

July 16, 2023

Dear PUC Commissioners,

We are writing to request that an Environment Impact Assessment pursuant to SDCL 34A-9 be completed prior to moving forward with the permitting process for any carbon sequestration pipeline. Due to the proposed nature and size of this project, many miles in our state will be significantly disrupted if the construction process happens. Disruption to our state's native grasses, vegetation, soil makeup, ground water, air quality and waterways is of high concern to us, the undersigned, state legislators.

Due to the sensitive nature of land and man working together, we believe all possible effects on the environment should be looked at before a project of this magnitude is started, including but not limited to the possible impact of any leaks in the pipeline and the impact of sequestering large amounts of liquified carbon underground. We owe it to our citizens, most of whom are not benefiting from this pipeline, to be proactive in protecting them from unnecessary harm; be it environmentally, socially, or economically.

According to our South Dakota codified law 34A-9-7, this is a vital tool to research any potential issues that may arise:

34A-9-7. Contents of environmental impact statement.

An environmental impact statement shall be prepared in accordance with the procedural requirements relating to citizen participation of the National Environmental Policy Act of 1969 as amended to January 1, 2011, and implementing regulations adopted pursuant to that act, and shall include, at a minimum, a detailed statement setting forth the following:

- (1) A description of the proposed action and its environmental setting;
- (2) The environmental impact of the proposed action including short-term and long-term effects;
- (3) Any adverse environmental effects that cannot be avoided if the proposal is implemented;
- (4) Alternatives to the proposed action;
- (5) Any irreversible and irretrievable commitments of resources that would be involved in the proposed action if it is implemented;
- (6) Mitigation measures proposed to minimize the environmental impact; and
- (7) The growth-inducing aspects of the proposed action.

Source: SL 1974, ch 245, § 2; SDCL Supp, § 11-1A-7; SL 1992, ch 254, § 76; SL 2011, ch 165, § 134

Due to the ongoing legal actions involving landowner rights, per SDCL 34A-9-4.1, the EIS should be conducted by a contractor selected by the PUC without regard to whether any other party finds them acceptable.

Thank you for your time and careful consideration of this matter which would have a major impact on the future of South Dakota.

Respectfully,

Representative Brandei Schaefbauer
Representative Phil Jensen
Representative Aaron Aylward
Representative Kevin Jensen
Representative Jon Hansen
Representative Liz May
Representative Bethany Soye
Representative Tina Mullaly
Representative Carl Perry
Representative Scott Moore
Representative Randy Gross
Representative John Sjaarda
Representative Karla Lems
Representative Ben Krohmer
Representative Julie Auch
Representative Marty Overweg
Representative Fred Deutsch
Representative Neil Pinnow
Representative Eric Emery
Representative Joe Donnell
Representative Scott Odenbach
Representative John Mills
Representative Tony Randolph
Representative Oren Lesmeister
Senator Tom Pischke
Senator Julie Frye-Mueller
Senator Al Novstrup