

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

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| In the Matter of the Application of |) | Application N0. OP-003 |
| TransCanada Keystone Pipeline, L.P., |) | Post-Hearing Brief |
| Calgary, Alberta seeking route approval of |) | Cindy Myers |
| the Keystone XL Pipeline Project pursuant |) | Informal Intervenor |
| to the Major Oil Pipeline Siting Act. |) | September 15, 2017 |

Water...a most prominent concern voiced by citizens at the several hearings, and rightly so since Nebraska is blessed with the lion's share of the Ogallala Aquifer. Nebraska needs water security before energy security or economic security. MOPSA directs us to consider the lawful protection of Nebraska's natural resources in determining the location of major oil pipeline routes, and water is our top natural resource.

My testimony focused on water contamination, highlighting the dominant toxin of concern: benzene. This does matter in determining the route. A migrating benzene plume in an aquifer on the Montana Fort Peck reservation has caused cancers and forced the reservation to rely on Missouri River water. Only now their new water treatment facility is threatened by Keystone XL crossing the Missouri upstream of the water intake. ("Montana Tribes Fight Keystone XL Pipeline", Rolling Stone, by Hunter Pauli. April 19, 2017)

I live in rural Holt County, two miles east of the Sandhills Alternative Route. Dr. Goeke, UNL water hydrologist, stated in expert testimony:

“Certainly here in Holt County we have got high water tables and sandy soils.” “We have water tables near the land surface, and southwestern Holt County has that. The pipeline could actually be set into the water table.”

Dr. Goeke suggested an underground contamination plume could extend up to two miles. If Keystone XL were to be buried just upstream (per flow of the aquifer) of our domestic well, I would never feel safe drinking our water again. Like most Nebraskans, I didn't have a choice about signing an easement, but yet my land and water would be at risk. This decision affects our entire state, not just those directly impacted. Water has no boundaries.

The Ogallala Aquifer flows at varying rates at different locations. The NDEQ study simply averaged aquifer rate of flow. This is very misleading in demonstrating migration plumes of contaminants in the aquifer.

Future Nebraskans have no voice at the table today, and so it is our moral obligation to protect our life-giving waters. Choosing a route to minimize impact to one of the world's greatest reservoirs of underground water is imperative.

This decision should be more about the preferred route for Nebraska, not what is easiest and cheapest for a foreign company. A better route option than any of the three proposed routes is one that has the same entry point as Keystone 1 and would parallel that pipeline across the state until reaching Steele City.

This route, on the eastern edge of the aquifer and downstream of aquifer flow, would have the least impact to the Ogallala Aquifer, and is already an existing corridor. According to law, the PSC must consider existing corridors.

Expert witnesses have testified, but the true experts are the people who live and work on the land, and whose lives and livelihoods are sustained by the Ogallala Aquifer.

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Certificate of Service

I certify that a true and correct copy of the above Post Hearing Brief was served to all parties via email on September 15th, 2017.

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