

Ziebach County Board of Commissions  
Ziebach County Courthouse  
PO Box 68, 215 South Main St.  
Dupree, SD 57623  
July 6, 2023

**RECEIVED**

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SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION

South Dakota Public Utilities Commission  
Commissioner Kristi Feigen  
Commissioner Chris Nelson  
Commissioner Gary Hansen  
500 East Capitol Ave.  
Pierre SD 57501

Re: Docket #HP22-002 – (Navigator)

Ziebach County Commission wishes to express **opposition** to the use of **eminent domain for private gain** in the state of S.D. by Navigator's (Phase 1) proposed CO2 pipeline running through five counties in South Dakota: Brookings, Lincoln, Moody, Minnehaha, and Turner.

The original intent of the 5th Amendment of the US Constitution was to allow eminent domain takings by the government for "public use" such as roads, electricity, and water. So-called carbon sequestration has never been determined by law to be considered a "public good". Private companies that are not public utilities seek to exploit the eminent domain concept and plan on sequestering CO2 into the ground, which is not for "public use." These actions should not be permitted by the South Dakota Public Utilities Commission for the reasons stated below.

While Ziebach Co. is not directly affected by the proposed pipeline project, we express support for affected South Dakota counties and their county commissioners, some of whom are being sued by Summit for exercising their full legal authority to route and cite the CO2 pipelines via setbacks and ordinances, as well as for passing moratoriums to study the proposed project and protect their citizens.

We also oppose the recent farm land condemnation proceedings which have currently been filed on 108 South Dakota farm families. This is unconstitutional and should not be happening in South Dakota. We value and respect our God-given, constitutional right to "life, liberty, and **property**". This has to be protected and preserved above any law or decree. We owe it to our constituents to keep our constitutional oaths to preserve our freedoms and liberties.

We believe the pipeline project is directly tied to the 30x30 program, 30% of the land taken by the government by 2030 for "conservation purposes" associated with the unscientific "Green New Deal." We are also concerned with the easements that these private companies are asking landowners to sign. The result will be that landowners will not only be giving away control of the 50'-150' strip of their land for the proposed pipeline, but the whole quarter through which the pipeline passes! This is a massive land grab.

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We are also concerned for our fellow S.D. county's citizens' safety with these proposed hazardous CO2 pipelines and the dangers they would pose to people, animals and the environment including our river and ground water, (CO2 mixed with water turns to carbonic acid). Compressed CO2 from pipeline leaks could suffocate people and animals. Should a rupture occur on the 8" and 12" feeder line and 24" mainline with 20 miles between shut-off valves, the supercritical liquid CO2, under 2200 PSI would explode and quickly turn back to a gas. The asphyxiant gas, odorless and colorless, is heavier than air and would sink to the ground displacing oxygen, making it impossible to escape since combustion car engines would not run.

Large leaks could lead to an immense humanitarian disaster that our rural, all volunteer, fire and rescue first responders could not handle. With the PHMSA federal regulations for CO2 pipelines just now being considered and not yet written, our fellow S.D. counties are shooting into the dark, with limited budgets, and training on how best to protect their citizens.

Lastly, with the recent failure of HB1133 in the legislature, the burden falls back to the counties to try to conduct a risk assessment and to determine the cost-benefit of this project. This project requires much more study and much more consideration before making any go-ahead decision.

Therefore, we **oppose** granting a permit to these private companies who stand to make billions of tax dollars while condemning fellow South Dakotans' land to sequester CO2 for the political theory of "climate change" and respectfully ask you **NOT** to grant these private companies permits.

Sincerely,

*Sharon C. Farlee*  
*David Persich*  
*Bill Henderson*      *Rick Farlee*

Ziebach County Commission

CC: South Dakota Association of County Commissioners  
South Dakota Governor, Kristi Noem  
South Dakota Lieutenant Governor, Larry Rhoden  
South Dakota Attorney General, Marty Jackley  
County Commissioners for the counties currently affected by the pipelines  
(Beadle, Brookings, Brown, Clark, Codington, Edmunds, Hamlin, Hand, Hyde, Kingsbury, Lake, Lincoln, McCook, Miner, McPherson, Minnehaha, Moody, Spink, Sully, and Turner)