

Keystone XL: A Year in Review

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What has happened with pipeline and current bane of environmentalists' existence in the year since the Obama administration rejected TransCanada's original permit?

It's been just over a year since the Obama administration rejected TransCanada's original permit application for Keystone XL. On the surface, it might seem like nothing much has happened. The State Department has yet to **release its assessment** of the environmental impacts of the new, revised pipeline route, which TransCanada proposed on May 4, 2012, only four months after the initial permit rejection. None of the many attempt by Republicans in Congress to force through approval of the pipeline succeeded, and with the slow fade of Mitt Romney, one of the project's self-proclaimed biggest fans, the project's best chance to pass unimpeded through U.S. bureaucracy was lost. But in this period neither TransCanada nor Keystone XL opponents have been at rest. Construction on the southern end of the pipeline began in August, and protesters, hoping to budge an administration that has turned stalling on environmental action into a specialty, have amped up both their numbers and the force of their argument—that building Keystone XL will expedite climate change. Now, the project is heading straight back into the headlights of national attention. This spring, the State Department will likely release its report, which environmental advocates believe will not begin to address their concerns either about risks to local water and wildlife or about massive carbon emissions from burning billions of barrels of tar sands oil. Administrator Lisa Jackson is leaving the Environmental Protection Agency in part, it's been reported, to keep clear of colleagues who're all in favor of pushing forward. And on Tuesday, Nebraska's Republican governor, Dave Heineman, gave Keystone XL **his blessing** in a letter to President Obama and Secretary of State Hillary Clinton. While Heineman once worried, along with environmentalists, about the potential damage a spill could do to Nebraska's sensitive Sand Hills and the huge Ogallala aquifer that lies beneath them, he claims the new route alleviates those concerns.

It seems like it'd be easy enough for the State Department and the president to take this cue and usher Keystone XL through. But in the view of environmentalists and protesters, everything about the politics and economics of Keystone XL has changed this year—and not in TransCanada's favor.

Since the summer, sections of green pipeline, three feet wide, have been going into the ground in Texas and Oklahoma. This is the southern section of project, which will worm 485 miles from Cushing—the tiny Oklahoma

city that exists only as a crossroads for oil and a place to set its price—to Nederland, Texas, on the border with Louisiana, about 100 miles west of Houston, where oil siphoned from North Dakota’s Bakken Shale and trucked in from Alberta’s tar sands can be refined and shipped out on the international oil market.

Anti-Keystone activists have taken to the trees, ventured inside the pipeline, and ended up in jail trying to stop this construction. Groups like Tar Sands Blockade—a coalition of Texas and Oklahoma landowners—and their allies have staged sit-ins, hunger strikes, and other direct actions to block the pipeline’s progress. In Texas, in particular, neither legal system nor law enforcement has much patience with nonviolent direct action, and many protestors have been stuck in jail, waiting for basic legal processes to begin, or dealt with roughly by police officers wielding tasers and cans of mace.

These actions, though, are just one facet of what anti-Keystone advocates have been pushing for—a broader move towards climate consciousness and pressure on politicians from the ground up, rather than from glad-handing in Washington meetings.

“It’s really been a year of the public coming out on the street and saying we can’t afford climate change. We can’t afford this damage to our water,” says Susan Casey-Lefkowitz, who directs the Natural Resources Defense Council’s International Program. “It’s not just environmentalists. It’s farmers and business leaders and health professional and religious leaders.” Jane Kleeb, executive director of the anti-Keystone group Bold Nebraska, has found that some of the landowners now willing to risk arrest have surprised even themselves. “If you asked them if they would do that, when they started this fight, they never would have imagined they would,” she says. That goes for national environmental groups, too: on Wednesday, the Sierra Club **announced** that it would be engaging in its first official act of civil disobedience ever, in protest of Keystone XL.

Fighting against Keystone XL was always part of a larger strategy to build a popular movement that could press for action on climate change. By fighting against the pipeline’s potential carbon dump, leaders in the climate movement want to make its approval more than a decision about local environmental impacts. They see it as a litmus test for the Obama administration on climate.

Work by activists in Canada has helped make this case stronger. Oil companies are already developing Alberta’s tar sands; the question of Keystone XL has always been about how they will move the oil they extract to international markets and how that transportation will affect the tar sands’ profitability. Another pipeline company, Enbridge, has been working on one project that would link the tar sands to the west coast of Canada with **a new pipeline** and another that would use existing infrastructure to funnel oil to the Atlantic coast. The westward-bound pipeline crosses through First Nations land, whose owners have constitutional rights that tribes in the United States can only dream of. Opposition from First Nations, along with other Canadian landowners and with environmental groups, has convinced plenty of people within the oil industry that Keystone XL is its best and last resort.

“When you read the quotes from the industry, the politicians, the company they all say the same thing: ‘We really need the pipeline,’” says Daniel Kessler, a campaigner and spokesman for the climate group 350.org. “That’s new over the past year. They’re really admitting they have to have this. There’s a surplus of oil. There’s not enough capacity.” The option of moving oil by truck or by rail also exists and is being used to ferry some oil to Oklahoma. But it’s also expensive, and it’s harder to upgrade to deal with the tar sands’ oil boom.

That surplus also means that tar sands developers can’t sell their product for as much as they like. Environmental advocates are waiting to see whether the State Department recognizes this shift. “The State Department has previously come out with an analysis that says tar sands expansion is going to happen anyway—it’s inevitable. If we accept that, then the approval of Keystone XL make no difference,” says NRDC’s Danielle Droitsch. “Until there’s a recognition of the significance of the pipeline in terms of driving this expansion, the administration is operating with bad assumptions.” Whereas last year, one of the strongest arguments against Keystone XL was its potential to damage water resources in Nebraska, this year, opponents

have focused on this broader economic argument: Without this particular pipeline, the economics of tar sands development make so much less sense that the oil will stay in the ground.

At the same time, both individuals and environmental groups are preparing to fight against the pipeline if it's approved. In Nebraska, a landowner coalition called the Nebraska Easement Action Team has been reaching out to property owners since the summer, encouraging them not to sign any agreements with TransCanada, and inviting them to negotiate as one group. Bold Nebraska's KleeB says the group's existence has changed how TransCanada is dealing with local landowners, who are receiving fewer aggressive letters and threats to exercise eminent domain.

TransCanada has been doing its homework, too, and if the State Department approves the project, it will be difficult to stop construction. Amy Atwood, a senior attorney with the Center for Biological Diversity, can rattle off a list TransCanada's recent successes: starting construction on the southern segment of the pipeline, defeating a lawsuit from the Sierra Club, tallying up the approvals they need to start construction on the northern segments, and securing many of the local approvals needed for the new route.

What happens if the push to reject the pipeline on climate grounds fails? "Does it mean a coming tougher of local landowners and national environmental groups getting preliminary injunctive relief or block it from being constructed?" Atwood asks. "That's a tall order. Unless you're talking about a clear cut of an old growth forest, it's more and more difficult for environmental groups to stop that destruction at a preliminary stage."

That makes it all the more crucial for climate campaigners to make the strongest arguments they have in the little time they have left. 350.org, along with the Sierra Club and the Hip Hop Caucus, are organizing their next big action for President's Day weekend, in Washington, D.C. They're planning for the largest climate rally the country's ever seen—30,000 to 40,000 people—and hoping to convince the Obama administration that it would be giving up more than it wants to by approving the pipeline.

Secretary of State nominee John Kerry, it should be noted, is a bit of a cipher in these calculations: he's almost definitely a much stronger ally than Susan Rice, who had invested in tar sands development, would have been, but it's not clear he'll be a strong voice against approval. In the end, it's the president that needs convincing, and environmentalists no longer hold the trump card of 2012 votes.

"We don't have that leverage but we have the question of legacy," says 350.org's Kessler.