

BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE APPLICATION BY SCS CARBON TRANSPORT LLC FOR A PERMIT
TO CONSTRUCT A CARBON DIOXIDE TRANSMISSION PIPELINE IN SOUTH DAKOTA

SD PUC DOCKET HP22-001

PRE-FILED DIRECT TESTIMONY OF SHERWOOD BEEK
ON BEHALF OF SHERWOOD BEEK AND KRISTIE DEVICK BEEK

JUNE 13, 2023

Pre-Filed Testimony of
SHERWOOD BEEK

1 **Q: Would you please state your name and address?**

2 A: Sherwood Beek

3 **Q: Do you own land which SCS Carbon Transport LLC proposes to cross with**
4 **their carbon dioxide transmission pipeline?**

5 A: Yes, I own 255.5 acres in the NW ¼ of Section 28 and the SW ¼ of Section 21 both
6 in Township 99 North Range 51 west of P.M., Lincoln County, S.D. which the pipeline is
7 proposed to cross. I also own a contiguous tract of 150 acres. (See Exhibit "A" SB-1
8 attached which is Petitioner's map with my property being within the yellow highlighted
9 area.)

10 **Q: How many lineal feet of your land would the proposed pipeline cross?**

11 A: A little over 2,879 feet.

12 **Q: How long has your family owned this land in Lincoln County?**

13 A: Approximately fifty-one years.

14 **Q: Describe your land.**

15 A: It is farm/development land in an area where there has been tremendous growth
16 and demand for commercial and residential property.

17 **Q: What are your major concerns with this proposed pipeline?**

18 A: That the product it carries is deadly. I am concerned that when there is a leak
19 people will die. Not only does it pass close to residences, I will need to farm directly
20 over it. I have also had issues with pipelines in the past. My tractor has sunk directly
21 over the Dakota Access Pipeline after it was installed. (See Exhibit "B" SB-2.) A
22 concern is this could happen with this proposed carbon dioxide pipeline and perhaps
23 cause a leak of what I understand is a substance that would cause grave injury and
24 death. Moreover, all pipelines eventually and at some point leak. I and many others do
25 not want to live with that worry on our property twenty-four hours per day, seven days
26 a week. The pipeline is close to residences and livestock. People do not want to worry
27 that they, their children, and grandchildren may die from a leak in the middle of the
28 night.

29 **Q: What other concerns do you have?**

30 A: I am concerned about liability issues with regard to the pipeline and deadly
31 substance running through my property. My insurance company informs me that I will
32 not be covered for bodily injury or property damages caused by a CO2 leak. As stated
33 by my insurer, this pipeline subjects me to substantial uninsurable exposure. (See
34 Exhibit "C" SB-3.) The Applicant by their easement agreement and otherwise, wishes to
35 pass liability on to Landowners for property damage and personal injury caused by the
36 pipeline and contents. That is a very scary proposition. Moreover, most often once a
37 pipeline is approved or completed ownership is transferred. We do not know who the
38 owners are now let alone who they will be in the future. If there is a leak they claim is
39 somehow due to acts of a Landowner or its agents or invitee this would very quickly

40 cause financial ruin to a Landowner. The pipeline will have a substantial negative effect
41 on the social and economic conditions and health, safety and welfare of those in the
42 area around the pipeline. It will also have a substantial negative effect on the normal
43 development of the area including my property.

44 **Q: In what other ways do you feel you or your property will be adversely**
45 **affected?**

46 A: I can already feel I have a loss of control of my own property to unknown private
47 individuals and/or corporations and perhaps even governments. The Petitioner does
48 not deal fairly. They wish to have below ground pipeline and above ground access
49 across and over my property. This would be for them and anyone they call a guest of
50 theirs and at any time. Control of my own property is being taken by some unknown
51 entities who quite honestly trample on us with what seems to be the State's blessing.
52 These people enter properties without any identification on their vehicles or persons.
53 Landowners cannot tell who is on their property and for what purpose. The Petitioners
54 can then assign their easements to anyone whether it's an individual, corporation or
55 government. Petitioners have sued to acquire their easements even before receiving a
56 permit or legislative approval. The pipeline and easements will also have a substantially
57 adverse effect on the value of my property. My property has great development
58 potential and this pipeline carrying the deadly substance will substantially impair or
59 eliminate this development use. No one wants to live next to a pipeline with contents
60 that will kill you and your family, animals, customers, and guests and whatever else is
61 present. People will choose a place not near such pipeline for a residence or business.

62 The pipeline will not only affect the land parcels which it runs through but also those
63 near it. In my case it will adversely affect all of my 405.5 acres.

64 **Q: What other comments do you have regarding this proposed pipeline?**

65 A: Quite honestly it seems and feels like what we have here is very wealthy well-
66 connected investors getting much wealthier at Landowners and others expense all the
67 while passing the problems onto Landowners and area residents. Moreover, if
68 successful they attempt to pay peanuts for the land they are taking. The State's
69 residents need protection from this.

70 **Q: Are you aware of any products ethanol plants are currently utilizing CO2**
71 **for?**

72 A: The ethanol plants have been using their CO2 or are able to in making dry ice on
73 their sites. This is a much better use than transporting this dangerous and deadly
74 substance near people's homes and farms endangering thousands of people for the
75 financial benefit of a few unknown investors whom I believe rely largely on government
76 subsidy payments for this venture.

77 **Q: Does this conclude your testimony?**

78 A: Yes, thank you.