

**From:** Melanie Kennedy [REDACTED]  
**Sent:** Sunday, August 6, 2023 9:25 PM  
**To:** Fiegen, Kristie  
**Subject:** [EXT] Navigator pipeline concerns from Nebraska family

Dear Chairperson Fiegen,

We are writing you in concern with the Navigator Heartland Greenway CO2 pipeline proposal.

We are affected landowners in Stanton County, Nebraska. Navigator is seeking permanent easements across 2 miles, (over 11,000'), of our property, PLUS temporary work spaces, and also additional temporary work spaces.

We have been listening to days of testimony from South Dakota land owners and also Navigator representatives on your South Dakota Public Broadcasting radio. Our experience with Navigator is exactly the opposite as what Mr. Stephen Lee describes it to be. Our right of way agent and his supervisor have been far from professional throughout this process.

A few of our experiences with Navigator:

My wife and I plan to build our retirement home on a parcel of our property. We planted a shelter belt 25 years ago and have a beautiful location. The proposed pipeline is going directly through the area we plan to build. We were told if the property isn't developed there is nothing they could do about it. So future plans of landowners are not an interest to Navigator.

We asked about modifying the pipeline to minimize the potential for any damages due to grain cart, semi, combine, spraying equipment, or any other normal farming activities. Due also to the fact that equipment isn't getting any smaller. We were told that it would not be an option. So our next inquiry was who would be responsible for any damages under heavy farm loads or heavy farm loads that would be amplified in wet conditions. We were told if damage was due to operating equipment it would be our responsibility.

We asked about changing a route to be next to a fence line instead of 100' off the fence line. This was not an option either.

Navigator agents have left important documents with our personal information on our front porch steps with a brick holding them down. This happened twice and it sat there for days until we happen to walk by and notice them.

Navigator agents have called and stopped at "other" family members residence to persuade them to convince landowner to sign Navigator's easements.

We questioned access to easements. We were told they could access the easements through the entire parcel of ground, not just through the easements themselves at any time necessary.

We asked about removal of pipe after decommissioning. We were told removal of the pipe was not a option and it would stay in the ground.

We were offered a "better price" for the easements, BUT in new proposal with the "better price" we were responsible for completion, (or to hire someone), to complete the backfilling, finish the final grade, decompact the ground, do all the tile work, and pay attorney fees to complete the paperwork for the easements. After conversing with the right away agent for a lengthy amount of time he divulged that it was a bit misleading but said you were technically getting more money, but you would have to spent the extra money completing the project.

Many of our questions have been avoided or the right of way agent has offered to "google" the answer.

This is just a small snapshot of what we are currently encountering with Navigator.

As I listen to Navigator's representatives paint a picture of how working with landowner concerns is a top priority and the "easement" is just a template and can easily be tailored for many circumstances I wonder why our experience along with others in our county is exactly the opposite of what they advertise.

My grandparents, parents, my wife and I have worked very hard for these properties and continue to work hard on these properties. We plan to keep it in the family. It seems very unfair that a privately owned company can take control of your property, tell you how they will compensate you without negotiation, tell you what you can and can't do with your property, and leave you with the worries of a fatal discharge or potential problems associated with this pipeline. Worst of all this is a pipeline that we are all paying for with our tax dollars.

We are reaching out to you because Nebraska doesn't have rules or regulations in place for CO2 pipelines. We are actively attending county commissioners meetings in our county as well as surrounding counties.

Please take this into consideration when making your decision on Navigator's proposal.

Thank you for your time and dedication to this decision,  
Melanie & Justin Kennedy

