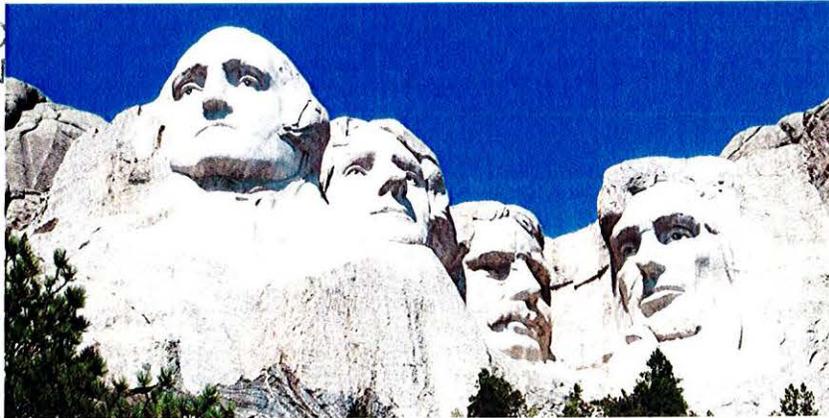


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JUL 06 2023

SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION



McPherson County Republican Party Executive Board

6 July 2023

### Resolution Opposing CO2 Pipelines and Unconstitutional Use of Eminent Domain in South Dakota

The South Dakota Constitution states, "We, our own ancestors, worked together between 1860 and 1902 to establish a "State of People" of which All men are born equally free and independent, and have certain inherent rights, among which are those of enjoying and defending life and liberty, **of acquiring and protecting property** and the pursuit of happiness. To secure these rights governments are instituted among men, deriving their just powers from the consent of the governed, of whom believe the right to worship God according to the dictates of conscience shall never be infringed. No person shall be denied any civil or political right, privilege or position on account of his religious opinions; but the liberty of conscience hereby secured shall not be so construed as to excuse licentiousness, the invasion of the rights of others, or justify practices inconsistent with the peace or safety of the state and of which no person shall be deprived of life, liberty or **property** without due process of law. The right of persons to work shall not be denied or abridged on account of membership or non-membership in any labor union, or labor organization."

Notice that "acquiring and protecting property" comes after "life and liberty" but before "the pursuit of happiness." This is stated twice and is an indication of the priority and importance of property ownership to our state's founders, as well as to South Dakota property owners in 2023.

We know the South Dakota Public Utilities Commission does not have power of eminent domain, but should a permit be granted to proceed with the construction of a CO2 pipeline, then that power is assumed. We ask you to gravely consider this fact. Eminent domain (ED) should never be used to condemn private property for the private sector profit. Even in the *Kelo vs. New London* decision, the city of New London became involved in taking private property and then giving it to private developers. In South Dakota, there is currently no government intermediary, just private companies grabbing land from private landowners for dubious projects, in this case, the "Pipeline to Nowhere."

Navigator has not been forthcoming with safety information related to their proposed pipeline. They maintain their pipeline will be extremely safe, but plume data and dispersion data apparently do not support their claim, or they would be forthcoming with the pertinent information. In addition, the rules for regulating CO2 pipelines won't be complete until 2024 or later through the Pipeline and Hazardous Materials Safety Administration (PHMSA). This is putting the cart before the horse! How are our

counties who have the power to route and site the pipeline via setbacks and ordinances supposed to know how to do this without these regulations in place first?

It has been claimed that the proposed pipelines that will transport hazardous compressed CO2 must be facilitated via Eminent Domain powers in order to "save Ethanol production" in the state. Meanwhile, the rules are being changed in the middle of the game, but property owners are being told that to oppose this project is merely sour grapes in "standing in the way of Economic Development."

There is no regulatory requirement, State or Federal, for Ethanol plants to reduce carbon intensity. Ethanol companies are recording record all-time high profits WITHOUT any hazardous pipelines constructed through ED powers. The proposed hazardous pipeline project can still take the \$24 billion-plus in tax credits and direct payments from taxpayers without giving them independent ED powers to do so. With that amount of money, land can be bought without using ED. **Innovation, not condemnation of productive private property, will save the ethanol industry.**

The monied interests behind these projects don't need ED to achieve their goals; they can operate in the free market along with the rest of us and don't need the economic balance skewed in their favor at the expense of small property owners. We urge you to not give them a monopoly to run over farms and ranches and the taxpayers of this state by granting them a permit for the pipeline.

**If you believe in our state motto, "Under God the People Rule," then give the people a fighting chance and do not grant these private, for-profit companies a permit.**

We would like to bring to the attention of the PUC that, at the 2022 Republican State Convention, a resolution was passed strongly rejecting the Biden administration's 30 x 30 program and hope that the PUC would consider the resolution seriously, as this hazardous CO2 pipeline is part of that program to be rejected by our state:

2022 RESOLUTIONS AS APPROVED BY GOP STATE CONVENTION IN WATERTOWN, JUNE 24, 2022 (Subject to update/correction):

**A RESOLUTION OPPOSING THE 30X30 Program**

WHEREAS, on January 27, 2021, President Biden issued Executive Order 14008 entitled Tackling the Climate Crisis at Home and Aboard (86 Fed. Reg. 7,619); and

WHEREAS, in Section 216 of Executive Order 14008, President Biden directed the Secretary of the Interior, in consultation with the Secretary of Agriculture and other senior officials, to develop a program to stop the current statutorily permitted uses of at least 30 percent of the lands and waters of the United States by 2030, which is called the "30 x 30" program; and

WHEREAS, under the 30 x 30 program, some 680 million acres of our Nation's lands would be set aside and permanently preserved in its natural state, ceasing and preventing further productive use of these lands and their resources, some of which are critical to South Dakota and its residents; and

WHEREAS, there is no constitutional or statutory authority for the President, the Department of the Interior, the Department of Agriculture, or any other federal agency to set aside and prohibit the permitted uses of 30 percent of all land and water in the United States, and no such authority is referenced in EO 14008; and

WHEREAS, the withdrawal of some 680 million acres of federal lands from multiple uses and the placement of such lands in permanent conservation status will cause dramatic and irreversible harm to the economies of many western states, including South Dakota,

which has a rich history of responsible and productive use and stewardship of our forests and grasslands,  
NOW, THEREFORE, BE IT RESOLVED, the South Dakota Republican Party opposes the 30 x 30 program, including its disregard of federalism and separation of powers, and its blanket prohibitions on the use of 30 percent of the Nation's lands in its natural state by 2030, or any similar program that will set aside and prevent the productive use of millions of acres of our federal lands, and  
BE IT FURTHER RESOLVED that the South Dakota Republican Party supports maintaining and enhancing public use and access to public lands and national forests and grasslands, and opposes road closures, road decommissioning, moratoria on road construction, and other limitations on public access for the purpose of fulfilling the 30 x 30 program's objectives.

We thank you for your dedication to public service and trust that you will make the right decision for the people of South Dakota.

Signed///

Executive Board, Aurora County Republican Party  
Executive Board, Bennett County Republican Party  
Executive Board, Bon Homme County Republican Party  
Prospective Executive Board, Buffalo County Republican Party  
Lia Dinger, Precinct Committeewoman, Brown County Republican Party  
Dan Kaiser, Precinct Committeeman, and former legislator, Brown County Republican Party  
Laura Kaiser, Precinct Committeewoman, Brown County Republican Party  
Nancy Stewart, Precinct Committeewoman, Brown County Republican Party  
Josh Cutler, Precinct Committeeman, Brown County Republican Party  
AnnaLisa Cutler, Precinct Committeewoman, Brown County Republican Party  
Darren Engelhardt, Precinct Committeeman, Brown County Republican Party  
Heidi Engelhardt, Precinct Committeewoman, Brown County Republican Party  
Keith Miller, Precinct Committeeman, Brown County Republican Party  
Kayla Weis, Precinct Committeewoman, Brown County Republican Party  
Kaleb Weis, Precinct Committeeman and former legislator, Brown County Republican Party  
Nancy Dennert, Precinct Committeewoman, Brown County Republican Party  
Glenna Remington, Precinct Committeewoman, Brown County Republican Party  
Executive Board, Butte County Republican Party  
Executive Board, Campbell County Republican Party  
Sarah Taggart, Vice Chair, Clay County Republican Party  
Gary Sokolow, Secretary, Clay County Republican Party  
Linda Alvey, State Committeewoman, Clay County Republican Party  
Glenn Pulse, State Committeeman, Clay County Republican Party  
Executive Board, Charles Mix County Republican Party  
Mary Nosbush, Vice Chair, Deuel County Republican Party  
Bonnie Otterson, Secretary, Deuel County Republican Party  
Executive Board, Davison County Republican Party  
Executive Board, Fall River County Republican Party  
Jim Eschenbaum, Hand County Commissioner  
Executive Board, Harding County Republican Party

Mark Weinheimer, Delegate-at-large, Hughes County Republican Party  
Mary Weinheimer, Delegate-at-large, Hughes County Republican Party  
Executive Board, Jackson County Republican Party  
Executive Board, McPherson County Republican Party  
Cindy Meyer, Treasurer, Minnehaha County Republican Party  
Tanna Brummett, Secretary, Minnehaha County Republican Party  
Melinda Roth, State Committeewoman, Minnehaha County Republican Party  
Mike Austad, Delegate At Large, Minnehaha County Republican Party  
Jennifer Foss, Vice Chair, Minnehaha County Republican Party  
Rebecca Paul, State Committeewoman, Perkins County Republican Party  
Executive Board, Pennington County Republican Party  
Bob Tate, Precinct Committeeman, Tripp County Republican Party  
Brad Assman, Precinct Committeeman, Tripp County Republican Party  
Brian Beck, Precinct Committeeman, Tripp County Republican Party  
Dana Randall, Chairman, Walworth County Republican Party  
Tim Zabel, Vice Chairman, Walworth County Republican Party  
Executive Board, Yankton County Republican Party  
Executive Board, Ziebach County Republican Party

To:

South Dakota Public Utility Commission  
Commissioner Chris Nelson  
Commissioner Gary Hanson  
Commissioner Kristie Fiegan  
Docket# HP22-002 (Navigator)

CC: Governor Kristi Noem