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July 29, 2015

Members of the South Dakota Public Utilities Commission:

This week you will begin to consider whether or not permits should be renewed for TransCanada's Keystone XL (KXL) pipeline. As you gather in Pierre, you may be interested to know that TransCanada apparently believes the matter is a "done deal." Every day more pipeline pipes are being off-loaded from rail cars to a growing stockpile at the "agricultural" storage facility at the Worthing, South Dakota exit off Highway I-29.

According to TransCanada's online "primer" explaining the KXL pipeline, in 2010 the South Dakota PUC "determined that Keystone XL would not significantly impact the environment or the health, safety or welfare of those in the state of South Dakota."¹

I beg to differ with your 2010 determination; the evidence that has accumulated since that time proves otherwise.

In the months since the KXL South Dakota permits expired on June 29, 2014², there have continued to be rail accidents involving the transport of crude oil. Pipeline proponents have tried to use these reports to convince the public that "trains are bad" and "pipelines are safe." However, pipelines have proven to be more dangerous than trains when it comes to transporting oil across our country.

Noah Greenwald reported in January 2015:

A new analysis of federal records reveals that in just the past year and four months, there have been 372 oil and gas pipeline leaks, spills and other incidents, leading to 20 deaths, 117 injuries and more than \$256 million in damages.

The new data adds to a June 1, 2013 independent analysis of federal records revealing that since 1986, oil and gas pipeline incidents have resulted in 532 deaths, more than 2,400 injuries and more than \$7.5 billion in damages.³

Information from the federal Pipeline and Hazardous Materials Safety Administration was used in the creation of a video showing the timing and locations of the nearly 8,000 pipeline incidents (leaks,

¹ <http://keystone-xl.com/a-primer-on-the-keystone-xl-south-dakota-public-utilities-commission-hearings/#sthash.bPrwvrvr.dpuf>

² <http://insideclimatenews.org/news/20140617/expiration-south-dakota-keystone-permit-another-hurdle-transcanada>

³ http://www.huffingtonpost.com/noah-greenwald/pipeline-accidents_b_6174082.html

ruptures, explosions, fires, evacuations) that have occurred from 1986 to 2013.⁴ During those 19 years, an average of 200 barrels (8,400 gallons) of oil was spilled each and every day from pipelines in the U.S.⁵ Clearly, pipelines are not the answer. The Keystone KXL is not the answer.

Despite the 2010 PUC ruling, Keystone XL will significantly impact the environment and the health, safety and welfare of all who live in the state of South Dakota.

For example:

- The Keystone XL violates the 1851 and 1868 Fort Laramie treaties with Native American nations. Lou Thompson, TransCanada's "liaison" to the tribal nations, has dismissed these American treaties as irrelevant.⁶ Usually foreign companies do not determine which of our treaties are valid and which are invalid. These American treaties were re-affirmed by our country's Supreme Court in 1980⁷; they are still in effect in 2015, despite TransCanada's claims.
- Mr. Thompson has also dismissed Native American communities' larger concerns about present and long-term care for the earth and water. He said, "If tribes protest, they're taking food off tables of others. There are people who are relying on the project to put food on the table."⁸
- It crosses the Ogallala aquifer that supplies 1/3 of the water for American food production, as well as 3 major rivers (Missouri, Yellowstone, Red).⁹ Allowing a foreign company to endanger our food supply and our water is a national security issue.
- In addition, a foreign company (TransCanada) is threatening farmers and ranchers and seizing American farm and ranch land by "eminent domain."¹⁰ Usually foreign companies do not have the right to force Americans off their land. If the pipeline company was called "TransIran Oil" American citizens would be up in arms about this theft of American land.
- TransCanada's president for Keystone Projects, Corey Goulet, misrepresented the facts during an international radio broadcast on October 7, 2014. He claimed that TransCanada had "all the land needed" in South Dakota.¹¹ Although that is true, the South Dakota KXL permits had expired on June 29, 2014¹² and the re-approval hearings begin this week, 9 months later. Why would Americans support a foreign company whose president flagrantly misrepresents the commitments it has from our states and our federal government?
- The Keystone XL Pipeline will benefit private foreign investors and its oil will be bound only for duty-free and tariff-free export, not for American domestic consumption.¹³ Philip Verleger, who

⁴ http://www.biologicaldiversity.org/campaigns/americas_dangerous_pipelines

⁵ http://www.huffingtonpost.com/noah-greenwald/pipeline-accidents_b_6174082.html

⁶ <http://blog.nrcprograms.org/treaty-series-keystone-xl-pipeline>

⁷ <https://bulk.resource.org/courts.gov/c/US/448/448.US.371.79-639.htm>

⁸ http://www.dailynebraskan.com/endowment/yankton-sioux-launch-protect-the-sacred-campaign-to-preserve-lands/article_c2b765d4-a53f-11e2-98d1-001a4bcf6878.html

⁹ <http://www.foe.org/projects/climate-and-energy/tar-sands/keystone-xl-pipeline>

¹⁰ <http://www.pri.org/programs/america-abroad/keystone-xl-pipeline-international-town-hall>

¹¹ <http://www.pri.org/programs/america-abroad/keystone-xl-pipeline-international-town-hall>

¹² <http://insideclimatenews.org/news/20140617/expiration-south-dakota-keystone-permit-another-hurdle-transcanada>

¹³ <http://www.api.org/~media/files/policy/keystone-xl-pipeline/ftz-tax-summary.pdf?la=en>

has served as an energy policy adviser to the U.S. Treasury and the Council of Economic Advisers, has warned that Gulf Coast refineries already have long-term commitments with Saudi Arabia, Venezuela, and Mexico -- three countries with major ownership stakes in Texas refineries. So, as Verleger points out, "There will be too much oil, it's got to go somewhere, and it's going to China."¹⁴ TransCanada is not invested in American soil, water, and families; it is invested in its own financial gain at our expense.

- According to a George Mason University study of the KXL, the pipeline will create 20 full-time, permanent jobs.¹⁵ The U.S. State Department is somewhat more optimistic, estimating that the pipeline will create 35 permanent jobs.¹⁶ The pipeline is a very expensive form of job creation. There are, however, other ways to increase job growth. The Union of Concerned Scientists noted that renewable energy results in far more jobs.¹⁷

However, the biggest myth is that pipelines are safe. Pipelines explode, rupture, and leak. Even with automatic shut off valves, the leakage is extensive.¹⁸

Pipeline companies cannot and do not patrol the full length of their pipelines. Even worse, as Jeffrey Wiese of the federal Pipeline and Hazardous Materials Safety Administration (PHMSA), has pointed out, the agency has extreme difficulty in enforcing their regulations.¹⁹ We cannot secure them from leaks, nor can we protect them from terrorist sabotage. Tesoro has been working 24/7 since September 2013 to "clean up" a 865,200 gallon spill near Bismarck, ND -- at this point, 613,200 gallons have saturated the land are now considered "lost."²⁰

TransCanada claims that "pipelines are, by far, the safest mode of transportation for crude oil and natural gas" and that the KXL pipeline "has not only set the standard for pipeline safety but also for environmental protections and maintenance."²¹ However, since it began carrying oil in 2010, TransCanada's Keystone I pipeline has leaked at least 14 times.²² In addition, TransCanada also had 3 pipeline explosions in a 9-month period in 2014.²³ Two were in Canada. The third caused the evacuation of Benton Harbor, Michigan and contaminated farmland. The damage occurred even though the automatic valves in the pipeline started to shut off the flow of oil as soon as the drop in pressure was detected. The U.S. State Department, itself, estimates Keystone XL pipeline could have these types of catastrophic events 100 times during its lifetime.²⁴

¹⁴ <http://news.nationalgeographic.com/news/energy/2011/08/110819-keystone-xl-canadian-oil-and-chinese-market>

¹⁵ <http://static1.squarespace.com/static/552f00fee4b00d8610d2a67a/t/55315208e4b06631eabdd1d3/1429295624237/ECONOMIC-fact-sheet-a2014-MR.pdf>

¹⁶ <http://www.forbes.com/sites/energysource/2013/05/10/pipe-dreams-how-many-jobs-will-be-created-by-keystone-xl>

¹⁷ <http://static1.squarespace.com/static/552f00fee4b00d8610d2a67a/t/55315208e4b06631eabdd1d3/1429295624237/ECONOMIC-fact-sheet-2014-MR.pdf>

¹⁸ http://www.biologicaldiversity.org/campaigns/americas_dangerous_pipelines

¹⁹ <http://thinkprogress.org/climate/2014/10/21/3582480/north-dakota-spill-one-year-later>

²⁰ <http://thinkprogress.org/climate/2014/10/21/3582480/north-dakota-spill-one-year-later>

²¹ <http://keystone-xl.com/timetobuildkxl>

²² http://www.huffingtonpost.com/noah-greenwald/pipeline-accidents_b_6174082.html

²³ <http://canadians.org/blog/transcanada-has-third-catastrophic-pipeline-leak-9-months>

²⁴ http://www.huffingtonpost.com/noah-greenwald/pipeline-accidents_b_6174082.html

Clearly, the Keystone XL pipeline will significantly impact the environment, and the health, safety and welfare of all who live in the state of South Dakota.²⁵

We can do better. I ask you to protect the environment, and the health, safety, and welfare of all who live in South Dakota and in these United States. Do not renew the Keystone XL permits.

Sincerely,

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²⁵ <http://keystone-xl.com/a-primer-on-the-keystone-xl-south-dakota-public-utilities-commission-hearings/#sthash.bPrwvrvr.dpuf>