



Policy Update

May 26, 2023

U.S. Supreme Court Reaffirms Clean Water Rule

A tremendous victory for private property owners was sealed on Thursday, May 24 when the United States Supreme Court released their ruling on *Sackett v. EPA*. Below is American Farm Bureau Federation President Zippy Duvall's comments on the U.S. Supreme Court ruling in *Sackett v. EPA*.

"AFBF appreciates the Supreme Court justices for their careful consideration of the implications of *Sackett v. EPA*. The EPA clearly overstepped its authority under the Clean Water Act by restricting private property owners from developing their land despite being far from the nearest navigable water."

"The justices respect private property rights. It's now time for the Biden administration to do the same and rewrite the Waters of the United States Rule. Farmers and ranchers share the goal of protecting the resources they're entrusted with, but they deserve a rule that provides clarity and doesn't require a team of attorneys to properly care for their land."

Click [here](#) to read the Supreme Court opinion.

Minnehaha County Discusses Ordinance on CO2 Pipelines

The Minnehaha County Commission recently discussed a county ordinance pertaining to CO2 pipelines. The ordinance specified that the pipeline would be permitted special use and the setback would be 750 feet from dwellings, churches, and businesses. These distances included the property line and not the structure. An amendment was proposed to reduce the setback from 750 feet from a property line to 330 feet. After debate, the commission voted 2-2 on the amendment. Consequently, the matter will now be before the commissioners as amended at their June 6th meeting.

To learn more about the ordinance, please click [here](#).

New Right to Repair MOUs Bring Industry Coverage to 70%

The American Farm Bureau Federation signed two more memoranda of understanding with two agricultural equipment manufacturers, AGCO and Kubota, providing farmers and ranchers the right to repair their own farm equipment. The MOUs, which were negotiated independently with each manufacturer, follow similar agreements AFBF entered into with John Deere and CNH Industrial Brands earlier this year. Combined, the four MOUs cover roughly 70% of the agricultural machinery sold in the United States.

“The American Farm Bureau Federation is pleased to announce new agreements with AGCO and Kubota,” said AFBF President Zippy Duvall. “Farmers and ranchers urged us to find a private sector-solution to the challenges of repairing their own equipment. These agreements represent ongoing efforts to ensure farmers have access to the tools necessary to keep their equipment running, and to keep food on the table for families across America.”

Read the AGCO MOU [here](#).

Read the Kubota MOU [here](#).

Gregory County Pumped Storage Project Cancelled

The proposed Gregory County Pumped Storage Project is **not** going to be pursued by MidAmerican Energy and Missouri River Energy Services. This comes after both companies held public meetings and received comments for upcoming feasibility studies. The project was tentatively set to begin construction in 2029 and would have involved an 1,100-acre reservoir on the Gregory County side of the Missouri River. Below are comments from the companies regarding the decision.

“MidAmerican Energy and Missouri River Energy Services have long histories of safely, economically and reliably serving their customers with the energy they need. Recently, the two companies teamed up to explore the Gregory County Pumped Storage Project (GCPSP) as a way to store the clean energy that is already being generated from MidAmerican’s wind fleet and to supply energy to the grid when it’s needed. While pumped storage technology is proven and the need for energy storage solutions is essential for regional reliability, MidAmerican and MRES have decided not to pursue the project at this time.”

- *MidAmerican Energy and Missouri River Energy Services*

Contact for Questions

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