

## With Federal Permit Now Rejected, Opponents Want Keystone XL Pipeline Blocked From SD

By Bob Mercer  
State Capitol Bureau

PIERRE – The state Public Utilities Commission will decide Tuesday whether to dismiss the permit for TransCanada to build its Keystone XL oil pipeline through South Dakota.

TransCanada currently is waiting for the commission to decide a different issue: Whether to accept the company's certification that permit conditions set in 2010 can still be met.

The certification is required under state law because the company didn't start construction within four years.

The pipeline would carry tar-sands oil from Alberta, Canada, to the U.S. Gulf Coast region.

Opponents who have been fighting the certification now are asking the commission to pull the permit altogether.

Their request for dismissal of the certification and the revocation of the 2010 permit is based on the Nov. 6 decision by President Barack Obama's administration denying TransCanada permission to pierce the U.S. border.

Obtaining federal approval is condition No. 2 among the 50 set in the 2010 state permit.

Twenty people and four organizations that intervened in the certification docket jointly filed the dismissal and revocation motion Nov. 9.

Responses from attorneys for TransCanada and attorneys for the PUC staff argue that the commission would need to reopen the original 2009-2010 docket and hold a hearing with the different parties that were involved then.

TransCanada also argues that the U.S. government's denial at this time doesn't mean the company can't get its U.S. permit in the future.

"If it is possible that Keystone can obtain a Presidential Permit to comply with Condition

2, then there is no basis for the Commission to deny certification," wrote two of the South Dakota lawyers representing the company, James Moore and William Taylor of Sioux Falls. "The Commission granted the 2010 permit without Keystone having obtained a Presidential Permit."

The commission meeting Tuesday starts at 9:30 a.m. CT in Pierre at the Capitol, room 413. The TransCanada matter is at the bottom of the 13-item agenda.

The commission describes the project on its website as "a proposed 313-mile crude oil pipeline that will cross portions of Harding, Butte, Perkins, Meade, Pennington, Haakon, Jones, Lyman and Tripp counties."

## With more funding to be available, SDDOT expands work plan for '16

By Bob Mercer  
State Capitol Bureau

PIERRE – The state Transportation Commission agreed Friday to add 10 highway projects totaling \$42 million to South Dakota's 2016 work plan.

Seven of those projects originally were scheduled for 2017 or 2018.

The accelerated pace is possible because the South Dakota Department of Transportation is receiving additional money.

An estimated \$15 million more is coming next year from the federal government, state Transportation Secretary Darin Bergquist said.

President Barack Obama signed the Fixing America's Surface Transportation (FAST) Act into federal law Dec. 4.

The legislation increases federal funding for transportation projects by 11 percent over five years.

The additional federal aid to South Dakota comes after the Legislature approved state tax increases on fuel and vehicles in March.

Bergquist said his department will get about \$65 million more in state funding annually for highway projects.

Moving seven projects forward to 2016 came at the department staff's suggestion.

The action will have "a domino effect" that opens slots in the 2017 and 2018 plans, according to Joel Jundt, director for DOT's division of planning and engineering.

Bergquist said Congress hadn't passed a new federal highway act for 10 years.

Instead a series of many temporary actions kept money flowing to states but didn't always provide certainty that states would be reimbursed for projects already under way.

"Overall I'm really happy we finally have that behind us," Bergquist said.

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Christmas Tree Drop-Off - Open Dec. 11th - Jan. 18th  
The Christmas Tree collection site is open from December 11th to January 18th and accepts real trees. The site is located on the south side of Broadway Street just west of Dakota Street. Please remove any plastic that you might wrap the tree in for transporting it as well as lights and decorations. The site will accept trees until January 18th

## DENR Announces Hearing To Reissue General Permit For CAFO Is Continued

PIERRE – The Department of Environment and Natural Resources (DENR) Secretary has granted a continuance for the contested case hearing to reissue the General Water Pollution Control Permit for Concentrated Animal Feeding Operations. The hearing, which was scheduled for Wednesday, Dec. 16, will be rescheduled for early next year.

DENR will announce the hearing date, time and location after consulting with the parties to the contested case hearing, their attorneys and witnesses. The Order for Continuance and other information will also be available on the DENR Feedlot Permit Program's website at <http://denr.sd.gov/des/tp/cafo.aspx>.

On Oct. 8, the Department's Feedlot Permit Program gave public notice of the reissuance of the

proposed general permit and a Dec. 16 contested case hearing date on the general permit. The public notice was published in 10 daily newspapers, sent to 931 interested parties, and posted to DENR's One Stop Public Notice website at <http://denr.sd.gov/public/>. Interested persons were required to file a petition to intervene in the contested case hearing by Nov. 20.

One of the intervening parties, Dakota Rural Action, filed a motion for a continuance on Tuesday, Dec. 8. The motion requested more time to prepare for the hearing. The Secretary, acting as hearing chair for the contested case hearing, granted the request.

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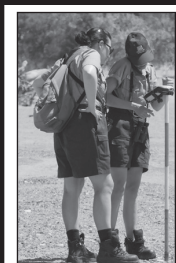
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Announcements will follow at a later time on [www.usajobs.gov](http://www.usajobs.gov)

For more information call **(402) 667-2546** US Army Corps of Engineers Omaha District

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