

Conservationists Sue To Block TransCanada Pipeline

BY MARGERY A. BECK AND GRANT SCHULTE

Associated Press

OMAHA, Neb. — U.S. officials illegally allowed a Canadian company to begin preparing the route for its proposed 1,700-mile-long oil pipeline from western Canada to Texas, even though the project hasn't gained final government approval, three conservationist groups contend in a lawsuit filed Wednesday.

The U.S. Fish and Wildlife Service should not have allowed TransCanada Corp. to begin clearing a 100-mile corridor through northern Nebraska grasslands because the State Department hasn't signed off on the Keystone XL pipeline project, the groups argue in their lawsuit filed in federal court in Omaha.

TransCanada was allowed to mow down delicate native grasses and to relocate an endangered species living there, the American burying beetle, they say.

"It's our contention that that activity is illegal. They should not be constructing the pipeline, and they should not be out there," Noah Greenwald, the Center for Biological Diversity's endangered species director, said at a news conference in Omaha.

The plaintiffs, who also include the Western Nebraska Resources Council and Friends of the Earth, are seeking to stop the preparations for the proposed pipeline, which would carry an estimated 700,000 barrels of crude per

day from the oil sands of Alberta, Canada, to Texas Gulf Coast refineries.

TransCanada spokesman Shawn Howard said the claims made in the lawsuit are false and that it mowed some grass as part of efforts to protect and move some of the protected beetles. In every case where mowing was done, the company received permission from landowners, Howard said.

"We respect the regulated review process currently under way and in no way would we impact that by beginning construction without a permit," Howard said in a written statement.

Howard stressed that mowing doesn't constitute construction.

Pipeline supporters, including some business groups and unions, say it would double the capacity of an existing pipeline from Canada and make the U.S. less reliant on Middle East oil. They also say it would create jobs in the states it would pass through — Montana, South Dakota, Nebraska, Kansas, Oklahoma and Texas.

In Nebraska, the pipeline has drawn opposition from an unlikely coalition of farmers, ranchers, landowners, environmental groups and other activists who fear it will leak and contaminate the Ogallala aquifer, which supplies drinking and irrigation water to eight states.

Some climatologists have also argued that by increasing production from the tar sands, the U.S. would begin a dramatic increase in the burning of carbon-intensive fossil fuels at a time

when it should be trying to reduce the release of gases that contribute to global warming.

Earlier this week, opponents of the pipeline released emails and other internal documents that they say demonstrate an overly cozy relationship between State Department officials and TransCanada. The groups asked President Barack Obama to intervene and block the pipeline project.

In their lawsuit, the conservationist groups say the decision to allow TransCanada to begin preparing the proposed route for its pipeline shows that federal officials aren't committed to the full, legally mandated review. State Department officials held public meetings last week in the states the pipeline would pass through, and have defended the process as fair.

"The State Department has further confirmed that it is running a corrupt review process by giving TransCanada a green light to begin construction," said Erich Pica, president of Friends of the Earth. "It makes a mockery of the public and sends a message to Nebraska that their concerns don't matter. If the State Department was truly doing its job, this lawsuit wouldn't be necessary."

By mowing and transplanting an endangered species, TransCanada has already created environmental damage, said Bruce McIntosh, staff ecologist with the Western Nebraska Resources Council.

"It's not just clearing. It's

destruction," said McIntosh, who recently flew over the mowed swaths to document the razing.

He also said the attempt to move the beetles, which have been on the endangered species list since 1983, would result in some dying. The beetles are now found in only six states: Nebraska, Rhode Island, Oklahoma, South Dakota, Kansas, and Arkansas, according to University of Nebraska-Lincoln entomologists.

Although the State Department has final say over the project because it crosses international boundaries, some claim the state of Nebraska could control the pipeline's route through the state.

That could yet happen. Hours after the announced lawsuit, Nebraska Speaker of the Legislature Mike Flood announced that a group of Nebraska lawmakers will meet next Tuesday with a TransCanada official to discuss concerns about the proposed route of the Keystone XL pipeline through Nebraska.

Flood, as well as state Sens. Chris Langemeier, Annette Dubas and Kate Sullivan, will meet with the official.

Earlier this week, Dubas circulated a bill that would give state authorities the power to relocate the pipeline around the aquifer. Dubas and several other lawmakers are pushing for a special legislative session to address concerns over the pipeline's route before the State Department's expected decision in December.

Gov. Dave Heineman has said he supports the pipeline but opposes the

route. The Republican governor has declined to call a special session, citing a lack of legislative support, and he questioned whether the state can supersede federal law, despite U.S. State Department assurances.

Asked Wednesday whether a special legislative session is likely to be called this fall, Flood said he believes more than a majority of lawmakers are leaning toward calling a special session.

"In my opinion, we're not ready for one yet," Flood said. "You don't call a session because you've got an issue. You usually call a session because the governor and the Legislature are working together and you've identified a potential solution."

State law gives the Legislature the ability to require the governor to call a special session by request of two-thirds — or 33 — of its 49 members. But, Flood noted, the Nebraska Legislature has never taken that route in its 144-year history.

The lawsuit filed Wednesday contends that many Nebraskans who oppose the project cannot speak publicly out of fear for their job prospects and professional relationships.

The lawsuit names the U.S. State Department, Secretary of State Hillary Clinton, Secretary of the Interior Ken Salazar and the U.S. Fish and Wildlife Service as defendants, because of their oversight roles. TransCanada is not named as a defendant.

Senate Democrats Add Millionaire Tax To Jobs Bill

BY STEPHEN OHLEMACHER

Associated Press

WASHINGTON — Struggling to deliver the big jobs package proposed by President Barack Obama, Senate Democrats are using the issue to force Republican senators to vote on tax increases for millionaires, picking up on a White House theme that the nation's wealthiest Americans aren't paying their fair share.

Senate Democrats said Wednesday they were changing Obama's jobs package to add a 5.6 percent tax on income above \$1 million, a proposal that is sure to be blocked by Republicans.

The \$447 billion package still includes Obama's proposals to cut payroll taxes and provide money for teachers, firefighters, the unemployed and infrastructure. The tax on millionaires is expected to pay for the package, so it wouldn't add to the budget deficit.

Democrats are banking on Republicans to oppose both the higher taxes on million-dollar earners and the president's call for new spending aimed at reducing joblessness, leaving them open to a charge of protecting the wealthy at the expense of the unemployed.

"Republicans will be hard pressed to explain why they allowed teachers and firefighters to be laid off, rather than have millionaires and billionaires pay their fair share," said Sen. Chuck Schumer, D-N.Y. "Republicans will struggle to defend putting off repairs to crumbling schools in order to protect tax breaks for the wealthiest 1 percent of America. This is the contrast that will be on display in the Senate next week."

Senate Majority Leader Harry Reid, D-Nev., said he plans to bring the bill up for a vote in the Senate next week, though

without Republican support, it won't get the 60 votes needed to advance. Republican leaders said they won't support tax increases, even on the wealthy, because they would hurt an already weak economy.

"I understand our Democrat friends want to jettison entire parts of the bill altogether — not to make it more effective at growing jobs, not to grow bipartisan support," said Senate Republican leader Mitch McConnell of Kentucky. "No, they want to overhaul the bill to sharpen its political edge."

The new 5.6 percent tax would be applied to adjusted gross income above \$1 million — that's income before itemized deductions are subtracted — including income from capital gains and dividends. The top tax rate on earned income is currently 35 percent. The top capital gains tax rate is 15 percent.

Reid initially announced Wednesday afternoon that he was changing Obama's jobs package to add a new 5 percent tax on income above \$1 million, starting Jan. 1. That proposal, however, would have raised taxes a year ahead of Obama's schedule. The president has said raising taxes during a weak economy is not a good idea and, campaigning for

his jobs bill in Cincinnati last month, he made a point of noting that his tax increases would not kick in until 2013. "Nobody is talking about raising taxes right now," he said.

Late Wednesday, Reid's office announced that the package had been changed to impose a 5.6 percent tax increase on income above \$1 million, starting in 2013.

Democratic leaders in Congress point to recent polls showing support for increasing taxes on the wealthy.

A *Washington Post*-ABC News released this week said 75 percent of respondents supported raising taxes on Americans with incomes over \$1 million a year. That same poll found that 52 percent of respondents supported Obama's jobs package, and 36 percent opposed it.

Sen. Orrin Hatch of Utah, the top Republican on the Senate Finance Committee, recalled that previous proposals to raise taxes on millionaires had failed, with some Democrats joining Republicans in opposition.

"Some of my Democrat colleagues were right to reject a similar proposal when they controlled both chambers of Congress," Hatch said. "Given the weak state of our economy, they'd be wise to reject it again."

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Lamb is this year's recipient of the Al Neuharth Award for Excellence in the Media, which honors lifetime achievement in the media. The award is named for *USA Today* and Freedom Forum founder Al Neuharth, a South Dakota native and 1950 graduate of USD.

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Convicted ND Sex Offender Captured In Cornfield

TOWER CITY, N.D. (AP) — Authorities say a convicted sex offender who escaped a prisoner transport van has been captured in a North Dakota cornfield.

Authorities say farmers and SWAT team members joined together to flush 29-year-old Joseph Megna from a cornfield Wednesday.

Local, state and federal officials had searched for Megna since authorities say he fled a private company's van Tuesday about 45 miles west of Fargo.

Barnes County Chief Deputy Don Fiebigler said Megna was arrested in Florida. Fiebigler said Megna was being taken to Washington state to face charges of child molestation and another sexual assault offense.

The *Forum* in Fargo reports that Megna was convicted in Washington state in April 2009 on two counts of communicating with a minor for immoral purposes.

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