

## **“UNDER GOD, THE PEOPLE RULE”**

If this is truly the South Dakota state motto then why is it we are revisiting the issue of Summit Carbon Solution’s proposed CO2 pipeline project? Why does it matter what they call the project and the fact they have made changes to their proposed route while keeping portions of the previous proposed route as “alternative route”?

*Reference Attachment A.*

The issue of a proposed CO2 pipeline was rejected by the PUC (these three individuals are voted in by the **people**) in 2023.

The **people** voted down RL 21 in the fall of 2024.

Why is this application even on the SD **Public Utilities** Commission docket as CO2 pipelines are not for **public** use nor a **utility**?

I am absolutely befuddled the proposed pipeline route is a “nonstarter” for development at Harmony Hill yet not detrimental to the development of our farm and family.

*Reference Attachment B.*

The proposed pipeline has been moved from our land. Please reference the route that was proposed originally and how disrespectful it was to the use of our land (our land marked in black). *Reference Attachment C.*

The new proposed CO2 pipeline route has been moved approximately 50 feet from our property and is surrounding our property on three sides (the proposed alternative route surrounds our land on three sides also as seen on *Attachment A.*)

*Reference Attachment D*

The area outlined in red on *Attachment D* is our farm where we (my husband Rick and I) were going to build our home three years ago then the proposed pipeline issue reared its ugly head. I am also concerned due to the “nonstarter” statement made in *Attachment B.* What are the ramifications we are unaware of? We (my husband Rick and I) are not currently living there due to the proposed pipeline but this leaves my vulnerable father-in-law alone on our family farm. If it is your desire to have him become an intervener, as he is the only one currently living at this location, this would be brutal as he is 88 years old. It is heart wrenching to even conceive the thought of all he worked for to leave to his family, he has to watch it be devalued by a closely placed proposed CO2 pipeline. We have two sons who have a desire to build on the family farm also, but the proposed CO2 pipeline has sidelined their plans. The emotional and financial toll of having our land held hostage while waiting for this nightmare to cease is endless.

During the wait for the resolution of the proposed pipeline we purchased another farmstead. This farmstead now has the proposed pipeline route up to Big Stone approximately 3 miles north.

*Reference Attachment E.*

If this is what land ownership is like in South Dakota I am deeply saddened South Dakotans are left susceptible to large, private enterprise’s wishes, demands along with emotional and financial abuse.

Watertown as a whole is in an affected HCA (High Consequence Area). Note the area surrounded in green which is where the proposed CO2 pipeline will originate in Watertown.

*Reference Attachment F.*

*Reference Attachment G* which is a thirteen page detailed draft of a proposed Real Estate Plan for the Watertown area regarding flood risk management. Please note specifically the maps regarding widening

the Big Sioux River near the Glacial Lakes Ethanol plant and to the south and east. These areas are all on the proposed CO2 pipeline route.

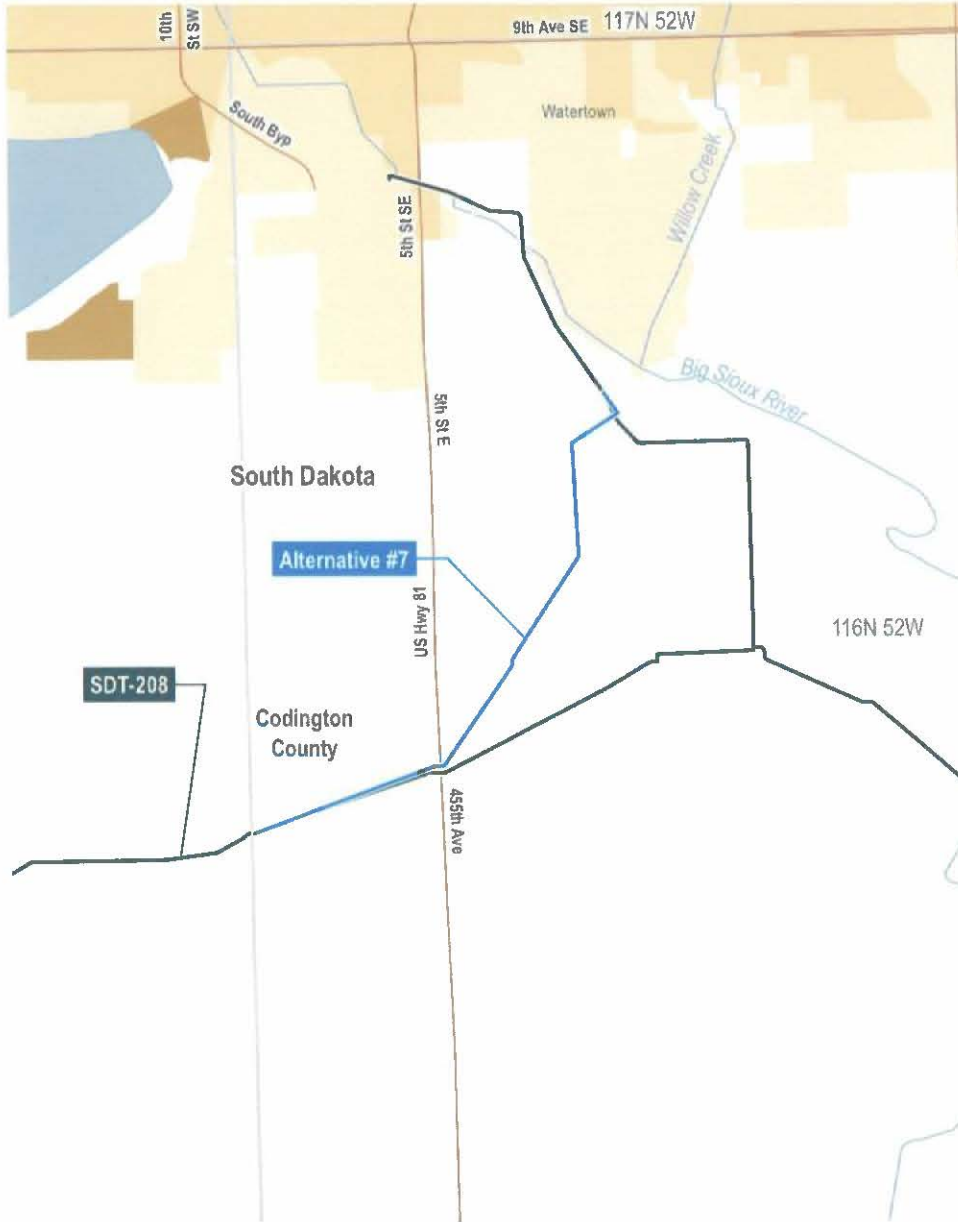
*Reference Attachment H*, which is a copy of two business cards given to us in a meeting with a Summit Carbon Solutions employee and a pipeline construction manager. During this meeting the construction manager, Dave Estes, admitted to use the fifty foot proposed easement they destroy one hundred feet of property. Have all landowners who have been approached by Summit Carbon Solutions been given this information? We asked “One hundred feet of our two shelter belts and native prairie?” “Yes.” Was the answer we received. During this meeting, Erik Schovanec, Senior Director, Pipeline and Facilities for Summit Carbon Solutions, stated to my husband Rick and me “If you don’t cooperate with us now, when we get eminent domain, we will put the pipeline wherever we want on your property.”. Not only is this no way to conduct business, this is a very telling statement as to how do any of us really know where the route will end up?! Speaking of Summit’s business conduct, it was very unpleasant for all affected landowners to be sent certified letters right before the most blessed holiday of the year.

I am also perplexed as to why Summit Carbon Solutions needs to notify landowners near the proposed routes. When water pipelines are laid are they required to notify landowners within one half mile to “more than one half mile from the proposed route” (per our letters (2) from Brett Koenecke, Summit’s lawyer)? Does this fact imply CO2 pipelines are dangerous?

Recently revealed to me was a statement that government is not in charge of economical development. What an incredible statement. Government is meant to secure the **peoples** rights, work for the **people** (not against them) and follow state and federal constitutions. I believe the oath of office for PUC commissioners includes following the constitution.

Respectfully submitted,  
Wendy Schulz  
Watertown

APPENDIX 4 - ROUTE ALTERNATIVES IN SOUTH DAKOTA (ALTERNATIVE #7)



LEGEND

- Urban Area
- Populated Place (TIGER)
- Primary or Secondary Road
- River / Stream
- Waterbody
- State Recreation Area

PREPARED BY

SCS Carbon Transport LLC

2321 North Loop Drive, Suite 221  
Ames, Iowa 50010  
United States of America

SUN

## ATTACHMENT B

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**From:** Lee Schoenbeck <[lee@schoenbecklaw.com](mailto:lee@schoenbecklaw.com)>  
**Sent:** Saturday, February 26, 2022 8:35 AM  
**To:** Fiegen, Kristie; Nelson, Chris; Gary Hanson PUC  
**Cc:** Michael Cartney <[CARTNEYM@lakeareatech.edu](mailto:CARTNEYM@lakeareatech.edu)>; Bartels, Hugh <[Hugh.Bartels@sdlegislature.gov](mailto:Hugh.Bartels@sdlegislature.gov)>; York, Nancy <[Nancy.York@sdlegislature.gov](mailto:Nancy.York@sdlegislature.gov)>; Byron Callies <[econprof48@hotmail.com](mailto:econprof48@hotmail.com)>; Ried Holien <[rhohlen@watertownsd.us](mailto:rhohlen@watertownsd.us)>; Amanda Mack <[amack@watertownsd.us](mailto:amack@watertownsd.us)>; barbara younger <[b.younger77@gmail.com](mailto:b.younger77@gmail.com)>  
**Subject:** Fwd: [EXT] Pipeline

FYI. This is a route issue and an eminent domain issue. They need to not go through that new housing project or they won't like the legislation they'll see next year. Please free to share with whoever can resolve the conflict. Lee

Sent from my iPhone

Begin forwarded message:

**From:** Lee Schoenbeck <[lee@schoenbecklaw.com](mailto:lee@schoenbecklaw.com)>  
**Date:** February 26, 2022 at 8:31:31 AM CST  
**To:** Jim Seurer <[jseurer@glaciallakesenergy.com](mailto:jseurer@glaciallakesenergy.com)>  
**Cc:** Hugh Bartels <[Hugh.Bartels@sdlegislature.gov](mailto:Hugh.Bartels@sdlegislature.gov)>, Michael Cartney <[CARTNEYM@lakeareatech.edu](mailto:CARTNEYM@lakeareatech.edu)>, Amanda Mack <[amack@watertownsd.us](mailto:amack@watertownsd.us)>, Ried Holien <[rhohlen@watertownsd.us](mailto:rhohlen@watertownsd.us)>, Don Roby <[dibroby@iw.net](mailto:dibroby@iw.net)>, Nancy York <[Nancy.York@sdlegislature.gov](mailto:Nancy.York@sdlegislature.gov)>  
**Subject:** Pipeline

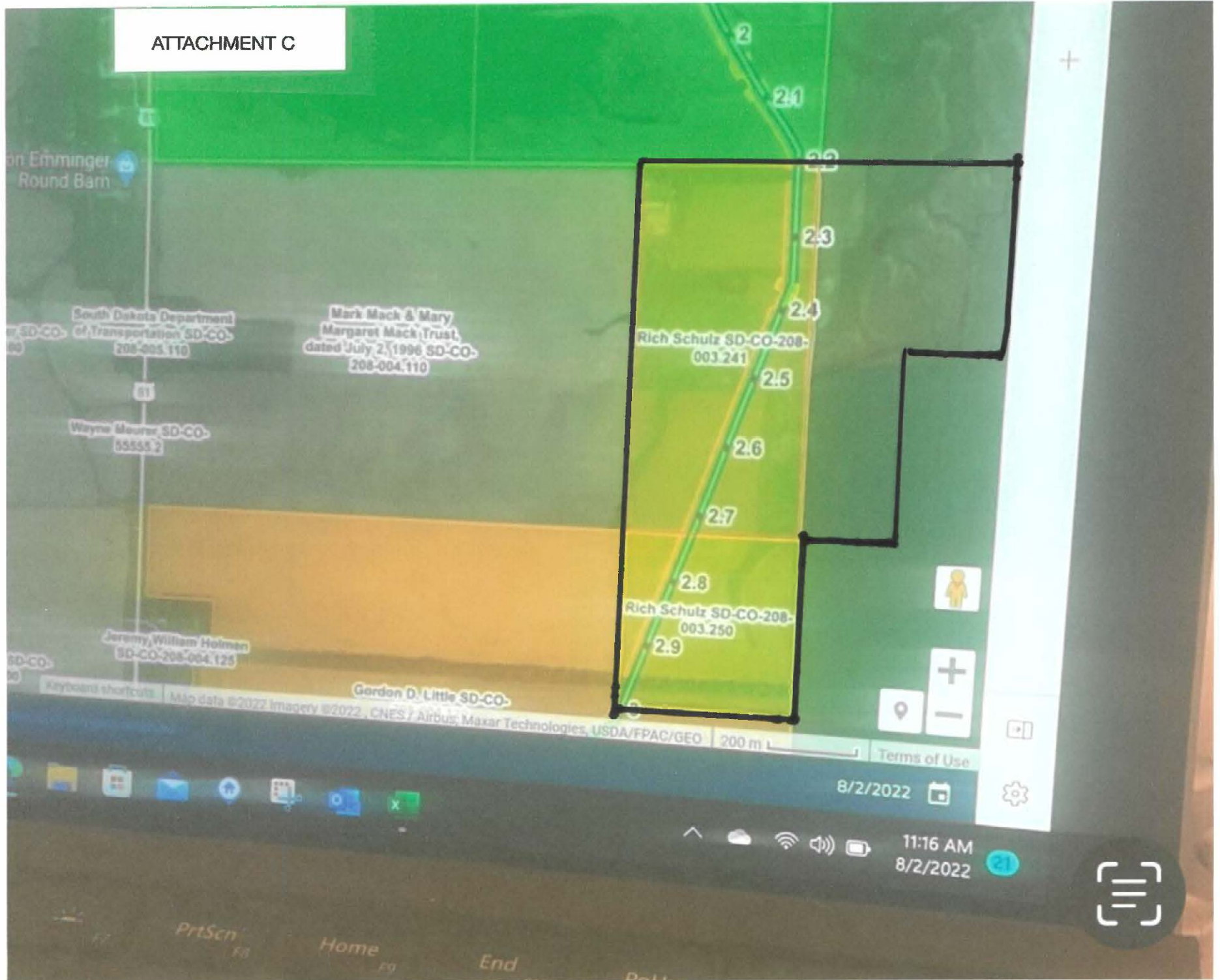
Jim

A group of us in watertown just got advised that your proposed pipeline goes right through the middle of the community's large new development at Harmony Hill.

You need to talk to the pipeline people. That route is a nonstarter that you don't want to be in the middle of. Let me know what you're going to do about it. Lee

Sent from my iPhone

ATTACHMENT C



ATTACHMENT D







SD Private Lands



# GLACIAL LAKES ENERGY LLC

Overview Weather Content



**Coordinates** 44.87962, -97.11293

**Copy**

## SD Private Lands

**Add to Folder**

**Share**

**Driving Directions**



**WATERTOWN, SOUTH DAKOTA  
FLOOD RISK MANAGEMENT  
GENERAL INVESTIGATIONS STUDY**

**DRAFT INTEGRATED FEASIBILITY REPORT  
& ENVIRONMENTAL ASSESSMENT**

**APPENDIX I: REAL ESTATE PLAN**

OMAHA DISTRICT  
NORTHWESTERN DIVISION

**August 2024**

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## 1 PURPOSE

This General Investigations (GI) study is being conducted by the U.S. Army Corps of Engineers, Omaha District (USACE). Section 201(a)(62) WRDA 2022 Big Sioux River, South Dakota, authorizes a review of the Flood Risk Management (FRM) alternatives to address historic flooding in and around the vicinity of Watertown, South Dakota, shown in Exhibit A. The study began August 19<sup>th</sup>, 2022, with the execution of a Feasibility Cost Charing Agreement (FCSA) between USACE and the City of Watertown, the non-federal sponsor.

The Watertown area has experienced eight major floods since 1943, averaging a major flood approximately every nine years. Watertown's susceptibility to flood damages has increased over time as the city has grown and development has increased around nearby Lakes Kampeska and Pelican. Major floods occurred in 1943, 1952, 1969, 1972, 1986, 1993, 1997, 2010, 2011, and 2019. The city of Watertown and Lake Kampeska area sustained flood damage to sewers, utilities, roads, rail spurs, life stations, boat docks, etc., in all 8 years. The 1997 flood event was the most severe flood on record For the Big Sioux River and Lake Kampeska. Both experienced record flows and stages. Several more recent flood events (2010, 2011, and 2019) continue to highlight that severe flood risks

The General Investigation objectives will be to: reduce the frequency and severity of flooding within Watertown, Lake Kampeska and Pelican Lake over 50 years, reduce health and life safety impacts of flooding, reduce cost, time, staff, stress currently used for emergency flood fighting events, and reduce the amount of money the public spends on flood insurance.

## 2 DESCRIPTION OF LANDS, EASEMENTS, RIGHTS-OF-WAY, RELOCATIONS & DISPOSAL/BORROW AREAS (LEERD)

The Tentatively Selected Plan (TSP) footprint map is attached as Exhibit B. The TSP footprint has a total of ±391.21 acres of impacted LERRDs. The tract register below outlines the required acreages and recommended estates needed for the project:

ACREAGE REGISTER	
Type	Acreage
Fee	±109.57
Permanent Easement	±89.98
Temporary Work Easement	±191.67

**Fee Simple Title:** *The fee simple title to the land described in Schedule A (Tract Nos. \_\_\_\_, and \_\_\_\_) subject, however, to existing easements for public roads and highways, public utilities, railroads, and pipelines.*

**Channel Improvement Easement:** *A perpetual and assignable right and easement to construct, operate, and maintain channel improvement works on, over and across (the land described in Schedule A) (Tract Nos. \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_) for the purposes as authorized by the Act of Congress approved \_\_\_\_\_, including the right to clear, cut, fell, remove and dispose of any and all timber, trees, underbrush, buildings, improvements and/or other obstructions therefrom; to excavate: dredge, cut away, and remove any or all of said land and to place thereon dredge or spoil material; and for such other purposes as may be required in connection with said work of improvement; reserving, however, to the owners, their heirs and assigns, all such rights and privileges as may be used without interfering with or abridging the rights and easement hereby acquired; subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.*

**Flood Protection Levee Easement:** *A perpetual and assignable right and easement in (the land described in Schedule A) (Tracts Nos, \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_) to construct, maintain, repair, operate, patrol and replace a flood protection (levee) (floodwall)(gate closure) (sandbag closure), including all appurtenances thereto; reserving, however, to the owners, their heirs and assigns, all such rights and privileges in the land as may be used without interfering with or abridging the rights and easement hereby acquired; subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.*

**Temporary Work Area Easement:** *A temporary easement and right-of-way in, on, over and across (the land described in Schedule A) (Tracts Nos. \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_), for a period not to exceed years, beginning with date possession of the land is granted to the United States, for use by the United States, its representatives, agents, and contractors as a work area, including the right to move, store and remove equipment and supplies, and erect and remove temporary structures on the land and to perform any other work necessary and incident to the construction of the Project, together with the right to trim, cut, fell and remove therefrom all trees, underbrush, obstructions, and any other vegetation, structures, or obstacles within the limits of the right-of-way; reserving, however, to the landowners, their heirs and assigns, all such rights and privileges as may be used without interfering with or abridging the rights and easement hereby acquired; subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.*

### **3 LEERD OWNED BY THE NON-FEDEARL SPONSOR**

The Non-Federal sponsor, City of Watertown, owns ±78.64 Acres of land within the TSP. The City will need to provide deeds to the property needed for the project.

### **4 NON-STANDARD ESTATES**

There are no non-standard Estates for this project.

### **5 EXISITING FEDERAL PROJECTS**

There are no existing federal projects within the TSP

### **6 FEDERALLY OWNED LAND**

There are no federal lands held within the TSP.

## 7 NAVIGATIONAL SERVITUDE

The footprint of the proposed project contains no land below the Ordinary High-Water Mark of a navigable watercourse. Therefore, the rights of the federal Government by the way of Navigational Servitude will not apply for this project.

## 8 MAPPING

See Exhibit B attached for LERRDs required for the TSP.

## 9 INDUCED FLOODING

This project does not create any induced flooding. See Appendix B Hydraulics for more information.

## 10 REAL ESTATE COST ESTIMATE

The baseline cost estimate for the project was prepared using values derived from recent sales. Values below do not reflect the actual appraised values of these properties. A Land Cost Estimate will be prepared by Omaha District Review Appraiser, Elizabeth Duncan.

Alternative 8	
01 – Lands & Damage	
Fee Title	\$1,917,230
Permanent Easement	\$1,180,987
TWAE	\$1,677,103
	<hr/>
Subtotal	\$4,775,321
Administrative Fee 10%	\$477,532
Incremental Cost 20%	\$955,064
	<hr/>
Total	\$6,207,917

An administrative expense of 10% and incremental cost of 20% were added to the estimated LER values. This amounts to approximately 30% of the estimated value. This contingency cost accounts for the following uncertainties: unknowns caused by a lack of study definition at this preliminary stage; potential cost and value increases from potential development pressures and/or zoning changes; negotiation of purchase price above estimated market value; and potential for excessive condemnation costs and awards.

## 11 RELOCATIONS ASSISTANCE BENEFITS

There are no displaced persons, residences, farms or businesses entitled to relocation assistance as defined in the Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1948, as amended (P.L. 91-646) required for this project.

## 12 MINERALS

There are no known existing third-party mineral rights or interests including oil, gas, timber or any other outstanding rights that may need to be resolved for the construction, operation, and maintenance of the project. There is no anticipated mineral activity within the vicinity of the proposed project area.

### 13 NON-FEDERAL SPONSOR CAPABILITY ASSESSMENT

An assessment of the NFS Real Estate Acquisition Capability will be prepared by Assistant District Counsel, Melissa Head, and will be attached as Exhibit C. The assessment will determine if the NFS has the legal authority and is capable of acquiring the property required for the project.

### 14 ZONING

The NFS will be required to acquire all properties necessary to implement the approved plan. This includes lands needed for construction and future O&M activity of the project. At this time there will be no zoning ordinances enacted to facilitate acquisition of land for the project.

### 15 SCHEDULE

USACE Real Estate and Project Management will work with the NFS to develop a schedule upon the approval of the Real Estate Plan and the Feasibility Study during the design phase. The NFS must acquire the appropriate lands for the project. Prior to advertisement of the construction contract, the NFS must provide copies of all deeds and easements for the tracts of lands required by the project footprint, and certification by their attorney that they have met the requirements to acquire the minimum estates required for the project, including compliance with P. L. 91-646. No construction will take place until documentation of the acquisitions has been provided, reviewed, and confirmed, as stated in the PPA.

The NFS has been notified that any acquisitions conducted prior to the signing of the PPA may not be approved for LERRD crediting back to the NFS. The anticipated real estate project activities duration, beginning with the approval date of the Feasibility Report is:

ACTIVITY	DURATION
<i>Feasibility Report Approval (NWO)</i>	<i>0 Month</i>
<i>NFS and USACE execute PPA</i>	<i>Within 30-90 days *</i>
Final Project/ROW drawings to NFS with NTP	Within 15 days after PPA Execution
NFS initiates acquisition responsibilities	Within 15 days of receipt of final ROW
Complete acquisition	18 months
Certify Real Estate	Within 10 days of NFS certification
Construction Contract Award	After RE certification
Begin Construction Phase	Anticipate 18 months minimum time required between Feasibility Report approval and start of construction

*\* Number of days required dependent upon NFS coordination and board meeting schedules.*

### 16 PUBLIC FACILITY RELOCATIONS

There are no known facility/utility relocations identified for the TSP footprint.

**ANY CONCLUSION OR CATEGORIZATION CONTAINED IN THIS REAL ESTATE PLAN, OR ELSEWHERE IN THIS PROJECT REPORT, THAT AN ITEM IS A UTILITY OR FACILITY RELOCATION TO BE PERFORMED BY THE NON-FEDERAL SPONSOR AS PART OF ITS LERRD RESPONSIBILITIES IS PRELIMINARY ONLY. THE GOVERNMENT WILL MAKE A FINAL**

**DETERMINATION OF THE RELOCATIONS NECESSARY FOR THE CONSTRUCTION, OPERATION, OR MAINTENANCE OF THE PROJECT AFTER FURTHER ANALYSIS AND COMPLETION AND APPROVAL OF FINAL ATTORNEY'S OPINIONS OF COMPENSABILITY FOR EACH OF THE IMPACTED UTILITIES AND FACILITIES.**

**17 CONTAMINATION (HAZARDOUS, TOXIC, & RADIOACTIVE WASTE)**

The preliminary investigation by members of the PDT indicated that there are known contaminants located within the proposed project site near Watertown Iron & Metal. Additional information, including the HTRW report are located in Appendix K.

**18 PROJECT OPPOSITION**

As of writing of this report, there has not been any known project opposition that has been brought to the attention of the NFS.

**19 ADVANCE ACQUISITION & RISK NOTIFICATION**

The NFS has been notified in writing the risks associated with acquiring land before the execution of the PPA and the Government's formal notice to proceed with acquisition.

**20 RECOMMENDATIONS & OTHER REAL ESTATE ISSUES**

The Omaha District Real Estate Division recommends the project for approval.

**Date Prepared: August 2024**

**Prepared By:**

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Grant Haynes  
Senior Realty Specialist  
Civil Branch, Real Estate Division

**Reviewed By:**

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David Beberwyk  
Civil Works Branch Chief  
Real Estate Division

**Approved By:**

---

Amanda Simpson  
Chief, Real Estate Division  
Real Estate Contracting Officer



## Watertown Alternative 8


  
 Codington County, SD  
 T 117N, R 52W & R 53W  
 5th P.M.

### Legend

- Streets/Roads**
-  Township
  -  Sections
  -  Impacted County Parcel
  -  Impacted Parcel Area
  -  Temporary Construction Easement (Borrow)
  -  Permanent Channel Easement
  -  Permanent Levee Easement
  -  Wetlands (Fee)
  -  Temporary Work Area Easement



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<b>Real Estate</b> CENWO-RE-S	
Prepared by: Andrew Groves	 <b>US Army Corps of Engineers</b> Omaha District
Date: 13-AUGUST-2024	
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## Watertown Alternative 8

Codington County, SD  
T 117N, R 52W & R 53W  
5th P.M.

### Legend

- Streets/Roads
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<b>Real Estate</b> CENWO-RE-8	
Prepared By: Andrew Clausen	 <b>US Army Corps of Engineers</b> Omaha District
Date: 13-AUGUST-2024	
Produced By:	
Revision Code:	
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## Watertown Alternative 8

  
 Codington County, SD  
 T116N & T117N, R 52W & R 53W  
 5th P.M.

### Legend

- Streets/Roads**
-  Township
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  -  Impacted County Parcel
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<b>Real Estate</b> CENWO-RE-S	
Prepared By: Andrew Groves	 <b>US Army Corps of Engineers</b> Omaha District
Date: 13-AUGUST-2024	
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## Watertown Alternative 8

Codington County, SD  
T 116N, R 52W  
5th P.M.

### Legend

#### Streets/Roads

- Township
- Sections
- Impacted County Parcel
- Impacted Parcel Area
- Temporary Construction Easement (Borrow)
- Permanent Channel Easement
- Permanent Levee Easement
- Wetlands (Fee)
- Temporary Work Area Easement



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### Real Estate CENWO-RE-S

Prepared by:  
Andrew Groves

Date:  
13-AUGUST-2024

Project No.:

Project Name:



**US Army Corps  
of Engineers**  
Omaha District

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**Watertown  
Alternative 8**

  
 Codington County, SD  
 T 117N, R 52W  
 5th P.M.

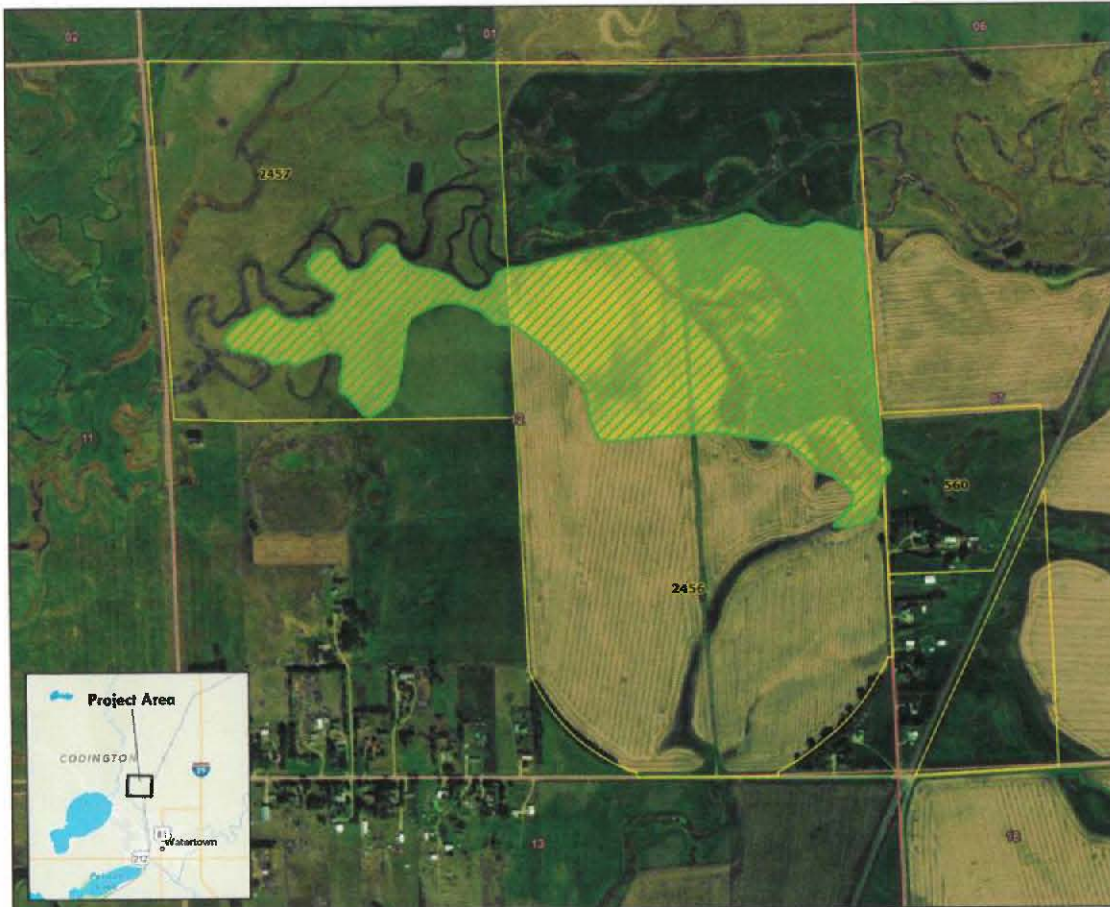
**Legend**

- Streets/Roads
-  Township
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  -  Wetlands (Fee)
  -  Temporary Work Area Easement



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<b>Real Estate</b> CENWO-RE-6	
Prepared By: Andrew Groves	 <b>US Army Corps of Engineers</b> Omaha District
Date: 13-AUGUST-2024	
Drawn/Checked By:	
Scale/Version:	
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## Watertown Alternative 8

Codington County, SD  
T 117N, R 52W & R 53W  
5th P.M.

### Legend

- Streets/Roads
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  - Permanent Levee Easement
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  - Temporary Work Area Easement



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<b>Real Estate</b> CENWO-RE-S	
Prepared By: Andrew Groves	 <b>US Army Corps of Engineers</b> Omaha District
Date: 13-AUGUST-2024	
Prepared By:	
Prepared Date:	
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ATTACHMENT H

10/10/10  
10/10/10

**Erik Schovanec**

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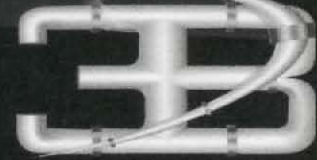
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**INSPECTION**