



Written by [Rebecca Terrell](#) on September 11, 2023

## S.D. Farmers Celebrate Another Victory Over Carbon Capture

South Dakota has once again said no to carbon-capture pipelines.

On Monday, the Public Utilities Commission (PUC) unanimously denied Summit Carbon Solutions' application for a state permit to install a carbon-capture pipeline across central and eastern South Dakota.

The motion came from the PUC's lead staff attorney, Kristen Edwards, who maintained that Summit could not meet pipeline moratorium and set-back ordinances passed in four counties.

Summit admitted it could not adhere to local standards, but it had also sued several counties, contending that they overstepped their authority.

The lawsuits claimed that federal law preempts state and local governments' standards on federally regulated pipelines — an assertion that flies in the face of the United States Constitution.

The commissioners disagreed with the company; South Dakota law requires that transmission projects adhere to all state and local requirements.

Independent journalist Matthew Monfore spoke with two of the private landowners and farmers — Mark Lapka from MacPherson County and Jared Bossly from Brown County — after the PUC's ruling.

Lapka: The PUC in the state of South Dakota denied the application for the Summit Carbon Solutions pipeline, and for all intents and purposes, there's no active application. It's shut down. Could it come back later? Possibly. But we're all feeling very good at the moment, and we're going to live in the moment. And we're really going to enjoy the rest of the day.

Bossly: The people's voice has been heard.... It was a good day here in South Dakota.... You're either a patriot or a communist. There's no in between anymore. Us Americans — we're patriots. We gotta stand together, because it's time to take this nation back one little win at a time.

The landowners' victory comes on the heels of another win last week, when South Dakota's PUC also [unanimously denied](#) the application for another carbon-capture pipeline.

Like its Summit competitor, Navigator CO2 Ventures could not meet county set-back decrees, nor could it prove that its pipeline would *not* pose a serious threat to people and the environment.

Last month, the North Dakota Public Services Commission also unanimously denied Summit's siting permit application. One of the objections that commissioners raised was that the company had failed to



Photo courtesy of Matthew Monfore  
Private landowners and farmers attend the Public Utilities Commission meeting



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follow state set-back laws.

Despite these wins, the fight is far from over. Carbon capture is backed by billions in federal subsidies in support of President Joe Biden's Net Zero fantasies, and both companies can appeal the PUC's rulings.

Let's not forget that just last year Navigator [moved](#) its headquarters from Dallas, Texas, to Omaha, Nebraska, as testimony of its dedication to the \$2.5 billion [Heartland Greenway](#) system it has planned — more than 1,300 miles throughout South Dakota, Nebraska, Minnesota, Iowa, and Illinois.

Likewise, Summit is investing \$4.5 billion in its 2,100-mile [Midwest Carbon Express](#) through Iowa, Minnesota, Nebraska, North Dakota, and South Dakota.

Both companies are private and for-profit, and both have threatened to use eminent domain to confiscate private property and farmland throughout the nation's Corn Belt.

Brian Jorde of Domina Law Group is representing many farmers and landowners in defense of their private property, which stands in carbon capture's crosshairs. After the PUC ruling, he explained what is likely to come next from Summit:

We expect them to kinda go back hat-in-hand to the counties — the ones they threatened with lawsuits that strong-armed and have been, frankly, not appropriate in their dealings — to try to basically beg them to do something. But at the end of the day, the route they've proposed is not intelligent. It doesn't fit within South Dakota values and county ordinances. And if they want to come back, fine, that's their right. But come back with a better plan, and a better route, and listen to the people this time.



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