

LANDOWNER RIGHTS

And the Keystone XL Pipeline

Northern Plains Resource Council is working with Montana farmers and ranchers to inform and protect them from the potential impacts of TransCanada's Keystone XL Pipeline



The Keystone XL Pipeline will bring tar sands crude oil through the United States from Alberta. TransCanada's pipeline is proposed to cut diagonally across eastern Montana – from the Port of Morgan through Glasgow, Circle, and Baker – and ultimately to the Gulf Coast of Texas. As proposed, this industrial pipeline would cross more than 60 miles of public land, 220 miles of private land, and hundreds of rivers, streams, and creeks in Montana. Northern Plains Resource Council is available to eastern Montana landowners affected by TransCanada's Keystone XL tar sands oil pipeline and can help landowners protect their property rights and water quality.

Individuals Working Together for a Common Purpose

Why organize?

There are hundreds of reasons why people join together to work on an issue or situation that concerns them. Working together gives landowners:

- Power and leverage
- Strength in numbers through collective bargaining
- Influence: drive the process rather than take a back-seat position
- Help and support for each other
- The ability to protect property rights
- The ability to pool resources and information
- The best chance for a successful resolution of the issue



What is a landowner association?

There are several ways to organize or work with multiple landowners to reach an ultimate goal. One way is to form a landowner association. A landowner association brings together concerned citizens to defend and fight for the rights and interests of private landowners and their property. A landowner association can be a loose group or a legally incorporated association. A legally incorporated association is more formal; its strength is a legally recognized entity and can speak for an entire group of people. An association like this also can be set up to pay for legal counsel or other operating expenses.

Get Educated, Stay Informed

Examples of successful landowner associations

Protect South Dakota Resources formed in February 2009, with the help of **Dakota Rural Action**, a rural citizens organization, in order to gain leverage in contract negotiations with TransCanada. **Protect South Dakota Resources** is currently made up of approximately 50 landowners along the proposed route of the Keystone XL pipeline. Together, their properties make up approximately 100 miles of the route. The founding member, a rancher, said the company was not to be trusted, that it had threatened, harassed, and/or deceived landowners into signing the company's easement because they believed they had little choice.

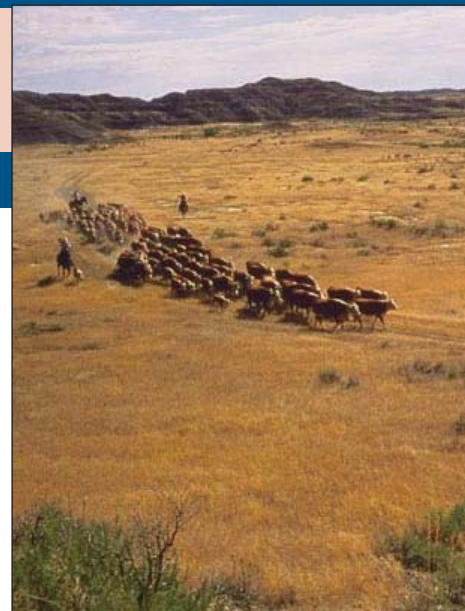
Dakota Rural Action is a member of the WORC network (Western Organization of Resource Councils). WORC's Montana organization is the Northern Plains Resource Council. Information on WORC's work on the pipeline can be found at www.worc.org.

The **Good Neighbor Agreement** is a nationally recognized partnership among local communities and a mining company. When the Stillwater Mining Company (SMC) began to expand its operations in the Beartooth Mountains of south-central Montana in 1998, community members were concerned that mining operations would adversely impact local water quality, traffic and rural road conditions, and



property values. Community members from two **Northern Plains** affiliates, **Stillwater Protective Association** and **Cottonwood Resource Council**, joined together to approach SMC with their concerns. These discussions garnered broad community support and ultimately led to the **Good Neighbor Agreement**,

a legally binding contract among SMC, Northern Plains, and the two affiliate groups. The agreement requires SMC to (among many other things) uphold high levels of environmental stewardship, reduce traffic on rural roads through a comprehensive employee busing/traffic reduction plan, and limit mine-sponsored housing to areas within established city limits. To this day, the mine is recognized as an upstanding corporate citizen. However, without grassroots citizen involvement this unique agreement would not exist.

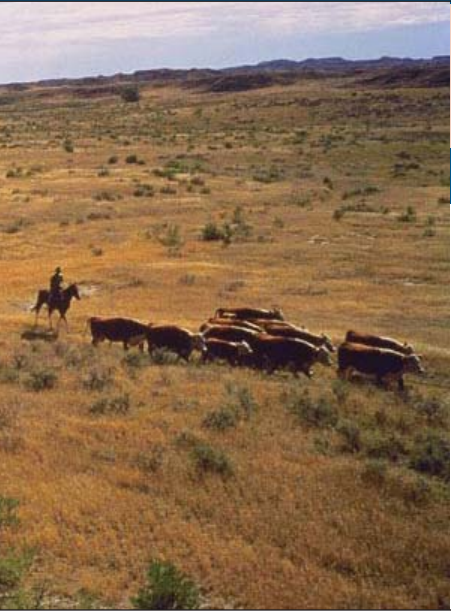


What you can do

- Talk to your neighbors!
- Do **NOT** sign the first contract you can do better!
- Have ideas about how it should be a grassroots organization, led by its members. Becoming active is the best way to stand with you and that you have a voice.
- Northern Plains Resource Council is looking for more landowners to help them with forming a grassroots organization. Contact Olivia Stockman or Melissa today: 406-248-1154 or olivia@northernplains.org or melissa@northernplains.org.



Pipe made in India is being used on a project in the Midwest. The pipe is stored near a steel mill that has been laying off steelworkers. Couplings are being destined for burial in eastern Montana.



Now is the Time to Act!

What can you do NOW

What can the company offers you –

How will all proceed? Northern Plains is seeking member leaders. Joining and participating will assure that other Montanans will have capable staff support.

The council is collecting a list of interested parties to form a Landowner Association. Contact Lisa Brickl at Northern Plains at northernplains.org or



Another TransCanada pipeline in the steel plant in Granite City, Illinois, that would steel pipe shipped from India be a problem?

Steps to forming a landowner association

- Designate land boundaries covered by the association.
- Develop a contact list.
- Reach out to each landowner within the designated area.
- Form a steering committee.
- Steering committee finds a lawyer with whom to work.
- The committee develops an operating agreement, including fees to be a part of the association.
- Hold a meeting with landowners to get their opinion about the association and operating agreement.
- Send operating agreement to landowners to sign.
- Submit paperwork to make association a legally recognized organization.
- Membership fees are collected from new members of the association.

What's next? Negotiating an agreement

- A bargaining committee is elected from among the membership of the landowner association.
- The bargaining committee consults the membership about what would be ideal and bottom line negotiating positions.
- The bargaining committee works with the lawyer to develop concrete ideal and bottom line negotiating positions.
- The negotiating positions are approved by vote of the members.
- Members agree not to negotiate individually with the company until the landowners associations' collective negotiations with the company have run their course.
- Bargaining committee and/or lawyer negotiates with company.
- The tentative agreement between the landowner association and the company is disseminated to the membership.
- Membership votes on accepting the agreement.
- Members sign the agreement or can also opt out to do individual negotiations with the company.

Down the road...

The landowner association can serve as a watchdog group and a network of information and data gathering to make sure that the contracts are being adhered to, and to remedy any problems in the future. In this way, the pipeline can most peacefully co-exist with landowners and their farming and ranching operations.

Why Negotiate with the Help of Northern Plains?

■ **Keeping a block of landowners organized** is a considerable amount of work. It will take much work upfront to determine the positions and bottom lines of landowners – which means meetings that are well-planned, well-run, and well-recorded decisions. Once landowners develop their positions, it takes constant and accurate communication to everyone about the status of negotiations. Many landowners who have tried this in other places get fatigued by all the work and eventually either give up, get burned out, or get mad and start to make mistakes. It takes good staff support to ensure this is done well. Northern Plains can provide that staffing.

■ **Finding and hiring a competent attorney.** Northern Plains has considerable experience working with attorneys. We also understand landowner issues and can determine if an attorney really does have the skill and background to champion landowners' concerns. Landowners would ultimately decide, but Northern Plains would work to interview and bring forward qualified attorneys to represent landowners.

■ **Keeping track of the attorney's fees** and ensuring they are collected and paid on time is work

and responsibility. Northern Plains is prepared to take on the task of assessing and collecting the money for attorney fees and then ensuring that the attorneys are paid in a timely manner.

■ **Northern Plains is on top of much more than direct landowner negotiations.** There are many other ways in which landowners and community interests are impacted by this pipeline. For example, the pipeline has to file for several permits, publish an environmental impact statement, and address other regulatory requirements. Northern Plains has decades of experience ensuring that landowner and local voices have input into the process. We will notify the rest of our our members of opportunities to comment and testify. We will help obtain information on technical issues such as pipeline safety, water quality, etc.

For 37 years, Northern Plains Resource Council has been fighting to protect the rights of family farmers and ranchers in Montana. Join us today.

■ **Northern Plains will work to keep landowners informed** of pipeline progress in other states. Through our affiliation with WORC, we are connected closely to the people in neighboring states who are impacted by TransCanada pipelines. By keeping on top of developments in other states, we are better informed as to how landowners in Montana might best protect their property rights.

Keep informed!
Take action!
Join 

Northern Plains Resource Council is a grassroots conservation and family agriculture group that organizes Montana citizens to protect our water quality, family farms and ranches, and our unique quality of life.

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Visit our website at
www.northernplains.org



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