



Written by [Rebecca Terrell](#) on June 1, 2023

## South Dakota Farmers Face Carbon-capture Land Theft

Farmers in South Dakota are facing egregious intimidation tactics by a private company that wants to use eminent domain to confiscate valuable farmland for carbon-capture pipelines.

Summit Carbon Solutions requested a [restraining order](#) against Brown County farmer Jerad Bossly.

The company claims he threatened the lives of its representatives who showed up unannounced to survey his property, a farm that has been in his family for four generations.



PatrickZiegler/iStock/Getty Images Plus

He told *The New American* that when they arrived, he was about 12 miles away, working in a field. His wife was home, recovering from gallbladder surgery, and was taking a shower when the Summit surveyors knocked at her door. They entered the house, but finding no one there, they proceeded to an outbuilding where one of them walked in. In the tweet below you can see footage from one of Bossly's security cameras, which captured all of this movement.

Next, the Summit staff walked out onto the Bossly's property and started setting up a tripod. By that time, Mrs. Bossly, with Jerad on the phone, confronted them and asked them to leave. Jerad said that the sheriff should be present if the company wanted access to his land. So the surveyors left.

His wife called Jerad back later that day to say a detective had just left the farm. Summit had reported Bossly for threatening to kill the surveyors. They also charged him with contempt of court for interfering with their survey activities.

Bossly [faced off](#) in county court with the company on Wednesday.

The judge ruled in favor of the landowner, but he warned other farmers not to interfere with surveyors, threatening sanctions if they do. Another farmer who attended the hearing told *The New American* that the judge also refused to hear any evidence against Summit. That farmer complained that "they appear to get away with their lies."

Bossly is one of more than 80 [landowners](#) in South Dakota facing eminent-domain lawsuits from Summit. In April, Fifth Circuit Judge Richard Sommers granted the company's motion to conduct surveys of all land along their planned pipeline corridor — even private property. Taxpayers who originally declined to sign easement agreements are now forced to stand by as the company maps and drills on their land.

Another Brown County farmer, Freddie Robinson, spoke before last week's county commission meeting about his safety concerns at the hands of Summit surveyors. Here is part of his [testimony](#):

Why do they have armed people standing in the middle of the road with guns so people can't go on their own property? I served 32 years in foreign countries so that would not happen in



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America. I understand that when a car comes down the road, this bunch of mafia, or whatever they are, with guns, unsnap their guns and put their hands on their guns. This is America! That crap should not be happening here. It's almost like we're turning into a Communist country.

Carbon capture is a process that traps carbon dioxide produced by ethanol plants and pipes it to remote locations for underground storage. Two companies are planning pipelines through South Dakota's Corn Belt: Summit Carbon Solutions wants to build the Midwest Carbon Express and Navigator CO<sub>2</sub> Ventures is proposing the Heartland Greenway.

These companies are for-profit enterprises that also stand to gain a federal tax credit of \$50 per ton of CO<sub>2</sub> sequestered. Navigator alone is looking at a \$750 million tax credit for the 15 million tons of CO<sub>2</sub> it plans to transport.

The federal government alleges that capturing this CO<sub>2</sub> is necessary to stop catastrophic man-made climate change. Farmers such as Bossly and Robinson see through that smokescreen and call it what it is: one of the largest private land-grab schemes in American history.

*Update: The New American received the following excerpted update from a landowner present at Wednesday's hearing in Brown County. It sheds more light on that proceeding and on the forces arrayed against private property owners.*

The hearing was a "win" but it wasn't. The judge said right off the bat that he wasn't going to hold Jerad in contempt for his threat. So, the judge seemed to accept that it actually happened without seeing any evidence. The judge passed the buck and refused to let our attorney, Brian Jorde, present any evidence. His reasoning was that it didn't matter because he still was going to rule the same way regardless.

But it does matter. The judge refused to get to the heart of the issue: the fact that Summit lied about the threat and that they committed breaking and entering. Summit and its surveyors are the ones who should be charged with crimes, but they got off. A double standard in my opinion.

The judge also warned all us landowners in the room not to impede his order to allow the surveys to continue, or there will be sanctions. Why are the landowners getting lectured, and not Summit? The judge refuses to deal with the heart of the issue and passed the buck to the S.D. Supreme Court. Now we landowners are left with having to deal with Summit, which is allowed to break laws without being held to account.



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