

February 19, 2022

SD Public Utilities Commission
Capitol Building, 1st Floor
500 E. Capitol Ave.
Pierre, SD 57501

RE: Proposed CO2 Pipeline SCS Carbon Transport LLC

Dear Commissioner Chris Nelson, Commissioner Gary Hanson, and appointed third person:

I cannot share my comments with you today without emotion. Legal experts would say to present only information that would make a difference in the court of law. But please bear with me as I share my comments.

It was with great sadness that I received a letter in July of 2021 from Summit Carbon Solutions alerting me to the proposed pipeline that would be crossing my property. Since then, the South Dakota route has been changed hundreds of times. Summit wants you and the public to believe that the route changes were not because of the great landowner opposition. However, reactions from opposing landowners have made a difference. Unfortunately, unsuspecting and uninformed landowners continue to be contacted for yet another new route.

Under South Dakota law, property can only be condemned (eminent domain) for a lawful public use or purpose. Summit Carbon Solutions consists of private investors for private gain. Summit's claim to benefit the ethanol plants and farmers includes only a portion of our state's citizenship. As PUC Commissioners, you are very aware that granting a permit to Summit Carbon Solutions will only open the door to their proceeding with condemnation. Despite the fact that you state the commission is not involved with eminent domain, you do make a difference.

Because of my involvement with the Dakota Access Pipeline, I would like to make a few points clear to you and the public. This experience will be repeated if a permit is granted to Summit.

A landowner can be sued by the pipeline company before a permit is even granted (I and other landowners were sued twice).

DAPL attempted to prove that their pipeline would benefit the public by providing oil for their use, however, the SD PUC had no control over the fact that DAPL could use the oil for sale to other countries for a higher price. In the same sense, Summit claims this proposed pipeline will create a secure future for farming and ethanol. These are only words. In the big picture, this is not in their control, nor in the control of the PUC.

If a permit is granted, the PUC will set conditions for the construction and reclamation of the pipeline. That doesn't mean that the pipeline company will follow those conditions. I have hundreds of photos showing that PUC conditions were not met. There is a public liaison that will be provided to be the "go between" for the pipeline and the landowners. Eric Munz is the public liaison for DAPL and is very good at his job. However, at times, it was even difficult for him to know who to contact within the pipeline organization. The pipeline company will continually change contact people making it difficult to get anything done. Many landowners

never understood the process to deal with construction and reclamation issues, while others chose to try to fix the problems themselves.

Reclamation issues will not be magically resolved in three years. I am still having soil issues today.

The crop monitor program set up for the DAPL affected landowners was a joke. As the program was implemented on my property, areas of no crop or less crop were avoided thus distorting the true picture.

DAPL's claim of minimal leaks within their pipeline has been questioned. I have already had a leak on my property, not to mention the many other leaks along the route. Pipelines are built by humans. Humans make mistakes. A leak of carbon dioxide would be very dangerous for any human or animal in the area.

I can find no liability insurance available for landowners to purchase to protect themselves from being sued by the pipeline company or even affected neighbors.

Future buildings cannot be constructed on the pipeline route. Because of the threat of oil (or carbon dioxide) leaks, it is not desirable to build near the route. Landowner control of the easement area and nearby is greatly diminished.

Yes, there are landowners who are willing to immediately accept payment from Summit for an easement and perhaps the investor, John Deere, will even provide a good deal on new equipment. Others can't wait to pay off bills or go on a vacation. But a committed South Dakota landowner wants to build up the productive cropland with the best crops for the world while considering the safety of his neighbors. And it will cost the committed landowner a lot of money and time. Generations have worked hard to build up our rural communities and it is sad to see how the land is used today for a private company's gain.

The process of bringing a pipeline through our state is very complicated. No government entity will help the landowners while Legislators fail to protect their own citizens. I can only pray that county commissioners will get involved with the Summit pipeline. Our South Dakota citizens need protection.

Summit is using the cover of "protecting the environment" as a convincing factor. There are so many issues that will affect the environment and Summit does not have the magic solution.

Yes, I am sad that landowners across the state are faced with a dangerous pipeline crossing their land and community. I ask that you, the PUC, DO THE RIGHT THING, and decline the permit requested by Summit Carbon Solutions.

Respectfully,

Peggy Hoogestraat
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Chancellor, SD 57015