

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

SD PUC DOCKET HP22-002

PRE-FILED DIRECT TESTIMONY OF CLINT KOEHN
ON BEHALF OF SOUTH DAKOTA ASSOCIATION OF RURAL WATER SYSTEMS

MAY 24, 2023

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

2 **A:** My name is Clint Koehn. My business address is 1800 Monty Street, Tea, South Dakota
3 57064.

4 **Q: You are employed by Lewis & Clark Regional Water System (“Lewis & Clark”),**
5 **correct?**

6 **A:** Yes.

7 **Q: What is your title at Lewis & Clark:**

8 **A:** Construction Administrator.

9 **Q: Can you please describe your professional experience, including your duties as**
10 **Construction Administrator?**

11 **A:** I am a licensed professional engineer, registered in SD and MN. From 2007 to 2017, I
12 observed and documented the construction of over 140 miles of Lewis & Clark pipe
13 projects including the installation of PVC pipe up to 30” diameter, steel spiral welded pipe
14 from 24” to 54” diameters including appurtenances and structures. From 2017 to current,
15 I have held the position of Construction Administrator for Lewis & Clark. My essential
16 duties and responsibilities include:

17 a. Coordinate project planning, zoning and development activities with engineering team.
18 This includes attending planning meetings as representative of Lewis & Clark to review
19 plans and specifications for each project, and to provide input/suggestions/
20 recommendations to engineering team regarding implementation of design proposals
21 prior to submittal for review and approval, and again prior to advertisement for bids.

22

23 b. Prior to construction, work with engineers and attorneys to ensure appropriate
24 contracts, bonds, insurance and agreements are in order. Assist the engineer as needed
25 in providing information to the contractor on permitting requirements and pertinent
26 landowner information. Maintain detailed records throughout the construction process.

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- 28 c. Work with engineers to monitor all aspects of the construction progress to ensure
29 project is built according to specifications, on schedule, and within budget, which
30 includes regular on-site construction visits. Identify and prioritize issues and ensure
31 contractors and engineers are fulfilling their contractual obligations. Serve as a liaison
32 between the contractors and engineers, aiding in problem solving and troubleshooting
33 to address issues as they arise.
34
- 35 d. Responsible for ensuring that all processes and procedures are documented and adhere
36 to the requirements of the Cooperative Agreement for the project, as well as applicable
37 regulations and prepare reports and correspondence with regulatory agencies at the
38 federal, state and local level.
39
- 40 e. Responsible for administering funding agreements with the states.
41
- 42 f. Responsible for property insurance coverages to ensure Lewis & Clark is adequately
43 covered.
44
- 45 g. Responsible for utility agreements, including WAPA.
46
- 47 h. Responsible for working and coordinating with townships, counties and municipalities.
48
- 49 i. Keep Executive Director informed of status of design and construction activities and
50 provide recommendations regarding decisions and direction required for contract
51 compliance and completion, including recommendations to Construction-Operations
52 Committee and/or Board of Directors.
53
- 54 j. Track payments, change orders, completion dates and other contract provisions,
55 including review of pay requests and invoices prior to payment.

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- 56 k. Assist in prioritizing projects in regard to schedule and budget, and work with staff,
57 consultants and agency officials to prepare construction budgets for proposed
58 construction projects.
- 59
- 60 l. Represent Lewis & Clark at various events and meetings, which includes some public
61 speaking in small and large group settings.
- 62
- 63 m. Oversee and coordinate easement and land acquisition activities with the “Land Team,”
64 which includes various consultants and agency officials. Maintain updated landowner
65 files, notes and records.
- 66
- 67 n. Responsible for carrying out special projects as needed, which can be related to
68 construction, administration, federal funding, state funding, agreements and local
69 member issues.
- 70
- 71 o. Provide thoughtful advice, suggestions and ideas for consideration.
- 72

73 **Q: Is Lewis & Clark a member of the South Dakota Association of Rural Water Systems**
74 **(“SDARWS”)?**

75 **A:** Yes.

76 **Q: Are you aware that SDARWS filed for party status in HP22-002, which is the**
77 **application of Navigator Heartland Greenway, LLC for a Permit to construct the**
78 **Heartland Greenway Pipeline in South Dakota (“HGPS”)?**

79 **A:** Yes, I am aware of that.

80 **Q: Are you aware of the reason SDARWS intervened on behalf of its member systems?**

81 **A:** From a high level, to protect the interests of its member systems to ensure the safety and
82 integrity of the valuable resource of water to systems’ members. I believe SDARWS and

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83 impacted member systems are particularly interested in protecting the placement of and
84 crossing of HGPS pipeline and system water lines.

85 **Q: Are you generally aware of Navigator’s proposal for the HGPS pipeline?**

86 **A:** According to the Application, HGPS will capture carbon dioxide (CO₂) emissions
87 compressed into a dense phase, and will transport the compressed CO₂ to either an
88 underground sequestration site or to a terminal for distribution to industrial users of CO₂.
89 The entire pipeline is 1,300 miles across 5 states. In South Dakota, the HGPS consists of
90 approximately 111.9 miles of pipeline in parts of Brookings, Moody, Minnehaha, Lincoln
91 and Turner Counties that connect three ethanol plants to the project.

92 **Q: Are you aware if the project will cross any of SDARWS’ water systems?**

93 **A:** Yes, it is my understanding that the HGPS will cross six of SDARWS’ member systems:
94 Big Sioux Community Water System, South Lincoln Rural Water System, Minnehaha
95 Community Water Corporation, Lincoln County Rural Water System, South Lincoln Rural
96 Water System, and my system, the Lewis & Clark Regional Water System.

97 **Q: Is the Lewis & Clark Rural Water System different than the other systems?**

98 **A:** Yes. It is a regional system comprised of twenty members including rural water systems
99 and city municipalities in southeast South Dakota, northwest Iowa and southwest
100 Minnesota, with a total population of over 350,000 people served. Because Lewis & Clark
101 only delivers water to these twenty individual systems or Cities, Lewis & Clark would have
102 fewer crossings with the HGPS pipeline, but they will be larger and very critical main lines.

103 **Q: Are you and is SDARWS, on behalf of its affected member systems, willing to**
104 **collaborate with Navigator regarding safe crossing and parallel locating of their**
105 **respective lines?**

106 **A:** Yes.

107 **Q: What steps have been taken to do this?**

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108 A: To date, we have been meeting internally in an attempt to develop a water crossing and
109 relocation agreement.

110 Q: **From a high level, are there certain safety standards you believe need to be met to**
111 **preserve the integrity of your lines?**

112 A: Yes. Crossings should be three to five feet above or below our lines. Given the minimum
113 depth to the top of our pipe being six feet, below our lines is likely the only option.
114 Additionally, the trench bedding surrounding our pipelines typically collects and contains
115 ground water that, if encountered during a crossing, will make crossing our locations
116 difficult for the utility crossing if the separation is not sufficient enough to avoid that
117 ground water migrating to the crossing method of said utility. Parallel paths should be ten
118 to twenty feet apart. If a system needs to relocate a line, Navigator should cover the costs
119 to relocate. Navigator must cover all costs of damage to our lines, in the event of a rupture
120 or leak. Given the size of most of our lines, and their integral status to being the sole source
121 serving some of our members, Lewis & Clark lines are likely not candidates for relocation.

122 Q: **To your knowledge, has SDARWS, on behalf of you and other affected systems,**
123 **reached out to Navigator to negotiate a crossing agreement?**

124 A: I am not aware of that. I am aware that we are working on a template of a crossing
125 agreement to present to Navigator.

126 Q: **Is it your goal and the goal of SDARWS to negotiate a mutually acceptable agreement**
127 **with Navigator, outside of the formal hearing scheduled in this docket?**

128 A: Yes, that is the goal.

129 Q: **Will you ask the Commission to include as a condition of any permit granted in this**
130 **docket adherence to the crossing agreement?**

131 A: Yes.

132 Q: **In the event the Systems and Navigator fail to mutually agree upon the terms and**
133 **conditions of a water crossing/location/relocation agreement, will the Systems appear**

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134 **at the hearing to present evidence on the terms and conditions of a crossing**
135 **agreement?**

136 **A:** Yes, that is our intent. Because of the vital importance of water to South Dakotans, we
137 believe that in this permitting process, the Commission should implement safeguards for
138 crossings and location of our systems' waterlines by the HBPS pipeline.

139 **Q: Are there any other interests your systems have in this docket?**

140 **A:** Yes. We want to make sure that any negotiated agreements or Commission-imposed
141 conditions cover both current and future crossings. We also want to make sure that nothing
142 in the permitting process interferes with or compromises our existing or future easements.

143 **Q: Does that conclude your testimony?**

144 **A:** Yes. Thank you.

145