

Lessons Learned From Dakota Access Permit Process

BY BOB MERCER
State Capitol Bureau

PIERRE – It's no surprise, frankly, that the South Dakota Public Utilities Commission granted a permit this week for construction of the Dakota Access crude oil pipeline to cross through South Dakota.

Opponents might challenge the permit in court. That's a discussion for another day. For now, what did we learn about the process for considering whether to grant the permit? Here are some items that come to mind:

1. No siting regulations. This was the biggest gripe in the end for commission member Gary Hanson, the former mayor of Sioux Falls. He doesn't want the pipeline running through the growth area of Tea and Harrisburg next to Sioux Falls. He wanted Dakota Access to get the permit, but to move the route away from those communities. State law doesn't give the PUC the authority to change an applicant's proposed route.
2. No eminent domain standards. Dakota Access was threatening landowners with eminent domain proceedings along the proposed route before the company had a

state permit. This was a big gripe from some of the landowners. It didn't sit well with Hanson, either.

3. No environmental impact study. State law gives one year for the commission to make a decision on a permit application. By the time the requests came from pipeline opponents seeking an environmental impact study, there wasn't enough time, in all likelihood, to conduct the study.
4. No organic farming standards. Commission Chairman Chris Nelson tried to add a condition to the permit that would have allowed landowners prior to construction to notify Dakota Access that the pipeline's proposed route would go through property used for organic farming. But South Dakota doesn't define organic farming in state law. Dakota Access lawyer Brett Koenecke said different organizations use different standards for certifying an organic farm. Koenecke also questioned whether installing a pipeline on a corridor of a 160-acre parcel should negate the organic designation for that entire quarter-section. Amid those complications, Nelson backed away.
5. No requirement to consult with tribal governments. Dakota Access won't cross any

property within the boundaries of a reservation or other parcels of tribal trust land. But tribal governments wanted greater assurances and cooperation regarding what might be on the land the route will cross. This point came up in a big way, too, on the Keystone XL pipeline application that is still pending before the commission. Likewise, there seemed to be no overt involvement by the state Department of Tribal Relations in either permitting process. Tribal people lived on these lands long before settlers arrived in this part of the country.

6. No public safety requirements. The construction camps necessary for such projects are temporary homes for workers who come into an area and then leave the area. There are concerns about law enforcement regarding the workers.
7. No tax-revenue analysis requirements. Nelson hit this square when he said tax revenue is the only lasting benefit, beyond the initial spending during construction and the payments to landowners for easements. He said there's no requirement in state law that the state Department of Revenue provide an

analysis to the commission as part of a permitting process. Instead, unofficial estimates are made. As has been shown from at least one other project recently, an estimate can be much larger than the reality that follows.

8. No uniform multi-state regulations. Dakota Access needs permits in four states along its proposed route. The standards and conditions will be different in North Dakota, South Dakota, Iowa and Illinois. South Dakota became the first state to grant a permit. Given the pro-business nature of South Dakota, it seems likely the permit here won't be as restrictive as in one, two or all three of the other states. That seems problematic for the citizens of South Dakota. And if South Dakota is more restrictive in some or all respects, that seems problematic, too, from the standpoint of a business.
9. Strong leadership matters on the commission. While they took opposite sides in the end, commissioners Nelson and Hanson made strong arguments for their positions and clearly gave matters considerable thought on Dakota Access. Likewise, the commission's legal counsel for the hearing, Rolyne

Ails Wiest, showed leadership with the packet of 17 pages of conditions added to the permit during the final meeting Monday. And Nelson offered four pages of his own amendments. All of those additions, with the exception of the organic farming protection, were approved on 3-0 votes by Nelson, Hanson and acting Commissioner Rich Sattgast, who normally is state treasurer.

The final vote on the permit split 2-1, with Hanson opposed because he wanted to deny the permit initially so Dakota Access could change its route around the Sioux Falls/Tea/Harrisburg area.

10. Requiring a reclamation monitor. Dakota Access agreed with the commission to pay for a third party to independently oversee reclamation activities along the proposed route. Some landowners didn't see good results from reclamation along TransCanada's Keystone pipeline that was built nearly a decade ago down the James River valley. That lesson was learned.

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Celebrating the Reason for the Season
Holiday Worship Schedule

RESTORE
Bible Teaching | People Reaching

208 W 21st St., Yankton, SD 57078 (Sunday Services)
1701 Broadway, Yankton, SD 57057 (Office)
(605) 660-9702

As our motto implies, we strive to teach people about the Bible while simultaneously reaching out to our community and the world. We are constantly looking for ways to expand on this missions. We welcome you to check out one or all of our current ministries:

December 6	5:30pm	The Gift: Wrapped
December 13	5:30pm	The Gift: Received
December 20	5:30pm	The Gift: Shared
December 24	5:30pm	Special Christmas Eve Service
December 27	5:30pm	The Gift: Restored

Sermon Series: The Gift

Christmas Church Services

We warmly welcome you to join the St. Benedict family for our Christmas services! Come enjoy the excitement, warmth and love of the holiday season with us.

Thursday, Dec. 24th
Mass 4:00, 6:30 & 10:00pm

Friday, Dec. 25th
Mass 8:30am

St. Benedict Catholic Church
1500 St. Benedict Dr., Yankton, 664-6214

Trinity Lutheran Church
403 Broadway, Yankton, SD • 665-7415

We wish to invite you to attend one of our Christmas Eve Candlelight Services
December 24th
Times are 4:00, 6:30 & 10:00pm

Sunday School Christmas Programs
December 20th
3 yr. olds - Kindergarten students, 10:45am
1st - 3rd grades, 2pm

Communion will be served at all services

Calvary Baptist Church
2407 Broadway, Yankton, SD • 665-5594

Sun, Dec. 6	9:00 a.m.	Sunday School for all ages
	10:30 a.m.	Worship Service
Sun, Dec. 13	9:00 a.m.	Sunday School for all ages
	10:30 a.m.	Worship Service
Thurs, Dec. 17	7:00 p.m.	Calvary Kids Preschool Christmas Program
Sun, Dec. 20	9:00 a.m.	Sunday School for all ages
	10:30 a.m.	Worship Service
	6:30 p.m.	Children's Christmas Program
Thurs, Dec. 24	5:30 p.m.	Family Christmas Eve Service

United Church Of Christ
Peace on Earth

5th & Walnut
Yankton, SD
665-7320

Dec. 13	10:00 a.m.	Christmas Cantata
Dec. 20	10:00 a.m.	Children's Christmas Program During Worship
Dec. 21	6:30 p.m.	Blue Christmas Worship
Dec. 24	3:30 p.m.	Christmas Eve with the Family
	7:00 p.m.	Christmas Eve Candlelight Service

www.yanktonucc.org

Schedule of Holiday Services
St. John's Lutheran Church

Dec. 20	6 p.m.	Children's Christmas Program
Dec. 24	5 & 7 p.m.	Christmas Eve Candlelight Services with Communion
Dec 25	9 a.m.	Christmas Day Service with Communion and the Celebration of Jesus' Birthday Cake

1009 Jackson • Yankton, SD 665-7337

Sacred Heart Monastery
Bishop Marty Memorial Chapel

The Yankton Benedictines invite you to pray with them
Christmas Day, December 25, 10:00 a.m. - Mass
New Year's Day, January 1, 10:00 a.m. - Mass
1005 W. 8th St. | Yankton, SD 57078 | (605) 668-6000
Have a Blessed Christmas!

Sacred Heart Parish
509 Capital St., Yankton • 665-3655

Celebrate the Nativity of Our Lord!

All are welcome!

Dec. 24	4:00 p.m.	Mass (Sacred Heart Children's Choir - Music begins at 3:30 p.m.)
	6:00 p.m.	Mass (Sacred Heart Choir - Music begins at 5:30 p.m.)
	10:00 p.m.	Mass
Dec. 25	8:00 & 9:30	Mass
	2:00 p.m.	Spanish Mass, Confessions 1:15 p.m.

All masses at Sacred Heart Church

First United Methodist Church
207 West 11th St, Yankton • 665-2991

Our Mission: To grow disciples of Jesus Christ and equip them for ministry in the world.

Rev. Ron Johnson, Senior Pastor Corey Enfield, Youth Pastor

Sunday, December 13th
6:30PM, Sunday School Christmas Program

Saturday, December 19th
5:30 & 6:30PM, Live Nativity (across street west of church)

Sunday, December 6th, 13th, and 20th
8:30AM United Methodist Hour on KYNT, 1450 AM
8:30AM Worship Service, Contemporary; childcare provided
9:45AM Sunday School for all ages; childcare provided
11:00AM Worship Service, Traditionalist; childcare provided

Christmas Eve, December 24th
4:30PM Worship Service, Candlelight Service
7:00PM Worship Service, Candlelight Service

Riverview Reformed Church
1700 Burleigh St, Yankton • 665-9204

Sunday, December 13th
Children's Christmas Program - 9:30AM
Morning Worship - 10:15AM
Potluck Dinner to follow worship

Sunday, December 20th
Fourth Sunday in Advent
Morning Worship - 9:30AM

Thursday, December 24th
Christmas Eve Candlelight Service - 5:30PM

Christmas Services

Everyone Welcome

Sunday, Dec. 6th, 11:00am
Pastor Jennifer Swier - Potluck after worship, free yoga class following worship

Sunday, Dec. 13th, 11:00am
St. John's Bible Presentation by Mount Marty College

Sunday, Dec. 20th, 11:00am
Pastor Jennifer Swier

Christmas Eve Thursday, Dec. 24th - 7pm
Lessons & Carols

Peace Church
206 E. 31st. Street, Yankton, SD 57078 • 665-0448
email ppcoffice@iw.net

Sunday, December 20th, 6pm
Community Christmas Concert & Carol Sing

Open House to follow at the Gathering Grounds
Coffee, Hot Chocolate & Christmas Treats

Thursday, December 24th, 5pm
Christmas Eve Service

Discovery Church
205 W. 3rd St.
www.discoverychurchyankton.org

Christ Episcopal Church
517 Douglas, Yankton, SD

Dec. 6	9:00 - 9:30 a.m.	Serenity (Meditation)
	10:00 a.m.	The Holy Eucharist & Sunday School
Dec. 13	9:00 - 9:30 a.m.	Serenity (Meditation)
	10:00 a.m.	The Holy Eucharist & Sunday School
Dec. 20	9:00 - 9:30 a.m.	Serenity (Meditation)
	10:00 a.m.	The Holy Eucharist, Sunday School Program & Potluck
Dec. 24	"Christmas Eve"	
	5:00 p.m.	Candlelight Holy Eucharist
	11:00 p.m.	Candlelight Holy Eucharist