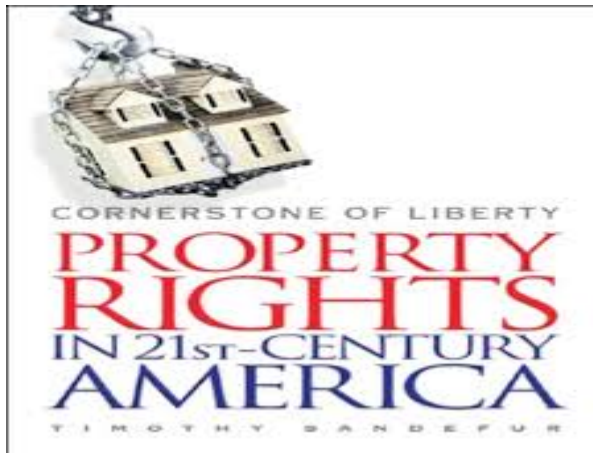


# The American Citizens Fight for Property Rights in South Dakota



**“May you, till the extremest old age, enjoy the pure Felicity of having employed your whole Faculties for the Prosperity of the People for whose Happiness you are responsible, for to you their Happiness is interested.” Elizabeth Willing Powel to George Washington**

## HOW CAN SUMMIT CARBON SOLUTIONS GAIN PRIVILEGE TO INSPECT PRIVATE PROPERTY

**Our Fight to Maintain Our Property Rights**, as we do more research on the subject matter related to landowners rights under the law, to protect their property rights - the topic of how can a private company gain special privilege of going on private property to inspect, and survey potential land areas to act as a common carrier?

To begin, we first have to define what the term "**Right-Of-Way**" is, and then, determine who grants the privilege of the common carrier of going on your property to survey, inspect, and plan a proposed route of service from one, to another.

*Right-A-Way - the legal right, established by usage or grant, to pass along a specific route through grounds or property belonging to another.*

You have to take into consideration, that the "land" that lies within the State of South Dakota was, and has been held within the Public Domain, as was purchased by the United States of America as a direct payment of federal tax dollars, paid for by Americans to France, in 1804 by means of the Louisiana Purchase, of which was placed in a Public Trust, until Americans came forward, to settle, purchase, lay claim to, and furthermore, as Congress debated, and discussed what to do with the land in question in the years ahead, it was in 1841, it finally granted permission to the Federal Government to grant, or to warrant to the American people the right to lay claim to, settle, and to purchase the land, with the intent to reside on, work on the land, and to prosper.

*The **Preemption Act of 1841** permitted "squatters" who were living on federal government-owned land to purchase up to 160 acres (65 ha) for \$1.25 per acre (\$3.09 per hectare) before the land would be offered for sale to the general public. The federal government, by granting this special privilege, maintained control of the natural resources, water-ways, and minerals beneath the land, being able to tax them, control them, and preserve them for future use.*

This allowed for the Federal Government to engage in economic activity across "State' borders giving to it the power to produce licenses, permits, and lay excise taxes, duties, let alone import fees. Much of the land held within South Dakota borders were claimed, or warranted under the 1841 Act between 1840 and 1890, while the particular act was repealed soon after, the federal government still maintains authority over the natural resources, minerals in the land.

43 U.S Code Chapter 3, Subsection 60 goes on to say, "The stationery and drafting instruments purchased on and after March 3, 1901, for exclusive use of the Secretary of the Interior or such officers as he may designate in the preparation of plats and field notes of mineral surveys, as also the rent of additional quarters that may be necessary for the execution of such work, shall be paid for out of the fund created by deposits made by individuals to the credit of the United States to cover the cost of office work on such mineral surveys."

1. The Secretary of the Interior or such officer as he may designate shall engage a sufficient number of skillful surveyors as his deputies, to whom he is authorized to administer the necessary oaths upon their appointments. He shall have authority to frame regulations for their direction, not inconsistent with law or the instructions of the Bureau of Land Management, and to remove them for negligence or misconduct in office.
2. He shall cause to be surveyed, measured, and marked, without delay, all base and meridian lines through such points and perpetuated by such monuments, and such other correction parallels and meridians as may be prescribed by law or by instructions from the Bureau of Land Management, in respect to the public lands to which the Indian title has been or may be extinguished.
3. He shall cause to be surveyed all private land claims after they have been confirmed by authority of Congress, so far as may be necessary to complete the survey of the public lands.
4. He shall transmit to the officer, as the Secretary of the Interior may designate, of the respective land offices general and particular plats of all lands surveyed by him for each land district; and he shall forward copies of such plats to such officer as the Secretary may designate.
5. He shall, so far as is compatible with the desk duties of his office, occasionally inspect the surveying operations while in progress in the field, sufficiently to satisfy himself of the fidelity of the execution of the work according to contract, and the actual and necessary expenses incurred by him while so engaged shall be allowed; and where it is incompatible with his other duties for the Secretary of the Interior or such officer as he may designate to devote the time necessary to make a personal inspection of the work in progress, then he is authorized to depute a confidential agent to make such examination; and the actual and necessary expenses of such person shall be allowed and paid for that service, and \$5 a day during the examination in the field; but such examination shall not be protracted beyond thirty days; and in no case longer than is actually necessary; and when the Secretary or such officer, or any person employed in his office at a regular salary, is engaged in such special service, he shall receive only his necessary expenses in addition to his regular salary.

*According to the Bureau of Land Management, the land itself is part of 8,300,000 million acres of land under the control of the EASTERN MONTANA/DAKS DISTRICT OFFICE (Field Code: 2388), of which which Sonja Germann has be contracted to oversee the office itself, all of which oversees more than 47,000,000 sub-surface acres of minerals beneath the surface area, and while BLM was established in 1946, its roots go back to the years after America's independence, when the young nation began acquiring additional lands. At first, these lands were used to encourage homesteading and westward migration, of which the General Land Office was created in 1812 to support this national goal, however, over time, values and attitudes regarding public lands shifted, and President Harry S. Truman, by means of a government reorganization, merged the GLO and another agency, the U.S. Grazing Service, thus creating the BLM.*

**Summit Carbon Solutions**, a regional company of which is incorporated with the goal to reduce carbon, while partnering with States, alongside the Ethanol Companies to lower our emissions all across the state, of who is also federally licensed, and permitted to work with private individuals, corporations to deliver services, and products to one another.

*Whenever the Secretary of the Interior shall deem it to be consistent with the public interest he is authorized to lease deposits of oil and gas in or under lands embraced in railroad or other rights of way acquired under any law of the United States, whether the same be a base fee or mere easement: Provided, That, except as hereinafter authorized, no lease shall be executed hereunder except to the municipality, corporation, firm, association, or individual by whom such right of way was acquired, or to the lawful successor, assignee, or transferee of such municipality, corporation, firm, association, or individual - 30 U.S Code, Section 301*

Summit Carbon Solutions is utilizing, within the State of South Dakota a specific state statute, which grants to them permission to contract to another corporation, or individual, the right to conduct activity, known as a common carrier, and under the **S.D.C.L 49-2** they become known as a contracted common carrier...

The contract of carriage is one for the conveyance of messages from one place to another, of which, a common carrier must, if able, accept and carry whatever is offered, at a reasonable time and place, of a kind that he undertakes or is accustomed to carry as per acting within the contract, by means of the conveyance of messages from one place to another, in which a common carrier must always give a preference in time and may give a preference in price to the United States and to the State of South Dakota of which the obligations of a common carrier cannot be limited by general notice on his part, but may be limited by special contract. Most importantly, a common carrier cannot be exonerated from liability for willful or wanton misconduct, fraud, or willful wrong of himself or his servant by any agreement made in anticipation thereof. The common carrier is entitled to reasonable compensation and no more. He may require payment in advance. If payment is refused, he may refuse to carry. And finally, most importantly, the common carrier may exercise the right of eminent domain in acquiring right of way as prescribed by statute.

And under S.D.C.L 21-35, it lays out, the process of which any person, or group, or corporation may conduct such activity, whereas they plan on constructing a pipeline:

*In all cases where any person, group, or corporation, public or private, including the owners of water rights, ditches, flumes, reservoirs, and mining property under the provisions of the laws of Congress, invested with the privilege of taking or damaging private property for public use, in making, constructing, repairing, or using any work or improvement allowed by law, shall determine to exercise such privilege, it shall file a petition in the circuit court for the county in which the property to be taken or damaged is situated, praying that the just compensation to be made for such property may be ascertained by a jury; of which a utility constructing a transmission line in this state that has obtained a permit and approval by legislative enactment, of which pursuant to S.D.C.L 49-7 any such private corporation wishing to construct a pipeline in this "State" must conduct a land survey prior to the "land commissioner" granting to the private corporation a permit for doing so - the commissioner of school and public lands shall, upon the filing in his office by any pipeline company of a map of its pipeline across any of the school or public lands, issue to the pipeline company a certificate stating that such lands have been reserved for its use. The certificate shall operate as authority to the pipeline company to take, hold, and use such lands for the purposes of its pipelines.*

Because Summit Carbon Solutions is a global company, and it is governed under the laws of the United States, the company has to apply for, and obtain a business license, a permit for mining natural resources, minerals from the land, of which the Secretary of the Interior then provides that permission under the authority of the license and permit, so long as they abide by all federal, or state laws.

All entries made and patents issued under the provisions of this subchapter shall be subject to and contain a reservation to the United States of all the coal and other minerals in the lands so entered and patented, together with the right to prospect for, mine, and remove the same. The coal and other mineral deposits in such lands shall be subject to disposal by the United States in accordance with the provisions of the coal and mineral land laws in force at the time of such disposal...Any person qualified to locate and enter the coal or other mineral deposits, or having the right to mine and remove the same under the laws of the United States, shall have the right at all times to enter upon the lands entered or patented, as provided by this subchapter, for the purpose of prospecting for coal or other mineral therein, provided he shall not injure, damage, or destroy the permanent improvements of the entryman or patentee, and shall be liable to and shall compensate the entryman or patentee for all damages to the crops on such lands by reason of such prospecting - 43 U.S Code 299

*Any person who has filed a notice of intention to locate a mining claim under paragraph (2) for any lands subject to this subchapter shall provide written notice of such filing, by registered or certified mail with return receipt, to the surface owner (as evidenced by local tax records) of the lands covered by the notice under paragraph (2). The notice shall be provided at least 30 days before entering such lands and shall contain each of the following:*

1. A brief description of the proposed mineral activities;
2. A map and legal description of the lands to be subject to mineral exploration;
3. The name, address and phone number of the person managing such activities;
4. A statement of the dates on which such activities will take place.

Without a written consent by the 'surface owner, Summit Carbon Solutions, acting under the contract made with others, would have to get approval by the Secretary of the Interior, and the only means of convincing the Secretary would mean they would have to obtain a bond, and would have to agree to return the land back to its present condition when they have finished mining the land, based on the terms set forth by the patent or claim. Essentially, the law itself is protecting the "claimants" rights to the land, ensuring that their land will always be preserved, protected, and left as it once was.

The company, itself, Summit Carbon Solutions has formed a project of which will build a major pipeline network of which will include the State of North Dakota, Minnesota, South Dakota, Nebraska, and Iowa, their intent is to sequester as much carbon the region, capture as much as possible to stockpile, and provide energy to all of the Ethanol Plants within the region, which includes South Dakota's largest Ethanol Producer - Poet Company, of whom today has lobbied, and politically financed some of our biggest names in the "State".

Companies like Summit Carbon Solutions and Poet are federally licensed, permitted corporations directly in the business of providing "energy services", of which it has taken Federal Monies, Grants, and Subsidies to help push, and promote Clean Air, Water, and Mineral Initiatives across the 50 Sovereign States, all of whom now are further licensing, permitting, the company to actively conduct business within their "Sovereign States", of which now grants permissions to the State Judges to allow the "Land Surveys" to Proceed forward, so long as federal and state laws are being followed, adhered to.

What our South Dakota Governor, our Judges, and Officials and Officers now have to do, is promise to thousands of South Dakota citizens, those landowners of the State, that under our current laws, 'we' shall not allow the Federal Govt to manipulate, create an injustice, let alone allow for any foreign actor, or corporation from harming, let alone stripping South Dakota Citizens of their rights, privileges, and obligations to each other.

The Poet Company has taken well over \$76,000,000 million in federal monies in order to build its massive Ethanol Empire here in South Dakota. The company has politically financed campaigns of Kristi Noem, John Thune, Chuck Grassley, Dusty Johnson, Hillary Clinton, Joe Biden since 2016, paying out more than \$575 million dollars to convince them to shape future policies of which has led to such federal laws such as the Inflation Reduction Act of 2022 being adopted, and signed by the President, of which further allowed the company to 'contract' with Summit Carbon Solutions to act as their common carrier.

As per an article published by the Dakota Scout, written by Joe Sneve, "There were several bills that came to the Legislature this year that would have addressed this, and the Legislature killed them all," - Governor Kristi Noem, of which she added further, "None of them made it to my desk."

And while, our state lawmakers are grateful that Governor Kristi Noem has come to the defense of the landowners, Governor Kristi Noem, may be correct, there may not be nothing she can do, under current laws to stop the land surveys from occurring, in the manner they are. By contract, Summit Carbon Solutions has every right to perform the surveys, so long as they abide by federal laws governing them, and by state laws of which govern their activity of acting as a common carrier.

However, what Kristi Noem could do, and where she may have the power to do as she acts as our "at-large representative" of which she represents All people of the State - Landowners, Property Holders, Businesses, the Counties, the Municipalities, and other Local Subdivisions such as the Water Districts, Land Districts, Housing Districts, Farm Districts, etc - "The People", she can work with Summit Carbon Solutions to ensure that this project is best fit for the State of South Dakota.

Governor Kristi Noem, can in fact hold the South Dakota Legislature, who failed to pass a bill this past year, to our current law, S.D.C.L 49-41B:

The South Dakota Legislature before approving a proposed trans-state transmission line shall find that each of the following criteria has been met:

- That the proposed trans-state transmission line and route will comply with all applicable laws and rules;
- That the proposed trans-state transmission line and route will not pose a threat of serious injury to the environment nor to the social and economic condition of inhabitants or anticipated inhabitants in the sitting area;
- That the proposed trans-state transmission line and route will not substantially impair the health, safety or welfare of the inhabitants;
- That the proposed trans-state transmission line and route will not unduly interfere with the orderly development of the region with due consideration having been given to views of the governing bodies of effective local units of government (aka county, city, township, subdivision);
- That the proposed trans-state transmission facility will be consistent with the public convenience and necessity in any area or areas which will receive electrical service, either direct or indirect, from the facility, regardless of the state or states in which area or areas are located.

Pay attention to the fourth bullet point - counties, cities, townships, subdivisions...All public matters of "authority" fully are vested under the State and their governmental subdivisions - counties, municipalities, townships. Whereas a "Municipality" further broken down into smaller subdivisions of landowners, property holders, of whom act under the municipality. Ultimately, all power of authority is well vested in the person or persons of whom own land, real property, under the "State", and as a collective majority, the police power is held with, and of the "People of the State of South Dakota" of who all elected or appointed public officials, officers, agents, employees gain their authority from.

With so many South Dakota Citizens, many of whom are farmers, ranchers, landowners, so strongly opposed to this concern of allowing carbon sequestration being performed on their land, or near their land, is Summit Carbon Solutions conspiring with a small group of people to steal our lands, utilizing federal monies against the very people of the "State", to manipulate, and confuse the governor, the judges, let alone state officials of proceeding forward with their plan?

These companies, such as Summit Carbon Solutions are in bed with the Global Agenda, connected to the Paris Agreement, all of which are being funded by the United States Government, of whom are supplying billions of dollars of federal grants, monies, and other subsidies helping these companies bring forth, lawsuits, fights against private landowners, property holders, and yes, our 'farmers'. There seems to be this great conspiracy brewing here in America, led by the Federal Government, contracting together with these companies, of whom are promising great riches, and profits to the 50 State Governors, that even these governors are being silenced in the process of scheming property holders out of their land, lands of which have been in their family ancestors for not only decades, but centuries. And, once they get that easement, nothing is stopping them. They've got the politicians—all the governors in these states are all on board with them. They've got our federal people who are on board or won't touch it, and that means, there is a conspiracy to deceive, and steal land from the very people themselves who have owned their land for centuries.

The "People of South Dakota" are now in a front center role, in expressing themselves on a global spectrum. Will they continue to fight to stop this agenda?

Right in Your Very Backyard, here in Sioux Falls, there are a Select Group of Individuals attempting to push this whole Global Agenda by establish a set of rules, and codes to force all of us to give up some of our most precious rights - in the name of Climate Control, Zero Emissions, and the Urban Agenda...

It is pitting Governors against County Commissions, people against people - even putting "mayors" in a position of where they have to defend the landowners, property holders, the residents in their growing communities, of which, right here in Sioux Falls, the subject matter of Sustainability, Utilities, and Pipelines are becoming front center, as per the Mayor of Sioux Falls has stated recently:

*"The topic of climate change, conservation, or sustainability—however you phrase it—can become a polarizing and political topic. There's a broad set of opinions that need to be considered. This was especially apparent when we released the first draft of Sustainable Sioux Falls in early 2022 that included perceived mandates and ordinance changes. Soon after release, our team quickly realized that some very key and necessary voices were left out of the conversation, so we went to work to fix that." Mayor Paul TenHaken*

And now, we have Representative Brandei Schaeffbauer coming to the defense of the landowners in Brown and MacPherson Counties, stating the obvious,

*"These landowners, especially in the northern part of Brown County and McPherson County, feel they cannot protect their land due to a court order by a judge, and if the governor would halt this by executive order, it would help them so much."*

So, as people such as Sioux Falls Mayor Paul TenHaken, and Representative Brandei Schaeffbauer come forward in defense of their communities, and the more other counties and cities rise up, the Governor has the greatest power of all, "Executive Order".



*Official documents ... through which the Governor of the State of South Dakota manages the operations of the State Government.” The directives cite the Governors' authority under the Constitution of the State, and Codified Statutes as adopted by the people, and their representatives.*

The Governor shall be responsible for the faithful execution of the law may, by appropriate action or proceeding brought in the name of the state, enforce compliance with any constitutional or legislative mandate, or restrain violation of any constitutional or legislative power, duty or right by any officer, department or agency of the state or any of its civil divisions:

- Shall be commander-in-chief of the armed forces of the state, except when they shall be called into the service of the United States, and may call them out to execute the laws, to preserve order, to suppress insurrection or to repel invasion;
- Shall commission all officers of the state, she may at any time require information, in writing or otherwise, from the officers of any administrative department, office or agency upon any subject relating to the respective offices;
- Shall at the beginning of each session, and may at other times, give the Legislature information concerning the affairs of the state and recommend the measures he considers necessary;
- May convene the Legislature or either house thereof alone in special session by a proclamation stating the purposes of the session, and only business encompassed by such purposes shall be transacted;
- Whenever a vacancy occurs in any office and no provision is made by the Constitution or laws for filling such vacancy, the Governor shall have the power to fill such vacancy by appointment;
- The governor of the state may prescribe to the Lt. Governor a list of other duties of which the Governor may deem important, shall order, or request that the Lt. Governor meet with the County Commissions, Mayors, City Councils at the local levels, let alone as the Lt. Governor acts as the "Chief Diplomat", ordering him to lead any such State Task Forces, Committees across the State in order to help guide and carry forward any of the Governor's statewide agenda, as it relates to any such concerns of the counties, cities, and local subdivisions.

Governor Kristi Noem can at anytime she wants to, adopt an Executive Order to "Declare a State of Emergency, thus coming to the defense of landowners, property holders, county commissions, city mayors, the citizens where they feel threatened in their person, or their property, where a foreign actor, or corporation is coming into the state to strip them, rob them, interfere in their ability of protecting their life, liberty, property, prosperity, the public health or safety of the 'state'.

Kristi Noem has no problem sending our "State Military" down to the southern border, but why then, does she not utilize such power to defend, and protect the farmers, ranchers, the landowners within our 66 Counties?

Especially, where the Federal Government may be intentionally, conspiring with foreign actors, corporations, to subvert the constitution, itself.

## **CAN THE STATE OF SOUTH DAKOTA ALLOW FOR LAND SURVEYS' WITHOUT LANDOWNER CONSENT?**

With a South Dakota Judge granting permission to Summit Carbon Solutions to proceed in "surveying" land held by private property holders, the question arises, is it constitutionally allowed to strip landowners the right of equal protections under the 'state' of which they do not consent to such threats of eminent domain.

### **Under the South Dakota Constitution, Article 17, Section 4:**

The exercise of the right of eminent domain shall never be abridged or so construed as to prevent the Legislature from taking the property and franchises of incorporated companies and subjecting them to public use, the same as the property of individuals; **and the exercise of the police power of the state shall never be abridged or so construed as to permit corporations to conduct their business in such manner as to infringe the equal rights of individuals or the general well-being of the state.**

Under Article 22, Section 1 of the South Dakota Constitution, a compact provision of 'we' adopted, of which restricts the "State" to the following rule:

That perfect toleration of religious sentiment shall be secured, and that no inhabitant of this state shall ever be molested in person or property on account of his or her mode of religious worship.

So, if no person can be molested in both person and property based on their "**religious sentiment**" which is nothing more than their own thought, opinion, or idea based on a feeling about a situation, or a way of thinking - then that means, no corporation, nor the 'government' itself may molest a person or their property by an act or instance of interference with or violence against someone, or their property based on the opinions or thoughts of others.

## **Under Article 6 of the South Dakota Constitution:**

*No person shall be deprived of life, liberty or property without due process of law, of which they gave to themselves the right to petition, and of which peaceably, to assemble to consult for the common good and make known their opinions, shall never be abridged, and of which they may freely speak, write and publish on all subjects, while being responsible for the abuse of that right, of which in all trials for libel, both civil and criminal, the truth, when published with good motives and for justifiable ends, shall be a sufficient defense, while the jury of their peers shall have the right to determine the fact and the law under the direction of the court, of which private property shall not be taken for public use, or damaged, without just compensation, which will be determined according to legal procedure established by the Legislature and according to Article 6 of this constitution, and of which **No benefit** which may accrue to the owner as the result of an improvement made by any private corporation shall be considered in fixing the compensation for property taken or damaged. The fee of land taken for railroad tracks or other highways shall remain in such owners, subject to the use for which it is taken. And finally, **All Political Power** is inherent in the people, and all free government is founded on their authority, and is instituted for their equal protection and benefit, and they have the right in lawful and constituted methods to alter or reform their forms of government in such manner as they may think proper. And the state of South Dakota is an inseparable part of the American Union and the Constitution of the United States is the supreme law of the land*

The "General Police Powers" of the State vest fully within the "People of the State" of whom have the authority given to them to determine all facts, evidence, and public opinions as they relate to the general health, safety, and protections of all persons and their property.

In fact, under **S.D.C.L 49-41B** - 'we' go on to codify the following rule:

**In the exercise of the authority of eminent domain pursuant to chapter 21-35 to acquire right-of-way or other property for a trans-state transmission facility as defined by subdivision 49-41B-2(9) a property owner shall have the option to require the utility to take a fee interest in any amount of contiguous land outside the designated right-of-way which he owns and elects in writing to transfer to the utility within sixty days of receipt of the notice of filing of a petition pursuant to § 21-35-1. The fee acquisition of contiguous lands as required by this section shall be considered a taking for a public purpose and for use in the operation of the utility.** However, the utility shall be required to divest itself completely of all lands used for farming or capable of being used for farming within five years after the date of acquisition pursuant to this section. If these lands are not divested as provided by this section they shall be sold at a public sale as provided by chapter 21-47 relating to foreclosure of a real property mortgage by action. No land more than one-half mile from the centerline of the power line need be taken

Under **S.D.C.L 21-35** In all cases where any person, group, or corporation, public or private, including the owners of water rights, ditches, flumes, reservoirs, and mining property under the provisions of the laws of Congress, invested with the privilege of taking or damaging private property for public use, in making, constructing, repairing, or using any work or improvement allowed by law, shall determine to exercise such privilege, it shall file a petition in the circuit court for the county in which the property to be taken or damaged is situated, praying that the just compensation to be made for such property may be ascertained by a jury; of which a utility constructing a transmission line in this state that has obtained a permit and approval by legislative enactment, of which pursuant to S.D.C.L 49-7 any such private corporation wishing to construct a pipeline in this "State" must conduct a land survey prior to the "land commissioner" granting to the private corporation a permit for doing so - the **commissioner** of school and public lands shall, **upon the filing in his office by any pipeline company of a map of its pipeline across any of the school or public lands**, issue to the pipeline company a certificate stating that such lands have been reserved for its use. **The certificate shall operate as authority to the pipeline company to take, hold, and use such lands for the purposes of its pipelines.**

So, without first engaging with the "landowner" (property holder), to first gain access to the land, to gain permission to survey the land, the land commissioner does not have any legal, nor lawful permission to certify, nor grant any legal conveyance to a private corporation to issue a certificate of authority to construct such a pipeline on the land owned, or held by a private landowner.

So, if all "Political Power" is vested totally with the "State of People" - all persons of the "State" of which political power is defined as the ability of an individual or a group of people to influence the thoughts, actions, and mindset of people in a state. This power can be legitimate power given to an entity by the people of a state that holds authority over society, and of which the "person" or persons have the right to form their own religious sentiment, in forming their opinions, and thoughts - it becomes the 'power' of the people by a jury of their peers to grant permission, or authority of another to gain access to their private land.

As per our legislature, a group of people elected by the "people" to adopt rules, promises, and procedures of the "state", we have set forth a procedure as per S.D.C.L 49-41B of which lays out the process of granting permission to a private corporation or entity to lay a pipeline:

The **South Dakota Legislature** before approving a proposed trans-state transmission line shall find that each of the following criteria has been met:

- That the proposed trans-state transmission line and route will comply with all applicable laws and rules;
- That the proposed trans-state transmission line and route will not pose a threat of serious injury to the environment nor to the social and economic condition of inhabitants or anticipated inhabitants in the sitting area;
- That the proposed trans-state transmission line and route will not substantially impair the health, safety or welfare of the inhabitants;
- That the proposed trans-state transmission line and route will not unduly interfere with the orderly development of the region with due consideration having been given to views of the governing bodies of effective local units of government (aka **county, city, township, subdivision**);
- That the proposed trans-state transmission facility will be consistent with the public convenience and necessity in any area or areas which will receive electrical service, either direct or indirect, from the facility, regardless of the state or states in which area or areas are located.

No proceedings, referendum, notice, or approval shall be required for the creation of the authority or the issuance of any bonds or any instrument as security therefor, except as herein provided, any other law to the contrary notwithstanding; provided, that nothing herein shall be construed to deprive the state and its governmental subdivisions of their respective police powers over properties of the authority, or to impair any power thereover of any official or agency of the state and its governmental subdivisions which may be otherwise provided by law. **S.D.CL 1-16A-60**

All public matters of "authority" fully are vested under the State and their governmental subdivisions - counties, municipalities, townships. Whereas a "Municipality" further broken down into smaller subdivisions of landowners, property holders, of whom act under the municipality.

Ultimately, all power of authority is well vested in the person or persons of whom own land, real property, under the "State", and as a collective majority, the police power is held with, and of the "People of the State of South Dakota" of who all elected or appointed public officials, officers, agents, employees gain their authority from. So did the South Dakota Judge, in Brown County overstep his boundaries? Who then has the ability to grant permission, or certificates of authority to Summit Carbon Solutions the right to access private property with the intent to survey the land, to gain the right to build a pipeline?

With so many South Dakota Citizens, many of whom are **farmers, ranchers, landowners**, so strongly opposed to this concern of allowing carbon sequestration being performed on their land, or near their land, is Summit Carbon Solutions conspiring with a small group of people to steal our lands, utilizing federal monies against the very people of the "State", to manipulate, and confuse the governor, the judges, let alone state officials of proceeding forward with their plan?

These companies, such as Summit Carbon Solutions are in bed with the Global Agenda, connected to the Paris Agreement, all of which are being funded by the United States Government, of whom are supplying billions of dollars of federal grants, monies, and other subsidies helping these companies bring forth, lawsuits, fights against private landowners, property holders, and yes, our 'farmers'. There seems to be this great conspiracy brewing here in America, led by the Federal Government, contracting together with these companies, of whom are promising great riches, and profits to the 50 State Governors, that even these governors are being silenced in the process of scheming property holders out of their land, lands of which have been in their family ancestors for not only decades, but centuries. And, once they get that easement, nothing is stopping them. They've got the politicians—all the governors in these states are all on board with them. They've got our federal people who are on board or won't touch it, and that means, there is a conspiracy to deceive, and steal land from the very people themselves who have owned their land for centuries.

The company, itself, Summit Carbon Solutions has formed a project of which will build a major pipeline network of which will include the State of North Dakota, Minnesota, South Dakota, Nebraska, and Iowa, their intent is to sequester as much carbon the region, capture as much as possible to stockpile, and provide energy to all of the Ethanol Plants within the region, which includes South Dakota's largest Ethanol Producer - **Poet Company**, of whom today has lobbied, and politically financed some of our biggest names in the "State" - Kristi Noem and many other elected, and appointed officials, and officers of the State, many of whom may include our "Judges" and "Attorneys" all of whom now play a role in manipulating, and complicating our rules, codes, and procedures.

The "**People of South Dakota**" are now in a front center role, in expressing themselves on a global spectrum. Will they continue to fight to stop this agenda?

Right in Your Very Backyard, here in Sioux Falls, there are a Select Group of Individuals attempting to push this whole Global Agenda by establish a set of rules, and codes to force all of us to give up some of our most precious rights - in the name of Climate Control, Zero Emissions, and the Urban Agenda...

It is pitting Governors against County Commissions, people against people - even putting "mayors" in a position of where they have to defend the landowners, property holders, the residents in their growing communities, of which, right here in Sioux Falls, the subject matter of Sustainability, Utilities, and Pipelines are becoming front center, as per the Mayor of Sioux Falls has mentioned in his letter to the City Council:

*“The topic of climate change, conservation, or sustainability—however you phrase it—can become a polarizing and political topic. There’s a broad set of opinions that need to be considered. This was especially apparent when we released the first draft of Sustainable Sioux Falls in early 2022 that included perceived mandates and ordinance changes. Soon after release, our team quickly realized that some very key and necessary voices were left out of the conversation, so we went to work to fix that.” Mayor Paul TenHaken*

So, if we are truly sovereign, independent, and free persons, then who then has the power to grant permission to companies such as Summit Carbon Solutions to survey our seemingly private lands?

Well, as I state in the attached document, much of the "Land" held inside South Dakota borders, were originally granted, warranted under the **1841 Preemption Act** of which allowed Americans to move westward to settle, purchase, and claim land. Of which, as per that law, the federal government reserved to itself, the right to regulate, collect a tax, a fee, with the sole purpose of governing over our natural resources, minerals, and treasures held within the land itself.

### **Under 43 U.S Code Chapter 3 - Who has the Ultimate Authority to Grant Permission to "Survey" land in the United States?**

Well under 43 U.S Code, Chapter 3, Subsection 3 we find the answer itself

1. The Secretary of the Interior or such officer as he may designate shall engage a sufficient number of skillful surveyors as his deputies, to whom he is authorized to administer the necessary oaths upon their appointments. He shall have authority to frame regulations for their direction, not inconsistent with law or the instructions of the Bureau of Land Management, and to remove them for negligence or misconduct in office.
2. He shall cause to be surveyed, measured, and marked, without delay, all base and meridian lines through such points and perpetuated by such monuments, and such other correction parallels and meridians as may be prescribed by law or by instructions from the Bureau of Land Management, in respect to the public lands to which the Indian title has been or may be extinguished.
3. He shall cause to be surveyed all private land claims after they have been confirmed by authority of Congress, so far as may be necessary to complete the survey of the public lands.
4. He shall transmit to the officer, as the Secretary of the Interior may designate, of the respective land offices general and particular plats of all lands surveyed by him for each land district; and he shall forward copies of such plats to such officer as the Secretary may designate.
5. He shall, so far as is compatible with the desk duties of his office, occasionally inspect the surveying operations while in progress in the field, sufficiently to satisfy himself of the fidelity of the execution of the work according to contract, and the actual and necessary expenses incurred by him while so engaged shall be allowed; and where it is incompatible with his other duties for the Secretary of the Interior or such officer as he may designate to devote the time necessary to make a personal inspection of the work in progress, then he is authorized to depute a confidential agent to make such examination; and the actual and necessary expenses of such person shall be allowed and paid for that service, and \$5 a day during the examination in the field; but such examination shall not be protracted beyond thirty days; and in no case longer than is actually necessary; and when the Secretary or such officer, or any person employed in his office at a regular salary, is engaged in such special service, he shall receive only his necessary expenses in addition to his regular salary.

43 U.S Code Chapter 3, Subsection 60 goes on to say,

"The stationery and drafting instruments purchased on and after March 3, 1901, for exclusive use of the Secretary of the Interior or such officers as he may designate in the preparation of plats and field notes of mineral surveys, as also the rent of additional quarters that may be necessary for the execution of such work, shall be paid for out of the fund created by deposits made by individuals to the credit of the United States to cover the cost of office work on such mineral surveys."

*According to the Bureau of Land Management, the much of the land held in South Dakota, itself is part of 8,300,000 million acres of land under the control of the EASTERN MONTANA/DAKS DISTRICT OFFICE (Field Code: 2388), of which which Sonja Germann has be contracted to oversee the office itself, all of which oversees more than 47,000,000 sub-surface acres of minerals beneath the surface area, and while BLM was established in 1946, its roots go back to the years after America's independence, when the young nation began acquiring additional lands. At first, these lands were used to encourage homesteading and westward migration, of which the General Land Office was created in 1812 to support this national goal, however, over time, values and attitudes regarding public lands shifted, and President Harry S. Truman, by means of a government reorganization, merged the GLO and another agency, the U.S. Grazing Service, thus creating the BLM.*

Under the 2022 Inflation Reduction Act adopted by the U.S Congress, and Signed by Joe Biden, the law directs the Bureau of Land Management to actively contract to States, Counties, Cities, Tribal Governments, Private Companies to actively engage in commercial development of Natural Resources, Minerals, Land Management of which works side by side with the Secretary of the Interior utilizing its powers under 43 U.S Code to manage those resources, thus collecting a Corporate Excise Tax from private corporations in the business of providing services across the "States" in the name of Telecommunications, Energy, Natural Gas, thus licensing, permitting, and allowing these corporations to go out, and utilize the land(s) for that purpose.

Companies like Summit Carbon Solutions is a federally licensed, permitted corporation directly in the business of providing "energy services", of which it has taken Federal Monies, Grants, and Subsidies to help push, and promote Clean Air, Water, and Mineral Initiatives across the 50 Sovereign States, all of whom now are further licensing, permitting, the company to actively conduct business within their "Sovereign States", of which now grants permissions to the State Judges to allow the "Land Surveys" to Proceed forward.

And, knowing that under the former "Act" called the 1841 Preemption Act - much of the lands held within South Dakota, were granted, permitted, and 'warranted' by the Federal Government, signed off by Presidents between 1840 and 1896 to be used in such manner, prescribed by the law itself.



How Congressional Act H.R 5376 Will The Future of South Dakota Counties and Cities  
*The International Objectives are Affecting the City of Sioux Falls, by Incorporating the  
Policies Established to Encourage Urban Redevelopment.*



**Back on, September 9, 2022** - a brief overview of the the act recently adopted by the 117th Congress, this past August, presents a plan of which meres the United Nations Policy of promoting an Urban Economic agenda, by transferring millions of Americans from rural communities, to large, urban demographic centers of which will free up millions of acres of land by allowing the government to classify them protected green space.

According to a U.N Chronicle, as part of an article titled Urbanization and Families published on May 13, 2022:

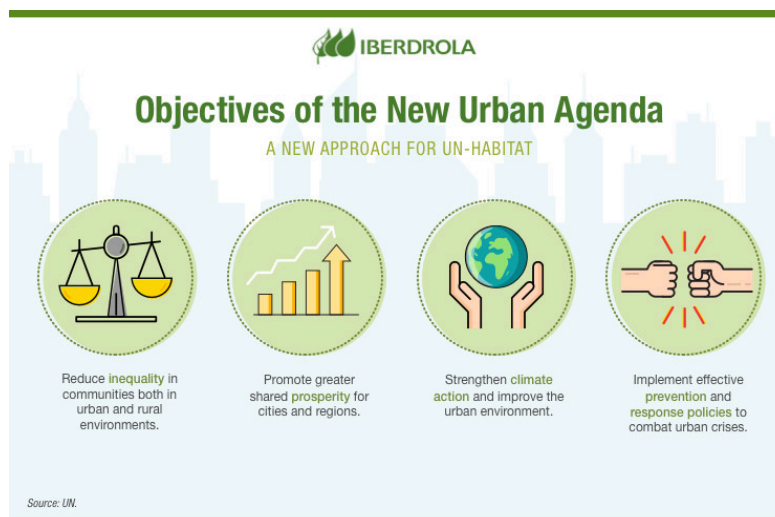
*According to the UNDESA report World Urbanization Prospects: The 2018 Revision, half of the global population now lives in urban areas. By 2050, two thirds of the world's people will be city dwellers. The movement of people into urban areas has been driven by better employment and education prospects as well as cultural and entertainment opportunities. Yet, rapid, unsustainable urbanization has often resulted in growing urban poverty disproportionately affecting families and children. At the extreme, an estimated 300 million of the global population of slum dwellers are children. Education, food and health services are often unaffordable and inaccessible to families, particularly for those living in poverty or with elderly family members or those with disabilities; most are employed in the informal economy without social safety nets. Notwithstanding efforts at the local and national levels, affordable housing is rapidly becoming less accessible to low-and-middle income families. Globally, an estimated 70 per cent of households live with precarious tenure. In fact, housing itself has become a commodity rather than a human right.*

By adopting national legislation to promote, and give incentive to millions of Americans to move from a rural like agricultural type setting, we are effectively allowing the government to buy up, take ownership of millions acres of land, which will then be preserved for forestry, wetlands, nature preservations, and national parks (city parks) by restricting land use by Americans who now will reside and work in large urban like settings.

Furthermore, as referenced by U.N Chronicle, in their article, *"The United Nations system supports sustainable urban development that benefits families worldwide. The United Nations Human Settlements Programme (UN-Habitat) is working towards a better urban future. Its mission is to promote socially and environmentally sustainable human settlements development and the achievement of adequate shelter for all. The United Nations System-Wide Strategy on Sustainable Urban Development seeks to assist Member States in investing in sustainable urban development in order to realize the 2030 Agenda through collaborative implementation of the New Urban Agenda, an action-oriented document that mobilizes Member States and other stakeholders to drive sustainable urban development at the local level. It envisages cities and human settlements that are participatory, promote civic engagement, and prioritizes green and quality public spaces that are friendly to families and foster social cohesion."*

As part of the New Urban Plan, of which for all sense and purpose can commonly be called "**Agenda 2050**" - as it relates directly with the reaffirmations of the previous Agenda 2021 and Agenda 2030 plans, whereas this newly, and refurbished plan shows a more aggressive approach to committing to a Urban Habitat Setting, of which all human beings are gravitating to large urban like demographics under the umbrella of sustainability resources, energy, waste management, affordable housing, **smart cities**, and more. There are 175 committed reaffirmations of which world leaders, countries, local governments are committing to.

**The New Urban Agenda represents a shared vision for a better and more sustainable future – one in which all people have equal rights and access to the benefits and opportunities that cities can offer, and of which the international community reconsiders the urban systems and physical form of our urban spaces to achieve the Shared Vision of all Member Countries:**



A look at the newly adopted legislation adopted by Congress shows a commitment to the New Urban Plan, by creating federal grants, the National Government wishes to give incentive to state, tribal, and local governments, and individuals of adopting all these New World policies, and according to the legislation, federal grants will be created to provide for:

- *\$10,000,000,000 for hazardous fuels reduction projects on National Forest System land within the wildland-urban interface;*
- *\$4,000,000,000 for, on a determination made solely by the Secretary that hazardous fuels reduction projects within the wildland-urban interface described in paragraph (1) have been planned to protect, to the extent practicable, at-risk communities, hazardous fuels reduction projects on National Forest System land outside the wildland urban interface that are;*
- *\$350,000,000 for National Forest System land management planning and monitoring, prioritized on the assessment of watershed, ecological, and carbon conditions on National Forest System land and the revision and amendment of older land management plans that present opportunities to protect, maintain, restore, and monitor ecological integrity, ecological conditions for at-risk species, and carbon storage;*
- *\$50,000,000 to develop and carry out non-lethal activities and tactics to reduce human-wildlife conflicts on National Forest System land;*

*The New Urban Agenda represents a shared vision for a better and more sustainable future – one in which all people have equal rights and access to the benefits and opportunities that cities can offer, and in which the international community reconsiders the urban systems and physical form of our urban spaces to achieve this. In this unprecedented era of increasing urbanization, and in the context of the 2030 Agenda for Sustainable Development, the Paris Agreement, and other global development agreements and frameworks, we have reached a critical point in understanding that cities can be the source of solutions to, rather than the cause of, the challenges that our world is facing today. If well-planned and well-managed, urbanization can be a powerful tool for sustainable development for both developing and developed countries - **New Urban Agenda***



As the City of Sioux Falls transforms itself as one of these "Smart Cities", with the agenda of adopting renewed commitments to green space, affordable housing, clean energy, better waste management policies, which each step along the way, the urban environment is becoming the preferred destination of choice, in relation to the habit setting. As the City of Sioux Falls adopts and moves forward with its own policy, the Shape Community plan to latch onto this New World type agenda, we will see governments begin to utilize more and more federal monies, with the goal of providing equal access to food, safety, and lifestyle benefits.

Cities are latching onto this new Sustainable, inclusive and green recovery is the way forward from the negative impacts of the COVID-19 pandemic. The United Nations, through its New Urban Agenda, envisions cities with green and quality public spaces that are friendly to families and enhance social and intergenerational interactions. Families as defined by indigenous communities, and the impact of urbanization on their lifestyle and their lands, are topics to which DISD pays special attention. The Division will continue its support for this broad vision of the United Nations system and will continue to raise the awareness of the public and policymakers so that they do not lose sight of the needs of families and people of all generations in sustainable urban development. In observance of the International Day of Families, we call for action to make cities more livable, green and sustainable for all generations. To that end, we also call for long-term private-public partnerships to invest in affordable housing, infrastructure and public green spaces for all urban families around the world

It has been reported, that the City of Sioux Falls, and it's Developers wish to adopt city policy to allow for, and establish Solar Farms, this agenda has been in the works for sometime, now, and H.R 5376 confirms in detail, the plan to utilize the sun, for the purpose of providing for renewable energy resources:

***SOLAR CANAL INTEGRATION.***—*In addition to amounts otherwise available, there is appropriated to the Bureau of Reclamation for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$25,000,000, to remain available until September 30, 2031, for the design, study, and implementation of projects (including pilot and demonstration projects) to cover conveyance facilities receiving grants under sub- section (a) with solar panels to generate renewable energy in a manner as determined by the Secretary or for other solar projects associated with Bureau of Reclamation projects that increase water efficiency and assist in implementation of clean energy goals - H.R 5376, Page 919 of the Act*

The **South Dakota Forest Action Plan** which provides a long-term, comprehensive, coordinated strategy for investing state, federal, and partner resources. The purpose of this strategy is to provide a comprehensive management plan for priority areas identified in the assessment. Of which, the South Dakota Statewide Assessment of Forest Resources (SAFR) is a compilation of existing forest management documentation, U.S. Department of Agriculture (USDA) Forest Inventory and Analysis (FIA) data, and a state priority area analysis conducted by the South Dakota Department of Agriculture (SDDA).

- *Section I of the SDFAP provides a summary of the extent and condition, values, threats, ownership, needs, problems, and opportunities for each major forest type in the state. The major forest types include coniferous, upland hardwood, bottomland, agroforestry, and community forests;*
- *Section II of the SDFAP identified several threats and priority areas related to forest management in South Dakota. Analysis for determining priority areas in the state was developed from 11 geospatial data layers*

**Each of the following ten goals is accompanied by objectives and strategies to accomplish those goals:**

1. Forest Stewardship
2. Forest Health
3. Urban & Community Forestry
4. Wildland Fire
5. Forest Inventory & Analysis
6. Agroforestry
7. Cooperative Forestry Assistance
8. Resource Conservation

In Conclusion, as adopted a few years ago, as part of the **2016 Urban Agenda Report** - it is time that the NPS strategically organize its many urban parks and programs towards building relevancy for all Americans, to connect with their lives where they live, rather than only where some may spend their vacation. Extraordinary innovation is already out there, with mayors and city leaders, businesses and NGOs all investing in new parks, new park designs, and new ways to engage communities in creating healthy and livable cities. This is an exciting time for the NPS to join in this national movement, to offer our assistance and active participation, to listen to new perspectives and help build communities across the urban landscape. There are pioneers within the National Park Service and many partners pushing us forward to embrace our urban mission as a critical component of our second century. I invite you to engage in this Agenda for the benefit of the National Park Service and especially for the benefit of the people.

***CRAFTING THE URBAN AGENDA*** *This Urban Agenda is derived from the voices of many National Park Service (NPS) professionals and partners across the nation with deep passion for and experience in engaging with urban America. These voices are represented in this living document and each of us has an opportunity to put these principles into practice in our respective parks, cities, and programs. The principles and priorities of the Agenda originate from those who will utilize it to strengthen the urban parks and communities they serve. The genesis for the Urban Agenda was in 2012 when a small group of NPS leaders met as a caucus at the City Parks Alliance conference in New York City. Together, these leaders identified the foundational elements of the NPS Urban Agenda. That initial group of 39 went on to enlist over 350 people from within and outside NPS, representing almost every state and over 40 park units, to help create the NPS Urban Agenda. This process relied upon highly intentional actions to create channels of connection between urban practitioners. It included multiple modes of communication (websites, face-to-face, webinar, conference call, and social media) and facilitated discussions on key urban topics, beginning with those identified at the initial NPS urban caucus. This Agenda is just the beginning. Continuing to exchange experience and broaden understanding of the full NPS portfolio across departments will help to move the Agenda forward, improve decision making, and enhance problem-solving in times of challenge and change. The team that convened the urban community of practice will continue to provide opportunities to develop skills, curricula, webinars and other opportunities to spread good practice. To activate the Urban Agenda go to: [www.nps.gov/urban](http://www.nps.gov/urban).*

Since the National Park Service was established, the demographics of the U.S. have changed dramatically. In 1916, the nation was 50% urbanized compared to today at over 80%. These demographic changes affect how parks are valued, how they are visited, what kinds of development are appropriate, and who will support the parks.

The **NPS Urban Agenda** recommends an unprecedented strategic alignment of parks, programs and partnerships to leverage the full portfolio of the NPS resources within urban areas, by means of the following strategies:

1. *Engaging NPS programs in identifying values and strategic interests in their assigned model city through asset mapping processes and other innovative tools to assess opportunities and align resources;*
2. Building alliances with federal, state and local agencies that help to identify shared goals and accelerate interagency collaboration and complementary action;
3. Building alliances with local non-profits, educational institutions, foundations, and others to help identify and achieve shared goals;
4. Designing and launching city-specific initiative(s) that leverage the full suite of NPS programmatic and park assets designed to protect resources and improve quality of life for urban residents; and
5. Developing consistent and comparable data resources that define measurable outcomes for evaluating models and sharing results with the national Urban Matters community of practice.

*With over 80% of Americans now living in cities, there has never been a clearer call to strengthen our urban presence and broaden the base of understanding and support for the NPS. Connecting with Americans where they live is in the interest of all units and programs within the National Park System, as its ability to engage with urban residents and build relationships with new audiences will affect how parks are valued and supported. Urban areas also represent the clearest channel for engaging with the next generation of conservationists, preservationists, environmental leaders and stewards of the nation's cultural heritage.*

And, as the City of Sioux Falls continues to grow, and where more residents call it home, the city is beginning publish discussions at the local level - of establishing the **Shape Places 2040 Comprehensive Plan**, the City of Sioux Falls is hoping to incentivize, and give developers the ability to develop and to incorporate many of these international objectives right here within the city itself. As more and more people make the city home tomorrow, a committed focus in sustainability beneficial programs for all become more in demand, but at the cost the rural population decreasing in size, by attracting more and more Americans to urban centers.



As reported previously by the Dakota Leader, [Developers Plan For Solar Farm in Sioux Falls](#) [Dakota Leader](#) the Planning Commission will meet at the Carnegie Town Hall to discuss a number of planning related issues of the City of Sioux Falls in order to amend the *Shape Place Zoning Ordinance (2013)*, *"Through environmental stewardship practices, the City of Sioux Falls has plans that take a more proactive approach to environmental stewardship, including the Greenway Plan, the Parks and Recreation System Plan, and the Sioux Falls Master Plan for Storm-water Best Management Practices (this approach is to address both water quality and flood control). In the future, the City might also look at other master plans to further the environmental stewardship objective, including a Sustainability Master Plan."*

While the United Nations takes the lead on such policy, it is directing countries, states, and local governments to follow their lead in implementing that policy across the globe, and it all begins at the local levels, where you and your fellow citizens have the ability to be part of that discussion.

# Our Concern Today

We have a huge topic of concern today, in the whole public matter related to the Summit Carbon Solutions issue as it relates to private landowners, property holders - and as I talk to people, I find that the Lincoln County property holders are very much alarmed at the thought of transporting "Carbon" through their properties. They feel it is a matter of our Public Health, Safety, and Security of a Free State...

As have done my due diligence, researching laws and rules, and agendas, I do believe Kristi Noem has no power to stop the Land Surveying, that comes from the Secretary of the Interior, and its fellow officers and agents, however, I do think the Governor, as she often does, does have the means of finding and abridging the peace between both sides. It may require her to, upon Executive Order, Declare an Emergency related to the Public Health, Safety, and Security of our Borders. (state borders).

Based on my research, and my passion, I sat down and drafted an "Example" of what an Executive Order could be like, and knowing how much Kristi Noem loves to fight for South Dakotans vs the Federal Government Policies, this may be something she may be very interested in, to accomplish. She has two emergency orders currently on other topics, and this may be the third if she deems it necessary to protect our borders from our Foreign Enemies...

I do believe the Federal Government has an agenda here, and they are acting through their power to license these Global, National Corporations to manipulate your state economy, and South Dakota is in a direct line of fire against that agenda.

Read Here, a Legal Opinion written by a Former Attorney General of South Dakota.

## **A 1983 LEGAL OPINION ADOPTED BY THE SOUTH DAKOTA ATTORNEY GENERAL'S OFFICE - EXPLAINS LAND SURVEYS:**

South Dakota Legal Opinion 1983-32 - written by Mark V. Meierhenry, then the Attorney General of South Dakota under Bill Janklow:



**Question:**

- Mr. George H. Danforth Beadle County State's Attorney Post Office Box 569 Huron, South Dakota 57350

*Do townships have the authority to adopt ordinances or take any other official actions that affect the survey activities conducted by registered land surveyors, such as the requirement for posting of a surety bond for road repair, the refusal to allow use of a backhoe to locate property corners, the refusal to allow access to township records, or similar actions?*

In my opinion, the answer to the question based upon the factual situation you have stated above is no. The Legislature has authorized registered land surveyors to enter not only public lands within the state but privately-owned lands as well for the purpose of making surveys for the determination of boundaries of real estate. SDCL 1-1-10 provides: For the purpose of making surveys required by or essential to the effect of any acts of the United States Congress or of the Legislature of this state or for the determination of boundaries of real estate . . . any engineer or land surveyor duly qualified or registered under the laws of this state, and the persons necessarily and lawfully employed in making any such survey may enter upon lands within the boundaries of this state for such purposes.

Nothing herein contained shall exempt any person from payment of actual damages done by him while upon such land.

In addition, electric utilities are authorized to cause such surveys to be made as may be necessary to the selection of a route for a power line. SDCL 49-33-6 provides: Every corporation organized under this chapter shall have power to cause such examinations and surveys to be made as may be necessary to the selection of the most advantageous route for its proposed . . . power line, and for such purpose to enter, by its agents, officers and servants, upon the lands or waters of any persons; subject, however, to responsibility for all damage done to such property by such entry. Electric utilities incorporated in other states may exercise this right to enter lands for surveying for power lines granted by SDCL 49-33-6, provided they have complied with the laws of this state relating to foreign corporations doing business herein. SDCL 49-34-8.

Townships may not interfere with the survey activities of registered land surveyors permitted by statute. A township's authority to exercise its lawful powers is limited by SDCL 8-2-10 which provides:

No organized township shall possess or exercise any powers except such as are enumerated in this chapter [SDCL 8-2], . . . or are necessary to the exercise of the powers so enumerated. Our Supreme Court has held that a township's implied powers must be 'essential and indispensable,' and not just convenient, to the exercise of a power expressly enumerated in the statute. *Van Antwert v. Dell Rapids Township*, 3 S.D. 305, 53 N.W. 82 (1892) (township has no implied power, as incident to its express power to construct township roads, to contract for survey of such roads). See also, *South Dakota Employers Protective Assoc. v. Poage*, 65 S.D. 198, 272 N.W. 806 (1937). (implied powers--counties) Townships have the authority, and duty, to repair secondary roads and to pay for such repairs through the levying of a highway tax. SDCL 31-13-1 provides: It shall be the duty of the Board of Township Supervisors to arrange for the construction, repair and maintenance of all secondary roads within the township.

**SDCL 31-13-10 provides:**

There shall be voted and levied in each civil township . . . a highway tax for the construction and repair of secondary highways within such township. The township's duty to finance all repairs of secondary roads through the highway fund must be strictly construed. See Attorney General Report 1931-32, p. 813 (township may not use monies from the general fund for repair of secondary roads). The legislature has carefully and specifically set forth the authority of townships to finance road repairs in SDCL 31-13, and no authority is provided to require surety bonds from highway users to finance repairs. Townships have no authority, of course, with respect to county, state or federal roads. *Hannigan v. Minnehaha County*, 47 S.D. 606, 201 N.W. 522 (1924).

This conclusion is further supported by our Supreme Court's decision in *Norman v. Cummings*, 73 S.D. 559, 45 N.W.2c 839 (1951). There the Court held that users of public roads are not liable to townships for road repairs or obstructions caused by the usual, ordinary and reasonable use of the highways. Accord, *Syres v. Eastern Clay Products, Inc.*, 75 S.D. 45, 59 N.W.2d 248 (1953). If a township has no authority to recover damages for ordinary use of the highway, it cannot require highway users to post a surety bond for any such damages.

Though a township cannot require a surety bond from a surveyor, a township under SDCL 1-1-10 and SDCL 8-2-1(1) has the right to sue for actual damages that occurred from a survey.

This would include the right to sue for any damages to secondary roads that did not result from usual, ordinary or reasonable use. Finally, it is generally well known that SDCL 1-27-1 requires townships to make the records of their official business 'available and open to inspection by any person during normal business hours.'

The legislature has given to registered land surveyors the statutory right to conduct land surveys on public and private land for electric transmission lines. Township Boards do not have the authority to prevent or restrict in any way such surveying. **Respectfully submitted, Mark V. Meierhenry, Attorney General**

# The United Nations Global Sustainability Plan



This Agenda is a plan of action for people, planet and prosperity. It also seeks to strengthen universal peace in larger freedom. We recognise that eradicating poverty in all its forms and dimensions, including extreme poverty, is the greatest global challenge and an indispensable requirement for sustainable development. All countries and all stakeholders, acting in collaborative partnership, will implement this plan. We are resolved to free the human race from the tyranny of poverty and want and to heal and secure our planet. We are determined to take the bold and transformative steps which are urgently needed to shift the world onto a sustainable and resilient path. As we embark on this collective journey, we pledge that no one will be left behind. The 17 Sustainable Development Goals and 169 targets which we are announcing today demonstrate the scale and ambition of this new universal Agenda. They seek to build on the Millennium Development Goals and complete what these did not achieve. They seek to realize the human rights of all and to achieve gender equality and the empowerment of all women and girls. They are integrated and indivisible and balance the three dimensions of sustainable development: the economic, social and environmental.

The Goals and targets will stimulate action over the next fifteen years in areas of critical importance for humanity and the planet:

- We are determined to end poverty and hunger, in all their forms and dimensions, and to ensure that all human beings can fulfill their potential in dignity and equality and in a healthy environment.
- We are determined to protect the planet from degradation, including through sustainable consumption and production, sustainably managing its natural resources and taking urgent action on climate change, so that it can support the needs of the present and future generations.
- We are determined to ensure that all human beings can enjoy prosperous and fulfilling lives and that economic, social and technological progress occurs in harmony with nature.
- We are determined to mobilize the means required to implement this Agenda through a revitalised Global Partnership for Sustainable Development, based on a spirit of strengthened global solidarity, focussed in particular on the needs of the poorest and most vulnerable and with the participation of all countries, all stakeholders and all people.
- The interlinkages and integrated nature of the Sustainable Development Goals are of crucial importance in ensuring that the purpose of the new Agenda is realized. If we realize our ambitions across the full extent of the Agenda, the lives of all will be profoundly improved and our world will be transformed for the better.

## **Declaration:**

1. We, the Heads of State and Government and High Representatives, meeting at the United Nations Headquarters in New York from 25-27 September 2015 as the Organization celebrates its seventieth anniversary, have decided today on new global Sustainable Development Goals.
2. On behalf of the people we serve, we have adopted a historic decision on a comprehensive, far-reaching and people-centered set of universal and transformative Goals and targets. We commit ourselves to working tirelessly for the full implementation of this Agenda by 2030. We recognize that eradicating poverty in all its forms and dimensions, including extreme poverty, is the greatest global challenge and an indispensable requirement for sustainable development. We are committed to achieving sustainable development in its three dimensions – economic, social and environmental – in a balanced and integrated manner. We will also build upon the achievements of the Millennium Development Goals and seek to address their unfinished business.
3. We resolve, between now and 2030, to end poverty and hunger everywhere; to combat inequalities within and among countries; to build peaceful, just and inclusive societies; to protect human rights and promote gender equality and the empowerment of women and girls; and to ensure the lasting protection of the planet and its natural resources. We resolve also to create conditions for sustainable, inclusive and sustained economic growth, shared prosperity and decent work for all, taking into account different levels of national development and capacities.

4. As we embark on this great collective journey, we pledge that no one will be left behind. Recognizing that the dignity of the human person is fundamental, we wish to see the Goals and targets met for all nations and peoples and for all segments of society. And we will endeavor to reach the furthest behind first.

5. This is an Agenda of unprecedented scope and significance. It is accepted by all countries and is applicable to all, taking into account different national realities, capacities and levels of development and respecting national policies and priorities. These are universal goals and targets which involve the entire world, developed and developing countries alike. They are integrated and indivisible and balance the three dimensions of sustainable development.

6. The Goals and targets are the result of over two years of intensive public consultation and engagement with civil society and other stakeholders around the world, which paid particular attention to the voices of the poorest and most vulnerable. This consultation included valuable work done by the General Assembly Open Working Group on Sustainable Development Goals and by the United Nations, whose Secretary-General provided a synthesis report in December 2014.

## **Our Vision:**

7. In these Goals and targets, we are setting out a supremely ambitious and transformational vision. We envisage a world free of poverty, hunger, disease and want, where all life can thrive. We envisage a world free of fear and violence. A world with universal literacy. A world with equitable and universal access to quality education at all levels, to health care and social protection, where physical, mental and social well-being are assured. A world where we reaffirm our commitments regarding the human right to safe drinking water and sanitation and where there is improved hygiene; and where food is sufficient, safe, affordable and nutritious. A world where human habitats are safe, resilient and sustainable and where there is universal access to affordable, reliable and sustainable energy.

8. We envisage a world of universal respect for human rights and human dignity, the rule of law, justice, equality and non-discrimination; of respect for race, ethnicity and cultural diversity; and of equal opportunity permitting the full realization of human potential and contributing to shared prosperity. A world which invests in its children and in which every child grows up free from violence and exploitation. A world in which every woman and girl enjoys full gender equality and all legal, social and economic barriers to their empowerment have been removed. A just, equitable, tolerant, open and socially inclusive world in which the needs of the most vulnerable are met.

9. We envisage a world in which every country enjoys sustained, inclusive and sustainable economic growth and decent work for all. A world in which consumption and production patterns and use of all natural resources – from air to land, from rivers, lakes and aquifers to oceans and seas - are sustainable. One in which democracy, good governance and the rule of law as well as an enabling environment at national and international levels, are essential for sustainable development, including sustained and inclusive economic growth, social development, environmental protection and the eradication of poverty and hunger. One in which development and the application of technology are climate-sensitive, respect biodiversity and are resilient. One in which humanity lives in harmony with nature and in which wildlife and other living species are protected.

## **Our Shared Commitments and Partnerships:**

10. The new Agenda is guided by the purposes and principles of the Charter of the United Nations, including full respect for international law. It is grounded in the Universal Declaration of Human Rights, international human rights treaties, the Millennium Declaration and the 2005 World Summit Outcome Document. It is informed by other instruments such as the Declaration on the Right to Development.

11. We reaffirm the outcomes of all major UN conferences and summits which have laid a solid foundation for sustainable development and have helped to shape the new Agenda. These include the Rio Declaration on Environment and Development; the World Summit on Sustainable Development; the World Summit for Social Development; the Programme of Action of the International Conference on Population and Development, the Beijing Platform for Action; and the United Nations Conference on Sustainable Development ("Rio+ 20"). We also reaffirm the follow-up to these conferences, including the outcomes of the Fourth United Nations Conference on the Least Developed Countries, the Third International Conference on Small Island Developing States; the Second United Nations Conference on Landlocked Developing Countries; and the Third UN World Conference on Disaster Risk Reduction.

12. We reaffirm all the principles of the Rio Declaration on Environment and Development, including, inter alia, the principle of common but differentiated responsibilities, as set out in principle 7 thereof.

13. The challenges and commitments contained in these major conferences and summits are interrelated and call for integrated solutions. To address them effectively, a new approach is needed. Sustainable development recognizes that eradicating poverty in all its forms and dimensions, combating inequality within and among countries, preserving the planet, creating sustained, inclusive and sustainable economic growth and fostering social inclusion are linked to each other and are interdependent.

**But, if You Are to Visit the United Nations Global Agenda Page, it is Their Goal #7 that Says it All:**

### **Goal 7. Ensure access to affordable, reliable, sustainable and modern energy for all**

7.1 By 2030, ensure universal access to affordable, reliable and modern energy services

7.2 By 2030, increase substantially the share of renewable energy in the global energy mix

7.3 By 2030, double the global rate of improvement in energy efficiency

7.a By 2030, enhance international cooperation to facilitate access to clean energy research and technology, including renewable energy, energy efficiency and advanced and cleaner fossil-fuel technology, and promote investment in energy infrastructure and clean energy technology

7.b By 2030, expand infrastructure and upgrade technology for supplying modern and sustainable energy services for all in developing countries, in particular least developed countries, small island developing States, and land-locked developing countries, in accordance with their respective programmes of support

# **Stand in Defense of Our Freedom, Independence, and Sovereign Means to Self Government.**



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## **The Republic of South Dakota**

All men are born equally free and independent, and have certain inherent rights, among which are those of enjoying and defending life and liberty, of acquiring and protecting property and the pursuit of happiness. To secure these rights governments are instituted among men, deriving their just powers from the consent of the governed. No person shall be deprived of life, liberty or property without due process of law. No person shall be denied any civil or political right, privilege or position on account of his religious opinions. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures shall not be violated. Private property shall not be taken for public use, or damaged, without just compensation. No benefit which may accrue to the owner as the result of an improvement made by any private corporation shall be considered in fixing the compensation for property taken or damaged. - **South Dakota Constitution, Article VI - Our Bill of Rights 1889**

This Document, Drafted, ritten, and Shared by Mike Zitterich, an American Citizen of the Republic of South Dakota, a Resident of Minnehaha County, and to which he has Resided in the City of Sioux Falls today.

**Protect Our Property Rights, Our Sovereignty, and Our Uphold Our Constitution!**