
**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

**IN THE MATTER OF THE APPLICATION
OF NAVIGATOR HEARTLAND
GREENWAY, LLC FOR A PERMIT UNDER
THE SOUTH DAKOTA ENERGY
CONVERSION AND TRANSMISSION
FACILITIES ACT TO CONSTRUCT THE
HEARTLAND GREENWAY PIPELINE IN
SOUTH DAKOTA**

HP22-002

**MARVIN LUGERT
INITIAL PRE-FILED TESTIMONY
IN SUPPORT OF LANDOWNER
INTERVENORS**

Q: Please state your name and purpose for providing testimony in these proceedings.

A: My name is Marvin Lugert. The purpose of my testimony is to provide the PUC information helpful when considering the current proposed carbon capture pipeline of applicant Navigator. Specifically, my firsthand experience with the broken promises of pipeline companies as well as the impossible promises to keep relative to decades of yield loss post-pipeline construction and easement acquisition. I am a Richland County North Dakota farmer with land presently affected by the proposed Summit CO2 pipeline and I have other pipelines on my land that have been a negative experience for me.

Q: What are the specific problems you have experienced that you want to share with the Commission so they can consider these facts in evaluating the Navigator Application?

A: I've had two pipelines going across other land of mine and they promised to put the land back the way it was supposed to be separate the topsoil from the bottom soil not to leave any debris behind and they did not do a very good job of separating the top from the bottom. I still got soil loss and yield loss due to that and where the pipeline is I can still see it 20 years later just by looking at the crops and you can see it does not produce as good you can see the height of the crops

less than what the rest of the field. After the pipeline contractors were long gone, we kept getting things I mean cables, tires, other things coming up which they promised they would not leave any debris behind so I have a very tough time believing that Navigator's contractor won't will do the same. The contractors want to move as fast as possible and the leave debris and bury things in the trench hoping no one is watching. It is my opinion South Dakota landowners are similarly at risk. This is a huge burden, not just the construction and tearing up your land and damaging it forever but the need to police them every single day they are on your property against your will. They'll leave stuff behind you just because you can't be out there every day watching what they're doing. In my experience I was promised by Alliance that they would not work when the conditions were not fit to work in but again, promises mean nothing. They worked when it was just mud so now I've got a depression where that pipeline is full length of the section of the field and the water pools there and stays pooled there longer than any other place in that field that has been an economic hardship and burden on me and I have lost yields to this day.

Also, where the easement is there are rocks here now and I know when they work on that there's going to be a lot of rocks coming up so are they going to come out and take care of all the rocks that come up all the time after the head up or am I going to have to do that? I fear the South Dakota landowners have decades of misery and time and expense on their shoulders that is not going to be reimbursed. We are subsidizing these projects with our federal tax dollars, our stated tax dollars and out of our own pockets to repair the land such that we can after the pipeline company and their contractors are long gone.

I also know that the Alliance pipeline running across mine land, after that was installed, the next year it came up they had to come out, dig up the trench and and put weights on it to keep it from coming up and up more anyway so on my land. They were wared of this happening, promised everyone it would be okay, they hire the best contractors, they will be good stewards of the land, and so on – well

they didn't listen and they didn't follow through. That pipeline in most places is now about only 24 inches from the surface – half of what they promised initially.

I can't remember for sure I think it's about 24 inches from the surface now instead I'm very concerned for my South Dakota neighbors about Navigator it their unknown contractors going across the land and not upholding their obligations.

I urge the PUC to carefully consider this testimony during the Hearing in this matter and in your deliberations. I further reserve the right to amend or modify these opinions upon presentation of any additional information that may justify such a change.

/s/ Marvin Luger

Marvin Luger