed do the heavy lifting) that is a challenge for every social movement. Something more is needed to compel individuals to move from “considerable concern” to engaging in protest, and that motivation, as the above quote indicates, comes from *passion*. Passionate feelings about a particular issue are an integral aspect of motivating collective action. This passion is the same kind of emotional reaction expressed by many pipeline opponents about the aquifer and the Sandhills, and it’s the same passionate response KXL supporters criticized as being unscientific and based on pure emotion. There was certainly plenty of dissatisfaction, fear, indignation, and resentment expressed by landowners and citizens towards TransCanada, the NDEQ, and state politicians in their testimonies.

Contextual Conditions: Political Opportunities and Resource Mobilization

All episodes of contention emerge from within an already established system of social and cultural structures. *Contextual conditions* set the playing field for potential mobilization and can either facilitate or constrain collective action opportunities. The primary social movement perspectives that attempt to explain how contextual conditions shape collective action include political opportunity and resource mobilization theory. While there are a myriad of factors that work together to make-up contextual conditions within any given community, here I will focus only on how political opportunities and resource mobilization have shaped the KXL fight in Nebraska.

Political opportunity represents a broad range of structural, political, and cultural factors that can be favorable or hostile to mobilization attempts. For example, under

oppressive and authoritarian political regimes popular protest against the government is often criminalized or met with violence, such as the massacres at Tiananmen Square in 1989 and Tlatelolco Plaza in 1968. In these particular cases, political opportunity for mobilization was very restricted and citizens were brutally repressed. In most democratic countries, on the other hand, popular protest and the freedom of assembly is considered a right with officially sanctioned avenues available for expressing discontent.

In the KXL protest in Nebraska, political opportunities for protest have been both open and restrictive. To begin with, people in the U.S. are allowed to create social movement organizations representing a particular interest group and collectively protest, as long as that protest is peaceful. As noted above, our political system has well-established repertoires of contention available for SMOs to choose from for expressing grievances. Letter writing, petitions, marches, and legal action are all common strategies employed by SMO's to influence political processes in their favor, and Bold Nebraska actively encouraged landowners and citizens to utilize each of these traditional repertoires of contention to fight the pipeline. The whole logic and purpose of conducting national interest public hearings in Lincoln, Atkinson, and Grand Island was to allow citizens from local communities to freely engage in the review process and voice their opinions on the pipeline. Political opportunities also include physical spaces, both public and private, such as office spaces, libraries, and farms. Bold Nebraska has offices in Lincoln, and the organization held many information meetings at public libraries in rural communities. Landowners living along the route allowed the renewable energy barn to be built, crop art to be made, and the Harvest of Hope concert to occur on their farms. In

short, political opportunities and many structural avenues are open to Nebraskan landowners who desire to protest KXL.

Although political opportunities for mobilization in Nebraska are relatively open, the effectiveness of traditional forms of protest largely depends on the political and cultural context in which they occur. For instance, the conservative political establishment in Nebraska has worked hard to get KXL approved despite vocal opposition from many landowners living along the route. When the Nebraskan legislature passed LB 1161, which gave preferential treatment to TransCanada and eminent domain powers to the Governor, it was an indirect rebuke of landowner concerns. In addition to resistance from political leaders, a range of powerful interest groups allied with the oil and gas industry backed the pro-pipeline campaign in Nebraska. In terms of the power to lobby political leaders in Washington D.C. and Nebraska and access to different forms of media (television/radio ads; billboards) for selling the pipeline, KXL interest groups have much more leverage in terms of funds and political connections. Also, the pipeline review process was tarnished by apparent conflicts of interest with the private consulting firms hired by the State Department and NDEQ to conduct the EIS reports. Although the U.S. Inspector General found no direct evidence of conflicts of interest in the EIS reports, there is little doubt that the firms hired to do the reviews were working for the interests of TransCanada, not the American public. So in the case of KXL in Nebraska, citizen protest over the pipeline has been vigorous but challenged by countermovement forces and institutionalized barriers to protest which attempt to reduce the effectiveness of citizen engagement in the review/protest process.

In most cases, successful SMO mobilization campaigns require a range of resources. SMO resources can be either fungible or proprietary. Fungible resources, like money, are context independent and easily exchangeable between individuals, while proprietary resources, such as office space, are mostly context dependent (Edwards and McCarthy 2004). Table 8.2: Bold Nebraska Resource Mobilization Table, which is based on Snow and Soule’s resource mobilization typology (2010:91), identifies the various types of resources utilized by Bold Nebraska for mobilizing rural landowners.

| General Resources | Sub-Types | Examples |
|------------------------------|--|--|
| Material | Money Supplies Employment | Donations Office Space and Equipment Bold Employees/Interns |
| Human | Generalized Labor Specialized Labor Leadership | Billboard-Making/Barn-Raising Legal Work/Lawsuits/Artists (PR) Charismatic/Inspirational (Kleeb) |
| Social-Organizational | Infrastructures Social Networks Formal Organizations | Meeting Spaces/Protest Spaces Allied with Progressive Organizations |
| Moral | Legitimacy Solidarity Support Celebrity | National Protests Sierra Club/350.Org Willie Nelson/Neil Young |
| Cultural | Repertoires of Contention Internet, Literature, Media | Nebraska Cultural Knowledge Bold Website/Reports/Videos |

Table 8.2: Bold Nebraska Resource Mobilization Table

The first row of the resource table contains examples of material resources, such as money, supplies, and employees. The most obvious resource necessary for any mobilization attempt is financial support. Money essentially means freedom of movement, and the more money a group has at its disposal, the more freedom they have to mobilize assets. Bold Nebraska has been very successful in soliciting donations on their website and organizing fund-raising events. For example, on Bold’s website you can donate money or purchase t-shirts, postcards, and music CDs (Stopping the Pipeline

Rocks). And the Harvest of Hope concert held in Neligh on September 27, 2014 with Willie Nelson and Neil Young raised \$125,000 dollars for the organization. And I am certain there have been many other undisclosed sources of funding over the course of the mobilization campaign that I am unaware of. With a steady flow of funds, Bold was able to open an/ office in Lincoln, purchase office equipment and hire staff members and interns. Bold currently maintains a two-person Board of Directors, and three permanent staff attends to particular needs of the organization.

In the second row of the table are listed three types of human resources available for SMOs mobilization efforts; *generalized, specialized and leadership*. In relation to Bold's mobilization campaign, generalized labor represents the unpaid volunteer labor at gathering and events such as billboard-making events and the renewable energy barn-raising event. As a part of my fieldwork trips to Nebraska between 2011 and 2014, I was able to attend and participate in several events hosted by Bold, including the billboard-making event and the barn raising (see Figure XX: Renewable Energy Barn Construction). In this sense, I was also a part of the unpaid, generalized labor force mobilized to help create symbols of protest. My experience with carpentry and woodworking tools were useful assets for helping build the renewable energy barn.



Figure 8.3: Renewable Energy Barn Construction 2013. *Photo: James Ordner*

The barn-raising event required both generalized and specialized labor. Unlike generalized labor, which almost anyone can do, specialized labor requires a particular skill set or experience working in a particular profession. The barn raising project required the full range of specialized construction work needed to build a house, from laying the foundation to installing the wind turbine and solar panels that power the barn (see Figure 8.4: Completed Renewable Energy Barn).



Figure 8.4: Completed Renewable Energy Barn. *Photo: James Ordner*

Early in the KXL fight, Jane Kleeb and prominent Nebraska lawyer David Domina formed the Nebraska Easement Action Team (NEAT) in order to collectively represent landowners who refused to accept TransCanada's easement offers. The legal work NEAT has undertaken in defense of landowner property rights is also a form of specialized labor. In addition to specialized legal counsel, Bold hired a graphic arts designer (JKDC) to develop organization paraphernalia and movement imagery that resonates with rural Nebraskans. These art projects, such as event posters and t-shirts, were professionally designed and produced, and the style of the artwork is eye-catching in its simplicity. Several examples of Bold Nebraska armbands, posters, and fliers, t-shirts and postcards are included in Appendix XX: Bold Nebraska Paraphernalia.

Leadership roles within social movements are a key human resource for SMOs. Some people have that rare combination of charisma and passion that intersect with historical circumstances to produce iconic social movement leaders. Jane Kleeb is the definitive leader of pipeline resistance in Nebraska. With little doubt, every single landowner living along the KXL route has heard of the name Jane Kleeb, founder of Bold Nebraska. Without the leadership experience and tenacious commitment of Jane, the opposition movement to KXL in Nebraska may have never grown into a formidable mobilization campaign. Jane was not born in Nebraska, she's a transplant, but she has become loved and respected by many landowners and pipeline fighters, while others have nick-named her "Crazy Jane," an interloper who has nothing better to do than stir the pot and fight TransCanada like some Don Quixote of the prairies. Jane Kleeb is also a professional organizer, and she worked with AmeriCorps and was the executive director of the Young Democrats for several years. Jane moved to the Sandhills, and then Hastings, after

meeting and marrying Scott Kleeb in 2007. Scott Kleeb is CEO and President of Energy Pioneer Solutions, and he ran an unsuccessful bid for a Nebraska U.S. Senate seat in 2006. Jane’s past organizational leadership, coupled with her cultural entrée through marrying a politically savvy native Nebraskan, has surely helped her mobilization campaign against KXL in rural Nebraska.

The picture below (Figure 8.5) taken from the cover of the July/August 2015 edition of *Omaha Magazine* clearly acknowledges the contentious relationship between Jane and Nebraska citizens. The picture is full of symbolism, with the black snake representing the pipeline, grasped by the arm of “We the People,” all framed by the American flag.



Figure 8.5: Jane Kleeb on July/August 2015 cover of *Omaha Magazine*.

I discuss Jane's role in the formation of Bold Nebraska in more detail in the section on organizational structure, but here it is worth quoting her press release for the *Omaha Magazine* cover in its entirety, as it concisely summarizes her thoughts on the KXL fight in Nebraska as of July 2015:

I wake up every day ready to stop the pipeline. I go to bed every night thinking of landowners and Tribal nations in the proposed path. Here we are, six years later, still standing. Standing with Randy, standing with our heads held high, standing with seeds of resistance. Some may look at this fight and say "its only a pipeline." For us, yes it is a pipeline...it is a pipeline that risks livelihoods, it's a pipeline that does not care about our rural culture, it is a pipeline that cuts through the heart of the Ogallala Aquifer and the majestic Sandhills and most of all it's a pipeline that couldn't care less about our sense of place that we all love and will do anything in our power to defend. Thank you to everyone for each small and large action.

Here Jane applauds the progress made by the opposition movement and reiterates how the pipeline poses a direct threat to the environment and culture of rural communities located along the route. She continues by listing the many opposition activities, actions, and events that have come to symbolize the commitment and effort put forth by landowners and activists to stop the pipeline:

Traveling for hours on a bus to a march; getting arrested in front of the White House with farmers, priests and the likes of Daryl Hannah, Bill McKibben and Mark Ruffalo; listening in awe to Greg Grey Cloud proudly sing in the Senate gallery; working in the wind and pouring rain to make a crop art image to Barack Obama; carving 91 pumpkins to symbolize the 91 spills that would come with KXL; praying with faith leaders; planting Ponca scared corn; circling the Gov's mansion with flashlights to shine some accountability on the man; recording an album using solar energy in the barn we all built with Hear Nebraska and Sower Records; raising tepees in the boiling sun on the National Mall and riding horses with pride; and rocking out with family farm champion Willie Nelson, Lukas Nelson & Promise of the Real, Frank Waln and our "stand up" man Neil Young. You stopped the pipeline in its tracks and you made this cover happen. Now, we still have a very active pipeline fight ahead of us since the President seems to have lost his reject pen. So stay in touch with Bold Nebraska's Facebook page for next steps, like joining the farmers and ranchers in their next court date against TransCanada Corporation July 27th to defend their property rights.

Jane's quote is primarily addressed to Nebraska landowners and citizens who have mobilized against the pipeline project. It both congratulates and motivates, reminding

pipeline fighters of past victories and laying out a plan for future resistance. More than anything, it suggests resistance to KXL remains strong in rural Nebraska.

The third row of the general resource table concerns social-organizational resources, such as infrastructural assets and social networking with other organizations opposed to the pipeline. Some of Bold's infrastructural assets include public libraries for Bold/NEAT information meetings, auditoriums for public hearings, and public spaces that are open to collective protest, such as in front of the White House or the state capital in Lincoln. Bold has also allied itself with other organizations and interest groups opposed to KXL. In fact, Jane Kleeb first learned of landowner concerns about KXL in 2010 at a public hearing she was invited to by Duane Hovorka of the Nebraska Wildlife Federation. Since then, Bold has worked with several nationally recognized environmental organizations, including 350.org, Sierra Club, National Wildlife Federation, and the Natural Resources Defense Council. When I interviewed Ben Gotschall, a staff member for Bold Nebraska, he emphasized the importance of these organizational alliances in helping Bold succeed in mobilizing landowners:

That's been part of the reason we've had success is that it's not just us, there's no way we could do this on our own. You know, we work with a lot of other groups like the Farmer's Union, Sierra Club, National Wildlife Federation, you know there's so many groups that work with us and we all have our different roles and sometimes we're able to help each other out and sometimes not. But there's absolutely no way could have gotten anything done if it was just us, because it would have just been us. We would have been a marginalized group on the fringe probably and it would have never taken hold. But the fact that so many people from so many angles were joining their voices to ours, that really helped.

These social networks and alliances directly relate to the next row of resource assets, which involve the moral dimension of mobilization campaigns. A movement has little chance of gaining momentum if it is not perceived as legitimate, or if the frames, narratives and messaging used by a SMO do not resonate with the movement's target population. At

the national level, the KXL fight has mobilized people across the country to various degrees, coalescing in mass protests in Washington, D.C. on several occasions. The KXL fight is certainly perceived as legitimate within the broader environmental movement in the U.S., as it has become a central cultural symbol for the movement's fight to curb global carbon dioxide emissions and begin shifting towards a renewable energy economy. Solidarity with well-established national organizations is important for garnering outside resources and moral support for the cause, but these organizational ties are not very important for mobilizing landowners in Nebraska. While Bold's messaging strategy embodies a unique form of progressive populism that resonates with traditionally conservative landowners, I think the more environmentally driven goals of national environmental groups like the Sierra Club are not reflected in the attitudes of many people living in rural communities located along the route. Bold's close alliance with the progressive Nebraska Farmers Union, however, likely helped establish Bold's legitimacy among farmers and ranchers. This suggests there are two levels of legitimacy at work in the KXL debate in Nebraska, one operating at the local level (Bold's relationship with landowners) and another at the national level (Bold's relationship nationally recognized organizations).

The last type of resources available to SMOs involves media and cultural assets. From the beginning of Bold's establishment in 2010, the organization has maintained a website that acts as an information (and motivational) hub for people interested in learning about landowner resistance against KXL in Nebraska. Bold's website is professional looking and easy to navigate. Visitors can get the latest updates on the KXL fight, learn where the next action will take place and donate money. In addition to the

website, Bold also maintains Flickr, YouTube, Twitter, Facebook and Google Plus accounts for archiving and distributing information, and they have also developed a “web-based interactive map and mobile App that will help promote small, local businesses who are working to keep Nebraska a great place to live and visit” (Bold 2014).

For a SMO to be effective in their mobilization campaign, they must utilize mobilization strategies that reflect the cultural values of their constituency. This is where repertoires of contention come into play. The range of tactics and strategies (repertoires) available for mobilization is virtually unlimited in terms of creative possibilities. The symbolic and cultural values embodied in acts of protest all depend on the creative and imaginative capacities of SMO leaders and organization members. Bold’s mobilization efforts in rural Nebraska initiated several events and projects that utilized the cultural values and experience of rural landowners. I have already discussed the renewable energy barn project, which represents a unique take on constructing an “obstruction” on the route of the pipeline. Other creative projects and events organized by Bold that reflect rural community cultural values included trail rides, several crop art projects, and the Harvest of Hope Concert with Willie Nelson and Neil Young. I was able to attend the trail ride held at the Cleveland Bible Camp in Holt County in 2012. This event was designed to let people experience the land along the route in a more intimate fashion. Riding horses taps into the cowboy culture that permeates northern Nebraska communities. Hosted by core members of the Cowboy Indian Alliance, the trail ride event was mostly attended by landowners and Bold Nebraska members, accompanied by several state and out-of-state reporters. The crop art projects asked President Obama and the State Department to reject the pipeline. These projects required large, open spaces, which are abundant in rural

Nebraska (see Figures XX: Cowboy Indian Alliance Logo Crop Art and XX: Climate Legacy #NoKXL Crop Art).



Figure 8.6: Cowboy Indian Alliance Logo Crop Art, Tanderup Farm. *Photo: Lou Dematteis*



Figure 8.7: Climate Legacy #NoKXL Crop Art, Tanderup Farm. *Photo: Dakota Aerials*

Bold Nebraska has thus far successfully utilized all five types of resource assets to help facilitate mobilization efforts in rural Nebraska. Under Jane Kleeb's experienced leadership, Bold has embedded itself within Nebraska's cultural and political landscape. The organization's energetic staff is knowledgeable about Nebraska's most pressing cultural issues and motivated to work with landowners all along the proposed route to devise creative forms of protest, like the renewable energy barn and crop art projects.

Motivating Participation in Collective Action

Motivating people to participate in collective action can be a difficult task for SMOs. Life is often busy and full of daily challenges, and most people that have personal grievances never attempt to ameliorate them as individuals or as part of a social movement. For many people (as the NIMBY acronym suggests) an issue may not be worth fighting for until it is literally in their backyards, or perhaps on their front lawns. Participating in collective action involves risks and costs, and many people aren't willing to personally take on risks or costs for an issue that doesn't directly affect them on a daily basis. Undoubtedly, NIMBY attitudes are driving some of the opposition we see expressed by Nebraskan landowners living along the proposed route; farmers and ranchers have pretty big backyards. Private property rights are highly valued in rural Nebraska where farmland and ranchland is the livelihood of communities, in addition to being a family legacy passed down through generations.

Beyond cases of NIMBY, there are many more Nebraskans living far away from the pipeline that have joined the KXL fight or attended Bold events. I have already shown how citizen concern about the potential contamination of the aquifer and Sandhills has transcended traditional political and cultural divisions. This "bigger picture" perspective,

which is focused on commonly shared resources, helps explain why people from across Nebraska have taken time to protest the pipeline although it is not located near their community or homes. Each of the counties and communities affected by the pipeline has experienced different levels of participation over the course of the debate. When I interviewed Jane Kleeb, she touched upon the dynamics of protest participation in rural counties: “I think because it crosses so many counties it’s given the movement an opportunity to bring all these diverse people together. And you get different spurts of energy from one county when another county has put in so much time they need a break, and that also significantly helps because it crosses so many counties.”

Participation in the KXL resistance movement entails certain costs and risks. Snow and Soule (2010) identify two types of costs (direct/indirect) and risks (direct/indirect) that confront potential movement participants. Direct costs of participation include things like travel and lodging expenses, childcare or other costs related to attending protest events. Indirect costs entail lost wages or productive time due to missing work or farm/ranch obligations in order to travel to events and projects, or fly to Washington D.C. to protest in front of the White House. Direct risks are associated with moments of collective action and entail potential negative repercussions for participation, such violent reactions from authorities or police arrest. Indirect risks are not connected to instances of collective action and include activities such as potential surveillance by government agencies. In fact, in 2013 it was discovered through the Freedom of Information Act that TransCanada, “... colluded with an FBI/DHS Fusion Center in Nebraska, labeling non-violent activists as possible candidates for “terrorism” charges and other serious criminal charges. Further, the language in some of the documents is so vague that it could

also ensnare journalists, researchers, and academics as well. TransCanada also built a roster of names and photos of specific individuals involved in organizing against the pipeline.” Jane Kleeb expressed some concern about the risk of law enforcement surveillance, but she also believed Bold members were ultimately safe because they weren’t doing anything illegal: “Yeah, you know, it freaks me out that the FBI could, I don’t know, have tapped my phone or whatever. But we aren’t doing anything wrong, and it just makes us feel stronger about what we are doing.” Jane knows TransCanada’s attempt to paint the opposition as potential terrorists or unruly “insurgents” is unfounded and merely an attempt to undermine landowner and citizen opposition to the pipeline in rural communities. Table 8.8: Landowner Mobilization Cost/Risk Typology describes some of the different possible costs/risks associated with landowner participation in the KXL fight in Nebraska. Low risk/low cost activities like letters writing or signing petitions costs little time and energy, while traveling to hearing, events, projects or Washington D.C. are low risk but require time and resources.

| Cost/Risk | Low Risk | High Risk |
|-----------|---|--|
| Low Cost | Letter Writing Signing Petitions | Refuse to Sign Easement Offers |
| High Cost | Traveling to Hearings Bold Events Washington D.C. | Lawsuits; Eminent Domain Arrests in Washington Potential Physical Resistance |

Table 8.8: Landowner Mobilization Cost/Risk Typology

High risk, low cost acts of resistance such as refusing to sign TransCanada easement carries the possibility of eminent domain condemnation. More committed members of the opposition movement have decided to become plaintiffs in several lawsuits against Nebraska’s Governor and TransCanada or traveled to Washington D.C. to participate in civil disobedience and purposely get arrested in front of the White House. There are also

more intangible kinds of risks involved in protest participation. For instance, participating in rural mobilization, particularly in heavily conservative communities, carries the risk of community shaming and the possibility of being judged by family and friends. I think many landowners, at least at the beginning of the pipeline fight, didn't want to be viewed as a "radical" environmentalist or "kooks."

It is also important to note that Nebraskans attitudes about the pipeline have evolved over time. In fact, time itself has been a very important factor shaping the KXL debate in Nebraska. For example, in my conversation with Greg Awtry, editor of the York News-Times, he discussed the gradual shift in attitudes about the pipeline in York County and greater Nebraska:

We've run two local polls, totally unscientific, on our website. Early on it was 80/20 in favor and as time wore on it got to 60/40, and today it's probably, right in our backyard, it's probably a majority would probably be against it. As more information comes out about the pipeline, about the dangers of a pipeline like this, the numbers would be growing on the anti-pipeline side. But if you were to poll statewide, and there have been some of those done, I'm going to say the average is probably 60/40 in favor. And the side that's gaining is the opposition, and the side that is losing is the pro-side. And it's simply because people are becoming more educated and they find out more about the pipe and the risks, because the risks that the pipeline imposes were never discussed.

If more community members begin to sympathize with the grievances of landowners fighting the pipeline, the easier it might be for people to move beyond passive observation to active participation. For both sides of the KXL debate, time can potentially work for and against each camp's mobilization efforts. In my opinion, time has been a greater enemy to TransCanada than Bold Nebraska. For TransCanada, the longer it takes to get obtain a permit the more expensive the project becomes and greater the chance world events, such as the declining price of oil on the world market, can undermine the overall justification for building the project. The delay may also impact TransCanada's resource mobilization efforts, causing companies to divest from funding the project. On

the ground in rural Nebraska, the delay in approval has allowed citizens time to learn more facts and details about the project, which, as Greg Awtry notes, has shifted many Nebraskan citizens attitudes to an anti-pipeline position. But the longer the pipeline fight continues, the more resources and commitment are required to maintain a strong oppositional front in rural Nebraska. The danger for smaller SMOs like Bold is the possibility of movement burnout or participation attrition over time due to declining commitment. Maintaining protest takes time and energy, and unless you are a professional organizer, it is very difficult to fully commitment to a cause. Passion can quickly dissipate, and protracted fights are often tiring. But thus far, we have not seen significant attrition in the KXL opposition movement in Nebraska. Based on my research, the resistance movement has between 100-150 hard-core members. Many of these hard-core members are the landowners (around 90 people) who refused to sign TransCanada's easement offers, so they are heavily invested in the cause. Other Nebraskan citizens who sympathize with the opposition movement may revolve in and out of participation, joining in the fight when time and energy allow.

Bold's effort to recruit and motivate potential opposition members, the organization has effectively employed motivational frames (the third core framing task) and implemented a technologically savvy social networking campaign. Snow and Soule note that motivational framing, "...provides a "call to arms" or rationale for engaging in ameliorative collective action, including the construction of appropriate vocabularies of motive." (2010:137). The main slogan of the opposition movement: stand, defend, protect/land, water, home manifests perfectly this frame. Bold's slogan asks landowners and citizens to stand (participate), defend (fight for land and water), and protect (private

property and homes). It is a morally charged call to action, appealing to Nebraskans sense of personal obligation to defend the aquifer from potential contamination and private property from TransCanada's attempt to acquire land.

Finally, all social movements are built on social networks. In rural Nebraska, they include existent community social organizations, such as churches, social clubs, and the Farmers Union. In addition to these established networks, landowners impacted by the pipeline usually talked to family members and friends about the issue. In my interview with Lloyd and Vencille Hipke, a ranching family from Holt County, I asked if they talked about the pipeline with others in their community. Vencille said, "Yeah, any chance we get." I also asked if people were open to discussing the pipeline, and Lloyd suggested, "Some are and some aren't. Most of them are but every now and then you'll get one that's pretty quite about it." Others I interviewed reaffirmed the pervasiveness of communication about the pipeline in their communities, so it is likely most people living in counties located along the route have discussed the pipeline with friends or family at some point or another. In small, rural communities people are much more likely to know one another as compared to highly populated urban centers. If you ask anyone living in a small, rural town they can likely tell you their neighbor's names, how many kids they have, and what kind of crops they raise.

Bold also has been very proactive in educating the public about the pipeline issue through information sessions, NEAT meetings and their website. Virtual networks are very important for rural mobilization because people's residents can be very spread out. Technology and social networking applications (such as Facebook and Twitter) have changed the dynamics of mobilization, and people more connected than ever before.

Bolds website is a virtual community hub that has overcome the limitations of distance and space, unifying the anti-pipeline community. It not only provides general information about the pipeline and other political/cultural issues, it also archives the history of the movement through documents and pictures. TransCanada and their land agents were cognizant that landowner social networking can lead to collective resistance. This is why the pipeline company had landowners agree to a non-disclosure requirement in their easement agreements, a tactic designed to curtail communication.

Social Movement Organizational Structure and Mobilization Outcomes

The last two aspects of rural mobilization concern the organizational structure of Bold Nebraska and the pipeline opposition's desired mobilization outcome. Organizational structure refers to how social movement organizations emerge and establish themselves within existing organizational fields, while mobilization outcomes represent the desired goal(s) of a particular social movement or countermovement (Snow and Soule 2010). SMOs in the U.S. exist in many forms, ranging from small, loosely organized interest groups to large, bureaucratic organizations.

I have already situated the KXL debate in Nebraska within the analytic framework of the politics of contention. The clash between Bold activists/landowners, TransCanada and government agencies certainly qualifies as an episode of contention. But we should also ask if Bold Nebraska, as a small non-profit organization, can be classified as a "real" social movement. The definition of what qualifies as a social movement varies within the literature on collective behavior, but social movement scholars commonly identify criteria that define a social movement. A "classic" definition of social movements is offered by Mario Diani (1992) in his review of social movement literature: social

movements are “a network of interactions between a plurality of individuals, groups and/or organizations, engaged in a political or cultural conflict, on the basis of a shared collective identity”. This definition shares common elements with the politics of contention perspective, such as the focus on conflict and collective identity. Employing the analytic method set out by Snow and Soule, I will use their definition of a social movement to judge whether Bold is a social movement or not. According to Snow and Soule (2010), social movements: 1) challenge established systems of authority, 2) they are collective, 3) they operate outside existing institutional arrangements, 4) they are organized, 5) they operate with continuity. Bold Nebraska’s campaign has primarily targeted three established entities: TransCanada, government agencies and political actors. Snow and Soule include corporations as authoritative organizations, and in the case of KXL, TransCanada would be considered a powerful corporation that has the ability, through eminent domain, to take private property away from U.S. citizens. TransCanada is the main authority Bold is challenging. We must also consider government agencies and political actors as authoritative figures as well. The State Department and NDEQ have the power to choose the consulting firms (Cardno Entrix/ERM/HDR) who conducted the EIS reports, set the rules of debate (public hearings), and they will make the final decision on whether the pipeline is approved or not. As noted in the last chapter, many landowners harshly criticized and challenged the findings of the State Department and NDEQ reports. Political actors are powerful authority figures in terms of determining pipeline siting policy and working with pro-pipeline interest groups. Nebraskan landowners, through NEAT, sued the governor and lambasted state legislators who have attempted to legislate the permitting of the pipeline.

It is clear that Bold is challenging systems of authority on several fronts. As for the other qualifications, there is little doubt that Bold Nebraska's anti-pipeline campaign represents a collective endeavor, and that the organization essentially operates outside of existing institutional frameworks. Finally, Bold is well organized and has maintained a significant presence in Nebraska since 2010.

Bold Nebraska has all of the qualifications of a proper social movement, although the anti-KXL campaign in Nebraska goes beyond most community-based opposition campaigns against energy projects. Most cases of community resistance to energy projects are small-scale mobilizations that only focus on a site-specific project, and they rarely gain national media attention. The fact that KXL traverses twelve counties in Nebraska (it is not site-specific) puts the energy project in class of its own in terms of potentially unifying many at-risk communities against the project.

It is important to note that Bold Nebraska was not created to fight the pipeline and they did not initiate the fight to Nebraska. The opposition to KXL in Nebraska is truly a grassroots movement, not an astroturfed movement created by Jane Kleeb and Bold Nebraska. Concerned Nebraskan landowners living along the route initiated resistance to the pipeline, and Bold became involved in the growing opposition movement because Jane Kleeb was invited to attend public hearing meetings concerning the pipeline, and she was moved by what she heard from landowners. Initially, Bold was created to advance progressive causes in Nebraska, particularly health care reform and political change. In my interview with Jane, she went into some detail concerning the formation of Bold, and her comments illuminate the process of SMO transformation and creation:

So we started Bold right after health care got passed, so in early 2010. And I was the head of a group that was called Change That Works, and we had ten staff in the state trying to get health care reform passed. We were essentially trying to convince the one vote we

thought we could convince, which was Senator Nelson. When that ended, we knew that the program would end and we got a lot of our money from Change That Works, which is mostly SEIU (Service Employees International Union) union funded. And so I just kind of visited with folks that were either staff members or folks from the Democratic Party and with donors that were progressive and said you know we've got to do something. We had mobilized a bunch of Nebraskans and they were starting to come to hearings and rallies and all that kind of traditional grass roots organizing. I said we need to continue this. But it should be multi-issue and we should really be carving a niche for ourselves as the progressive, the independent, the moderate group. So I approached several donors and said let's do it, let's have a strong online element, let's be creative. And so that's why we started Bold. And the mission is really clear, it's to *change the political landscape of our state*, not to get more Democrats elected but really to say our politics should look more like Nebraska and to feel more like Nebraska, which I don't believe it does. So that the few, you know, hundred old-guard Republican Party candidates don't control our politics anymore. And that's what's happening right now.

As noted above, social movement organizations are formed to address grievances.

Jane's statement indicates Bold was initially formed to address a perceived lack of progressive and independent political representation in Nebraska politics, and the newly founded organization was tasked with the ambitious goal of changing the political landscape of the state. As an organization working to advance progressive causes in Nebraska, we can locate Bold Nebraska within the more liberal branch of the *social movement industry*. Social movement or social movement organizations that are, in general, aligned to achieving shared goals, such as the broad range of SMOs that have fought for particular civil/equal rights since the early 1960's. While many large-scale SMOs operate at the national level, Bold is a relatively small SMO focusing on issues relevant to Nebraska citizens. Because Bold's mobilization campaign is in large part driven by environmental concerns for land and water, we can locate the organization within, and against, the greater environmental movement industry. Bold has worked with established environmental organizations, like 350.org. But unlike the national conglomeration of organizations in the greater environmental movement network, including groups like the Sierra Club and World Wildlife Federation, Bold Nebraska's organizational structure is locally based and not that extensive, and therefore not

bureaucratic in form. Bold is small enough to democratically decide what issues the organization should address, letting the base of farmers, ranchers, and activists collectively decide which path the SMO should take.

Organizational competition is another important issue, as social movement organizations must compete with other SMOs seeking out limited resources. There are only two groups in Nebraska fighting the pipeline: Bold and the Cowboy Indian Alliance. Bold and the CIA are very closely affiliated and several landowners participate in both groups, so these organizations do not compete for resources or constituents. As for pipeline support, there are a host of interest groups and organizations pushing for the approval of KXL (i.e. American Petroleum Institute; American Legislative Exchange Council; Americans for Prosperity; Platte Institute; Consumer Energy Alliance), but only one Nebraska-based organization was specifically created to compete with Bold on the pipeline issue. As mentioned in chapter four, Nebraskans for Jobs and Energy Independence (NJEI) is a front organization created by LIUNA and several oil and gas interest groups in order to promote the pipeline in Nebraska. NJEI is not an SMO, but they are a part of the countermovement campaign initiated by TransCanada to thwart Bold Nebraska's mobilization campaign. NJEI is mostly a façade designed to create the appearance of a KXL supporter front in Nebraska, and they have not seriously attempted to mobilize Nebraskans. On the organization's website there is a wealth of material supporting the pipeline, and they review all of the pro-pipeline frames and talking points mentioned in chapter six, but nowhere on the site does NJEI call for action or ask Nebraska citizens to engage in even the simplest forms of participation, such as writing

letters of support to the State Department. Essentially, NJEI is competing with Bold over public opinion about the pipeline in Nebraska, not resources or constituents.

Finally, we must consider the *organization trajectory* and potential *outcomes* of Bold Nebraska's mobilization campaign. Organizational trajectory refers to the possible future directions Bold can take after the KXL fight, and outcomes refers to the possible outcomes (particularly the desired outcome) of the anti-KXL campaign in Nebraska. There are three possible organizational trajectories for Bold after the KXL issue is resolved: Bold could gain strength and grow, it could lose strength and eventually fade away due to a lack of resources, or it could simply evolve and change into another organization at some future date. Although there is no social movement research that has followed the organizational trajectories of the many community opposition campaigns against energy projects in the U.S. We can safely expect community level opposition quickly disappears after a project is approved or rejected. Once the goals of an SMO are achieved, there is little reason to continue the fight. However, this de-mobilization will likely not occur with Bold because KXL is only one of several issues Bold is focused on. Jane's quote from above illustrates how she is adaptable and willing to seek out citizen support and funding opportunities for creating new organizations out of previous organization experiences. Based on my conversations with Jane and other Bold activists, I suspect after the pipeline debate is over Bold will revert to its original mission goal of changing the political landscape of Nebraska.

Among Bold's desired mobilization outcomes, we have to separate the KXL issue from the broader goals of the organization. Although Bold was created to address several political/cultural issues, such as health care reform, stopping the pipeline quickly became

the primary mission of the organization in 2010. Obviously, Bold wants to stop the pipeline from crossing Nebraska, and this would be the desired outcome for the anti-KXL campaign. If the pipeline permit is rejected, stopped in Nebraskan courts, or TransCanada eventually decides to abandon the project, Bold would celebrate the victory and likely move on to other issues. If the pipeline permit is approved, several landowners and activists I interviewed suggested they would continue to fight to protect their land with acts of civil disobedience if necessary

Chapter Eight

In Their Own Words: Interview Data Analysis

Testimonies offered by KXL supporters and opponents at the four public comment hearings in Nebraska were very useful for determining the narratives used to frame the pipeline debate in Nebraska. The biggest drawback of utilizing public hearing transcripts as a data source is the researcher has little control over the content of the testimonies. To compliment my testimony framing analysis, and dig deeper into the mobilization process in rural Nebraska, I conducted several interviews with ranchers, farmers, Bold Nebraska staff members, and others close to the KXL debate. In-depth interviews allowed me to directly address my research questions and let those affected by the pipeline express their thoughts and opinions on KXL, TransCanada, and the opposition campaign in Nebraska. When granted permission, I used the real names of my respondents when quoting. For those who asked to remain anonymous, I use the most appropriate designation to identify them, such as rancher, farmer, landowner, respondent, or Bold Nebraska staffer.

The majority of my interview questions fall into four thematic categories directly related to mobilization efforts in Nebraska, including *TransCanada's reception in Nebraska, the causes of landowner resistance to the pipeline, Bold Nebraska's main goals and objectives, and mobilizing Nebraskan landowners*. Some of my interview questions, including follow-up questions, were specific to the individual being interviewed, and therefore do not fit neatly within any of the four thematic categories. These special questions will be incorporated into my analysis when relevant to the discussion. Because this chapter focuses heavily on interview data, quotes, some of them lengthy, are used throughout. As with my previous testimony framing analysis, I begin my interview

analysis with a discussion the initial claims-maker in the KXL Debate, TransCanada, and the reception of the company's PR campaign in Nebraska.

TransCanada's Reception in Nebraska

When TransCanada initially applied for a Presidential permit to build KXL in 2008, the company did not launch a massive PR campaign designed to sell the project to the American public. The company likely wanted the permit to be quietly approved, behind closed doors, without much media attention and little public debate. TransCanada could not have known KXL was destined to become a symbol for “dirty” oil and used by environmental groups to justify calls for shifting away from fossil fuels and begin developing renewable energy sources. The company certainly did not anticipate Bold Nebraska and the Nebraska Easement Action Team would successfully organize landowners to protect the aquifer and private property rights. In response to growing criticism from Nebraskan landowners, citizens, and environmental groups in early 2010, TransCanada launched a vigorous PR campaign in Nebraska in an attempt to control the public narrative about the pipeline, and win public support. Over the course of the long debate, the company adapted their advertising campaign depending upon public perception and political decisions. For example, the company pulled back on their aggressive PR strategy in Nebraska when the President rejected the initial building permit.

It is important to note that TransCanada did not try to create a counter-mobilization campaign in Nebraska. While the pro-pipeline organization Nebraskans for Jobs and Energy Independence was formed through a partnership between the Laborers International Union of North America (LIUNA) and a handful of oil interest

organizations (called the blue-black alliance), TransCanada did not create formal organizations to mobilize people in support of the pipeline. Nebraskan citizen and landowner exposure to TransCanada was mainly through the company's marketing campaign (television, billboards, radio, newspaper), on-property meetings with company land agents, and encounters with company representatives or lawyers in attendance at public and legal hearings.

In my interviews, I asked people about TransCanada's general PR campaign in Nebraska and the company's "on the ground" relationship with landowners. The first issue I asked my respondents to discuss was TransCanada's general PR campaign strategy in Nebraska. I wanted to know how the project was being marketed and if they thought the PR effort had been effective. I asked Greg Awtry (then editor of the York News-Times) what he thought about the pipeline company's PR campaign, and he stated that, "...it's been jobs, friendly oil, and taxes. That's been their message all along. Obviously they can spend their dollars on promoting that positive message, and the risks that the pipeline presents is left to the people to discover on their own." Here we see how Greg's interpretation of TransCanada's PR campaign - which focused on job creation, being a friendly neighbor, and tax revenue - closely mirror the main framing themes used by pro-pipeline testimonies at the public hearings. Greg also recognizes the benefit/risk dynamic at play in KXL debate, suggesting TransCanada's PR strategy was designed to maximize the benefits of the pipeline and diminish, downplay, or simply remain silent about the potential risks associated with the project. A staff member of Bold Nebraska reinforced Greg's statement about job creation, and added energy independence and safety claims to the list of selling points used in TransCanada's marketing campaign:

We need jobs. We need energy independence, gas prices are too high and we're going to fix that problem. Jobs and gas prices and saying that this is the safest pipeline ever built. They have the technology to keep it from ever being a problem, you know, just a lot of bragging, really opportunistic advertising and taking advantage of things that are hard for people in their everyday lives, like maybe people are unemployed, maybe gas prices are high and it's eating into people's budgets. I think they are taking the things that are uncomfortable and using them to their advantage.

The comments above recall the prognostic frames used in KXL supporter testimonies to suggest the pipeline will remedy or provide relief for economic difficulties, such as high gas prices or families hit hard by the 2008 economic downturn. The respondent also mentions assurances made by TransCanada that they will build KXL with state-of-the-art technology and safely operate the pipeline once it's completed, which are also major talking points mentioned in KXL supporter public hearing testimonies.

To gauge the strength, or success, of TransCanada's advertising campaign, I asked my respondents to describe how aggressive they thought the company was in trying to sell the pipeline to citizens and political representatives in Nebraska. Ben Gotschall, Bold Nebraska's Energy Director, told me TransCanada pushed hard to influence local officials:

Very aggressive, stubbornly aggressive, aggressively stubborn...They mostly tried to infiltrate the County Board meetings, they got a lot of the elected officials on a mailing list, an email list where they sent out their information updates that they wanted them to hear weekly. And so they were very aggressive in getting the word out to the decision-makers of the communities and flashing their money around to try and buy influence.

One of the primary objectives of TransCanada for obtaining approval for KXL was to quickly and quietly secure the support of local political and business community leaders before approaching landowners with easement contracts or trying to sell the pipeline to Nebraskan citizens. After TransCanada met and conversed with local power holders, the company began to ramp up their marketing campaign to win the hearts and minds of Nebraskan citizens. Another respondent I spoke with suggested the company was very aggressive in their advertising campaign in Nebraska, noting how the company's PR strategy changed over time in response to public debate over the project:

I can't imagine them being any more aggressive. From buying space on the Husker Vision screen at Nebraska football games, which the University decided to take down, to statewide full-page newspaper buys. I can't imagine early on how they could've possibly been more aggressive. They maintained a booth at the Nebraska State Fair handing out literature to thousands of people. And then they kind of wound down some in my view until the President denied their permit, and I think it's taken a different course since then to become a little less in-your-face, a little more friendly approach, talking more about being good neighbors and good stewards of the land. And a little more realistic on jobs, but it's hard to imagine them being more aggressive. And I'm talking about marketing.

The above quotes show how TransCanada's campaign to sell the pipeline operated on two levels. There was the public face of the PR campaign that focused on portraying the company as a friendly neighbor from the north bringing good jobs and tax revenue, a trustworthy company experienced at building safe, reliable energy transportation systems. And then there was the political influence campaign, aided by oil and gas industry advocacy organizations, which operated out of public view and attempted to sway local and state political actors in favor of the project through financial contributions. For example, in 2010 Governor Heineman and Attorney General Jon Bruning both received \$2,500 contributions from TransCanada for their re-election campaigns (Shepard 2010). After citizens became aware of the contributions, both politicians returned the money. Nebraskan legislators also gave TransCanada exceptional treatment via LB4 and LB 1161, and business leaders from local Chamber of Commerce came out favor of the pipeline, receiving wide support among the state's leading Republican representatives.

We can safely say TransCanada's political influence campaign in Nebraska was very effective. The success of TransCanada's public relations campaign in Nebraska is another matter, and my respondents offered differing opinions concerning the effectiveness of the company's attempt to shape public perceptions of the pipeline. Jane Kleeb, for instance, suggested that in general the company's PR campaign failed to sell the project to the public, although she recognized why at first glance the pipeline might appeal to some:

I think for a portion of Americans who, and Nebraskans, who are rightfully busy in their daily lives and are looking at that one ad, I think conventional wisdom would be, oh yeah, you should support that. But for anybody who goes beyond that one ad, their argument quickly crumbles, and obviously the longer this fight has gone on I think that more and more folks realize, you know, what this pipeline is really about is to get their stuff on the export market.

As to be expected of any smart business, TransCanada's advertisements only promoted the benefits of the project while remaining silent about the risks. In addition to promoting the benefits of the pipeline, TransCanada's PR campaign was also attempted to create a positive image of the company: a friendly neighbor, a cultural twin from the north, we are a lot like you! As Greg Awtry suggested above, citizens were left alone to look past TransCanada's positive marketing campaign and investigate the risks associated with the project. Bold Nebraska stepped in to fill the absence of critical analysis of the KXL project and worked hard to educate the public about potential risks associated with the pipeline. As time passed and Nebraskans learned more about the project and reports of land agents bullying landowners began to surface, the arguments used in TransCanada's "good neighbor" marketing campaign became less effective. After several landowners were mistreated, lied to, and bullied by TransCanada's land agents, the notion that the company is a good neighbor was hard to accept. Greg Awtry, who is not opposed to fossil fuel development or building bitumen pipelines, thought TransCanada's marketing efforts did quit well in the state:

...I think they've been very successful... You can go back to the very inception of this entire thing, and the only reason it landed on the President's desk in the first place is that that it crosses an international border, or our border with Canada, but the President doesn't have to decide if it's good or bad, he just has to decide if it's in the nation's best interest... And that's the question, is it in the nation's best interest? You know, I don't know how you can prove it but TransCanada has spent untold millions trying to prove that it is. And to say if they've been successful, I think they have been. I don't think they've been very truthful, but you know what, read the fine print on all the advertising.

This "buyer beware" approach to selling KXL, which left a lot of unanswered questions for landowners and concerned citizens, created mistrust and suspicion between

TransCanada and people living along the route. Many landowners simply did not trust that TransCanada could be an honest broker. In response to a question about whether TransCanada can be trusted to operate the pipeline safely, a farmer from Nance County who's land the pipeline crosses told me, "it's kind of like the fox guarding the henhouse. They are just very conniving, just very untrustworthy." After the company began threatening easement holdouts with eminent domain proceedings, compounded by the ethically questionable tactics used by TransCanada's land agents, any hope of establishing an amiable relationship with landowners faded.

When I asked my interviewees about TransCanada's relationship with landowners, tension between the two groups was clearly evident in their responses. One of the major factors shaping landowners' perceptions (and reception) of TransCanada in Nebraska were interactions with land agents, and several respondents cited perceived abuse by land agents as the primary cause of negative opinions of the pipeline company. For example, when I asked Jane Kleeb to describe the relationship between TransCanada and landowners, she suggested the demeaning treatment of landowners by land agents upset many Nebraskans living along the route:

Hostile. And by TransCanada's doing, not landowners. You know, TransCanada went in, they sent in these land agents who were arrogant and I think they used their traditional playbook of here's your offer, if you don't like it, we'll just take you to court. And that really rubbed landowners the wrong way, and I'm sure it rubbed landowners the wrong way in other parts of the country too. It's just here they [landowners] knew that there was this organized opposition that they could also be part of, so they were not alone.

Although concern for the Ogallala Aquifer is the primary driver of the KXL opposition movement in Nebraska, TransCanada's threats of eminent domain and the dubious methods employed by land agents also worked to reinforce landowners' rationale for opposing the project. Several respondents suggested TransCanada treated people like

a “good neighbor” if they accepted the company’s easement offers, but the outcome was much different for those landowners who resisted land agent demands. A Bold Nebraska staff member described the transformation of TransCanada’s attitude and treatment of landowners when they resisted signing easement contracts:

Well, they’re real nice until you do something they don’t want. Everything’s fine and they’re your best friend until you start to question, until you start to demand your rights to be respected, until you start to make it seem like they’re not going to get what they want from you. Then their attitude changes. Then they become threatening, then they almost become bullies and they’re not afraid to exert their power and influence over you to obtain their objective. So they are in a lot of ways dishonest, and that doesn’t fly here. You know, people value honesty.

As the quote suggests, people living in rural Nebraskan communities value honesty and fairness, which are cultural values commonly found in small, rural towns across the Midwest. These values of friendliness and common respect are practiced in everyday life. For example, driving down rural back roads, people acknowledge each other with a wave of their hand or raised finger off the steering wheel. Being nice, for the most part, appears to be engrained in the cultural DNA of rural Nebraskan communities. It is evident from the quote above that TransCanada’s attempt to portray the company a good neighbor was a marketing strategy designed to exploit the good nature of people living along route. Community trust and openness were tested by TransCanada’s aggressive treatment of landowners, and created an air of suspicion. Zach Hamilton, a member of the Nebraska Farmers Union, echoed claims made in the above quote, noting suspicious activity in rural communities in his description of TransCanada’s relationship with landowners:

From what I’ve hear they are the nicest people to talk to until you tell them no. But once you tell them no, the gloves come off and there’s threats, there’s misinformation being given out. There’s been talk heard from out in the Sandhills of cars hanging out on county roads, watching landowners. And to me, being someone from a rural area, that’s intimidating in itself. You see a car that you don’t know and it’s hanging out, regardless if they are actually up to no good or not, that’s intimidation, that’s an intimidating entity that you don’t know who they are. Because you get to know your neighbors and you know the cars that are in the area and you see one just hanging out...But in the Sandhills, the landowners up there tend to get much more hard-nosed about things up there than

along the rest of the route. I'm pretty sure they [TransCanada] don't believe landowners talk to each other because I think that is what they ran into when they put in Keystone One, is that the landowners really didn't talk to each other.

In light of the aggressive methods employed by TransCanada's land agents to get landowners to sign easements, it is possible that the company attempted to intimidate resistant landowners by having employees essentially loiter around farms and ranches. TransCanada's bullying and intimidating tactics did not work, and rather than pushing people to sign easements out of fear, it actually brought landowners together. Zack's comments indicate he believes TransCanada greatly underestimated landowners ability to communicate and cooperate with one another, both of which are necessary for organizing a solid opposition campaign. During my focus group with members of the Cowboy Indian Alliance in Atkinson, which is located in the northern part of the Sandhills, several people confirmed strange activity on and around their property, such as marker stakes appearing on their property without notice and out-of-state vehicles showing up on rural back roads at odd hours. A rancher from Stuart, Nebraska mention how surveyors, "would come at times when people weren't around and all of a sudden you would see a little flag on your land you would kind of know that they had been there." These examples of shady behavior on the part of TransCanada and land agents, like trespassing on private property, damaged the pipeline company's public image and undermined any good faith that might have been established with landowners. The mistreatment of landowners, and the mistrust it engendered, is a good segue for introducing the next set of questions that focus on the primary causes of landowner resistance to KXL.

The Causes of Landowner Resistance to KXL

After finishing a hearty evening dinner of meatloaf, mashed potatoes and peas at their family ranch, I asked Lloyd and Vincille Hypke (a family from northern Nebraska who's land the pipeline crosses) why they thought so many Nebraskan landowners were against the pipeline project. For the Hypke's, the aquifer was front and center as the primary cause of resistance in Nebraska. "I would say the aquifer is the biggest controversy because it is a natural resource that you don't want to lose or jeopardize, you know, we've got to protect it," Vincille said. Lloyd added, "Yeah, it started with the water, the contamination of the water, and then from there people just started learning more about just how bad it was going to be, I think. And, you know, enough people got concerned." Besides landowner concern about the Sandhills and the aquifer, many of my respondents provided other reasons for landowner opposition to the pipeline. A farmer I interviewed pointed to the initial involvement of a handful of Nebraska landowners who began asking questions about the pipeline and got the mobilization ball rolling:

I think number one, you had a few people early on who came out, got knowledge, and started the, the Randy Thompson's, the Boetcher family and Susan Lubbe, people like that, that stood up and said this isn't right, you know, we want answers. And then from there I just think we got organized. I think every state has some kind of resistance but they never got organized. Here they got organized and thus the fight started.

Here we see how a general wariness about the pipeline among landowners, and a host of unanswered questions, encouraged Nebraskan citizens to dig deeper into energy project proposal and investigate the possible risks associated with the project. Early in the KXL fight, Randy Thompson (see Figure 9.1: Bold Nebraska "I Stand With Randy" Sign) became the iconic figure of the opposition movement, symbolizing landowner resistance in Nebraska, particularly in terms of fighting TransCanada's threats of eminent domain. He was also one of three plaintiffs in the lawsuit brought by the Nebraska

Easement Action Team against Governor Heinemann over LB1161, which granted eminent domain authority to TransCanada in the case of KXL. I think Bold cleverly decided to use Randy Thompson as the public face of the movement early in the KXL fight because he is a Nebraskan native, a rancher, and politically conservative. If Jane Kleeb had been the public face of the movement early on, Bold Nebraska might have been perceived as just another radical environmental organization, which in turn could have negatively affected potential recruitment of more conservative landowners into the opposition movement. In fact, conservative values associated with the protection of private property and the eminent domain issue brought in many conservative landowners into the movement.



Figure 9.1: Bold Nebraska “I Stand With Randy” Sign. *Source: Bold Nebraska*

Alongside concern for the aquifer and Sandhills, protecting private property was a primary cause of landowner resistance to the pipeline. Eminent domain is a sticky issue for rural landowners, particularly for politically conservative folks who frown upon

government intervention into people's private affairs. Although it is important to differentiate between landowner perceptions of public goods energy projects versus the KXL project, as Jane Kleebe pointed out: "They [landowners] realize the importance of it, especially for transmission lines. Rural electricity was obviously a big deal for small family farms and ranches, but that a foreign corporation can use eminent domain on an American landowner for a private project? That doesn't make any sense to them. That is a clear injustice and one of the things that holds everyone together." In my interview with Chelsea Johnson, a Bold Nebraska staff member, she asserted that the eminent domain issue helped broaden the opposition movement and shield Bold from being characterized as a "crazy" environmentalist organization:

The whole eminent domain thing has kind of tied us to a lot more conservative people, which has led to much of the success of Bold actually. Because otherwise I think people would just kind of paint us this kind of crazy environmentalist organization, which some people try and do anyway, but it just doesn't work because we have so many conservatives.

Chelsea went on to say that because Nebraska, unlike South Dakota, Oklahoma and Texas, does not have significant oil and gas exploration projects operating in the state, running a large pipeline through the pristine Sandhills region and over the aquifer seemed out of place for many Nebraska citizens: "...we are the only ones who are really standing up to TransCanada, and everyone else saw it as just another pipeline. So I think that the aquifer was a catalyst in Nebraska that wasn't in the other states. In Texas they have pipelines all over the place and they were probably like, whatever." Chelsea's comments directly relate to the idea that regions and communities with *similar industries* (one of the causal mechanisms shaping at-risk community reactions to energy project proposals) are less likely to oppose energy projects similar to the existing industries in a state or region, such as fracking projects in Oklahoma or large-scale petroleum refineries along the Texas

coast. There was some resistance to KXL in Texas and South Dakota, but a significant number of the opposition in Texas came from out-of-state and the opposition movement in South Dakota, headed by the organization Dakota Rural Action, was not as successful as Bold Nebraska in organizing a strong base of landowner resistance. When I asked Ben Gotschall about the causes of landowner resistance, he indicated that Nebraska farm and ranch culture maintains a particular ethical position in relation to the natural environment and future generations (broadly defined as stewardship) that is simply lacking in the short-term economic thinking often found in KXL supporter arguments for the pipeline:

Well I think they [landowners] have a different land ethic. They believe the land is theirs to take care of, that they have a responsibility to the land and to the future people who will live there or use that land and they just aren't prepared to trade the well-being of that land and those people for short-term economic gain. I think it has a lot to do with people's philosophy about relationships, relationships to other people, relationships with the land, to their own identity, to their future, their children, for people of the future. If you are willing to sacrifice things in a relationship for short-term gain it really affects the way you live your life.

Here we see how the ethical notion of stewardship of land and conserving the aquifer and Sandhills for future generations became one of the primary drivers of farmer and rancher resistance to KXL. It is interesting to note that for some landowners and citizens, joining the KXL fight has created a greater sense of community solidarity in rural areas where collective identity, or connection to community, has slowly eroded over time due to urban migration and the introduction of large-scale industrial agriculture. One of my respondents, for instance, suggested that Bold Nebraska had become a surrogate community for some landowners who felt disconnected from their actual communities:

A lot of landowners in Nebraska just view the pipeline itself as an assault on their livelihoods and on their quality of life. I really do feel like they are under attack and that's not a good way to live. People have a lot of anxiety about it because they don't feel like they are being told the truth and when you feel like you aren't being told the truth you feel powerless and it is very hard to have a piece of mind about your situation. And so I think a lot of people have turned to Bold and other organizations as a way to feel part some community because they feel like maybe they're not a part of their actual community any longer.

I close this section by addressing two issues relevant to explaining why Nebraskan landowners have mobilized against the pipeline: the influence of state political actors in the KXL debate and the NDEQ's perceived mishandling of the reroute review. Out of the 22 questions in my interview guide, these particular questions generated the lengthiest responses. All of the interviewees indicated they felt betrayed and ignored by their political representatives and the NDEQ, and each one had choice words for expressing their frustration at political leaders and the NDEQ's handling of the reroute evaluation.

Because the involvement or intervention of government agencies and political agents are one of the three necessary components for contentious politics and episodes of contention, I wanted to know what role my respondents thought state politics played in shaping the KXL debate in Nebraska. I did not, however, ask about federal politics, such as the President or State Department's role in the review process, because I wanted to my respondents to focus on how the KXL debate has unfolded in Nebraska. I also assumed, perhaps wrongly, that Nebraskans know more about local and state political actors involvement in the KXL debate than the more distant political machinations that occurred in Washington D.C.

The question I posed about state politics was straightforward: In what ways do you think state politics has shaped the KXL debate? Most respondents displayed a keen knowledge of their state representative's involvement in the KXL issue. The Hypke family, ranchers from Holt County, suggested Nebraska political leaders were essentially bribed by the oil and gas industry to tailor pipeline laws and regulations for the benefit of TransCanada. Lloyd Hypke told me, "Well, I think they've bought them off. Because every time they'll change a law for TransCanada. And we don't have protection, they let

them back-out of paying into that cleanup fund [oil-spill liability trust fund] because of their claim of what the product is.” In response to Lloyd’s comments, Vincille Hypke added:

They go back and forth. They’ll say its crude oil to get out of being a common carrier and then the next time they will say it’s a patented thing so it has to be treated differently. They use it for their convenience. But what product they are putting down [the pipeline] is tar sands, diluted bitumen. So the state legislature passed that LB 1161 for their benefit. And sure, we needed a law for pipelines, but to me they wrote it just for them.

The notion that TransCanada received special treatment by political leaders was a common complaint from my respondents. Landowners I spoke with believed that their political leaders in Lincoln would do anything to insure the pipeline was approved, even if it still crossed the aquifer and sandy, porous soil. Jim Tarnick told me, “I guess they’ve shaped it to this point where it’s landowner versus big oil. They pretty much picked their side with big oil and left us hanging...It really showed what the interests are of our state politicians.” The fact that TransCanada, and the oil and gas industry in general, had vast amounts of money to spend on political influence and advertising in Nebraska was also mentioned in my interviews. One of my respondents complained that the disconnect between citizens and political representatives created by lobbying and political influence undermines the democratic process and leaves people feeling cynical about the political process:

Well, I think a lot of our lawmakers have been utilized by the oil companies to do their bidding. I think in our legislature especially we have a lot of leaders, so called leaders, who are just doing whatever these industries want them to do. And at the same time I think we have a lot of citizens who are so jaded by this whole process, they just don’t have any faith in the system at all, so it’s really crippling to democracy because people have this cynicism to the point that they just don’t even want to participate. So they don’t even see the point of writing a letter to their local legislator because in their opinion that guy is just bought-off already and it’s not going to do any good, so you know, there’s that.

When people feel powerless and ignored by their elected officials, a political vacuum is created that can be filled of by progressive organizations like Bold Nebraska, or reactionary political forces like the Tea Party. This is why some Nebraskans feel that Bold and the greater KXL opposition movement have created a sense of community and solidarity in the absence of effective institutionalized political leadership. Unlike the majority of Nebraskan political leaders, Bold Nebraska has listened to the concerns of rural landowner and stood up with Nebraskan citizens against the clout of TransCanada and out-of-touch political leaders.

The typically supportive conservative position favoring oil and gas exploration likely dictated some Nebraskan politicians reaction to the pipeline, even though this position was at odds with their constituency. Perhaps Nebraskan political leaders assumed, like TransCanada, that because there was no organized resistance to Keystone One that rural communities would welcome KXL. In relation to political influence, there is a *quid pro quo* relationship at play here, as TransCanada and the oil and gas industry has ample monetary resources to influence legislation through political contributions. Following the money, we can assume the \$2,500 TransCanada gifted to Governor Heineman and Attorney General Bruning (before they were pressured to returned the donations) had strings attached. Other political leaders in Nebraska were more hesitant and cautious about claiming out-right support for the project. According to Jane Kleeb, only a handful of Nebraskan political leaders were attuned to landowner concerns about risks associated with the pipeline. Jane talked at length about the difficulty, and successes, of trying to alert Nebraskan politicians about landowner concerns:

Yeah, so at first politicians didn't want to touch it, even the progressive Democrats. The three Senators - I never really thought of this before, but it's telling of the movement as well - the three state Senators that were responsive, was Annette Dubois, who is a

moderate to conservative Democrat, Senator Harr, who is a progressive liberal Democrat and Tony Fulton, who's a conservative Republican. So we actually had all three Nebraskan political profiles represented in the three that cared enough to listen to us. But it was an uphill battle at all of the initial hearings. Senator Dubois and Senator Sullivan did the first interim study on what this pipeline was and how it would affect the aquifer. People were like, this is fine, it's not going to hurt anything... Senator Nelson and representative Fortenberry, again Senator Nelson being a moderate Democrat and Fortenberry I think being a moderate Republican, both listened very intensely to concerns from farmers and ranchers. The other members didn't.

Here Jane makes an interesting point about how landowner concerns, ranging from protecting the environment to protecting private property rights, reflect issues important across the political spectrum. The attention paid to landowners, at least initially, by a conservative Democrat, a liberal Democrat and a conservative Republican is indicative of the broad political base represented in the opposition movement. It is difficult to determine how sincere politicians were about addressing landowner concerns, considering many of them changed their position on the pipeline once the NDEQ reroute was approved. Again, when political leaders feign concern about, or simply ignore, legitimate complaints from their constituency, those citizens may feel disenfranchised by institutionalized politics and become prime candidates for recruitment into politically active SMO's like Bold Nebraska.

Some of my respondents expressed sympathy for their political leaders because they understood that due to widespread misinformation about the pipeline and the state's overwhelming conservative political base, representatives were placed in a difficult position on the pipeline issue. Ben Gotschall told me, "I think its put elected officials in a tough spot because they're just like everybody else, they've been misled, they've had to deal with the onslaught of misinformation just like the rest of us... So it's tough for them, I don't envy their position for that, but at the same time they're the ones with the responsibility." Another respondent reinforced this somewhat sympathetic position in

relation to how Nebraska politicians have had to adhere to core conservative values and listen to fears and concerns of a vocal bloc of their constituency at the same time:

...I think it's a big political game with a lot of them right now. Where am I going to take the least amount of pressure, where is the least amount of damage? Because right now I have to admit, they are in a hard position and they're going to get hammered whether they're for or against the pipeline. Because they're going to get hammered by, well, you don't want to promote jobs or you don't want to promote terror-free oil. But if they're against the pipeline, they're going to be concerned about the aquifer and landowner rights.

It is clear landowners felt upset and betrayed by the lack of concern offered by their political representatives over risks posed by the pipeline, but the most scorn expressed by my respondents was directed at the Nebraska Department of Environmental Quality.

When the Nebraska legislature passed LB1161 in 2012, the power to evaluate and approve the pipeline route was taken out of the hands of the Public Service Commission (PSC) and given over to Governor Heineman and NDEQ. The details of how the NDEQ was chosen to conduct the reroute evaluation, thus circumventing the need for PSC approval, is complicated and involved several laws passed in the Nebraska legislature in 2011 and 2012. The people I interviewed expressed anger and resentment at the handling of the pipeline reroute in Nebraska. Recall that frustration with the NDEQ (due to conflicts of interest with the firm hired to write the evaluation report) was one of the main anti-pipeline frames discussed in chapter seven. By revisiting this issue, I want my respondents to go into more detail concerning the role of the NDEQ and HDR in the reroute evaluation process and how it might have motivated opposition to the pipeline.

Landowner disapproval of the NDEQ/HDR evaluation was intense. It quickly became obvious after talking to my respondents that the NDEQ wasn't popular among farmers and ranchers long before the KXL pipeline issue arrived on the scene in Nebraska. Much of the criticism of the Nebraska Department of Environmental Quality suggested the

department was inept at performing its assigned duties. Jim Tarnick, for example, did not mince words when I asked about the NDEQ's handling of the reroute evaluation, and he highlighted past failures of the department to address serious environmental concerns in his community:

It was a sham. And to tell you the truth, my honest opinion of that NDEQ, they are a waste of public funds. In my opinion they are a waste of breath, they do nothing. I mean we've had, our co-op had a 20,000 gallon leak in their tank. One of their pressure fittings blew out and the tank went out and they had to clean it up. And to my knowledge the DEQ has not even checked that out. And that was a 20,000 gallon leak of fertilizer.

A rancher from Holt County reiterated Mr. Tarnick's disapproval of the department, saying, "The DEQ was terrible. I mean it was ridiculous. I mean, they hired that company to do the report and they work for TransCanada. So no, the NDEQ was terrible. We talked to them a couple of times and it was just a joke." The claim that the NDEQ's decision to hire HDR (a private consulting firm that serves the oil and gas industry and has worked with TransCanada in the past) represented a direct conflict of interest was the biggest complaint mentioned by my respondents. Zack Hamilton, a staff worker for Bold Nebraska, suggested the NDEQ, and subsequently HDR, should never have been given the job of evaluating the pipeline. When I asked Zack if he thought the reroute evaluation was fair and impartial, he suggested the NDEQ and HDR were essentially unprepared and overwhelmed by the level of citizen opposition to the pipeline:

I believe HDR was not the best contractor to hire due to their petroleum industry history. They advocate very strongly for petroleum companies and they specialize in streamlining regulations to help petroleum companies operations to be put in the ground. They had worked with TransCanada in the past... Just judging from some of the facial expressions of HDR staff at the hearing, I think their eyes were being open to a lot of things that they may have not necessarily been exposed to yet. Like the way that landowners have been treated, like how landowners are actually feeling about this project. I think all of that is greatly downplayed by TransCanada and more than likely HDR. I think that DEQ was saddled with the project and they should never have been saddled with the project to begin with. They weren't equipped for it and that's why we had to contract it out anyway. They are there to protect air and water but they are not specialized in economic and pipeline siting issues, it's just not their specialty. I don't know why it makes sense to put the pipeline route in the hands of an agency that does not specialize in routing pipeline.

Zack's frustration with the state's decision to have the NDEQ conduct the reroute evaluation, rather than the PSC, is not without basis if we consider the official duties of each department. In terms of assigned departmental responsibilities, the PSC's job is to regulate "telecommunications carriers, natural gas jurisdictional utilities, *major oil pipelines*, railroad safety, household goods movers and passenger carriers, grain warehouses and dealers, construction of manufactured and modular homes and recreational vehicles, high voltage electric transmission lines, and private water company rates" (NPSC 2015), while the NDEQ's primary responsibility is "the protection of Nebraska's air, land and water resources" (NDEQ 2015). Since one of the primary duties of the PSC is regulating major oil pipelines like KXL, the decision to give the job to the NDEQ didn't make sense to many landowners and activists. The end result was that the Nebraska legislature did everything within their power to expedite the approval of KXL and avoid comprehensive review of the pipeline reroute against the will of many Nebraskan citizens directly affected by the pipeline.

Others I spoke with pointed to inherent problems within the federal and state review process. For example, a farmer I talked to mentioned that he knew, "...it is a common practice of departments in our government to hire out such things, but I would think that this thing is so important that maybe it shouldn't have been hired out. They used two firms with direct ties not only to the oil industry, but direct ties TransCanada. So obviously, what kind of review are you going to get?" When I sat down with Jane Kleebs she zeroed in on the heart of the problem with hiring out, or the privatization, of environmental reviews, suggesting that the way the review process is currently designed

undermines the purpose of impartial, objective analysis and essentially guarantees project approval despite potential environmental, social or cultural harm:

No, it was not objective. And it's the same thing with the State Department. You almost don't blame the staff at the DEQ or the State Department because it's the process that was given to them. It's this concept that the company that wants the project gets to choose the contractor. Which is crazy. And then all of these companies have gotten into the business of reviewing these projects which all have ties to the oil and gas industry. And so of course they are going to give good reviews so that they can get contracts again. I mean it's mindboggling and that's been accepted and that's never been questioned because it's been the status quo. So when you really think about it, there has never really been a pipeline that has been denied. There's a reason, not because they are safe, right. BP had to get reviewed, that got approved, and clearly we all know how that ended. And the Michigan pipeline had to get approved at some point. So all those projects got green-lighted, so there's a fundamental process problem...And the Keystone pipeline has brought that to surface. So we're hitting the pause button, we're no longer going to let these pipeline companies review their own pipeline.

Potential contamination of the aquifer, threats of eminent domain, mistreatment of landowners by land agents, and disappointment with political leaders and “the process” all contributed to perceptions of injustice among landowners and opposition activists. Bold Nebraska and landowners used these injustices as framing devices for motivating movement members and focusing the goals of the movement. Reading through the selected quotes above, we can get a sense of the frustration and anger opposition members felt, and it illustrates just how important perceived injustices are for motivating collective action.

Bold Nebraska's Main Goals and Objectives

My next set of questions were designed to explore the main mission goals and objectives of Bold Nebraska and other related issues such as the reasoning behind Bold's decision to take on the KXL fight, and the importance of environmental issues for the organization. Some of the quotes I have included come from landowners, but much of the interview data used in this section, as with the closing section on mobilizing rural communities, comes from Bold Nebraska staff members and my interview with Jane Kleeb.

In the chapter eight, I briefly discussed the mission goals and structure of Bold Nebraska in the section focusing on social movement organizational structures and the opposition movement's desired mobilization outcomes. I included a lengthy quote from Jane Kleeb concerning the formation of Bold Nebraska in which she stated the organization's main goal was. "...to change the political landscape of our state." Bold's official mission statement, as provided on the organization's website, echoes Jane's statement and provides a critical evaluation of Nebraska's political establishment, suggesting state politics is dominated by far-right political ideology:

Our state is currently dominated by one political voice – conservative, and it's not the conservative voice many of us grew up with in our families. The conservative voice in our state is now dominated by far-right ideas and policies that are more about protecting big business, not fighting for our families. When you have one voice in politics, you hear one side of the issue and you get one ideology dominating a state's policies. Nebraskans in our history provided a better path, a better model for getting things done and for thinking big. We, the citizens, deserve and demand better. We owe it to our ancestors, to the homesteaders, to the people who made our state great to stand up and take action. Go to any large city or small town in Nebraska and you hear many voices - we are progressive, moderate, populist, independent and everything in between - and yet the majority of politicians who represent us are on the far-right which means the issues we care about are governed by one voice. We need many voices.

Several responses from Bold Nebraska staff members, who are very knowledgeable about the organization's main goals and objectives, explain this point further. The staff members I spoke with reiterated Jane's notion that Bold's main goal was to change Nebraska politics, emphasizing the underrepresentation of politically progressive populations living in Nebraska. For example, Chelsea Johnson suggested that, "...Nebraska is a lot more progressive than people think, and so the overall goal of Bold is to get that progressiveness that exists and Nebraska as a state into elected offices...so that includes picking up on issues that are more progressive minded and going from there." Some of the progressive issues Chelsea mentioned include tapping into

Nebraska's renewable energy potential (primarily wind energy), encouraging sustainable/alternative agricultural practices, and providing affordable health care to citizens. Ben Gotschall discussed several issues in my conversation with him, and he speculated on the future of Nebraska politics with the potential future of energy policy in the U.S.:

... we just think that Nebraska has a lot of potential especially with things like wind energy and alternative agriculture. You know, we've got great potential to be a national leader in a lot of things like that, we're just not living up to our potential. And so we think that the political landscape is a big contributor to that so we want to elected officials that are accountable for their actions, who are creative and responsible to their constituents instead of, you know, outside influences. ... So the pipeline is obviously a big issue not just in our state because it affects our state directly, but kind of a metaphorical issue of where our country could be headed with its energy future. Do we want to do this thing that takes us back in time and further contributes to the problem, or do we want to have a different solution that we are fully capable of doing, we just don't have the people making those decisions.

While stopping the pipeline in Nebraska became the main mission goal of Bold in late 2010, once the KXL debate eventually comes to an end the organization's core mission goal will likely remain the same: changing the political establishment in Nebraska to better represent the diverse political landscape of Nebraska. Again, Bold was not created to fight KXL, but rather the pipeline issue was taken up by the organization because landowners were loudly voicing their concerns. Bold simply listened to what ranchers and farmers from rural communities were saying. I asked Jane why she decided to get involved in the KXL fight, and the rationale boiled down her affection for farmer and rancher culture and anger at the injustice experienced by Nebraska landowners:

... I just have an affinity to farmers and ranchers. I think they're icons, like when I look at them I see all the positive things about America. Community, independence, small business, stoic, always good looking. So, yeah, I had this dream-icon of farmers and ranchers. And it's held up to be true, they have not disappointed me. Every image I had of them is how they are... so I just saw this clear injustice that was about to be done to family farmers and ranchers. And it just pissed me off. And it was like, big oil coming in and telling these farmers and ranchers they have no ownership of their land and that they are going to do whatever they want with it. It just made me angry.

Because the KXL issue was adopted into Bold's mission agenda, and protection of the Sandhills and aquifer became the two main concerns for pipeline opposition members, I also wanted to explore the importance of environmental issues for Bold Nebraska's mission goals. Overall, the responses suggested environmental issues are very important for Bold, but each respondent offered a different spin on the exact meaning. These differing opinions are likely due to the fact that environmental issues were not originally part of Bold's general mission agenda, so the organization did not start with a clear mission statement concerning environmental issues. This became clear in Jane's insightful comment that not only has Bold shifted its mission goals to accommodate environmental concerns, but the whole KXL experience has educated her about the importance of environmental issues for Nebraskans:

They have gotten more important as we've worked on this issue. You know, for myself and our major donors, you know, that wasn't one of the reasons we started Bold. The environment wasn't. Clearly as a progressive, I care about that and think people who are immediately attracted to Bold, if you asked them if they cared about the environment they would say yes. But I didn't look at it in the way that I look at it now, like fighting the pipeline has certainly changed my perspective of environmentalists and of the environment. I see it as a land and water issue. And climate change, I knew it existed and believed in the science that it existed but I never talked about it and really found it, quit honestly, very confusing. Like so confusing that I decided that, yes it exists, and that was all I was going to say about it. So it has changed my view of the environmental movement. I think the environmental movement has so much to learn from what has happened in Nebraska...Rural communities care about the environment, it's just they don't want a tree hugger from D.C. coming in trying to organize them, they want to organize themselves.

The claim that rural Nebraskan landowners care about the environment, but want to work on solutions from within their communities rather listening to "tree-huggers" from out-of-state is very informative, yet a somewhat ironic statement coming from Jane, who is not a tree-hugger, but happens to be a Nebraskan transplant. Regardless, the livelihoods of ranchers and farmers depend on good soil, favorable weather, and clean water in order to grow their crops and cattle, so it makes sense that they would be cognizant, at least to some degree, about potential environmental threats and changing weather patterns caused

by climate change. One of my respondents who works for the Nebraska Farmers Union highlighted the importance of the link between agriculture and the environment for farmers and ranchers when he said, "...regardless of your stance on agriculture and the environment, agriculture functions within the environment. And without a stable environment, we can't have stable agriculture." More to the point, a farmer I asked about rancher and farmer attitudes towards climate change in Nebraska suggested they are aware and concerned about environmental issues like climate change, but it's still a difficult topic of discussion within rural communities: "I think they are concerned. I think they're more concerned than probably they would say to anybody. Because, like I said, you can see it. You know, you kind of talk about it, but yet you don't...But there isn't a farmer and rancher out here that I don't think can honestly say that there's not been a change in this weather, and it's not the same as it was before." It appears some stigma remains attached to discussing issues like climate change within rural Nebraska communities, but issues like KXL have the potential to help overcome this silence and encourage thoughtful discussion about environmental issues relevant to agriculture, such as increasing instances of drought and flooding.

The greater environmental movement, as Jane notes above, might have something to learn from the grassroots resistance in Nebraska. Rural farmers and ranchers, whether through necessity or due the growing cultural shift towards more awareness about environmental concerns, might potentially act as a "bridge population" between progressive environmentalists and traditionally conservative landowners from the heartland. Farmers and ranchers, after all, are experienced with land use, water conservation and weather patterns. They deal with environmental issues every day.

Solving environmental problems, particularly in terms of water conservation, requires pragmatic strategies (not just top-down regulation), including input from the individuals and communities that rely on natural resources. There is common cause there, but I think the message from Nebraska landowners to the greater environmental movement is this: we get climate change, and we love our land and water, but please let us try and figure out solutions that are best for the survival of our communities.

This polite refusal of outside directives on how to deal with environmental issues is, I believe, an expression of rural Nebraskans' collective sense of agency and ownership of environmental problems. Although, of course, farmers' and ranchers' relationship with the environment is complex and rife with contradictions, such as problems with fertilizer (nitrates) runoff and animal waste seepage into the aquifer and other water sources. But there is a growing awareness and a willingness to work towards solutions in rural communities. As an aside, and related to the "do it ourselves" attitude towards tackling environmental issues, I think that the independent nature of rural Nebraskan landowners is also why the opposition movement in Nebraska is completely composed of native Nebraskans, unlike the opposition effort in Texas where out-of-state environmental activists came to protest the pipeline. The opposition movement in Nebraska was landowner based from the very beginning of the KXL fight, and this pulling together, or organization, of concerned landowners has strengthened some Nebraskan communities located along the route. A Bold staffer talked to me about the connection between environmental values, which he associates with Nebraskan landowner care for water and soil, and the preserving of strong communities. Again, my initial question concerned the importance of environmental issues for Bold Nebraska's mission goals:

Well, it's very important because I think the values that will lead you to take a stand on environmental protection, like when you take a stand and say my drinking water matters to me more than a few hundred temporary jobs or my land and my soil and my livelihood means more to my community than some money that you gave to our town for a baseball field, the values that lead you to take that kind of stand, and then to take action on it, are the kind of values that build up a community and that make communities strong. Because you know it affirms the reasons you have for being in that community. And I think that that's what makes small towns, as well as bigger cities, become healthy places to live.

Bold Nebraska is somewhat unique as an SMO. It is a politically progressive, rurally oriented organization operating in a state dominated by right-leaning politics, which is uncommon. As noted by Jane above, Bold was created to help change the political landscape of Nebraska so that it reflects the diversity of political orientations across the state. SMO's are often compelled to adapt their strategies and tactics as the greater political and cultural context evolves over time, but rarely does an issue that was not on an SMO's radar when it was created become a primary mission goal, as we see in the case of Bold taking on the KXL issue. Over time, Bold has adapted their mission goals to accommodate environmental concerns, such as developing Nebraska's alternative energy potential, and incorporate other issues important to rural communities, such as promoting alternative agricultural practices. Rather than operating in a top-down fashion, dictating what issues they think are important for Nebraskan citizens, Bold has chosen to listen to the concerns of ranchers and farmers and follow their lead, essentially acting as an information and mobilization hub for rural Nebraskan landowners and citizen activists.

Mobilizing Nebraskan Landowners

In this closing section, I discuss questions relating to Bold's mobilization efforts in rural Nebraska. Here I want to explore some of the challenges of mobilizing rural communities and examine how Bold has worked to transform the injustices experienced by landowners into mobilization action. Other topics discussed include the challenges of promoting a progressive message in a heavily conservative state, the difference in community

responses to the pipeline in southern and northern Nebraska, and whether landowners will continue to fight the pipeline if the project is approved.

The first set of questions I asked my respondents concerned the nature of rural protest in Nebraska. In my conversation with Jane Kleeb, I asked if she thought TransCanada expected resistance from farmers and ranchers when they applied for a permit.

No. They had no expectation and they were not prepared. And I think even as it was going on they thought it would die down and that it was only a few [landowners] or that they could marginalize us or attach the farmers and ranchers to progressive Bold Nebraska and marginalize that voice. I also don't think they realized that I had political experience and I wasn't just a community organizer, that I had political campaign experience and knew how to be a messenger to the press, and knew actually how to write a press release and just basic stuff like that. I just think that they thought we were a small non-profit, you know, that we would organize a few ranchers and they could say, oh of course there is opposition, there is opposition on any project, but that it's not the majority of people and that they would get the majority of landowners to sign like they did on Keystone One.

As Jane notes, based on their experience with building Keystone One in Nebraska, TransCanada likely expected the permitting and easement process for KXL to go smoothly, without significant landowner opposition. Once the opposition movement began to gain momentum, TransCanada underestimated the ability of Bold Nebraska to tap into citizen's frustration and rally landowners. I also wanted to know how rare it is for rural Nebraskans to organize and protest. Most cases of collective action take place in urban centers such as state capitals or Washington D.C., places with high population numbers and greater access to media coverage. One of the reasons rural communities typically do not mobilize, besides sparse population and a relatively homogeneous conservative political culture, is that there is little need for mobilization where there is an absence of wide-spread injustice and where people, for the most part, are expected to be self-reliant and not complain in the face of misfortune. Sustained mobilization campaigns are simply not a part of rural Nebraska's cultural heritage. Farming and ranching is

always a gamble, there are good years and bad years, and hardship is common. It takes something big like KXL, which affects several communities, to overcome this reservation to mobilize. According to Jim Tarnick, organizing rural Nebraska landowners was no easy feat for Bold Nebraska: “For rural Nebraska, it’s very rare. What Bold and NEAT have been able to do, to me, it’s kind of amazing. Because farmers, you know, are so independent anyways. And we’re busy, and I don’t mean to say that we’re busier than anybody else that works and everything. But I would say it’s very rare that you could get us together like this.” Landowner concerns about the risks associated with the pipeline, taken alone, were not enough to mobilize farmers and ranchers at a state-wide level. Opposition to the pipeline certainly originated from the grassroots, but it took the organizing efforts and expertise of Bold to unify landowners all along the route. In my interview with Jane Kleeb she went into some detail (and provided a little history lesson) about the rarity and difficulties of mobilizing rural communities in Nebraska:

Yeah, I don’t think anything like this has happened before in our state at such an intense national level. Like even with the nuclear waste dump (Boyd County), that was really a local and state issue, and this is now a national and international issue. Clearly the farm crisis was something that farmers and ranchers organized around, but I think that was more like being supportive and trying to get through that very difficult economic time in our state and our country. So I’m amazed, you know, I have this anxiety on a daily basis of are we doing enough to keep the coalition together, are we doing enough to make sure that landowners still feel part of this movement. So I get anxious about that all the time and try to have enough events that people can come to and be a part of and not bombard them where they get burnt out. So it’s this very delicate balance that you try to do, and do one-on-one meetings with key union leaders and landowner circles because in each town there are opinion leaders who have risen to the top that the other ranchers listen to. So there’s that, and it’s stressful, but as soon as you go out there it’s totally rewarding, I mean you saw at the barn [renewable energy barn]. Anytime we do a community meeting I am like so energized and in awe of the ranchers and landowners that come.

I think Jane’s quote illustrates her zeal and sense of commitment to the landowners who chose to stand together and fight the pipeline. It also offers us a glimpse into some of the challenges of rural mobilization, such as strategically spacing out community events to keep people involved and motivated, yet avoid overload in terms of time demands and

travel costs, as well as the need to work with community leaders, such as Randy Thompson, in order to gain landowner trust. I next asked Bold staff members if it was difficult trying to advance a progressive agenda in a conservative state. Like my question concerning the reception of TransCanada's PR campaign in Nebraska, I wanted to know how Bold's message was being received by Nebraskans. Chelsea Johnson, who grew up on a farm in rural Nebraska, told me that, "it depends on which message. I think that the environmental message resonates the most in Omaha and Lincoln, and I think the eminent domain and private property, economic topics resonate more in rural areas. I think that's to be expected." Lincoln and Omaha are more likely to contain diverse mix of political affiliations (including progressive and liberal) simply due to the fact that there are more people. In addition to having more politically diverse populations, Lincoln and Omaha also have a larger population of college age individuals, who tend to be more open and accepting of environmental issues like climate change. Chelsea went on to tell me how her, "...friends at school are definitely on the environmentalist path and my friends from back home, they don't want to see a spill and they think it's a good idea to have renewable energy, but they aren't going to all up in arms about it." In order to successfully recruit a broad base of people into the KXL opposition movement, Bold has crafted a messaging strategy that resonates with the interests of both progressives and more conservative rural landowners. As Chelsea's comments suggest, the environmental protection and climate change message engages more with younger, urban individuals while private property rights have strong affinity with the ideal and material interests of rural landowners. In my interview with Ben Gotschall, he touched upon the topic of political ideology and the politicization of the KXL debate, suggesting that Nebraskans'

effort to protect their land, water and homes is not tied to any particular political agenda, but is mostly apolitical and driven by shared community values and common cause:

Well really, I like the term progressive rather than liberal even though it's kind of starting to become a dirty word like liberal is. Basically, it's not really about conservative or liberal to these folks, it's about my water and my land and not wanting to sacrifice that for something else, and that's a conservative belief, that's not liberal at all, that's not radical at all. And so I don't think a lot of Nebraskans see it in that way, especially the ones that are directly affected by it. I don't think they see protecting their homes and protecting their rights as political at all, I mean, it's human. And so it's almost like the issue, the problems with the issue is apolitical, and I think it's unfortunate that people try and make it political, and it's a good story for the newspaper or the radio that you have these conservative cowboys or conservative ranchers from Nebraska taking the side of environmentalists, well, not really, they are just standing up with their neighbors and their community like people have doing forever before there were political parties.

Ben's comments are very insightful in relation to how the KXL has been framed in the national media. Over the course of my research I have noticed most of the reporting on the KXL debate, including more "liberal" news sources such as NPR, tend to frame the controversy as a fight between political ideologies, particularly in terms of the clashes between the Obama Administration and Congressional Republicans. There were a few exceptions to the absence of in-depth, critical media coverage of the KXL debate in Nebraska, such as Jane Kleeb's multiple appearances on MSNBC's "The Ed Show," hosted by Ed Schultz. On the ground in Nebraska, for the most part, the KXL fight has transcended ideological divides and unified a diverse range of people in common cause. The plight of Nebraska landowners often gets drowned-out or ignored in the national conversation about KXL as presented by the major media outlets, so I asked Jane Kleeb if she thought landowners voices were being heard. She responded with a tentative yes, and went on to suggest the KXL fight in Nebraska has made the greater environmental movement aware that environmental justice is not just an urban phenomenon affecting marginalized populations, but an issue that is affecting rural, predominately white, populations as well:

Yes. Now do I think that they are being heard enough? I never think, no, because the pipeline would have been denied already. But I think that Nebraska clearly is one of the reasons the pipeline got denied the first time, it certainly gave the President the basis to deny it the first time. And I think it's impacted the national green groups too, I think they have had this awareness to say, we can't just focus on urban, black communities or Latino communities that are impacted by coal plants, which has been like their only community work I would say. Other than that they are always organizing the already converted. And so I think this has changed the environmental groups too, saying that we have got to be in the [rural] community. So I think that changed. And there's this level of respect for farmers and ranchers among the green groups, among the elite spokespeople...

Here, again, I think the rural landowners fighting the pipeline in Nebraska represent a potential "bridge population" that has traditionally been excluded from the greater environmental movement due to an implicit assumption that politically conservative rural folks are likely sympathetic to the oil and gas industry and view environmentalists and progressives as advancing an inherently liberal, or radical, agenda. While this assumption may be true to some extent, as many conservatives in the U.S. are dubious about anthropogenic climate change, attitudes about climate change are changing in the heartland. As the effects of climate change, such as prolonged drought and changing weather patterns, become more apparent realities to farmers and ranchers, the voices and input from rural populations (which are often excluded from environmental justice analyses) need to be incorporated into the greater national conversation about environmental issues. This is the point Jane is making in the above comment.

Any conversation about Bold's resistance to KXL in Nebraska must include a discussion about the efforts of the Nebraska Easement Action Team (NEAT) to organize a collective legal defense for landowners. When an individual landowner living along the pipeline's route chooses not to accept TransCanada's easement offer, they open themselves up to potential land condemnation via eminent domain proceedings. Attempting to take TransCanada to court and fight eminent domain takings as an

individual would be a very difficult, and expensive, endeavor. As with collective action, a collective legal front is in a much stronger position to address injustices than a single person trying to fight a powerful corporation like TransCanada. If the need arises, TransCanada has the resources and an experienced legal team to take landowners to court. We have already seen how TransCanada's land agents used very aggressive, and ethically questionable, tactics to try and get landowners to sign easements with threats of eminent domain. The goal of TransCanada is get as many people to voluntarily sign easements in order to reduce or avoid eminent domain court challenges. I do not know if TransCanada has a easement threshold target, such as securing 90 percent to 95 percent of landowner easements in a state as quickly as possible so the potential for both community mobilization and collective legal action is reduced, but I am sure the company would prefer to secure 100 percent of the easements necessary for construction without the time and resources eminent domain challenges require.

The formation of NEAT, and the several legal challenges the organization has brought against TransCanada, has been a thorn in the side of the company over the course of the pipeline fight. I asked Jane Kleeb about Bold's relationship with NEAT. Specifically, I wanted to know how and why NEAT was started and what the ultimate goals of the legal team were. Jane's response illustrates how her networking skills and political connections helped in selecting the Domina Law Group to represent landowners:

That's a good question. Actually, it was my idea to start NEAT, me and Brian Jorde (from the Domina Law Group)...And so we wanted to organize landowners in a group because it was clear to us that they needed legal help. And over and over again in all these meetings what Ben [Gotschall] and I were facing was landowners coming to us and saying, we're with you, but now we're faced with this serious legal contract that we have no idea how to deal with. And I certainly didn't know how to deal with it. So we looked and looked and looked for a law firm that we felt like wouldn't force our landowners into negotiations with TransCanada. And my husband knew of Dave Domina just through politics and I knew, and John Hanson respected Dave for the work he did with meat-packers and got a good deal for family farmers and ranchers because that broke up the

distorted contracts that those big meat packers were giving to the small farmers and ranchers. and so I thought he'd be a good firm to test out. And without them there would be no way we would have NEAT, because they bring this huge legal authority to the fight.

I think Jane knew that in order to take on TransCanada's experienced legal team, she needed to choose a well established and equally experienced law firm like the Domina Law Group. The decision to use an Omaha-based law firm was also a wise decision because the firm is considered "in-house," rather than choosing an out-of-state firm that did not have experience working with Nebraskan farmers and ranchers. Jane went on to describe the basic legal strategy of NEAT and highlighted the organization's success with organizing landowners:

So immediately from the beginning, one of the things we would tell the NEAT folks is that we will organize everybody and we'll start to work on a contract but we won't enter any negotiations with TransCanada unless they get a permit, that that was going to be our power. So it was a very good strategy on our part... And it's worked so far, I mean we have probably about thirty percent, twenty-five percent of the landowners locked up with NEAT. Which is great because when we started we wanted just ten percent; that was our goal. And TransCanada only has thirty-five to forty percent of the landowners signed in our state and the other percentage is essentially landowners that either have their own family lawyers or people who are just really stubborn and really individualistic and don't want to join anybody, they don't like the pipeline, they don't want to join anything and their just seeing kind of how it goes, how it plays out. So, it's been successful and good.

It is important to note that NEAT was not formed to stop the pipeline from being constructed in Nebraska. The main purpose of NEAT was to act as legal negotiators with TransCanada to get the best deal for landowners if the pipeline was approved, and only take legal action if landowners' rights were violated during the review process. Through NEAT, landowners have brought three legal suites to Nebraska county courts (see Appendix XX: NEAT Lawsuit Summaries). The first lawsuit was brought against then Governor Heineman in 2012 over the constitutionality of LB1161. This lawsuit made it to the Nebraska Supreme Court, but was eventually thrown out because several judges said landowners did not have standing to bring the case. The other two lawsuits, based on

legal arguments of the 2012 lawsuit against the Governor, were brought against TransCanada in 2015 over the company's attempt to use eminent domain authority before the company had secured a building permit. There is little doubt that the legal work conducted by NEAT changed the balance of power in the KXL fight in Nebraska. Protest and collective actions is very important for mobilization, but perhaps TransCanada's greatest weakness is time-consuming legal challenges brought by landowners that slow down the review process and could ultimately kill the project. In fact, legal challenges brought by NEAT, rather than the political and ideological battles in Washington D.C., are likely the primary reason a final decision on the pipeline has been delayed for so long.

The last thing I asked my respondents concerned the potential future of Bold Nebraska's mobilization campaign if the pipeline is approved. Clearly, approval would be considered a huge setback for the opposition movement. If the project is approved, would landowners entrench their defenses and continue to fight, or would Bold concede defeat and move on to other issues? On the legal front, as noted above, NEAT would move to work out the best easement deals for landowners if the pipeline is approved. But I wanted to know if landowners would go further and engage in more assertive acts of civil disobedience, such as trying to physically stop the pipeline from going through Nebraska. Considering the opposition movement has lasted six long years with little sign of abatement, the answers from most of my respondents concerning the future of Bold if the pipeline is approved was not surprising. A farmer I talked to was confident Bold would keep fighting: "Absolutely. I feel the people that I've met through NEAT and have battled with would continue fighting. I'd be shocked if they just lay down. I know I'm not. I will never stop this fight. I believe most of the people that are in this feel the same

way.” For those landowners fully committed to fighting the pipeline, like the farmer above, fighting the pipeline has become a calling or moral duty. These people represent the hardcore members of the opposition movement. At the several NEAT meetings and Bold events I attended over the course of my fieldwork visits, the same crowd of committed farmers, ranchers and activists were in attendance. Another farmer I interviewed also said the fight would continue, connecting the will to maintain a strong oppositional front in the case of approval to the familial value (legacy) and financial value (equity) of land for farmers and ranchers:

I don't know about possible future actions. If the pipeline route is left where it currently is, what we would really like to see if it is permitted that the pipeline would be moved all the way east and laid next to the Keystone One pipeline. There are much more stable soils and much more protection for the water table. I think landowner and organization energy will stay up as far as fighting the pipeline if they don't reroute it along Keystone One. There is still the climate change issue, and a leak is a leak even if it's in a safer area. So we are still going to be concerned about the safety of the pipeline, we're still going to be concerned about landowner rights. So yes I do think the fight will continue. You know we don't have too many trees in Nebraska so I don't think we'll have too many tree forts. But landowners really want to protect what's theirs and what they have to pass down to the next generation because farmers and ranchers may never have a whole lot of money, but what money they do have is wrapped up in their land. Regardless if the family farm is paid for or, your land is all you've got, your land is your equity. If they lose value in that equity they don't have anything to him down to the next generation and in an agricultural community being able to keep the farm in the family is huge.

As noted in the KXL opposition framing chapter, the issue of property rights was a very important driver for landowner resistance in Nebraska, but I think Nebraskan landowners, like most family farmers and ranchers, have a particular understanding of their the land based on the notion of legacy. Farms and ranches are not just real estate for landowners, but essentially an extension of the family. Any human threat or potential violation of their land, which provides their livelihoods, is also a direct attack on the family, and by extension the community as well. It is interesting to note that this generalized concern and common care for the land and water is one of the main issues

uniting ranchers and farmers with Native American communities, as embodied by the Cowboy Indian Alliance (CIA) in northern Nebraska.

Providing specific examples of what kind of collective action or civil disobedience landowners would engage in to protect their property, the farmer quoted above, who is a leading member of the Nebraska Farmers Union, went on to tell me that he thought policy change and dialogue were preferable to more aggressive forms of civil disobedience, such as potential confrontations with building crews and authority figures:

...I have personally heard talk from landowners that they will go all the way, all the way to condemnation court, all the way to physically trying to prevent the pipeline from coming onto their property. You know, I don't know what that strategy would be and we certainly don't support any threatening strategies, at least from the Farmers Union standpoint, we think going at it along the lines of policy and conversation is going to be much less damaging to the cause and to the landowner in the long run.

The final word on what action Bold will take if the pipeline was approved will be decided by Nebraska landowners. If the will to fight remains strong among landowners, Jane Kleeb will likely rally that passion in creative ways. When I asked Jane about the potential future direction of Bold if the pipeline is approved, she mentioned that their plan B is to secure the best easement contracts through NEAT. She also suggested the group would adopt the role of vigilant watchdogs, documenting the construction process as the pipeline is put in the ground:

Yeah, what I think will happen, like our plan B, well our plan B is the lawsuit and plan C is if the President grants a permit. We will negotiate a very tough contract, number one. So our landowners are protected as much as possible with all the layers of liability etcetera, etcetera and that they get the most money they can. And then I think we turn into a watchdog group for that year of construction where we are just bird-dogging them with constant video cameras and documenting every little flaw that they make and just constantly being, you know, a thorn in their side. I do think there will be some civil disobedience, but I think it will be from Nebraskans. I don't think - I love what the blockade kids did - but I've also made it very clear to them that we don't need them here. It's not that we don't love them, I think what they've done is heroic, but we don't need them. Landowners will do their own thing. And I think civil disobedience will look differently here, I just think it will be much more personal for people. And it will be a difficult time.

As Jane notes, if there were to be civil disobedience on the front lines of the pipeline's construction, it would be by Nebraska ranchers and farmers and not out-of-state "tree-house" protesters as was the case in northeastern Texas. Bold likely decided to exclude more aggressive outside help from hardcore environmentalists in order to preserve the indigenous, native character of the resistance movement in Nebraska, in addition to the fact that a strong landowner oppositional front already exists on the ground. By all accounts, the KXL opposition movement in Nebraska truly is an indigenous, grassroots mobilization.

Chapter Nine

The Future of Community Opposition to Energy Projects

Today, President Obama stood with citizens to protect our land, water and climate by rejecting the Keystone XL national permit. This is the first time a President has rejected a fossil fuel project based on climate change. The pipeline's rejection marks a historic victory for farmers, ranchers, Tribal Nations and the unlikely alliance that formed to fight this uphill, six-year battle that no one believed we'd ever win. Ground zero of resistance to the risky pipeline was the farms and ranches in Nebraska where landowners organized together over shared concerns about a toxic tarsands spill that could contaminate fragile Sandhills soil and the precious Ogallala Aquifer, which provides millions with drinking water and the region's main source of irrigation.

Jane Kleeb ~ Bold Nebraska

We are disappointed with the President's decision to deny the Keystone XL application. Today, misplaced symbolism was chosen over merit and science - rhetoric won out over reason.

Russ Girling ~ President and CEO of TransCanada

President Obama's decision is courageous and historic. He did what was right in the face of a totally misguided and unrelenting effort by the Republican party and Big Oil to shove this pipeline down our throats. History will defend President Obama and our descendants will forever be indebted to him.

Randy Thompson ~ Nebraska rancher

President Obama today demonstrated that he cares more about kowtowing to green-collar elitists than he does about creating desperately needed, family-supporting, blue-collar jobs. After a seven-year circus of cowardly delay, the President's decision to kill the Keystone XL Pipeline is just one more indication of an utter disdain and disregard for salt-of-the-earth, middle-class working Americans. The politics he has played with their lives and livelihoods is far dirtier than oil carried by any pipeline in the world, and the cynical manipulation of the approval process has made a mockery of regulatory institutions and government itself. We are dismayed and disgusted that the President has once again thrown the members of LIUNA, and other hard-working, blue-collar workers under the bus of his vaunted "legacy," while doing little or nothing to make a real difference in global climate change. His actions are shameful.

Terry Sullivan ~ General President of LIUNA

In this closing chapter, I discuss how my study of the KXL debate contributes to current research on at-risk community mobilizations against energy projects. The first section focuses on two concepts I developed out of my research, *petroleum fatalism* and *reactive mobilizations*, which are directly applicable to community driven contentious politics concerning energy projects. In the following sections, I provide an analysis of the economic and energy policy structures (or the *path dependency* of neoliberalism) that ultimately led to the KXL fight in Nebraska, offer examples of other communities

mobilizing to stop energy projects associated with fracking, and suggest potential areas for future analysis.

Conceptualizing Community Opposition to Energy Projects: Petroleum Fatalism and Reactive Mobilizations

Based on my fieldwork in rural Nebraska and analysis of pipeline supporter and opposition testimonies, there are two analytic concepts I discerned from my research that are useful for future examinations of at-risk community opposition to energy projects: *petroleum fatalism* and *reactive mobilization*. Petroleum fatalism is a framing device or public narrative that suggests energy provided by petroleum will be needed for decades to come, primarily to keep growing the nation's economy. Reactive mobilization refers to specific forms of mobilization directly related to community opposition to energy projects, particularly those associated with the oil and gas exploration, production, and transmission. Petroleum fatalism operates as a cultural discourse that encourages continuing and expanding oil and gas exploration, while reactive mobilizations represent at-risk community responses to energy project encroachment.

The notion of a fatalist mentality among oil and gas industry representatives and citizens who support further petroleum exploration is not a new concept, although during my investigation of the pipeline debate I could not locate any sociological research on fatalist narratives relating to petroleum use. There are a few references to the notion of petroleum fatalism in news articles. For example, during the pipeline debate, a chief economist from the American Petroleum Institute criticized KXL opponents, suggesting they were naïve to think stopping KXL would slow down tar sands production. In response to the API economist's comments, a Montana National Public Radio reporter observed how, "This fatalistic refrain from energy developers is built around the

proposition that the U.S. and the rest of the world are going to consume a certain amount of oil or natural gas or coal no matter what, because the national and world economies simply have to have that energy” (Power 2014). And in a recent article from Oil Change International, Hannah McKinnon identified what she calls ‘fossil fuel fatalism,’ described as, “The delusional sense that continued and rapid growth of fossil fuel use is inevitable, and that prosperity in the coming decades rests on the back of increased exploration, expansion and exploitation of fossil fuels” (McKinnon 2015). Notice that both of the descriptions of petroleum fatalism link oil production and economic growth, an important point I discuss in more detail in the next section on path dependency and neoliberalism. While these news articles provide accurate, yet brief, descriptions of fatalist attitudes and discourse about fossil fuels, there has not been an effort to systematically analyze these narratives or locate them within the greater public discourse about energy projects and economic growth.

Of the four master frames employed by pipeline supporters at the public comment hearings, narrative dimensions of the economic benefit and national security master frames illustrate the interdependent relationship between economic growth and *petroleum fatalism*. Most of economic benefit frames employed by supporters do not directly focus on petroleum, but economic growth and oil production are linked through another form of fatalist thinking about economic growth imperatives. The main point here is that the justifications expressed by KXL supporters for building the pipeline were framed as a driver of economic growth, which is taken as an end in itself.

In pipeline supporter discourse about national security, narratives about this fatalism are expressed in two ways. The first narrative focuses consumption needs, expressed in

terms of needing oil ‘for decades to come.’ While this form of petroleum fatalism suggests we will need oil for decades, which is vague forecasting language, the basic intent of this narrative is to encourage an *increase* in petroleum production over these interim decades, rather than moving to curtail production or focusing our energies on developing renewable energy technologies. Publically, as a part of their public relations campaign, the oil and gas industry may agree that we need to begin integrating renewables into the nation’s energy production portfolio, but in the meantime they will fight to protect their corner of the energy market, and their shareholder’s profit margins. In response to President Obama’s rejection of the pipeline, Bill McKibben nicely summarized the oil and gas industry’s attempt to popularize the petroleum fatalism narrative:

For years, the fossil-fuel industry has labored to sell the idea that a transition to renewable energy would necessarily be painfully slow—that it would take decades before anything fundamental started to shift. Inevitability was their shield, but no longer. If we wanted to transform our energy supply, we clearly could, though it would require an enormous global effort. The fossil-fuel industry will, of course, do everything it can to slow that effort down; even if the tide has begun to turn, that industry remains an enormously powerful force, armed with the almost infinite cash that has accumulated in its centuries of growth.

The second petroleum fatalist narrative suggests tar sands from Alberta will be exploited and brought to market regardless if KXL is built or not. It is also argued that without high capacity pipelines like KXL, diluted bitumen and shale oil from the Bakken play will instead be transported by rail and truck. The scale and scope of tar sands development in Alberta, and the generous subsidies for oil sand production provided by national and by provincial governments, guarantees that bitumen will be exploited for some time to come. But if oil prices continue to remain below fifty dollars a barrel and cultural attitudes and political leadership become tepid towards tar sand due to the environmental impacts of bitumen extraction, the economic and moral justification for

future development may significantly reduce production levels. Again, as McKibben notes, the logic of inevitability here allows people to simply surrender to the fate of further tar sands development, which undermines alternative paths to a clean energy economy.

The second concept derived from my analysis, *reactive mobilizations*, focuses on the form of mobilization we see in communities that organize to oppose energy projects. Where does this form of mobilization fit into the robust range of classifications that exists for defining various forms of collective action? Social movements come in many organizational, ideological, and cultural forms. Despite sharing common structural elements (such as resource mobilization, political opportunity and framing strategies), there is no universal template for what form a movement should take. In reality, every social movement and episode of contention represents a unique combination of many dynamic elements. But over the course of the development of social movement analysis, scholars have developed several useful classifications for identifying different kinds of mobilization.

The scope, type of change desired, targets of mobilization, strategies, and the political orientation of a particular movement are standard units of classification used for defining collective action. For example, David Aberle's (1966) typology (alternative, redemptive, revolutionary, and reformative) is very useful for identifying the general purpose of a social movement in terms of the target of and scope of change desired by a social movement organization. Alternative and redemptive movements focus on changing individual attitudes and behavior, yet alternative movements seek limited social change while redemptive movements desire radical, wide-spread social change. Reformative and

revolutionary movements target all of society, with reformative movements seeking limited social change from all people while revolutionary movement seek total social change for all people. Movements have also been defined by their methods and strategies, such as using non-violent or violent repertoires of contention to achieve organizational objectives. This differentiation in collective action strategy often reflects the main-stream and radical flank factional split within a particular movement, such as the Civil Rights Movement. The proliferation of “new social movements” in the late 1970s and 1980s introduced new ways to classify movements based on culture and identity (Habermas 1981). New social movements are organized around gender, race, ethnicity, youth, sexuality, spirituality, countercultures, environmentalism, animal rights, pacifism, and human rights (Buechler 1995).

While social movement scholars have identified several forms of collective action, contentious politics operating at the local level opens up the field of mobilization types beyond ‘classical’ forms of social movements. Remember that episodes of contention are composed of three elements: claims-makers, collective action, and political or government intervention. As the name suggest, politics is a central aspect of the contentious politics perspective. In fact, political ideology is very useful for defining the general ideological temperament of a movement. Often, it is not difficult for a researcher to determine if a social movement is radical, progressive, reactionary, moderate, liberal, conservative, or populist in political form. For example, a cursory analysis of the Tea Party Movement reveals it is both populist and reactionary in political form, while the LGBT equal rights movement is politically progressive and liberal. In today’s polarized cultural climate, political ideology drives many forms of identity-based mobilizations.

But something very different is occurring in at-risk community responses to energy projects. At-risk community mobilizations certainly contain political elements, but the opposition itself is not driven by political ideology. These mobilizations are not based on identity politics or themes common to new social movements; they are mostly ad hoc movements designed to defeat particular energy projects. There is something apolitical, or extra-political, involved in these types of mobilizations as well. In fact, the diverse political and cultural coalitions formed to fight risky energy projects and defend natural and community resources appears to be a hallmark of these types of opposition movements.

For this reason, I suggest emerging forms of community opposition to energy project proposals be designated as *reactive mobilizations*. The benefit of this concept is that it retains the notion of community reaction or response to an initial claims-maker (project proposal) without inferring that these kinds of mobilizations are reactionary in political or cultural form. Most social movements are reactive in some way, as they often emerge in response to some perceived injustice or grievance, but at-risk communities are purely reactive in that they are forced into making a decision about an energy project they did not ask for. Citizens living in these communities are not looking to protest and engage in contentious politics, but they must react in some way.

The concept of petroleum fatalism, which encourages further oil and gas exploration, and reactive mobilizations, which represent community opposition to energy project encroachment, are linked through the interrelationship between powerful structural and cultural forces. To explain the presence of the petroleum fatalism narratives at the public hearings and the growth of reactive mobilizations against energy projects, we need to

discern the underlying, and enduring, economic and ideological forces shaping the KXL debate in Nebraska and the greater United States.

Path Dependency, Neoliberalism and Obama's 'All of the Above' Energy Policy

In his 2006 State of the Union address, George W. Bush suggested the United States is addicted to oil. He certainly was correct about our dependence on fossil fuels, but his strategy to wean us off petroleum did little to reduce our reliance on petroleum products. In the same address, Bush put forth the goal of replacing 75 percent of America's Mideast oil imports by 2025 with ethanol and other energy sources (Bumiller and Nagourney 2006). Thus far, this energy policy objective has failed. Despite forty years of calls for energy independence by political leaders going back to the Nixon Administration, the United States not only remains dependent on fossil fuels, but has become one of the world's largest producers of natural gas, followed closely by the Russian Federation (International Energy Agency 2014). While the ethanol industry has become big business in states like Iowa, Illinois, and Nebraska, biofuel production pales in comparison to the explosion of shale gas and oil production in the U.S. since 2008. The question here becomes, what socioeconomic and political forces are driving our demand for fossil fuels, even though it is harming the environment and threatening community safety, and how is this continued demand shaping community reactions to the expansion of oil and gas energy projects in the U.S.?

In the following discussion I use grounded theory to consider how my analysis can help locate the KXL debate in the larger context of U.S. energy and economic policy. Farmers and ranchers who fought KXL in rural Nebraska struggled against very powerful structural forces, not only in the form of corporate power, but economic and ideological

structures as well. Here the notion of *path dependency* is helpful for explaining how economic forces and energy policies embedded within the fabric of our culture are now conflicting with the collective interests of communities attempting to protect land and water resources. Mahoney (2000) defines path dependency as “...historical sequences in which contingent events set into motion institutional patterns or event chains that have deterministic properties.” Path dependency describes social conditions where the historical durability of particular institutions and organizations become so entrenched in cultural practice that they block off alternative developmental paths and come to dominate particular segments of a social system.

When pipeline supporters talk about job creation, tax revenue and stimulating local economies, the objective of growing the nation’s economy (GPD) is taken as a good in itself. How does the taken for granted notion of endless economic growth, an implicit assumption at the heart of many KXL supporter testimonies, relate to path dependency and our existing economic regime, neoliberal capitalism?⁴ After the collapse of the Soviet Union and the dismantling of the Berlin wall, the belief that capitalism triumphed in the ideological war with communism became epitomized in the Thatcher inspired catch-phrase ‘there is no alternative’ (TINA). The ideological pervasiveness of this ‘no-alternative’ attitude illustrates how neoliberalism has become an entrenched, path dependent, and naturalized ideological force that encourages government deregulation, including environmental regulations, and the privatization of public services.

⁴ The classic text *The Limits of Growth* (Meadows at al. 2004) explores the costs of exponential economic growth at the expense of limited natural resources. The fundamental argument made in this work suggests our production and consumption practices (neoliberal capitalism) have created a path dependent economic system leading to resource overshoot (carrying capacity).

Neoliberalism has, in many ways, become universalized as an ideology, and ideology is strongest where it is believed not to exist.

The United State's current economic and energy policy regime represents the culmination of two contingent historical developments, the emergence and expansion of capitalism out of the dissolution of European feudalism and the modern discovery of petroleum as an energy source. The historical expansion of capitalism, in large part, was limited by the mode and speed of transporting goods and services. The discovery of oil was revolutionary for the development and expansion of capitalism, particularly in terms of fostering the creation of the automobile industry, petro-chemical industries, and subsequent mass production of consumer products. Energy, in one form or another, drives commerce, and with the advent of the combustible engine and other technologies designed to harness the power of refined fossil fuels, industrial capitalism - over a very short time - transformed the cultural and social landscape of the United States. During the twentieth century, the wedding of capitalism and petroleum as a driver of economic growth became path dependent, a structurally durable mode of production that has come to infiltrate almost every aspect of people's daily lives.

Neoliberalism can be defined in many ways, but at its core, neoliberalism represents the combination of particular political and economic ideologies and cultural practices and beliefs.⁵ The 'logic' of neoliberalism is driven by wealth accumulation and limitless economic growth. Under this economic regime, gross domestic product, and stock market indexes, are the primary measures used to judge the 'health' of our nation, rather than physical well-being and mental health measures (Speth 2008). Most American citizens,

⁵ David Harvey's *A Brief History of Neoliberalism* (2005) provides a comprehensive overview of neoliberal ideology and practice.

whether conservative, democrat or progressive, have a very difficult time thinking outside the confines neoliberal ideology. Even after the 2008 financial downturn, and the disorganized fury of the Occupy Movement, the national focus has always been on economic recovery within the framework of capitalism, rather than addressing the ecological and social sustainability and seriously rethinking the basic structure of our economic system. And while main street continues to rail against Wall-Street's greed and avarice, the logic of capital accumulation and infinite growth is seldom identified as the root cause of America's economic and environmental problems.

As noted above, some of the core beliefs of neoliberalism include government deregulation, the privatization of public goods, and a tendency to deny, or help mitigate, anthropogenic climate change and other global ecological problems.⁶ It is standard within conservative discourse to attack the EPA and environmental regulations for limiting economic growth and constricting business. Here we come to the heart of the problem with neoliberalism's imperative of infinite growth, our addiction to oil, and the finite reality of our natural resource base: neoliberalism is an unsustainable economic regime (Mann 2013).

In *Climate Change and Society* (2011), John Urry discusses how *carbon capitalism* has become path dependent and embedded within cultural practices that perpetuate high carbon lifestyles. Carbon capitalism, through social reproduction and the efforts of think tanks and political interests aligned with the oil and gas industry, has worked hard to promote what Urry calls *popular carbonism*, which describes instances where citizens express support for or mobilize to defend high carbon lifestyles. Reading through

⁶ See Judith A. Layzer's (2012) *Open for Business: Conservative's Opposition to Environmental Regulation* for an extensive analysis of how the oil and gas industry, conservative think tanks, and Republican political leaders have worked to erode environmental regulation and policy since the 1970's.

pipeline supporter testimonies, we encounter many examples of popular carbonism, and petroleum fatalism, used to justify support for continued fossil fuel use. The notions of petroleum fatalism and popular carbonism illustrate how the transition to a renewable energy economy faces both structural (economy and policy) and cultural (political ideology) forces that are working to inhibit the development and cultural dissemination of viable alternatives to fossil fuels such as wind and solar technologies.

In cultural terms, rich nations are not addicted to oil, but rather to the lifestyles and conveniences petroleum products offer. Generations of people have grown up in a society designed upon the consumption of petroleum products. In many ways, cheap energy as come to equate the fundamental American ideal of freedom: the freedom to ‘move about’ whenever and whenever one choses. Looking to the future, we cannot continue to increase and expand petroleum consumption due to risks it poses to the environment and communities. As an affluent society, we do not want to scale back our consumption habits because most people believe that if one has the means, one should be free to use as much energy as one pleases. Less developed and newly industrialized nations seek to provide electric power and other basics to the poor segments of their populations and their middle classes aspire to the carbon-based lifestyles and consumption that rich nations already enjoy.

It is hard to predict what the future of our energy landscape will look like in ten or twenty years. I believe we are reaching a historical turning point in cultural awareness about the reality of climate change, while at the same time the iron grip of the oil and gas industry is beginning to weaken. As of November 2015, the world market was awash in cheap oil, which certainly made Obama’s decision to reject KXL much easier. For

example, due to depressed oil prices Royal Dutch Shell recently pulled out of its Carmon Creek tar sands project and an Arctic drilling project (Plenty 2015). And ExxonMobil has recently come under scrutiny for misleading the public, and their shareholders for decades, about the future risks of climate change. On November 5th, 2015, New York attorney general Eric T. Schneiderman opened an investigation of ExxonMobil “to determine whether the company lied to the public about the risks of climate change or to investors about how such risks might hurt the oil business” (Gillis and Krauss 2015). With the recent election of the politically moderate Notely in Alberta and Trudeau as Canadian Prime Minister, tar sands expansion will likely plateau for the foreseeable future, and possibly be scaled back if oil prices remain low. The path dependency of neoliberalism as an economic ideology, with its logic of endless growth, and continued reliance on oil and gas, are both showing signs of stress. There are several possible outcomes, depending on the future viability of oil and gas exploration, changing cultural attitudes, and the development of renewable energy technologies, such as electric vehicles.

Although President Obama ultimately rejected KXL after seven long years of review, he did approve the southern leg of KXL and his administration’s ‘all of the above’ energy policy has turned the American landscape into the wild-west for shale fracking projects. And while the KXL rejection was a major victory for landowners in rural Nebraska, and a symbolic victory for the greater environmental movement, the massive expansion of shale fracking under Obama’s watch is more important in determining his climate legacy. Obama’s all of the above energy policy approach illustrates the difficulty political leaders face in terms of transitioning to a renewable energy economy. The tension between the

need for significant action on climate change and the demands of economic growth was apparent in his KXL rejection speech (White House Office of Press Secretary 2015):

If we want to prevent the worst effects of climate change before it's too late, the time to act is now. Not later. Not someday. Right here, right now. And I'm optimistic about what we can accomplish together. I'm optimistic because our own country proves, every day -- one step at a time -- that not only do we have the power to combat this threat, we can do it while creating new jobs, while growing our economy, while saving money, while helping consumers, and most of all, leaving our kids a cleaner, safer planet at the same time.

In the same speech, Obama notes that “homegrown American energy is booming,” referring to the domestic hydraulic fracking revolution (2015). Natural gas is often described as ‘clean energy,’ or a bridge energy source for transitioning to a renewable energy economy. But the expansion of hydraulic fracking and natural gas and oil pipeline projects is experiencing a backlash from citizens and communities threatened with water contamination, earthquakes, environmental degradation, and threats of eminent domain. The success of the KXL fight in rural Nebraska, and the national environmental movement campaign to stop the pipeline, set a precedent that has energized the environmental movement and is inspiring a new wave citizen opposition to risky energy projects.

Energy Project Encroachment: Too Close for Comfort

While the greater environmental movement focused on stopping the KXL pipeline between 2010 and 2015, dozens of other oil and gas energy projects, facilitated by Obama's all of the above energy policy, have been proposed and constructed in the meantime. In this section, I discuss community opposition to oil/gas fracking energy projects in order to illustrate how landowner opposition to KXL in Nebraska is not an isolated case, but only one example of many community mobilizations against risky energy projects occurring across the nation. Like Nebraska's grassroots mobilization

As the map illustrates, there are three major fracking zones in the U.S., The Marcellus play in the Appalachian Basin, the Eagle Ford play in Texas, and the Bakken play in the Williston Basin, with several smaller pockets of shale development across the West. There are three primary issues related to fracking that communities are raising concerns about, include *water use, water contamination, and risks associated with oil and liquefied natural gas (LNG) transmission pipelines*. Hydraulic fracturing requires large amounts of water for injecting chemicals into the earth to free gas and oil for extraction, and the process produces a significant amount of toxic waste water that must be stored or disposed of. Figures 9.2: *Hydraulically Fractured Wells 2011-2014* and 9.3: *Hydraulic Fracturing Water Use: 2011-2014* show locations where fracking projects have been established in the U.S. and areas where fresh water is being used to extract gas and oil. Between January 2011 and May 2013, 39,294 fracking wells located across the U.S. used over 97 billion gallons of fresh water for hydraulic fracturing operations, equivalent to the annual water needs of over 55 cities with populations of 50,000 (CERES 2015).

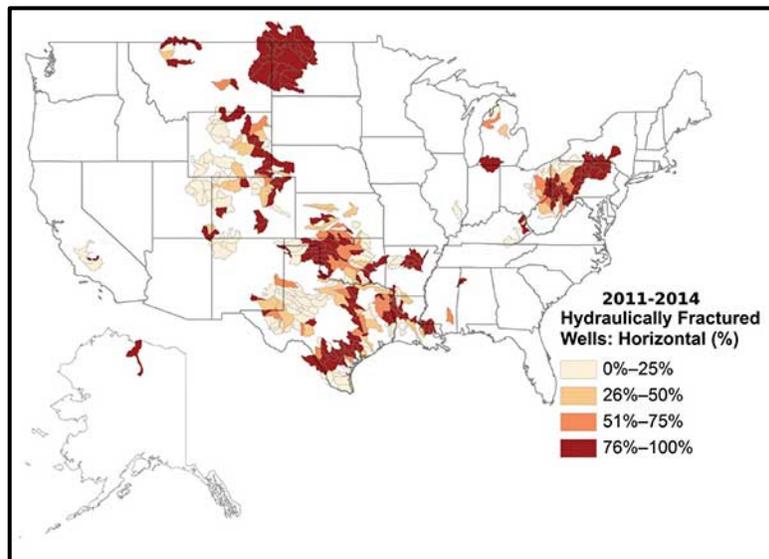


Figure 9.2: *Hydraulically Fractured Wells 2011-2014*.
Source: *United States Geological Survey 2104*.

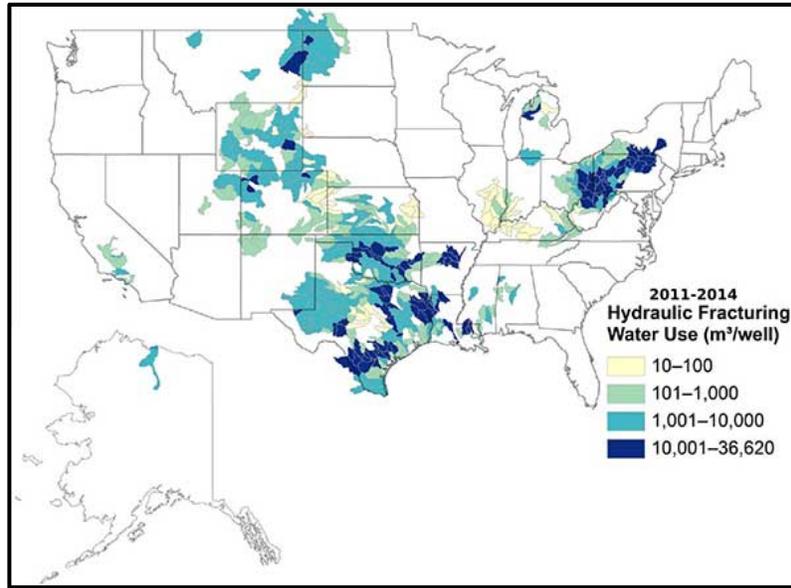


Figure 9.3: Hydraulic Fracturing Water Use: 2011-2014.
Source: United States Geological Survey 2014.

Looking at Figure 9:4: Competition for Water in U.S. Shale Energy Development, we see how fracking activity is stressing drought stricken California, wide swaths of the Western and Southwestern United States, and portions of the Midwest, including almost the entire Ogallala Aquifer. Communities located around the Marcellus play are also competing with LNG projects for water resources. Examining the map above, significant portions of the nation, and countless local communities, are facing water stress due to competition with the water hungry fracking industry. Faced with drought, water competition, water contamination, and a host of newly proposed transmission pipelines, communities are beginning to resist energy project encroachment.

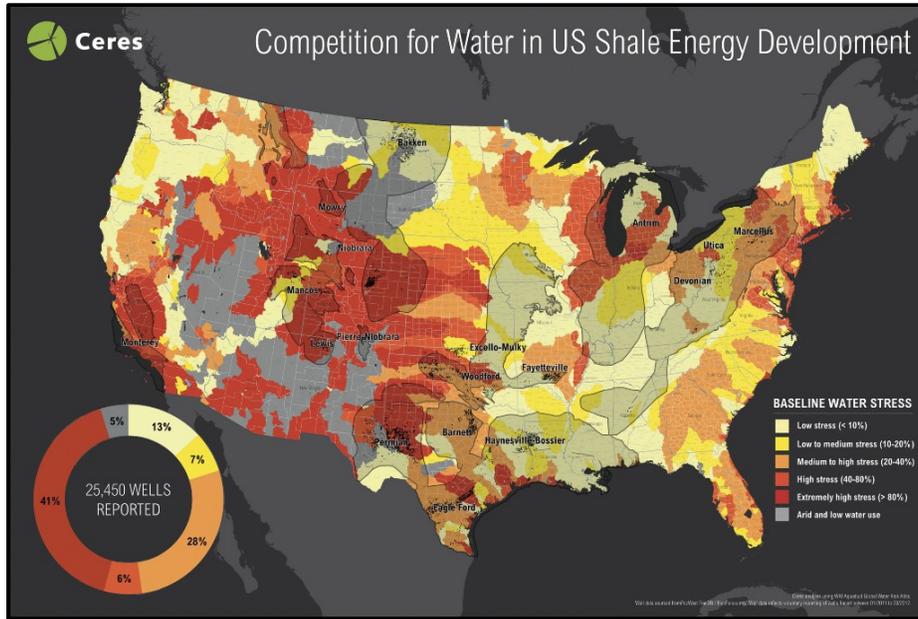


Figure 9.4: Competition for Water in U.S. Shale Energy Development. *Source: Ceres 2014.*

As the Obama Administration, and most of America, celebrated the booming natural gas industry, many communities located in the three major fracking zones are experiencing some of the negative impacts of the shale revolution. As climate change exacerbates cycles of drought, particularly in the Western U.S., communities in fracking zones are competing with the oil and gas industry for dwindling water resources, while other communities are threatened with contaminated drinking water. Other unintended risks associated with fracking include earthquakes. In 2008, Oklahoma experienced only two earthquakes over 3.0 magnitude. In 2015, due to very heavily concentrated fracking projects, the state experienced over *one thousand* earthquakes registering 3.0 magnitude or higher (Phillips 2015). Earthquakes caused by fracking in Oklahoma are not only threatening community safety, but due to the concentration of petroleum storage and transportation infrastructure located in Oklahoma, strategic energy assets located in the state are also threatened by increased seismic activity (McNamara et al. 2015). As citizen awareness about the potential negative consequences of fracking grows, I suggest, more

communities will likely become at-risk for mobilization against new energy projects proposals.

Cultural awareness about fracking certainly is growing, due to documentaries like *Gasland* (2010) and countless news reports and articles focused on water contamination and earthquakes caused by fracking. People living in Iowa, Kentucky, or Virginia communities during the beginning of the fracking boom may not have been very concerned about water contamination associated with fracking wells located hundreds of miles away. But these communities are no longer immune to the environmental impacts of the fracking revolution. The proliferation of injection wells requires an extensive network of liquefied natural gas and oil transmission pipelines to get petroleum products to market. Despite the current low price of oil, energy companies continue to apply for permits to build transmission pipelines. For example, there are seven natural pipelines currently being proposed in Pennsylvania, a state located in the heart of the Marcellus fracking boom (Woodall 2015). Many of these transmission pipelines are several hundred miles in length and are encroaching on communities that do not have fracking sites in their state or community. Recall the causal mechanism *similar industry*, discussed in my county profile chapter, which suggests communities and states that rely on oil and gas projects, like Texas and Oklahoma, are less likely to protest new energy projects. The opposite is true for communities and states without oil and gas industries, like rural Nebraska, as they tend to be less accepting of risky energy projects that are considered out of place and unwanted.

At-risk community opposition to energy projects is occurring in several forms. Some communities are battling the institutional regulations that determine the

environmental review process, such as Federal Energy Regulatory Agency (FERC) regulations and state environmental quality agency policy (Fitzgerald 2015, Hippauf and Cantarow 2015). Other communities are re-writing local pipeline siting ordinances in order to protect rivers, wildlife areas, and water resources (Jackson 2015). In December 2014, Governor Andrew Cuomo banned fracking in New York state due strong public opposition to fracking and safety concerns over “water, air, and soil” (Klopott 2015). One community’s effort to ban fracking failed due to political influence. In 2014, the city of Denton, Texas successfully banned fracking within city limits, but the Texas legislature quickly stepped in and passed a bill outlawing fracking bans in the state (Malewitz 2015). Other reactive mobilizations are appearing in several states where oil and gas transmission pipelines have been proposed.

After conducting an online search of news articles from 2015, I identified nine of the most prominent active community mobilization efforts against oil and gas pipeline projects taking place in seven states. Table Table 9.5: Community Opposition to Fracking Oil and Gas Pipelines 2015, contains some basic data on these movements, including opposition organization names, names of the proposed pipeline, and the name of energy company applying for permits.

| State | Community Social Movement Organizations (News Source) | Pipeline Name | Energy Company |
|------------|--|--|--|
| New York | Stop NY Fracked Gas Pipeline (Crow II, Kenneth. 2015) | Northeast Energy Direct (NED) Project | Kinder Morgan/Tennessee Gas Pipeline Company |
| New York | Save Burden Lake (Sanzone 2015) | Tennessee Gas Pipeline | Kinder Morgan |
| New York | Delaware Riverkeeper (Jaspers 2015) | The Constitution Pipeline | Northeast Energy Direct |
| New Jersey | Hunterdon County Freeholders (Graziano 2015) | PennEast Pipeline | PennEast Pipeline Company |
| Virginia | Friends of Nelson (Smith 2014) | Atlantic Coast Pipeline | Dominion Resources |
| Iowa | Bakken Pipeline Resistance Coalition (Ta 2015) | Bakken Pipeline | Energy Transfers Partners |
| Ohio | Coalition to Reroute Nexus (Downing 2015) | Nexus Gas Transmission Pipeline | Spectra Energy |
| Michigan | Protect Our Land and Rights (Hasemyer 2015) | ET Rover Pipeline | Energy Transfers Partners |
| Texas | Big Bend Conservation Alliance (Dart 2015) | Tans-Pecos Pipeline | Energy Transfers Partners |

Table 9.5: Community Opposition to Fracking Oil and Gas Pipelines 2015.

The community opposition organizations listed above are part of a new wave of grassroots mobilizations against energy project encroachment by the oil and gas industry. These locations are also where the demands of neoliberal economic growth, oil and gas energy projects, and community resistance are converging in episodes of contention over natural resources and concerns about climate change. Community members and citizens fighting pipelines may not be directly attacking neoliberalism by choosing to fight a risky energy project, but they are rejecting the polluting energy sources that drives its growth. Rather than letting the oil and gas industry dictate the pace of the country's transition to a renewable energy economy, whatever it might look like down the road, small groups of citizens are organizing to disrupt the infrastructural sprawl of our industrial fracking complex, and demanding sustainable alternatives. Consider the quote below from May Boeve, executive director of 350.org, in response to President Obama's rejection of KXL on November 6, 2015:

Just a few years ago, insiders and experts wrote us off and assured the world Keystone XL would be built by the end of 2011. Together, ranchers, tribal nations, and everyday people beat this project back, reminding the world that Big Oil isn't invincible - and that organized people can win over organized money. But the win against Keystone XL is just the beginning, because this fight has helped inspire resistance to a thousand other projects. Everywhere you look, people are shutting down fracking wells, stopping coal export facilities, and challenging new pipelines. If Big Oil thinks that after Keystone XL the protesters are going home, they're going to be sorely surprised... More than anything, though, today's decision affirms the power of social movements to enact political change, and a clear sign that our movement is stronger than ever. We're looking to build on this victory, and show that if it's wrong to build Keystone XL because of its impact on our climate, it's wrong to build any new fossil fuel infrastructure, period.

May's statement acknowledges that the KXL rejection was an inspiring moral victory for the greater environmental movements' fight against oil and gas energy project encroachment. Michael Brune, head of the Sierra Club, reinforced Boeve's evaluation of Obama's rejection of KXL when he stated that, "there are hardly any new proposals for energy infrastructure that don't have significant protest movements attached to them" (Gardner 2015). Due to the growing tension between the fresh water needs and safety concerns of communities and risks associated with fracking projects - compounded by extensive drought and climate change - there is little doubt that in the future we will see more grassroots community-oriented SMOs composed of disparate cultural and political identities organizing and engaging in contentious politics to protect their water, land, and the future of the planet.

Potential for Further Research

After four years studying the KXL debate in Nebraska, I still feel I have only scratched the surface of the structural and cultural changes occurring due to our evolving energy production policies and consumption practices. In terms of potential future research and contributions to social science, there are several possible avenues of investigation opened through my research, particularly in the areas of contentious politics

and at-risk communities, framing analysis, and the changing dynamics of the American environmental movement.

The emerging cultural tensions occurring between the oil and gas industry and civil society contain all the elements of contentious politics: oil and gas industry claims on natural resources and private land, communities mobilizing to protecting their environmental resources, and political power stepping in to referee and sometimes quash community resistance. As many politicians, business leaders, and energy industry representatives fatalistically insist we will need the energy provided by oil and gas resources to drive our economy for decades to come, citizens are beginning to recognize the real *social value* of land and water and acknowledge that these resources are a collective good existing outside, or above, particular cultural and political identities.

The political spaces opened up by, and coalitions formed during, episodes of contention over natural resources may be localized and temporary, but they can work to break down long-standing barriers between disparate religious, political, and cultural interests. The culturally and politically unifying aspect of these types of community mobilizations certainly deserves more analytical attention. For example, with Obama's rejection of KXL, it would be interesting to continue studying the organizational trajectory of Bold Nebraska and the fate of its coalition of opposition members. Did the experience of working with a diverse political coalition fighting for *shared* land and water resources change member's attitudes about political and cultural differences? The inclusiveness of community mobilizations against energy projects also deserves further analysis. Who exactly participates in these coalitions depends on geographic location, cultural and political factors, and demographics. The recruitment tendency is

towards inclusiveness based on the protection of shared resources or common threat, although certain populations might be overrepresented or marginalized from participation for a variety of reasons.

Also, it will be worth looking at how the interests involved in these types of conflicts (oil and gas industry; pipeline construction unions; political actors, government agencies) will adapt their organizational strategies and objectives in light of the rejection of KXL and growing community resistance to risky energy projects. One thing is for sure, no energy company would be foolish enough to try and propose building an oil pipeline through Nebraska any time soon. In fact, the recently proposed Energy Partners Pipeline (Enterprise Products Partnerships) and the ETC Dakota Access Pipeline (Energy Transfer Crude Oil Company), both of which would carry shale oil from the Bakken play in North Dakota to Oklahoma and Texas, totally circumvent Nebraska on their way south to distribution and refining complexes.

In relation to the politics of contention and community mobilizations against energy projects, there are two possible areas of future research worth mentioning. First, one of the most significant drivers of opposition to KXL in rural Nebraska was private property rights, yet Republicans political leaders and conservatives rarely if ever attempted to defend landowners from TransCanada's threats of eminent domain against easement holdouts, a power granted to the company via LB1161 passed by the Nebraska legislature. It would be interesting to do a more thorough analysis of the tensions between the core conservative value of private property rights and the power of energy corporations, not government agencies, to take citizen land for profit. What would conservative political leaders who supported KXL say to the many Republican

landowners who are threatened with land condemnation, and how would they justify this contradiction? In the case of KXL, there was only silence from Republicans on this issue. How exactly this tension within conservative values plays out in future episodes of contention over natural resources is worth investigation.

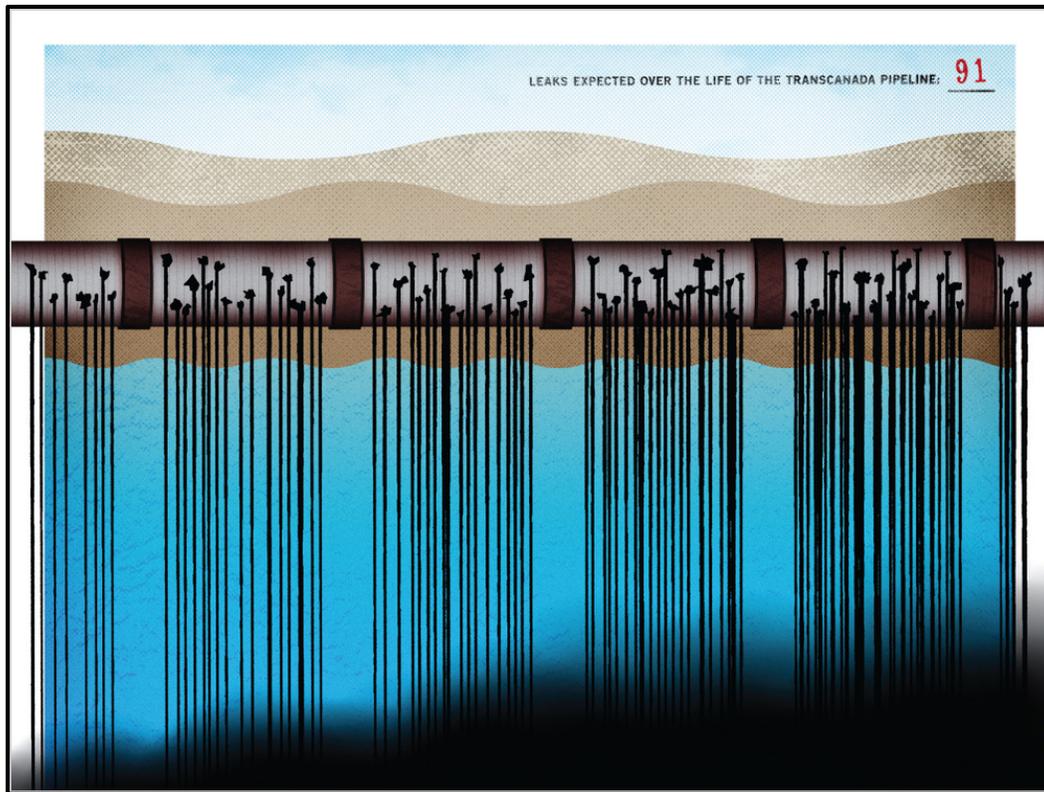
In my review of literature relating to at-risk community opposition to energy projects, I did not find any studies that used public comment transcripts as data sources for comparing narrative frames and discourses used by various interests involved in these kinds of conflicts. Further research relating to framing and energy project fights might use a larger set of public comment testimonies from many different locations (like the mobilizations listed above) to identify the narrative frames commonly associated with community mobilizations against energy projects. Public comment transcripts are excellent data sources for comparative analysis because they are uniform, publically available, and often include all of the important narratives involved in a particular energy project debate. Through comparative analysis, future studies might use public testimonies to create a generalized typology of reactive mobilization frames and repertoires of contention. Also related to comparative analysis, a macro-level comparison of the political and public responses within the five states affected by KXL would illustrate how the concept of *similar industry* can shape at-risk community responses to energy projects proposals.

Lastly, the symbolic and cultural value of the KXL battle for the mainstream environmental movement and the precedent Obama's rejection set for ongoing and future at-risk community mobilizations against pipelines deserves analysis. While every community opposition movement against an energy project contains elements of

NIMBYism, the opposition to pipeline projects we now see appearing across the United States are also focused on preserving our natural resources and addressing climate change. Protecting the environment for future generations plays a significant role in these mobilizations. Perhaps these kinds of mobilizations contain the right mixture of NIMBYism and ‘extra-cultural’ concern for shared resources that is necessary for moving beyond traditional forms of protest, which in most cases are symbolic, to a form of environmental engagement that directly challenges petroleum project expansion.

History may cynically judge President Obama’s rejection of KXL as a purely political decision, although every farmer and rancher from rural Nebraska who spent six long years fighting the pipeline would disagree. Hopefully, at least from a social movements and framing analysis perspective, this study will preserve the words and actions of the landowners and activists who mobilized, fought, and in defense of nature, helped defeat the claims-making campaign of one of the most powerful industries in the world.

Appendix A: Bold Nebraska Paraphernalia and Artwork



NEBRASKA VS. KEYSTONE XL

BUILD OUR ENERGY



DECLARING OUR INDEPENDENCE FROM TAR SANDS IN SUPPORT OF LOCAL, CLEAN ENERGY.

Donate to help us build a wind turbine and solar-powered barn inside the pipeline route. If Pres. Obama approves the pipeline he would be tearing down clean and local energy for dirty and foreign tarsands.

✧ DONATE ✧

RALLY.ORG/BUILD

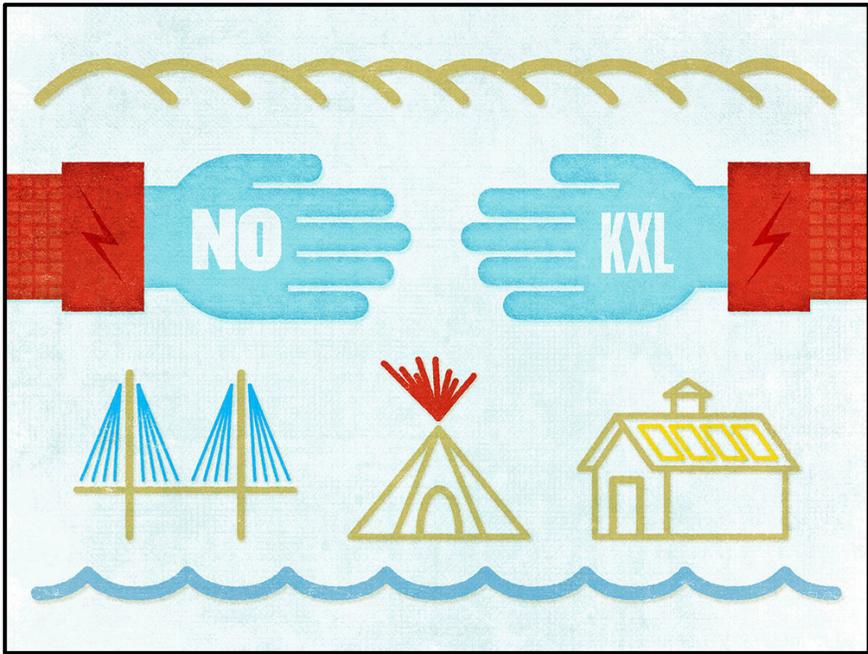
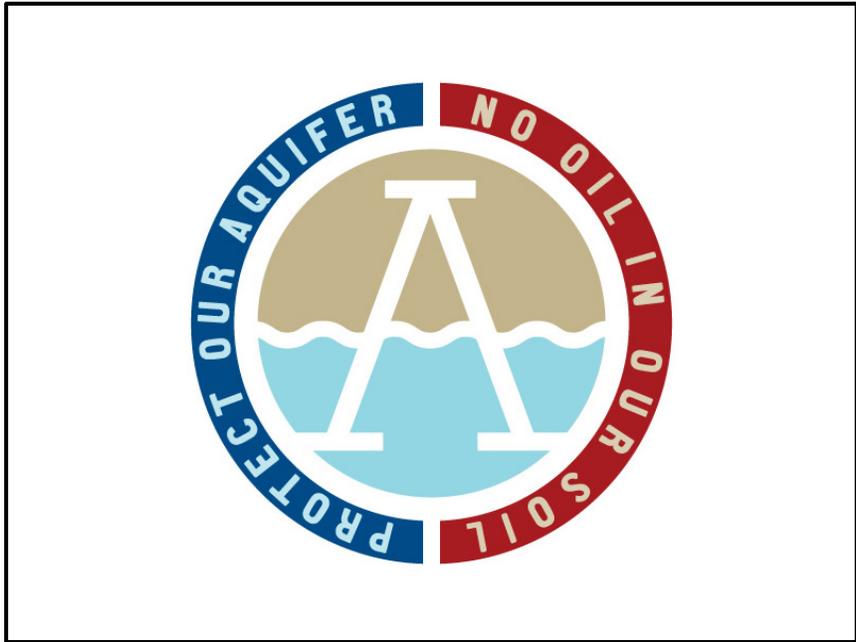
— ✧ 2013 ✧ —

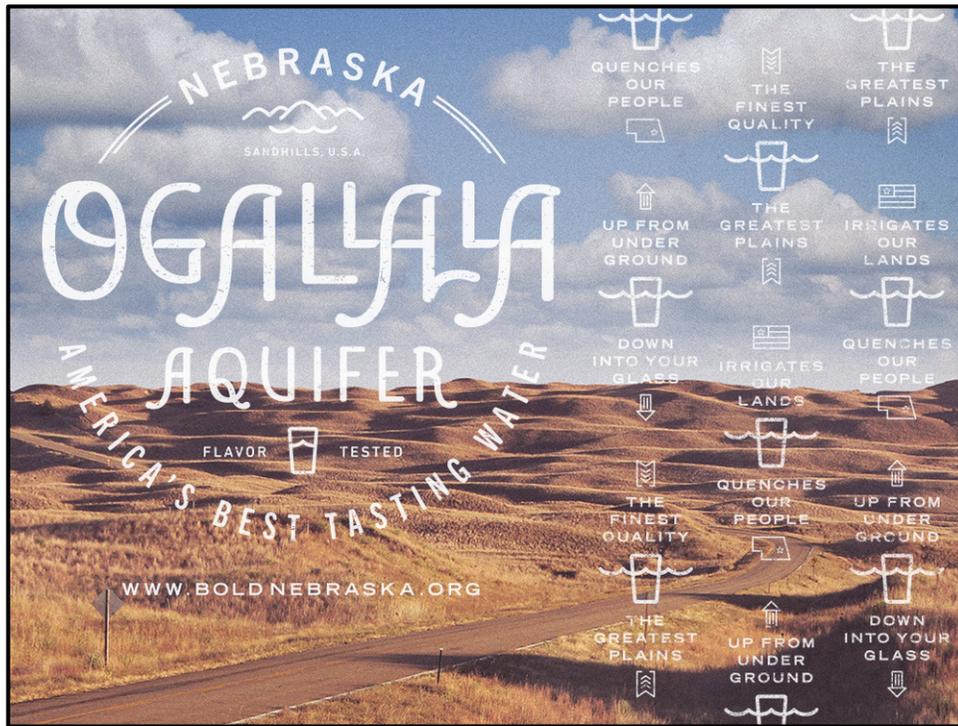
This is the summer of the

*Pipeline
Fighter*

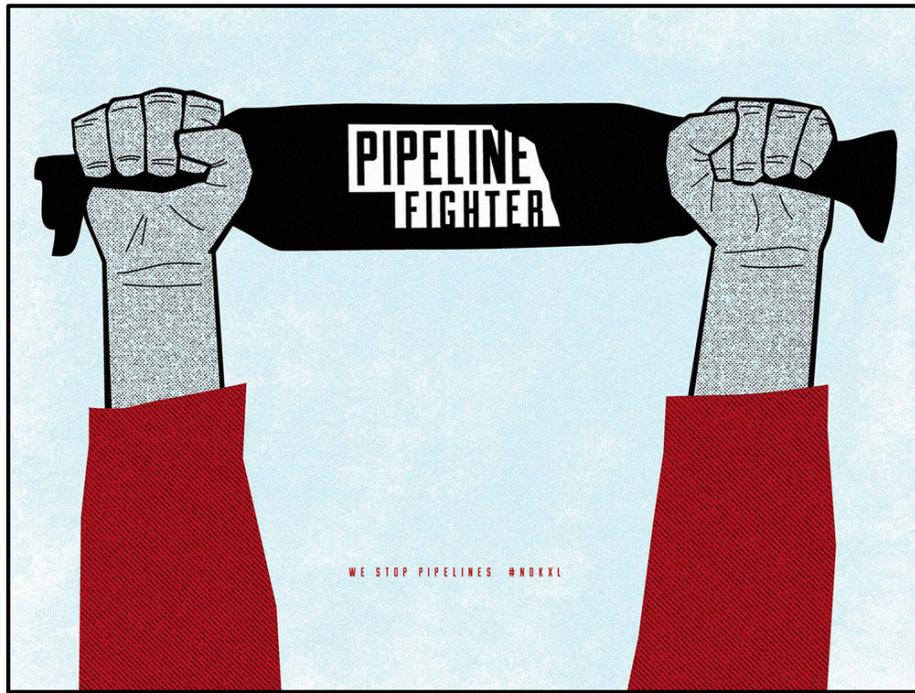
VOLUNTEER

BOLDNEBRASKA.ORG











THIS WEEK:
REJECT AND PROTECT
Cowboy Indian Alliance action to stop Keystone XL

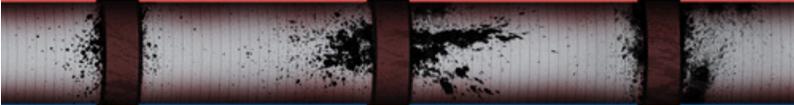
APRIL 22ND:
Opening Ceremony
+ Horseback Ride

APRIL 26TH:
Tipi ceremony -- all invited!

APRIL 27TH:
Interfaith closing ceremony

**REJECT
AND
PROTECT**

**Keystone XL still
crosses the Sandhills,
our Aquifer and
risks over 2,300
family wells.**



**Tell President Obama
to Reject & Protect.**

www.BoldNebraska.org



UNICAM
IN THE POCKET OF
TRANSCANADA

VS

CITIZENS
PROTECTING OUR
LAND & WATER

STOP THE PIPELINE

EMAIL SPEAKER FLOOD, MFLOOD@LEG.NE.GOV

★ ★ ★ www.BoldNebraska.org ★ ★ ★

APPENDIX B: LANDOWNER INTERVIEW GUIDE

- 1] How long have you lived in Nebraska?
- 2] Do you do any ranching or farming; what kind?
- 3] What do you like best about Nebraska?
- 4] What words would you use to describe the general character of Nebraska?
- 5] When and how did you first learn about the pipeline?
- 6] If built, how close would the pipeline be located to your property?
- 8] How would you characterize TransCanada's relationship with landowners?
- 9] Why do you think some landowners have signed easements with TransCanada?
- 10] If built, who do you think would benefit the most from the pipeline?
- 11] If built, do you trust TransCanada can safely operate the pipeline?
- 12] Why do you think Nebraska has become the center of controversy over the pipeline?
- 13] In what ways do you think state politics has shaped the KXL debate?
- 14] Do you think the State Department's and NDEQ review was fair and accurate?
- 15] Have you discussed the pipeline with others in your community?
- 16] How did you get to know other landowners who are opposed to the pipeline?
- 17] Do you think your involvement and activism has strengthened your community?
- 18] What are the main issues that have united landowners against the pipeline?
- 19] How important is the aquifer to your community?
- 20] If approved, do you think landowners will continue to protest the pipeline?
- 21] How rare would say is it for rural Nebraskans to organize and protest?
- 22] Considering many Nebraskans are involved in agriculture and ranching, how do you think Nebraskan ranchers and farmers feel about climate change?

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