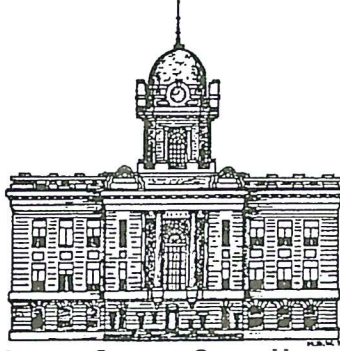


Jasper County, Iowa

Joe Brock

Denny Carpenter

Dennis Stevenson



Board of Supervisors
Courthouse
PO Box 944
Newton IA 50208
Phone 641-792-7016
Fax 641-792-1053

JASPER COUNTY BOARD OF SUPERVISORS AGENDA

www.co.jasper.ia.us

November 10, 2015

9:30 a.m.

- Item 1 Iowa Department of Human Services- Irene Holzworth
- Item 2 Sanitarian – Kevin Luetters
 - a) Construction Evaluation Resolution
- Item 3 Thunder Nights – Bob O’Brien
 - a) 2016 Schedule
- Item 4 Kathy Holdefer – Jasper County Landowner
 - a) Request for Resolution regarding proposed Dakota Access Pipeline
- Item 5 Approval of Board of Supervisors minutes for 11/3/15
- Item 6 Jasper County Care Facility Demolition
- Item 7 Board Appointments

PUBLIC INPUT & COMMENTS

1:30 p.m.

CANVASS OF NOVEMBER 3, 2015 CITY ELECTION

RESOLUTION # _____

CONSTRUCTION EVALUATION RESOLUTION

WHEREAS, Iowa Code section 459.304(3) sets out the procedure if a board of supervisors wishes to adopt a “construction evaluation resolution” relating to the construction of a confinement feeding operation structure; and

WHEREAS, only counties that have adopted a construction evaluation resolution can submit to the Department of Natural Resources (DNR) an adopted recommendation to approve or disapprove a construction permit application regarding a proposed confinement feeding operation structure; and

WHEREAS, only counties that have adopted a construction evaluation resolution and submitted an adopted recommendation may contest the DNR’s decision regarding a specific application; and

WHEREAS, by adopting a construction evaluation resolution the board of supervisors agrees to evaluate every construction permit application for a proposed confinement feeding operation structure received by the board of supervisors between February 1, 2016 and January 31, 2017 and submit an adopted recommendation regarding that application to the DNR; and

WHEREAS, the board of supervisors must conduct an evaluation of every construction permit application using the master matrix created in Iowa Code section 459.305, but the board’s recommendation to the DNR may be based on the final score on the master matrix or may be based on reasons other than the final score on the master matrix;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF
 JASPER COUNTY that the Board of Supervisors hereby adopts this construction evaluation resolution pursuant to Iowa Code section 459.304(3).

Chair, Board of Supervisors

Date: _____

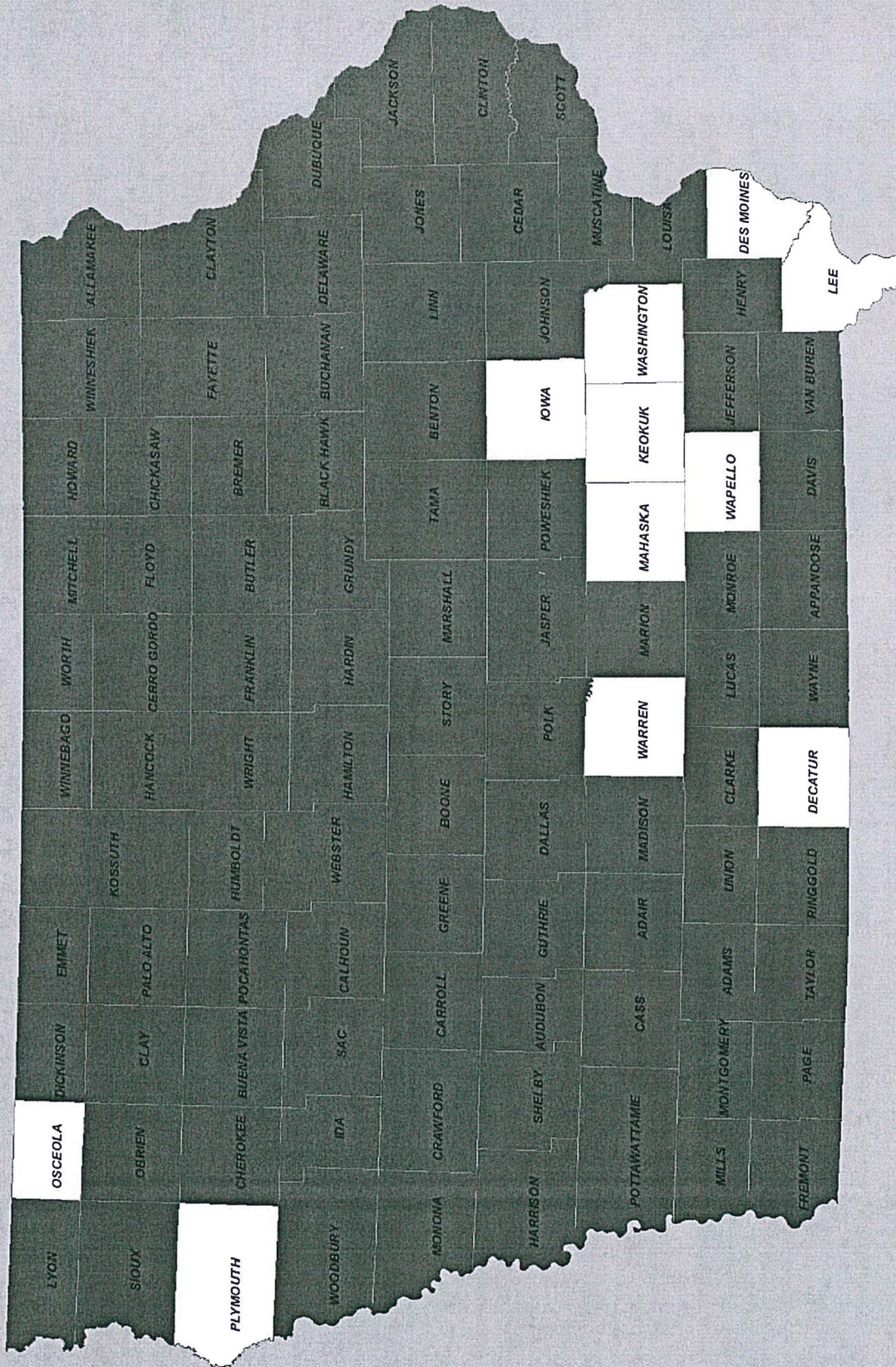
ATTEST:

County Auditor

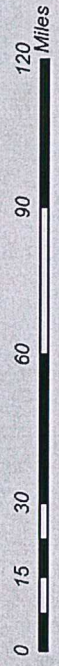
Date: _____

Status of Construction Evaluation Resolutions by County

February 3, 2015



Countries that have passed a Construction Evaluation Resolution







- HOME
- ABOUT
- LEGISLATIVE
- MEETINGS AND EVENTS
- MEMBER RESOURCES
- PROGRAMS

- 2014 COUNTY BRIDGE MAPS
- MASTER MATRIX
- LEGISLATIVE CONTACT INFORMATION

MEETINGS AND EVENTS

CALENDAR VIEW		LIST VIEW				
<<	NOV 2015		>>			
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	1	2	3	4	5

[Full listing of Meetings and Events](#)

MASTER MATRIX

2016 Master Matrix Adoption of Construction Evaluation Resolution

Construction Evaluation Resolution

To: Boards of Supervisors
 From: Kristi Harshbarger, ISAC General Counsel
 Re: Master Matrix
 Date: October 9, 2015

If a county chooses to use the master matrix to evaluate applications for construction permits for large animal confinement operations, the board of supervisors must adopt a "construction evaluation resolution" annually.

According the DNR's administrative rules, if the board of supervisors wants to use the master matrix between February 1, 2016 and January 31, 2017, **the board of supervisors must submit an adopted "construction evaluation resolution" to the DNR between January 1 and January 31, 2016.**

A sample construction evaluation resolution is can be downloaded in the link above.

The construction evaluation resolution should be faxed to 515/725-8202 attn Jerah Sheets or mailed to:

Jerah Sheets
 IDNR
 502 East 9th Street
 Des Moines, IA 50319-0034

Counties will receive a confirmation email for all CERs received.

[The board of supervisors can adopt the resolution at any time, as long as it is actually mailed or faxed to the DNR during January of 2016.](#)

Pay attention to this deadline. It seems like every year there is a county or two that misses the deadline.

If a county board of supervisors does not adopt a construction evaluation resolution for 2016, then the county cannot:

- 1)submit a formal recommendation to the DNR concerning a particular construction permit application; the county can submit comments, but they are not given nearly as much weight by DNR as a formal recommendation would be;
- 2)send county employee along on a DNR site inspection; or
- 3)appeal the DNR's decision regarding a construction permit application to the Environmental Protection Commission.

In addition, if the county chooses to use the master matrix, then applicants must meet stricter environmental standards than they would have to meet otherwise. So using the master matrix provides greater environmental protection for the county.

Roughly 80+ counties participate annually. Here is a link to a map showing those counties:
<http://www.iowadnr.gov/Environment/LandStewardship/AnimalFeedingOperations/Confinements/ConstructionRec>

If you have any questions about this memo, you can call Kristi Harshbarger at ISAC 515.244.7181, or Gene Tinker at the DNR at 515.210.1593.

ABOUT

- ISAC Scholarships
- ISAC Members
- ISAC Staff
- Preferred Vendors
- Golden Eagle
- Excellence in Action Awards
- Endorsed Companies
- Communications Center
- ISAC Board of Directors
- Helpful Resources
- Directions to Office
- Annual Reports

LEGISLATIVE

- Legislative Staff
- Legislative District Meetings
- Legislative Policy Committee
- ISAC Legislative Priorities
- ISAC Bill Summaries
- Tracking Tool
- Legislative Comment Form
- ISAC Update
- Helpful Resources

MEETINGS AND EVENTS

- Smart Connections
- Conference
- Statewide Supervisors Meeting
- Corporate Hotel Rates
- Corporate Opportunities
- Helpful Resources
- Webinars
- Spring School of Instruction
- Scholarship Golf Fundraiser
- Reserve ISAC Meeting Room
- Space
- Register Online
- New County Officers School

MEMBER RESOURCES

- ISAC Unofficial Election Results
- County Directory Access for Members
- Helpful Resources
- Salary Survey
- County Financial Overview
- Budget Summaries
- The Iowa County Magazine
- County Directory
- National Association of Counties
- Legal
- Classified Ads

PROGRAMS

- CoSTAR
- Wellness Program
- ISAC Education Foundation
- ICTS/CSN
- CM&MHDS

BAKKEN PIPELINE RESISTANCE FACT SHEET JASPER COUNTY

- Due to their status as a Limited Liability Corporation, Dakota Access has very limited liability in the case of an oil leak or spill. The \$250,000 surety bond they've provided is inadequate in the event of an accident.
- The majority of pipelines owned and operated by Energy Transfer Partners are natural gas pipelines, and the company has minimal experience operating crude oil pipelines
- In their 2103 annual report, ETP notes that they may not have enough cash reserves to cover damages for an oil leak or spill. An analysis of this report can be found here.

MYTH BUSTING

Job Creation and Economic Benefits:

- Economic projections and job creation numbers are based on studies funded by Dakota Access and ETP, and vary widely from a dozen jobs, to a couple thousand jobs
- Critiques from ISU economic Dave Swenson call into question these projections, and reveal that few jobs or economic benefits will go to Iowans

Pipeline versus Rail:

- Dakota Access and ETP do not own the oil that they would carry in the Bakken Pipeline, they simply own and operate the pipeline. For this reason, they cannot dictate whether or not oil producers in North Dakota choose to transport excess oil via rail. Any indication that the pipeline would alleviate rail traffic carrying Bakken oil is without grounds

Energy Independence:

- The Bakken Pipeline ends in Patoka, Illinois, a major pipeline hub in the United States. From there, it will head to Gulf Coast refineries to then be exported. There is no guarantee that this oil will remain in the United States
- This point is further reinforced by action on a federal level to repeal the ban on exporting crude oil, alongside trade deals that will open new oil markets for crude oil

PROCESS MOVING FORWARD

- ETP filed petition with the Iowa Utilities Board for regulatory review in January 2015, and they hope to be operational by the end of 2016.
- The project needs approval from Iowa Utilities Board, the Iowa DNR, and the US Army Corps of Engineers (Rock Island).
- All objections or letters of support must be filed with IUB before November 6th
- The public comment portion of IUB's hearing will be held on November 12th in Boone, Iowa
- The evidentiary hearing portion of IUB's hearing will extend throughout mid-November to early December.

FOR MORE INFORMATION VISIT WWW.NOBAKKEN.COM OR WWW.IOWACCI.ORG

Jasper County, Iowa
Resolution of the Jasper County Soil & Water Conservation District
to the
Iowa Utilities Board

WHEREAS, Dakota Access LLC is proposing to construct a crude oil pipeline from North Dakota through Iowa that will cross a portion of Jasper County, and

WHEREAS, Jasper County Soil and Water Conservation District is entrusted with conservation protection and improvement of our soil and water resources, and

WHEREAS, construction of a pipeline causes direct and immediate effects on soil fertility, soil compaction, separation of soil horizons, changes in soil biology, natural as well as constructed surface and subsurface drainage, changes in soil temperature, and loss in soil productivity, on 33.7 miles (613 acres) of Jasper County land, and

WHEREAS, oil pipeline spills in other locations have resulted in remediation costing millions, and even billions of dollars, and

WHEREAS, Iowa law currently requires only \$250,000 surety bonding from Dakota Access as indemnity for damages resulting from the construction or operation of the pipeline, and even surety 10 times that amount would not be sufficient to cover the cost of remediation for a spill.

NOW, THEREFORE, BE IT RESOLVED that the elected Commissioners of the Jasper County Soil & Water Conservation District are opposed to the permitting and construction of the proposed pipeline by Dakota Access.

BE IT FURTHER RESOLVED that the Soil and Water Conservation District Commissioners of Jasper County, Iowa strongly urge that the Iowa Utilities Board deny the request by Dakota Access to construct the proposed pipeline as described above.

Dated this ____ day of September, 2015.

NEWTON DAILY NEWS

County residents rally in support of bill against pipeline

Holdefer, Gannon among group supporting eminent domain reform

Published: Thursday, May 21, 2015 11:40 a.m. CDT

When the proposed Bakken oil pipeline project began to enter Iowa conversations a few years ago, many farmers voiced their opposition.

Recently proposed legislation, along with shipping of pipe material to Jasper County for a project that isn't even approved, has brought out more opponents from the county — two of whom spoke at a rally Wednesday in the state capitol rotunda.

Kathy Holdefer and Dan Gannon, both of whom live in the Mingo area, were among the six speakers at a short news conference conducted by the Bakken Pipeline Resistance Coalition — one of at least four organizations whose main focus include stopping the pipeline.

The specific message given by the speakers was to encourage passage of SF 506. That's an Iowa legislative bill that would create eminent domain reforms farmers believe would give them more control over their land — making the SF 506 critical as the state's largest, highest profile pipeline project is apparently already under way.

The type of 30-inch pipe needed for the project has already been shipped to Jasper County and is being stored locally, even as the project has not been approved by Iowa utilities authorities.

The group urged State Sen. Michael Gronstal (D- Council Bluffs), the majority leader of the Iowa Senate, to bring SF 506 to the Senate floor and call for a vote. The legislative session is winding down, and the bill has cleared committee, but has not been voted upon by the full Senate.

"This is not an anti-eminent domain statement," said Holdefer. "I have exercised eminent domain over my own body, by donating a kidney, and the hospital I went to was very concerned about the welfare of the entire body. When I first heard about the pipeline, I asked myself if it was good for Iowa, and it seems like it's only good for the oil industry."

Holdefer said Iowans can make healthy decisions, based on good information. Gannon said his Cornlan Farm would have a 50-foot-wide pipeline easement running across a part of his 220,000

acres, running about three-quarters of a mile across the property. He said that affects the usability of the land — not only by splitting it up, but also by affecting the entire farmability — surface and otherwise.

“The bigger damage is to the ecosystem below the surface, which takes years to recoup,” Gannon said. “This was demonstrated by farm terraces that were put in throughout Iowa farmland land 40-plus years ago, and have never regained their productive status that was there prior to the placement of the terraces.”

Gannon said his four-generation farm is designated as a “Century Farm” by the Iowa Department of Agriculture, as it has been farmed by one family for more than 100 years.

The only Jasper County legislator who made an appearance at the event was Dan Kelley (D-Newton), who arrived shortly after the news conference was completed due to a previous engagement.

“I support SF 506, and will vote for it if it comes before the House,” Kelley said. “This bill would help landowners hang on to their rights, and protect their land.”

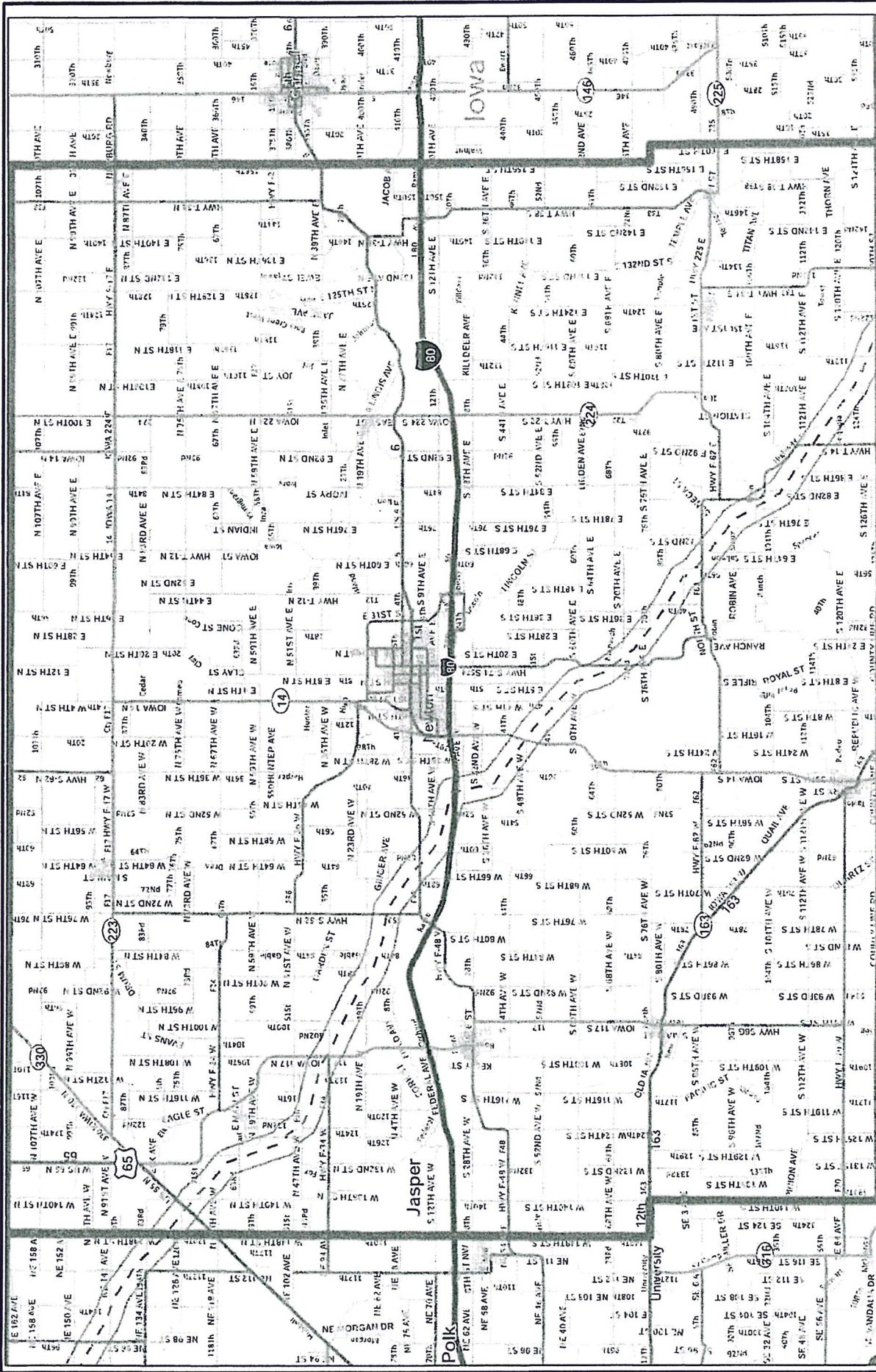
Rep. Greg Heartsill (R-Columbia) was on the House subcommittee that approved HSB 249, the House version of SF 506.

“I voted in favor of it in subcommittee,” Heartsill said in an email. “As a staunch supporter of private property rights, and someone who has advocated strict boundaries around government’s use of eminent domain ever since I was first elected, I would support the passage of SF 506.”

Gronstal and senators Amy Sinclair (R-Allerton) and Chaz Allen (D-Newton) could not be reached for comment by press time.

Contact Jason W. Brooks at 641-792-3121 ext. 6532 or jbrooks@newtondailynews.com

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Dakota Access Pipeline (Preliminary Route)

Notification Corridor

Project Counties

Dakota Access Pipeline Project
Jasper County

Preliminary Route - Subject to Change
 Notification Corridor is approximately 3/4 Mile Wide



NEWTON DAILY NEWS

Bakken pipeline brings outdated energy into Iowa's future

Published: Monday, Nov. 2, 2015 11:41 a.m. CST

The Iowa Utilities Board will begin hearing public comments Nov. 12 at the Boone County Fairgrounds in the final public process to determine if Dakota Access, LLC will be allowed the use of eminent domain to build a 343.43-mile crude oil pipeline through 18 Iowa counties. If approved, it would be one segment of a larger 1,134-mile pipeline extending from the Bakken oil fields of North Dakota to a hub and refineries in Patoka, Ill.

To date, Dakota Access and its Texas-based parent company Energy Transfer Partners have received voluntary easements from roughly 40 percent of Iowa landowners who would be affected by the pipeline's construction — although Dakota Access claims the number is closer to 60 percent.

IUB's three members need to determine if it's good for Iowa to require 40 to 60 percent of the farmers and landowners along the pipeline route to concede their land to Dakota Access with only a few temporary jobs and a small amount of property tax revenue at stake while not receiving the benefit of the power generated from the oil.

Iowa already has well documented and highly debated water quality issues from farm nitrate runoff. Do Iowa citizens want to risk the potential environmental devastation of an oil spill?

During a mandatory county-level public hearing last year in Newton, representatives from ETP detailed security measures that would be built in to the pipeline to mitigate a leak. A 24-hour monitoring center will be able to detect small pressure changes in the pipeline — which is slated to carry 570,00 barrels of oil per day — indicating a possible leak. The State of Iowa mandates an emergency responder be within a 60 minute drive of any point of the pipeline. When crude oil is leaking into ground water and running through Iowa's extensive agricultural drainage tile system, one hour is just too long.

Leaks do happen. In 2010, the Enbridge oil spill near Kalamazoo, Mich. dumped 843,000 gallons of crude oil into Talmadge Creek only 35 miles from the Kalamazoo River — a main source of drinking water for the surrounding cities. In 2014 the U.S. DOT Pipeline and Hazardous Materials Safety Administration reported 305 significant incidents — spills which caused hospitalization or death —

involving the shipment of crude oil by pipeline. These spills also produced almost \$297 million in property damage.

ETP would be required to compensate farmers for spills, but a reimbursement given to landowners could never amount to a lifetime of crop production. Following a leak, the affected land could be unfarmable for decades, and the money might not be available right away.

In a June 25 article exploring the proposed use of eminent domain in the pipeline project, the Newton Daily News found that ETP conceded in a 2013 report filed with the U.S. Securities and Exchange Commission that the company may not have the liquid capital to clean up an extensive spill.

In a subsection of the report on pages 44-45 the company reported, “We may incur substantial environmental costs and liabilities because of the underlying risk inherent to our operations. Although we have established financial reserves for our estimated environmental remediation liabilities, additional contamination or conditions may be discovered, resulting in increased remediation costs, liabilities for natural resource damages that could substantially increase our costs for site remediation projects. Accordingly, we cannot assure you that our current reserves are adequate to cover all future liabilities, even for currently known contamination.”

Even if environmental issues with crude oil pipelines were infrequent, the possibility ETP might not have the financial wherewithal to fund the cleanup of a spill in Iowa is just too great of a risk. Iowa Code only requires \$250,000 of liability insurance for hazardous liquid pipelines projects. This could put state and federal taxpayers on the hook for initial clean-up costs, and take federal negotiators and potentially court systems years to recoup that money.

Dakota Access has estimated 2,000 to 4,000 temporary jobs will be created by the project, but independent economists have said that number is inflated. The number of one to two-year jobs does not compare to the steady employment renewables have brought to the region. Newton has become a hub for a growing wind energy industry in Iowa. The state currently generates nearly 30 percent of its power from wind, according to the U.S. Department of Energy, and wind energy manufacturing jobs employ approximately 1,000 workers in Jasper County alone.

Supporting an aging form of energy that will be in direct competition with a growing Iowa-based industry and a growing employer is not in the best interest of the state. The energy derived from wind also produces no greenhouse gas emissions, while the energy taken from burning Bakken crude will contribute to the growing problem of climate change.

Many industry analysts, state and federal lawmakers and regular Iowans will be watching the IUB proceedings and weighing heavily on their ultimate decision. Oil use is not going away overnight and

safe transport from existing wells is important — but 50 years of pumping more crude oil underneath America's breadbasket is just too big of a risk for Iowa and the country.

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BOONE COUNTY, IOWA
RESOLUTION OF THE BOARD OF SUPERISORS
RESOLUTION NO 2015-33

A RESOULTION OPPOSING THE PERMITTING AND CONSTRUCTION OF THE DAKOTA ACCESS LLC PIPELINE IN BOONE COUNTY AND REQUESTING THAT THE IOWA UTILITIES BOARD DENY THE REQUEST TO ISSUE SAID PERMIT FOR THE STATE OF IOWA.

WHEREAS, Dakota Access LLC is proposing to construct a crude oil pipeline from North Dakota through Iowa that will cross a portion of Boone County, Iowa and

WHEREAS, crude oil pipelines may leak, causing massive spills that impact water, farmland, wildlife and quality of life for perpetuity and

WHEREAS, oil pipeline spills in other locations have resulted in remediation costing millions, and even billions of dollars, and

WHEREAS, Iowa law currently requires only \$250,000.00 surety bond from Dakota Access as indemnity for damages resulting from the construction or operation of the pipeline, and even surety 10 times that amount would not be sufficient to cover the cost of remediation for the spill, and

WHEREAS, Boone County does not have the resources for first responders and other resources needed to protect people and property from a pipeline spill, and

WHEREAS, a permit from the Iowa Utilities Board would authorize Dakota Access to take property by eminent domain for a private enterprise that provides no benefit to Boone County or the State of Iowa.

NOW, THEREFORE, BE IT RESOLVED by the Boone County Board of Supervisors of Boone County, Iowa, that Boone County Board of Supervisors is opposed to the permitting and construction of the proposed pipeline by Dakota Access in Boone County.

BE IT FURTHER RESOLVED that the Boone County Board of Supervisors of Boone County, Iowa strongly urge that the Iowa Utilities Board deny the request of Dakota Access to construct the proposed pipeline as described above in Iowa.

Dated this 21st day of October, 2015

Chet Hollingshead
Shirley Ruffing
Thomas F. [unclear]

NEWTON DAILY NEWS

Say no to the Bakken pipeline

Published: Thursday, July 16, 2015 11:25 a.m. CDT

We, the undersigned, care deeply about leaving our precious farmland, water and world better than it is, for our children and future generations. So, we have concerns about the proposed Bakken Oil pipeline. We are less concerned with politics than with the process and ramifications of the proposed project.

Concerns:

1. **TRUST:** Bakken and its contractors have used scandalous tactics to secure easements. Will those in control of this pipeline keep their agreements?! Will they conduct business in a responsible manner? Their tactics indicate no.
2. **PRESUMPTION:** The stockpiling of pipe northeast of Newton, prior to any official approval, is a red flag. Is the project already a go but, we, the affected public and landowners, know nothing? Taxpayers don't deserve to be left with the financial fallout, when (not if) something goes wrong.
3. **LEAKS:** Oil and gas pipelines leak; it is irresponsible to knowingly risk the health of our land, water and our children's natural legacy. One need only Google pipeline leaks and accidents to learn of the many accidents and spills. Solution: stop incentivizing dirty energy technologies; incentivize renewable solar and wind.
4. **EMINENT DOMAIN:** How is the greater good being served? Why should Iowans accept the taking of our lands for the gain of a few stockholders, especially when so much is at risk? We must demand that businesses and individuals act as responsible and attentive land stewards.
5. **JOB:** The potential of 25 full-time jobs in Iowa after 2-year construction period is not nearly enough long-term gain to justify the possible irreversible damage to our farmland and watersheds. And, where is this dirty crude oil bound? Illinois, then on to markets overseas! Iowans care enough to take the long view, not indulge in short-term thinking.
6. **PRECAUTION:** Those with monetary interests are not the only stakeholders in this proposed project. Our Iowa waters are already severely stressed from contaminants; the Bakken Pipeline would cut across EVERY major watershed in Iowa.

-continued-

We respectfully request that our elected officials and the Iowa Utilities Board hear our cries for common sense. Please say no to the Bakken Oil pipeline. We Iowans are resourceful enough to figure out how to finance our budgetary needs, create jobs, conduct business and serve our citizens without damaging the very land and water that sustains us.

Concerned citizens and property owners of greater Jasper County, Iowa: William H. Alexander, Lynn Anthony, Gene Bryant, Linda Bryant, Judith Dailey, Steve Dailey, Michael Eakins, William R. Edgar, Marie Frimml, Jon Ham, Kathy Holdefer, Tom Holdefer, Harold Keller, Richard Koehler, Carol Kramer, Elaine Mattingly, John Mattingly, Susan Murphy, Cindy Pollard, James Robinson, Kim Routh, Susan Storms, Carla Thompson, Gary Thompson, Stacy Thompson, Tyra White, Daniel G. Wickliff, Deana Williams

Boone County supervisors vote no on Bakken pipeline



William Petroski, bpetrosk@dmreg.com 12:36 p.m. CDT October 23, 2015

The Boone County Board of Supervisors has voted 3-0 to oppose the proposed Bakken oil pipeline, which would slice diagonally through the county's corn and soybean fields while transporting up to 570,000 barrels of crude oil daily from North Dakota to Illinois.

The resolution approved Wednesday asks the Iowa Utilities Board to deny a state permit to construct the pipeline, citing concerns about "massive spills" that could impact water, farmland and wildlife, and opposition to the use of eminent domain to obtain easements on private land for the project.

"We are looking to protect private property rights," said Supervisor Tom Foster of Ogden, who authored the resolution. "We think eminent domain is being misused here, and I don't think any county in Iowa has the resources to respond if we would ever have a hazardous spill. We are just trying to protect our people."

The pipeline is proposed by Dakota Access, LLC, a unit of Dallas-based Energy Transfer Partners.

Foster said Iowa law currently requires only a \$250,000 surety bond for damages resulting from the pipeline, while the costs of cleaning up an oil spill would be far greater. He also said property owners are worried that even if they oppose the pipeline they could ultimately be held responsible in court for financial damages in the event of a pipeline spill.

The Iowa Utilities Board has scheduled up to 11 days of hearings on proposed pipeline plans, starting Nov. 12, and is expected to make a decision on the project sometime in December or January. The pipeline would pass 343 miles through 18 Iowa counties.

Dakota Access has defended the safety of the project, saying that once constructed, the pipeline will include numerous safety features. These will be increased, particularly in terms of thickness of the pipe and location and frequency of remotely controllable valves, in sensitive areas such as rivers, officials said.

Iowa Citizens for Community Improvement, a citizens advocacy group, issued a statement praising the Boone County Board of Supervisors for their resolution and called upon officials in other Iowa counties to adopt similar resolutions.

"I'm proud of the Boone County Supervisors for taking a stance to protect Boone County residents and the health of our soil and waterways for present and future generations," said Mark Edwards, an Iowa CCI member from Boone County.

Bill Gerhard, president of the Iowa State Building & Construction Trades Council, which sees the pipeline project as an economic opportunity for Iowa construction workers, contends property owners shouldn't be worried about pipeline spills.

"We have thousands of miles of pipeline going underneath Iowa right now. It is a rare occasion now when any of them leak. So using safety is a red herring to me," Gerhard said.

Research by The Des Moines Register last year showed that while the state has avoided large-scale disasters, Iowa has had 100 pipeline spills since 2004, with a majority of the accidents involving anhydrous ammonia and propane. Other products involved in Iowa pipeline accidents over the past decade have included natural gas, gasoline, diesel fuel and butane, according to state and federal records.

The Gazette

Eminent domain sought for one-third of Iowa land on Bakken pipeline

B.A. Morelli, *The Gazette*

OCTOBER 18, 2015 | 5:00 AM

FREMONT — Bill Alexander gets emotional walking out to the farm fields where the proposed 1,134-mile, 30-inch-in-diameter Bakken crude oil pipeline would run down the middle of the property.

Alexander fears oil spills, long-term damage to nutrient-rich soil and turning his back on the livelihood that's supported four generations of his wife Pam's family, future generations and their retirement.

"People say the pipeline will create jobs," said Pam Alexander. "This land has been giving people jobs already, but that doesn't seem to matter."

The Alexanders said they rejected easement bids that scaled from \$5,900 an acre to \$16,000. They won't negotiate. They aren't selling.

But they might not have a choice.

Resistance has been vocal to the pipeline that would cross 343 miles through 18 Iowa counties — much of it fertile farm ground — but official filings suggest most landowners already are on board.

On Thursday, protesters presented 1,000 new letters to state regulators from landowners, environmentalists, personal property activists and others. Earlier in the week, the Sierra Club filed critical testimony from climate change experts at Iowa State University, the State Archaeologist and water and land scholars.

Letters of opposition outnumber support four-to-one. And supporters, such as trade unions and business groups, are questioned for being from out of state or having a financial gain in the estimated \$3.78 billion project, including \$1.1 billion in Iowa.

Two-thirds of landowners signed

Despite the outcry, between 63 and 69 percent of landowners have signed easements — an agreement to cross their land — with pipeline developer Dakota Access, the subsidiary of Texas-based Energy Transfer Partners, according to information from the company and the Iowa Utilities Board. The board must decide whether the hazardous liquid pipeline will promote public convenience and if it is a necessity.

The pipeline would pump up to 570,000 barrels of oil per day from the Bakken and Three Forks region of North Dakota through South Dakota and Iowa to a terminal in Patoka, Ill. Dakota Access said it will bring at least 4,000 construction jobs to Iowa, and \$55 million a year in property tax revenue, plus additional sales and income taxes.

Dakota Access needs 50-foot-wide permanent easements and a temporary construction easement of up to 150 feet for the pipeline. The pipe would be buried at least three feet deep, and at least four feet deep for agricultural land.

The eased land would be returned to farmers but could be less productive, and would have limited future use, such as for development, landowners such as the Alexanders said.

Dakota Access is asking the Utilities Board to allow eminent domain to take, at market value, up to 475 parcels from resistant landowners, which is about 37 percent of the needed 1,295 Iowa parcels, according to the board.

A Dakota Access spokeswoman said additional agreements are being signed daily, and the company still needs to sign 31 percent more of the Iowa land it requires to reach its goal.

Public hearings to consider eminent domain and the pipeline as a whole are scheduled to begin Nov. 12 for public comment and Nov. 16 for evidence. The board intends to schedule specific parts of the hearing by county, so affected landowners don't have to attend the entire hearing, board spokesman Donald Tormey said.

'Done Deal'

Some believe the pipeline either is a foregone conclusion, despite the lack of a ruling, or Dakota Access is trying to create that impression.

Stacks of pipes — enough for hundreds of miles of pipeline — are stockpiled east of Newton in a parcel registered to Jim LaPlant, chief executive of the Central Iowa Water Association.

LaPlant did not return a message seeking comment for this story.

Dakota Access said it intends to buy the pipe from the procurement company that brought it in. It also has announced awarded construction contracts, including to Michels Pipeline, which has a field office in Cedar Rapids, and commitments exceeding \$200 million to Caterpillar, John Deere and Vermeer for heavy construction and related equipment.

“Dakota Access wants to create an impression this is a done deal,” said State Rep. Dan Kelley, D-Newton. “It is easier for Dakota Access to negotiate those contracts with the public impression this is a done deal.”

“We respect the IUB’s process and look forward to the public hearings that have been set for November, which will provide us another opportunity to present our plans to ensure the safe construction and operation of our pipeline,” Dakota Access spokeswoman Vicki Granado said,

The company intends to begin construction in first quarter 2016, with the pipe to be operational by the end of the year.

Board won’t be swayed

The Utilities Board said Dakota Access is taking a gamble.

“The board has not yet heard the evidence or made a decision on the permit application, so this is not a “done deal,” board spokesman Tormey said. “The company has apparently made a business decision to purchase and stockpile the pipe, but that act will not affect the board’s decision in any way, and Dakota Access does so at their own risk.”

The board hopes to rule on eminent domain and the permit request in December or January. County compensation commissions would handle eminent-domain proceedings, Tormey said.

The Andersons and other landowners said land agents negotiating for their easements have tried to perpetuate the notion the project is a foregone conclusion.

“They told us if we didn’t sell, it would be taken by eminent domain,” said Dick Lamb, who owns family farmland in Boone County but lives in Iowa City. “They are treating this as a

presumption that they have the right to take our land and we have to defend why we want to keep it.”

Lamb is part of a lawsuit filed in Cherokee contesting the Utilities Board’s authority to grant eminent domain powers to a private developer. A decision is expected later this month. Additional regulatory approvals

Even if the Utilities Board rules in favor of Dakota Access, the company has several other hurdles.

Rock Island, Ill., St. Louis and Omaha districts of the Army Corps of Engineers are being asked to permit the pipeline to pass under waterways, in compliance with the Clean Water Act and the National Environmental Policy Act. Seventeen crossings initially were identified for review, but as more detailed information has been developed, approximately 100 crossings within the Rock Island district alone were specified as needing review by the Corps, said Donna Jones, regulatory section chief at the Rock Island district.

The Corps requested Dakota Access provide additional information more than a year ago about endangered species and cultural resources, Jones said. The two parties keep regular contact, and information is coming in, but the agency is still waiting for the rest, she said. The Corps will have 60 days to review and finalize a decision once the submission is complete, she noted.

Most of the 1,500 to 2,000 permit requests per year are granted, although this is much larger in scope than most, she said.

“Given their urgency to get the project started, yes, it is unusual to not get their information,” Jones said. “But there is a lot of work to get done in order to develop the information.”

The pipeline path is proposed to pass through three miles of state-owned land in Story County belonging to Iowa State University, and another short section in Buena Vista County.

The Story County land is used for research, demonstration and educational purposes and managed by the ISU Research and Demonstration Farms system and Allee Memorial Demonstration Farm in Buena Vista, according to Warren Madden, ISU vice president for business and finance.

“ISU is awaiting Iowa Utilities Board action and has no official position on the proposed project,” he said in a statement, noting any action would be subject to approval by the Iowa Board of Regents and review by the Iowa Attorney General’s Office.

Josh Lehman, a spokesman for the Regents, said the board hasn’t received any official information and will wait to make any judgment.

Iowa State campus groups have urged the university to block the pipeline.

Steve Gent, Iowa Department of Transportation director of traffic and safety, said each affected location under Iowa DOT jurisdiction has been reviewed and found acceptable. Once Dakota Access have approval from the IUB, the Iowa DOT will approve the utility crossing permits, so pipeline installation can occur.

There are 34 crossing DOT needs to permit. Any traffic disruptions would be minimal because the DOT would require “directional borings” under the roadway, which won’t affect pavement.

The Iowa Department of Natural Resources would need to grant a construction permit for 1,500 feet in the Big Sioux Wildlife Area, 100 feet for Big Sioux River, 410 feet to go under the Des Moines River in Boone County, and 2,490 feet to build under the Mississippi River, Iowa DNR spokesman Kevin Baskins said.

The Iowa DNR also would need a permit from the U.S. Fish and Wildlife, which the Iowa DNR is seeking, Baskins said. Dakota Access may be required to pay mitigation costs if trees need to be removed, he said.

“We haven’t issued anything yet,” he said.

Tormey of the Utility Board said eminent domain can’t be used on public land.

November 3, 2015

Tuesday, November 3, 2015 the Jasper County Board of Supervisors met in regular session at 9:30 a.m. with Supervisors Carpenter and Stevenson present and accounted for; Chairman Carpenter presiding.

Building and Grounds Director, Adam Sparks, presented the Board with quotes for new tile flooring for Dispatch at the Jasper County Law Enforcement Center. They are as follows:

Dennis Elliott Installations	\$5,077.00
The Floor Store	\$4,672.60
Phillips' Floors	\$5,605.63

Motion by Stevenson, seconded by Carpenter to accept the quote from The Floor Store in the amount of \$4,672.60 for new tile flooring for Dispatch at the Jasper County Law Enforcement Center.

YEA: STEVENSON, CARPENTER

Sheriff John Halferty asked the Board to approve an agreement between Iowa Alcoholic Beverages Division (ABD) and Jasper County Sheriff. This allows the Department to perform compliance checks of each tobacco, alternative nicotine and vapor product permit holder within Jasper County. The County will receive \$50 per reported compliance check.

Motion by Stevenson, seconded by Carpenter to approve the agreement between Iowa Alcoholic Beverages Division (ABD) and Jasper County Sheriff.

YEA: STEVENSON, CARPENTER

Motion by Stevenson, seconded by Carpenter to approve Board of Supervisors minutes for October 27, 2015.

YEA: CARPENTER, STEVENSON

There was no new information pertaining to the Jasper County Care Facility demolition.

Motion by Carpenter, seconded by Stevenson to appoint the following:

Jerry Nelson – Veteran Affairs Board

Herb Scott – Zoning Board of Adjustment, replacing William Zylstra

YEA: STEVENSON, CARPENTER

Motion by Stevenson, seconded by Carpenter to adjourn the Tuesday, November 3, 2015 meeting of the Jasper County Board of Supervisors.

YEA: CARPENTER, STEVENSON

Melissa Hartgers, Deputy Auditor

Denny Carpenter, Chairman