



Policy Update

August 11, 2023

Navigator CO2 Pipeline Hearing Concludes

The South Dakota Public Utilities Commission recently concluded an evidentiary hearing for Navigator CO2 pipeline. The Navigator CO2 Pipeline is approximately 1,300 miles of pipeline for the transportation of CO2 from more than 21 ethanol and fertilizer plants across five states, including three ethanol plants in South Dakota. The pipeline will transport captured carbon dioxide for permanent and secure underground sequestration in Illinois.

The hearing involved 10 days of examining evidence and testimony from Navigator, expert witnesses, associations and landowners. The PUC will now be responsible for examining the evidence and deciding the permit outcome. For approval, Navigator must show that the project will satisfy the following:

1. Comply with all applicable laws and rules.
2. Will not pose a threat of serious injury to the environment nor to the social and economic condition of inhabitants or expected inhabitants in the siting area.
3. Will not substantially impair the health, safety or welfare of the inhabitants.
4. Will not unduly interfere with the orderly development of the region.

On a related matter, the PUC will meet again on August 24, 2023, to discuss preemption for Minnehaha and Moody counties. This meeting will decide the fate of county ordinances relating to CO2 pipelines. State law allows the PUC to overrule county ordinances; however, the CO2 pipeline company will have to convince the PUC that both Minnehaha and Moody counties' ordinances are unreasonable and burdensome.

The final decision on Navigator's permit will come no later than September 6, 2023.

For more information or to listen to recordings of the hearing, please click [here](#).

North Dakota Regulators Deny State Permit for Summit Carbon Solutions

The North Dakota Public Service Commission recently denied Summit Carbon Solution's permit to transport captured carbon dioxide and permanently sequester the carbon in North Dakota. The three-member commission unanimously said in its order that Summit had "failed to meet its burden of proof to show that the pipeline will produce minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota." Summit responded in a statement that it "respects the decision" of the commission and plans to reapply for a permit in the state. Below are some of the specific reasons why the North Dakota Public Service Commission denied the permit.

- Summit did not sufficiently explore an alternate route south of Bismarck instead of east and north of the city.
- Summit did not adequately explore route alternatives for some landowners along the route.

- Summit did not adequately mitigate impacts of some waterfowl protection areas along the route.
- The application did not adequately address impacts on cultural resources.

To learn more about the North Dakota Public Service Commission's decision, please click [here](#).

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

Upcoming Pipeline Debate in Brookings

The Sioux River Republican Women will host The Property Rights & CO2 Pipeline Debate on Tuesday, August 22, at 7 p.m. CT at Dacotah Bank Event Center in Brookings, SD. Doors will open at 5:30 PM. Seating is available to the first 500 attendees with minimal standing room in the back.

The debate will be moderated by Sara Frankenstein, an unbiased and neutral 3rd party, a partner at Gunderson, Palmer, Nelson & Ashmore, LLP, Rapid City, SD, and SDFRW's Public Relations Chair. The pro-pipeline speaker will be Elizabeth Burns-Thompson, Vice President, Government & Public Affairs, Navigator CO2. The anti-pipeline speaker will be Rep. Jon Hansen, South Dakota House of Representatives, District 25.

South Dakota Farm Bureau is not a sponsor or promoter of the event. This addition is solely for informational purposes.

Soybean Processing Plant Moves Forward

Over the next two years, High Plains Processing is prepared to invest over \$500 million in both Davison county and in the entire state of South Dakota. The first step of the expansion is a multi-seed, switch processing facility with the capacity to process 35 million bushels of soybeans annually. It is estimated that High Plains Processing will have 85 full-time employees and a payroll of approximately \$5.5M annually.

Contact for Questions

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