

From [REDACTED]
Sent: Wednesday, April 26, 2023 10:49 PM
To: PUC-PUC <PUC@state.sd.us>
Subject: [EXT] Fwd[2]: Carbon Pipelines

To South Dakota PUC,
Comments for Docket HP22-001 and Docket HP22-002

Thank you,
Dennis M. Jones

[REDACTED]
Sioux Falls, SD 57108
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Here is my response to Dominnik Dausch , Sioux Falls Argus Leader.
Bet they will never publish it.

Dennis M. Jones
Sioux Falls, SD 57108

Sent: Sat, Apr 22, 2023 03:32 PM
Subject: Carbon Pipelines

Mr. Dausch,

I thank you for the article on the Lincoln County Planning and Zoning Board meeting of April 17, 2023.

Reading your article I believe the biggest issue not talked about was the threat of **eminent domain** and the protection of private property by the Federal Constitution, Fifth Amendment. It is also covered in the South Dakota Constitution. This right to private land ownership is fundamental to every Americans rights and is at the heart of this project.

Eminent Domain was to provide a way for the government to expropriate private property, for fair market value, upon a specific showing that such property is needed to serve a substantial public use or benefit such as the construction of vital water systems or a road/bridges that facilitate transportation for the general public use. The burden of proof was on the government to show that the proposed expropriation served a vital public interest and that the property owner was fairly compensated.

Allowing private business to use eminent domain to obtain private landowners property would **dangerously expand this precedent** and could be used to bring a rush of

such projects in the future. Those farmers or other private landowners not being in the path of Summit or Navigators current projects may find themselves threaten in the future. As soon as Summit gets the Q-45 credit money they will be gone and/or sell to the highest bidder. This could be a foreign country like China then owning a 50 foot path of land all the way across the center of the United States.

These carbon pipeline projects are really not projects that should be considered for public use like highways, electrical lines, natural gas line, bridges, waterlines where the public receives lasting and direct benefits. These carbon pipelines are only planned for short periods of time, to make money for private shareholders at the expense of private landowners. Most of the money promised to state officials and local governments will never happen. It is a boomerang situation where the money comes back to them as they write off expenses. They will pay very little in taxes for seven years. **Then sell the pipeline.**

Most private landowners have a real issue with a private companies using federal tax credits (Q-45 program) to take their private land to build these carbon pipelines. This state's Governor and elected state officials have really shirked their duty to speak up to protect **all** our citizens. Soon the PUC will have a chance to show their colors. Many federal and county officials are to timid to speak up, but like to past the buck. Both Summit and Navigator CO2 ventures have confessed that without these tax payers funds these projects would not be built. The five largest stocks for carbon dioxide sequestration pipelines in the world have yet to turn a profit and only survive because of government funding. Look it up.

Both Summit and Navigator have said they will use **eminent domain** to obtain any private land needed for their projects. They say they would like to first work with the landowners to sign a mutually agreed easement. **This is a problem to many landowners because their easement contracts are very one sided and vague.** They won't even show the whole route because they say construction may need to vary which then becomes a do as we want easement.

Both Summit and Navigator have sent letters to some land owners who have refused to sign easements. These **easement contracts** are meant to be vague and threatening. They lack any real safety assurances to farmers, livestock and homeowners living in the area.

The federal government is also very reluctant to provide any real safety or assurances to the people living in these pipelines path.

PHMSA (Pipeline Hazardous Material Safety Administration) for **carbon pipelines regulations** under the Federal Department of Transportation are out of date and not likely to be updated for months/years.

Of course Summit and Navigator don't want to include any meaningful guaranteed language in the easements or talk about the loss of land values on either side of the pipelines. Loss of land value even to farmland **adjacent** to the land with the pipelines can occur and may affect insurance policies.

The State of South Dakota has provided no rules for construction or requirements to date. Any loss to the landowners should a hazardous rupture occur, the landowner will have to pay for their losses and legal help.

If these carbon pipelines companies financially fail and declare bankruptcy, there are no state plans for Summit or Navigator to have an escrow fund to assist those harmed.

Thank you,
Dennis M. Jones
Sioux Falls, SD 57108

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