

# State of South Dakota

NINETY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 2017

376Y0559

## SENATE CONCURRENT RESOLUTION NO. 10

Introduced by: Senators Killer and Heinert and Representatives Lesmeister and Bordeaux

1 A CONCURRENT RESOLUTION, Recognizing South Dakota's need to protect and preserve  
2 the clean waters of the Missouri River and expressing opposition to the Dakota Access  
3 Pipeline.

4 WHEREAS, the Missouri River is the lifeblood of the State of South Dakota, providing  
5 fresh potable water for dozens of rural water systems and municipalities within the state; and

6 WHEREAS, from these water systems, tens of thousands of South Dakotans and hundreds  
7 of thousands of domestic livestock and wildlife receive their life-sustaining clean water; and

8 WHEREAS, the Missouri River is also the foundation of a thriving outdoor recreational  
9 economy for the state, providing a haven for abundant fish and wildlife resources that attract  
10 fisherman and hunters from throughout the country; and

11 WHEREAS, the Missouri River is one of the last pristine bodies of water in the United  
12 States, serving as a testament to a strong state environmental policy that preserves and protects  
13 clean, fresh water; and

14 WHEREAS, with the proposal of the Dakota Access Pipeline, the increasing hunger for the  
15 fossil fuels being extracted in western North Dakota is now encroaching into South Dakota's



1 Missouri River water supply; and

2 WHEREAS, the Dakota Access Pipeline, if built, would cross the Missouri River at Lake  
3 Oahe less than forty miles from South Dakota's northern border; and

4 WHEREAS, the pipeline, as proposed, would be the longest crude oil pipeline ever built  
5 under a freshwater body in the world; and

6 WHEREAS, in order to lay a pipeline such as the one proposed under the Missouri River  
7 at Lake Oahe, the contractor must ream out a 48-inch hole down vertically for 92 feet, then  
8 horizontally for approximately 1.5 miles, and then pull a 30-inch diameter pipe around two  
9 corners (at the entry and exit points) and all the way through the bore hole; and

10 WHEREAS, by its very nature, this process creates a real risk of stress fractures on the pipe  
11 under the surface of the earth because the 7,800 feet of steel pipeline will literally be stretched  
12 like an elastic rubber band; and

13 WHEREAS, it is inevitable that some of this pipeline will be damaged, which means that  
14 damaged pipeline will be installed 92 feet under the fresh waters of the Missouri River at Lake  
15 Oahe; and

16 WHEREAS, once installed, and despite the use of best available technology, it will be nearly  
17 impossible to detect or remedy a leak from the damaged pipe; and

18 WHEREAS, subsurface pipeline leaks 92 feet under the bed of the Missouri River would  
19 be complicated if not impossible to clean up and would likely have significant impacts on the  
20 soils and on the Hall Creek and Fox Hills aquifers underlying Lake Oahe; and

21 WHEREAS, because of the costs and effort that would be needed to repair or replace a  
22 ruptured or damaged pipeline section, it is likely that any spill would be allowed to remain, and  
23 the pipeline would simply be abandoned in place, leaving any remaining crude oil to leak into  
24 the pristine waters of Lake Oahe on the Missouri River; and

1       WHEREAS, Lake Oahe on the Missouri River has a freshwater treatment plant, but the plant  
2 has no ability to treat benzene originated from a crude oil spill; and

3       WHEREAS, over the last twenty years, (1995-2014) there were 10,884 pipeline incidents  
4 in the United States, or an average of 1.5 incidents per day. This included 5,599 "significant"  
5 pipeline incidents or leaks, which equals two serious events every three days. Based on  
6 historical facts, the likelihood of the Dakota Access Pipeline rupturing sometime in the future  
7 is almost certain; and

8       WHEREAS, any leakage of crude oil into a large body of water such as the Missouri River  
9 and its underlying soils and aquifers would have catastrophic effects on the nature and  
10 environment downstream from the spill, including human consumption, agricultural use,  
11 domestic and wildlife animal consumption, and recreational use:

12       NOW, THEREFORE, BE IT RESOLVED, by the Senate of the Ninety-Second Legislature  
13 of the State of South Dakota, the House of Representatives concurring therein, that the  
14 Legislature recognizes the entire state's dependence on the Missouri River for clean drinking  
15 water, for the economic benefits of its recreational use, and for the healthy natural ecosystem  
16 it supports; and

17       BE IT FURTHER RESOLVED, that the Legislature needs to ensure that the waters of the  
18 Missouri forever remain pristine and free from pollutants, including those that may happen  
19 upstream in other states; and

20       BE IT FURTHER RESOLVED, that because of the threat to the Missouri River posed by  
21 the construction and operation of one of the largest and longest crude oil pipelines under a fresh  
22 water body in the world, the Legislature hereby declares its opposition to the Dakota Access  
23 Pipeline; and

24       BE IT FURTHER RESOLVED, that the secretary of state transmit duly authenticated copies

1 of this resolution to the speaker and clerk of the United States House of Representatives, to the  
2 president pro tempore and secretary of the United States Senate, and to the members of the  
3 South Dakota Congressional delegation.