



Policy Update

May 2, 2025

AFBF asks for changes to the “Waters of the United States” rule to bring it in line with Supreme Court ruling

The American Farm Bureau Federation recently asked for changes to the “Waters of the United States” rule to bring it in line with the [Sackett v. EPA](#) Supreme Court ruling, which called for more clarity in water regulations. AFBF submitted comments in response to the Environmental Protection Agency’s request for recommendations.

Farm Bureau’s recommendations include:

- Creating a definition of the ‘relatively permanent standard,’ which guides agencies in determining whether a body of water falls under federal jurisdiction;
- Regulating wetlands only when they are indistinguishable from and have a continuous surface connection to WOTUS waterways; and
- Providing clear exemptions and exclusions so farmers and ranchers can use their land without the risk of severe penalties.

Click [here](#) to read AFBF’s comments.

South Dakota Public Utilities Commission Denies Summit Carbon Solutions Permit

The South Dakota Public Utilities Commission recently moved to deny Summit Carbon Solutions application to construct a carbon dioxide pipeline in South Dakota. While Summit Carbon Solutions initially wanted the PUC to suspend the current scheduling order and to extend the current deadline indefinitely, the PUC denied the extension of the application and approved the motion to deny the permit on a 2-1 vote. The PUC denied the application based upon the following reasons:

1. The Commission finds that the route in the application is not viable as a result of 1) the enactment of HB 1052 into law banning the use of eminent domain; 2) Applicant communicating to the Commission that it has no plans to challenge HB 1052; and 3) declarations from a number of landowners along the route stating they will not voluntarily grant survey access or enter into easement agreements for the proposed project.
2. Applicant was unable to articulate a plan to cause the route proposed in this docket to be viable.
3. Applicant is without a route for this project. Accordingly, the Commission finds that the application does not contain a route that sets forth the specific site and location of the project as required by SDCL 49 41 B-11 (2) and ARSD 20: 10:22: 11.
4. The Commission also finds that the application does not contain a description of the nature and location of the facility, an estimated date of commencement of construction and duration of construction, a statement of the reasons for the selection of the proposed location, and environmental studies prepared relative to the facility as required by SDCL 49-41 B-11.

Click [here](#) to read the Order.

Click [here](#) to learn more about the PUC.

Governor's Ag Summit to be Held in Deadwood

The Department of Agriculture and Natural Resources (DANR) is excited to announce the speaker lineup and tour locations for the upcoming 2025 South Dakota Governor's Agricultural Summit. Hosted by Governor Rhoden, the two-day event on June 17-18 in historic Deadwood, South Dakota at the Deadwood Mountain Grand brings together stakeholders from across the agricultural community to connect, collaborate, and discuss industry challenges and opportunities.

The speakers range from Governor Larry Rhoden to a panel on forestry to updates on the agricultural economy. The tours will include a regional forestry tour, focusing on forestry management from tree growth to finished product, and other industry tours to be announced.

Click [here](#) to learn more about the event.

Contact for Questions

Krystil Smit

SDFB Executive Director

Email: k.smit@sdfbf.org

Cell: (605) 261-2960

Matthew Bogue

SDFB State Public Policy Director

Email: Matthew@sdfbf.org

Cell: (605) 377-8833