

It seems we are beginning to understand how big and impactful the Gregory County Pumped Storage would be. But how to defeat it has still not been clearly communicated. As much as we want our congressional delegation or state officials to do something, none of them have the power to circumvent the process that has been set up. As much as we want everyone to be on our side, there is currently no election and no legislation to vote on. It is not a matter of public opinion. Therefore, we need to understand how the process works.

There appears to be several overlapping phases: FERC licensing, US Army Corps of Engineers approval, and South Dakota Public Utility Commission (PUC) siting. Once these phases are complete, the land procurement process begins.

One way to understand the FERC (Federal Energy Regulatory Commission) licensing process is to imagine this as a court case. The six FERC Commissioners act as the judge. The energy companies (Western Minnesota Municipal Power Agency, Missouri River Energy, & MidAmerican Energy) are the plaintiff. The citizens against the pumped storage project are the defendants. Over the next couple years, both sides will be building their case. The studies, land and animal surveys, and models will be the evidence. At the end (currently targeted for 2026), the judge will give the verdict—license or no license.

Our job right now is to find the “witnesses” who will help us build our case. Who has a stake in this project? For example, Randall Community Water District is one. The tribes are another. The county commissioners, the affected towns, the fishing associations, the campground owners, the environmental groups, the people with buried family members in the affected area — all of these parties need to know about this project and be thinking about what studies are needed so that we can adequately gather the evidence we need to oppose this project.

That evidence itself might be geological. Certainly, it concerns such things as water resources, fish, wildlife, and wetlands. Maybe it has to do with the recreation or aesthetics of the area. It undoubtedly pertains to the cultural and socio-economic aspects of this project.

Unlike a criminal court case, there are no surprise “gotcha” moments in this case. Suppose we don’t bring forth the concerns now. If we try to bring them up in two years, FERC will ask why we didn’t mention them before. The deadline for requesting studies is October 26, 2022. It is imperative that we are thinking and acting now.

If we are unsuccessful in stopping FERC from issuing a license, the land taking begins. The energy companies have five years from the date they obtain the license to get the property rights from landowners in the project. This can be accomplished by making purchase offers or by using eminent domain through a jury trial. If they don’t get the land rights within those five years, they lose their license. One person, or even several people, selling his/their land will not signal the end of the fight. As landowners, we will have to decide at that time if we continue the battle.

In closing, we reiterate that it is critical that we now do what we can to identify our key “witnesses.”

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