



Written by [Rebecca Terrell](#) on August 6, 2025

Could New Legislation Threaten Federal Carbon Capture Land Grab?

A new bill, H.R. 4135, introduced by Rep. Dusty Johnson (R-S.D.) could bypass state restrictions on eminent domain, opening the door for carbon capture pipeline projects, according to pipeline fighters in the state. Despite South Dakota voters rejecting carbon capture last year, federal subsidies still drive private companies to push these controversial projects.

At first glance, the bill seems harmless, just encouraging states to participate in a federal permitting dashboard. But it affects the Clean Water Act, and carbon capture pipelines could be considered “covered projects” under its scope. This would allow carbon pipeline companies to fast-track permits that require both state and federal approval.

Though the bill doesn’t mandate participation, it could undermine local control by streamlining the review process through federal oversight, bypassing state authority. This echoes efforts like RL21 (SB201), which South Dakotans overwhelmingly rejected in 2024, voicing their desire to keep local control over such projects.

Earlier, a provision in another bill sought to grant federal eminent domain for carbon pipelines, but after South Dakota legislators raised concerns, it was removed. Still, H.R. 4135 raises fears that federal preemption could eventually override state control.

South Dakota farmers, ranchers, and landowners have fiercely fought to protect private property rights and local control, urging Rep. Johnson to withdraw this bill.

Helpful links:

Amanda Radke’s original video explaining the dangers of H.R. 4135:

<https://www.facebook.com/reel/1293498842190625/?rdid=n9qxviab1Lup2K27>

U.S. Rep. Dusty Johnson’s response lambasting Amanda Radke:

<https://x.com/RadkeAmanda/status/1950526430233694473>

S.D. Senator Mark Lapka’s white paper: <https://x.com/RadkeAmanda/status/1950389309623652541>

Hub City Radio: <https://hubcityradio.com/reactions-to-congressman-johnsons-billhr4135/>

Dakota News Now:

<https://www.dakotanevsnw.com/2025/07/31/landowners-question-hr-4135-carbon-pipelines/>

H.R. 4135: <https://www.congress.gov/bill/119th-congress/house-bill/4135/text>





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Contact Senator Lapka at mark.lapka@sdlegislature.gov

Amanda Radke's website: <https://amandaradke.com/>

Heart of Rural America: <https://amandaradke.com/blogs/the-heart-of-rural-america>

CONTACT YOUR CONGRESSMAN HERE: <https://thefreedomindex.org/>



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