

2023 SENATE ENERGY AND NATURAL RESOURCES

SB 2209

2023 SENATE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Peace Garden Room, State Capitol

SB 2209
1/27/2023

A bill relating to eminent domain and carbon dioxide pipelines; and to declare an emergency.

10:20 AM Chairman Patten opened the meeting.

Present are Chairman Patten, Senators Kessel, Kannianen, Boehm, Beard, and Magrum.

Discussion Topics:

- Carbon transfer
- Landowner rights
- Easements
- Pipeline routes
- Pipeline setbacks

10:20 AM Senator Margrum introduced the bill and provided written testimony #17418.

10:23 AM Todd McMichael testified in support of the bill and provided written testimony #16357.

10:28 AM Gaylen Dewing spoke in favor of the bill.

10:40 AM Anne Bernhardt spoke in favor of the bill.

10:46 AM Susan Doppler testified in favor of the bill and provided written testimony #17265.

10:50 AM Dan Frank gave oral testimony in favor of the bill.

10:52 AM Aaron Magrum, Chairman Emmons County Commission, spoke in favor of the bill.

11:00 AM Troy Coons, Chairman of the Northwest landowners Association, testified in favor of the bill and provided written testimony #17759.

11:05 AM Derrick Braaten, Legal Counsel, Northwest Landowners Association spoke in favor of the bill.

11:13 AM Adam Dunlop, North Dakota Ethanol Producers Association, testified opposed to the bill and provided written testimony #17235.

11:24 AM Ronn Ness, North Dakota Petroleum Council, spoke in opposition to the bill.

11:32 AM Goeff Simon, Western Dakota Energy Association, spoke opposed to the bill.

11:37 AM Keith Kessler, farmer rancher, testified opposed to the bill and provided written testimony #17301.

11:00 AM Jason Bohrer, Lignite Energy Council, testified opposed to the bill and provided written testimony #17311.

11:42 AM Charlie Adams, Manager of Agriculture and Stakeholder Relations for Summit Carbon Solutions testified in opposition to the bill and provided written testimony #17246.

11:49 AM Jeff Skaare, Summit Carbon Solutions, Sequestration Director, gave oral testimony.

11:56 AM Chairman Patten called a recess and held the public hearing open.

Additional written testimony:

Brady Pelton #17383

Doug Sharbono #17371

Bruce Speich #17353

David Degenstein #17343

Constance Erickson #17327

Greg Schonert #17322

Jessica Pulver #17309

Bill Breimeier #17294

John Warford #17272

Johua Teigen #17177

Charles Doppler #17167

Jennifer Warford #17148

Ryan Carter #17134

Connie Erickson #16989

Randall Waloch #16937

Adrea Rode #16902

David Moch #16894

Teresa Yarlott #16819

Jeffrey Morris #16817

Daniel Morris #16792

Roberta Klusmann #16788

Jerry Waswick #16765

Marilyn Bryan #16711

Kevin Bernhardt #16576

Diane and Loran Staroba # 16360

Dan and Sue McLean #15847

Paul Brown #15737

Lori Klubunde #15734

Cheryl and Larry Stockert 15634

Lon Klusmann #15490, 15591, 16226,

Juliea Stramer 14895

11:56 AM Chairman Patten closed the meeting.

Rick Schuchard, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Peace Garden Room, State Capitol

SB 2209
2/10/2023

A bill relating to eminent domain and carbon dioxide pipelines; and to declare an emergency

4:15 PM Chairman Patten opened the meeting.

Chairman Patten and Senators Kessel, Kannianen, Boehm, Beard and Magrum are present.

Discussion Topics:

- Committee action

4:18 PM Senator Magrum moves to adopt amendment change language from 85% to 75%.

4:21 PM Motion fails due to a lack of a second.

4:22 PM Senator Kannianen moves to Do Not Pass the bill. Motion seconded by Senator Kessel.

4:22 PM Roll call vote was taken.

Senators	Vote
Senator Dale Patten	Y
Senator Jeffery J. Magrum	N
Senator Todd Beard	Y
Senator Keith Boehm	Y
Senator Jordan L. Kannianen	Y
Senator Greg Kessel	Y

Motion passes 5-1-0.

Senator Kannianen will carry the bill.

This bill does not affect workforce development.

4:23 PM Chairman Patten closed the meeting.

Rick Schuchard, Committee Clerk

REPORT OF STANDING COMMITTEE

SB 2209: Energy and Natural Resources Committee (Sen. Patten, Chairman) recommends **DO NOT PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2209 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

TESTIMONY

SB 2209

Committee Members

This is in support of **SB 2209**, which sets the eminent domain threshold to 85% of landowners as it relates to CO2 pipelines.

Summit Carbon Solutions is wanting to cross through our cropland with a pipeline that serves no useful purpose or benefit to mankind.

The first easement contract that we received from Summit Carbon Solutions in July of 2021 was an insult regarding compensation and terms. After taxes, my compensation amount figured to about \$23.00 per year for 99 years. That amount would not even cover our legal fees. We also received a letter from a Summit Carbon Solutions lawyer stating that we would be sued if we did not allow entrance to our property.

The whole project is a federal money grabbing boondoggle. It is a make-work "Green Deal" invention for a select group of self serving bureaucrats in order to become billionaires at landowner's expense.

As we are minding our own business, working our fields, and being good stewards of our land, we now find ourselves buried in paperwork and meetings, and paying a lawyer every month.

CO2 is a hazardous material that is dangerously unregulated in a pipeline. Untested with no previous pipeline history to learn from, Summit Carbon Solutions is planning to cross 5 states in order to store the CO2 underground in ND. Has ND become the dumping ground for the country? What will the future of ND look like if we allow this to happen? Do we really own our property?

Our land is a 4th generation owned property. We do not want it to be held hostage for next 99 years. My children and grandchildren should have the right use, protect, and better the land as they see fit without a toxic pipeline cutting through it.

We are asking you to help leave the landowners alone so that we are free to produce food.

Please vote **YES** on **SB 2209**.

Thank you for the consideration.

Julia Stramer
Hazelton, ND
Emmons County

Testimony in Support of Senate Bills 2212 and/or 2209

My name is Lon Klusmann,

My testimony is on behalf of 8N2E properties LLP

Since I don't have all the words to properly articulate the many reasons, (legal, moral, ethical) as to why I oppose Summit Carbon Solutions and the State of North Dakota from implementing eminent domain to take my family's private property.

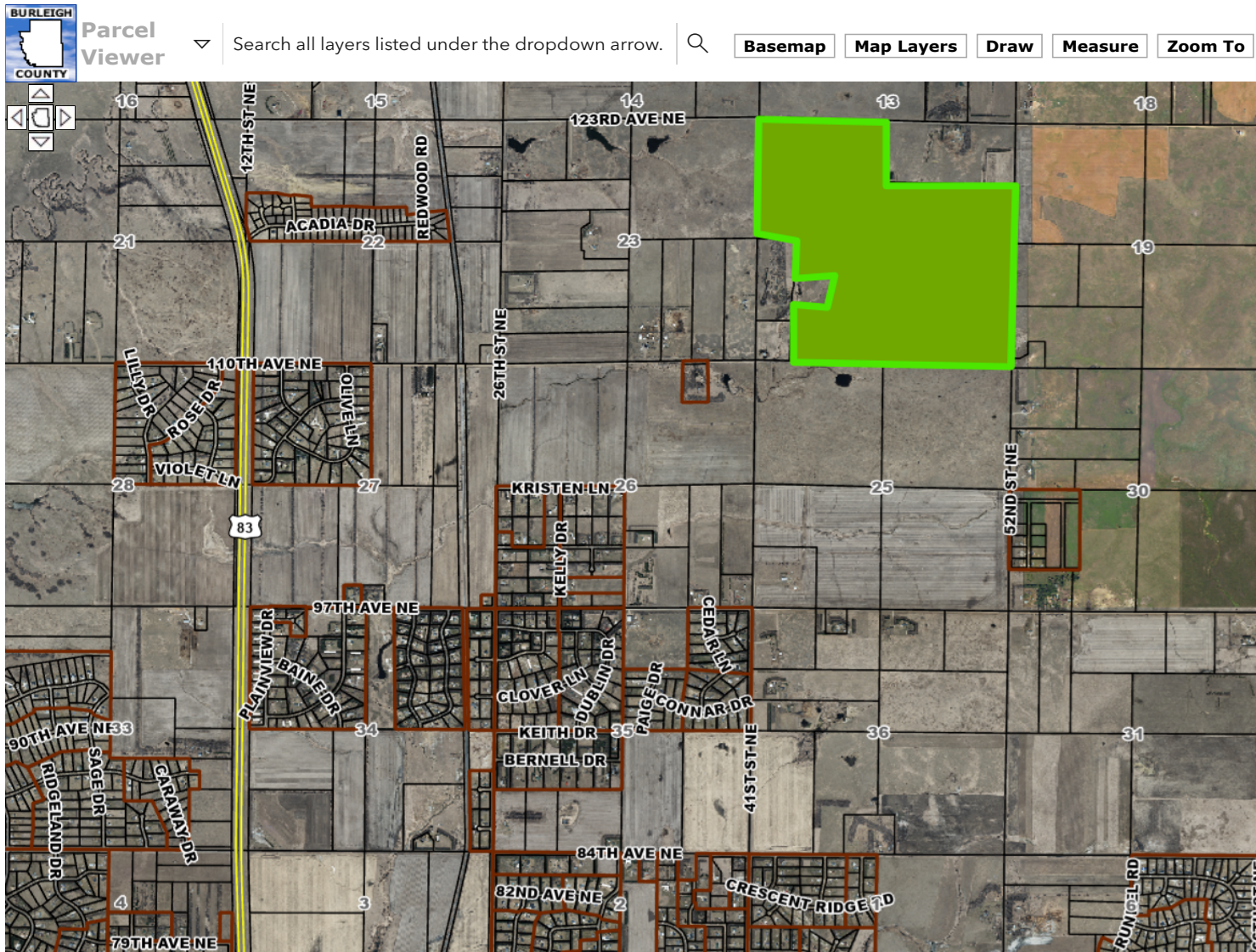
The Prophet Micah, Chapter 2:1-3

“Woe to those who plan iniquity, they covet fields, and seize them; houses, and they take them;

They cheat an owner of his house, a man of his inheritance.

Therefore, thus says the LORD:

Behold, I am planning against this race an evil from which you shall not withdraw; Nor shall you walk with head high, for it will be a time of evil.



Testimony in Support of Senate Bill 2209
Senate Energy and Natural Resources Committee

Mr. Chairman and members of the Committee, we are Larry and Cheryl Stockert, and live North of Bismarck in Burleigh County. We support Senate Bill 2209 because:

1. An 85% landowner agreement threshold is appropriate in the case of carbon dioxide pipelines. Ensuring landowner's safety and rights to their land is critical. North Dakota needs to do this right; doing it right does not mean taking our citizen's land without their consent.
2. Boards of County Commissioners in North Dakota should be given authority to enact a higher percentage of landowner's consent for carbon dioxide pipeline easements.
3. Carbon dioxide pipeline technology, which transports deadly hazardous liquid material, is in its infancy with superficial safety regulations. Large diameter carbon dioxide pipelines have not been independently and scientifically proven safe. Eminent domain would be equivalent to a private corporation playing Russian Roulette with our lives and the lives of anyone within the identified "Kill Zone". The U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration (PHMSA) is currently developing new safety regulations as existing regulations are not adequate. PHMSA stated, "The safety of the American people is paramount and we're taking action to strengthen CO₂ pipeline safety standards to better protect communities, our first responders, and our environment."

Let's "do it right" for all, not just for corporations! We are asking for a YES vote on Senate Bill 2209.

Thank you for the opportunity to comment.

Larry and Cheryl Stockert

January 23, 2023

Senate Energy and Natural Resources Committee Members:

I am writing to ask you to please support Landowners with respect to the Carbon Dioxide Pipeline. More specifically, I'm asking you to vote in favor of SB 2209. As you know, this Bill sets the eminent domain threshold to 85 percent of landowners as it relates to CO2 pipelines--- with the option for County Commissioners to set the threshold even higher. Your support gives North Dakota landowners a stronger voice and better negotiating power with Summit Carbon Solutions.

The safety of this pipeline remains in question, and I urge you to seek up-to-date, accurate and non-biased information regarding CO2 pipeline safety. The current route traverses very close to homes and is also in the direct path of Bismarck's northward development. A leak in the pipeline could be devastating and the current route will stifle Bismarck's northward growth. Even with these safety concerns in mind, I do not completely oppose the pipeline. I am in support of efforts to enhance the energy industry in North Dakota by utilizing technology such as carbon capture. My son works in the Energy Industry and this technology will provide job security and build a stronger economic picture for Energy in North Dakota. I just believe the process and route need to be more carefully scrutinized.

I do, however, oppose the tactics, inflexibility, and strategy of Summit Carbon Solutions. They have been very difficult to work with. I am a landowner in Burleigh County whose land is affected by Summit Carbon Solutions current pipeline route. I own 40 acres north of Bismarck. I purchased this land in 2001 with the intent of development. I initially signed an easement with Summit in March of 2022 and was proud to support the Energy Industry in North Dakota. The easement and route would have allowed me to proceed with development as I had planned. Since then, Summit has changed their route twice. These changes were not requested by me. The current route is unacceptable and completely bisects my 40-acre plot and makes it impossible to consider future development (see attached pipeline route picture). A route like their initial route would have allowed me to develop my land as I had intended. On numerous occasions, I have requested a change in the route, only to be denied. This calls into question their stated commitment to work with landowners to agree to a suitable route. That has not been my experience. If they have truly made "2800 route adjustments based on feedback from landowners", why can't they make 2801? I ask that you not be persuaded by their route adjustments statistics, as that has not been my experience.

I request that you please listen to landowners as our story is much different than the big corporation who stands to make billions of dollars. Please do not be misled by Summit's claim that it's working closely with landowners. That has not been my experience. I would be happy to support a pipeline route through my property that respects my plans for development of my land.

By voting yes on SB 2209, you will provide landowners in North Dakota with a strong voice. For people like me, this will level the playing field and support my efforts to find a compromise with Summit. I'm confident that with your legislative support of SB 2209, landowners and Summit Carbon Solutions will find an agreement that continues to support and foster a strong Energy Industry North Dakota

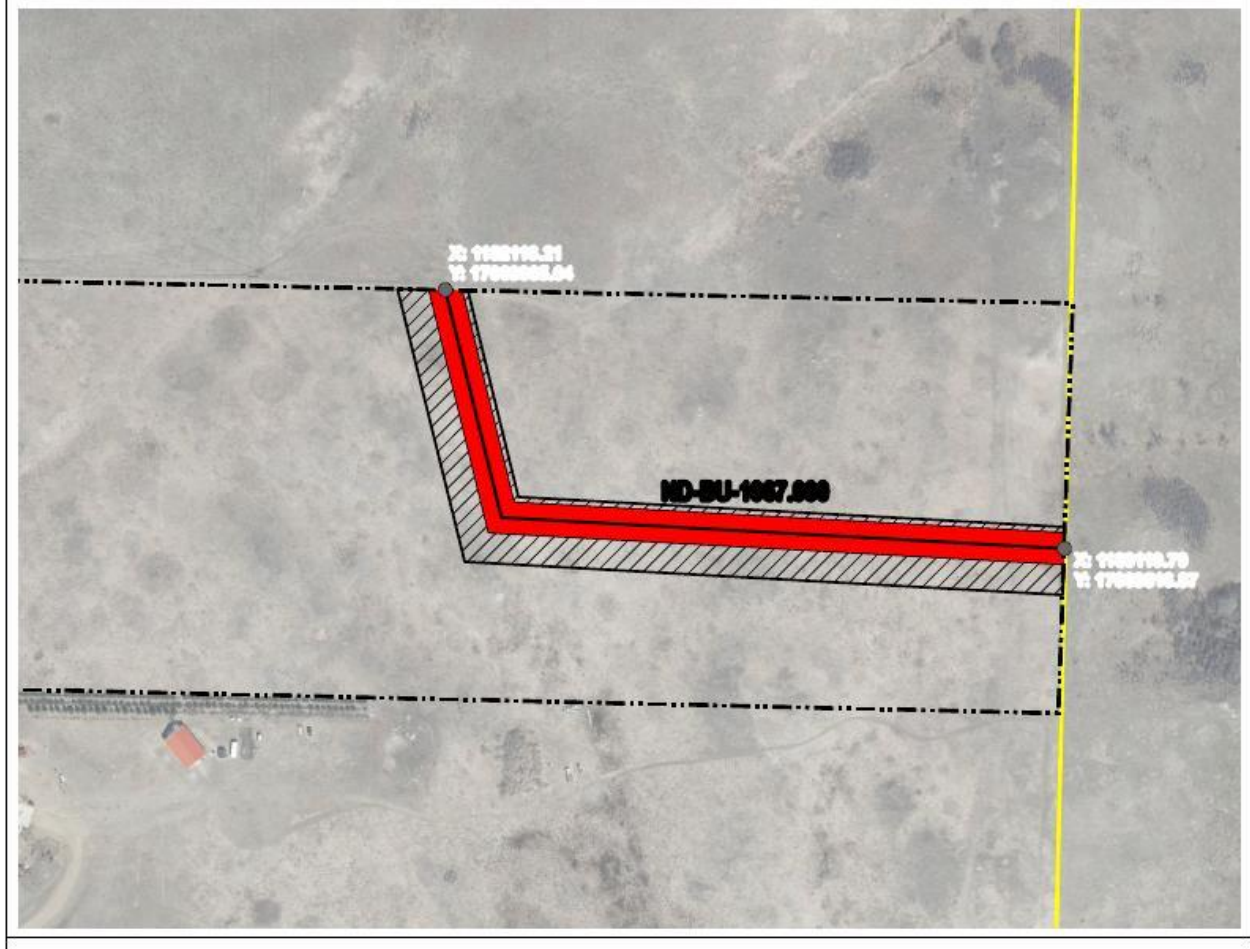
Thank you for your support.

Please do not hesitate to contact me with questions or for clarification.

Lori Klabunde

Lori.klabunde@gmail.com

Proposed Summit Carbon Solutions Pipeline route on my 40-acre property



Good Morning Chairman Patten and members of the Energy and Natural Resources Committee. I am Paul Brown, a third generation farmer/rancher and landowner just east of Bismarck where I have lived and worked all 35 years of my life.

On our farm, we practice regenerative agriculture and utilize the principles of nature to grow our topsoil and produce nutrient-dense food. We have been nationally recognized as one of the leaders in regenerative ag. and have hosted thousands of people here over the past 15 years. These people come from all over the world to see our practices and how we have grown our topsoil.

Regenerating the soil is of utmost importance to us as it had been depleted over the past 100 years on our farm. Organic matter levels that were diminished to 0.5% are now well over 7% and continue to rise. Our soils are alive and healthy and are able to infiltrate more water and store more carbon. In fact, each percent increase in organic matter can hold an additional 27,000 gallons of water per acre and many metric tons of carbon.

Sequestering carbon through a plant is the most efficient and cost-effective way there is to store carbon in the soil. However, over the past year and a half I have spent a lot of time attending meetings, visiting with neighbors, and kindly asking trespassing surveyors to get off of land they had no permission to be on because our ranch lies in the path of a proposed CO2 pipeline. I am writing to you today in strong support of SB 2209.

Myself, as well as an overwhelming majority of my neighbors are in opposition of the pipeline and especially the threat of eminent domain being used on our properties for such a project. Eminent domain is not to be taken lightly and I was honestly appalled to find out that a private company could qualify as a common carrier. I question how CO2 from ethanol plants being sequestered 5,000+ feet below ground is for the greater good? Personally, if eminent domain is to be used, then the soil that we have worked so hard to grow would be destroyed in the path of the pipeline and it is highly unlikely that just compensation would occur. How do you put a value on many years of growing healthy soil?

The safety of a high-pressure CO2 line that is 2' in diameter, pressurized at 2300 psi and only buried 4 feet below ground is also very concerning. As you know, most existing water, gas and electrical lines are at least 6' below ground due to many factors. If a failure was to occur, the damage would be catastrophic to all life in the surrounding area. As Bismarck sees continued growth north and east, this proposed line would be set right in the path of land that will likely be developed in the future.

I would appreciate your support of increasing the threshold to 85% landowner participation in a project such as this before eminent domain can be used. In this case, I would guarantee that there is less than 20% of the population in favor of this pipeline based on the conversations I have had about this proposed project. In supporting this bill, you are backing the voices of many landowners and their property rights. Thank you for your consideration.

Paul Brown

12550 71st Ave. NE
Bismarck, ND 58503
Legislative District 8

Please note that we are in favor of SB 2209, SB 2212, SB 2228

We were called and told by Summit Carbon (with no personal names given) that we were going to have a pipeline on our land. When we told them we did not want this on our land, they said fine they would just take it by eminent domain. Period. Even Senator Hoeven feels this should be voluntary.

We bought this land several years ago as a retirement investment. We both had full time jobs off the farm as well as about 100 head of sheep, and then about 100 head of cows. We eventually sold the sheep because they were labor intensive and kept the cows. As you can imagine we did not have a lot of free time. Weekends were spent trying to catch up on all of the work we didn't get done during the working hours on our jobs. But this was OK. We were working to pay off the land for our retirement. As mother nature has her own plan, we sold the cows during the drought. At our age (67 & 68) it was not feasible for us to restock. We were able to completely pay off the land. This gave us to opportunity to rent the pastures to other younger families. Now a private company that stands to make billions of dollars tells us they are taking our land and putting a pipeline on it that will devalue any retirement funds we may have wished for. This does nothing for my neighbors except puts a dangerous element in their backyards. This company states that they are in compliance with PHMSA regulations, but what they would like to do is completely new and regulations are not, as yet, fully adequate.

We are not the only people that do not like this in our neighborhood. Six townships have passed resolutions opposing eminent domain. We are also not the only state that does not want this (see SD, IA, NE).

In the United States, eminent domain is the power of the government to take away someone's private property. But the Fifth Amendment places two strict limits on eminent domain. First, private property can be taken only for "public use," or public works projects, like roads and bridges. Second, even if a property is taken for a public use, the owner must be paid "just compensation." (Institute for justice.)

Sue & Dan McLean

Menoken ND



en@ndlegis.gov <dpatten@ndlegis.gov>; jmagrum@ndlegis.gov <jmagrum@ndlegis.gov>;
Boehm <kboehm@ndlegis.gov>; jkannianen@ndlegis.gov <jkannianen@ndlegis.gov>;
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wyer@ndlegis.gov <mdwyer@ndlegis.gov>; jklein@ndlegis.gov <jklein@ndlegis.gov>;
dougarsen@ndlegis.gov <dougarsen@ndlegis.gov>; dlarsen@ndlegis.gov <dlarsen@ndlegis.gov>

Sent: Tuesday, January 10, 2023, 11:19:19 AM EST

Subject: Act to amend and readopt section 49-19-12 and section 49-19-12 of the NDCC relating to eminent domain and carbon dioxide pipelines and to declare an emergency

In Support of SB 2212 and HR 2209

Dear Senators,

SB
2212

We are contacting you to beg your support of the "CO2 pipeline landowner protection bill" (yet to be officially named and numbered)

This legislation would remove CO2 pipelines from Common Carrier designation and thus removing the use of eminent domain from taking private property for this very dangerous and ill-conceived route being placed only 5 miles north of Bismarck, and under the Missouri river which will threaten both the Burleigh County and City of Bismarck water intake systems.

OIL /Gas pipelines and coal mines are NOT affected by this legislation.

Even though Gov. Burgum would like ND to be carbon neutral (in line with Globalist Agenda 2030) it does not mean that North Dakota and Summit Carbon Solutions should use force tactics to take land from Burleigh County residents and ruin the financial future of property owners that have residential development land.

On May 2nd 2022 , The Burleigh County Commission unanimously passed a resolution (along with several other counties) opposing the use of eminent domain from being implemented for taking private land for a CO2 pipeline.

Summit Carbon Solutions pipeline could be placed on easements that are voluntary given by a landowner, but NOT taken by force from private landowners that DO NOT want a pipeline on their land.

Please support private property rights and PROTECT North Dakota landowners.

Lon and Roberta Klusmann
2110 Bay Hill Loop
Bismarck, ND 58503

It is quite ironic that one of the most popular tv shows today is about a rancher trying to preserve his land from large corporations who want to take his land in the name of economic development. That show is Yellowstone.

I have been in this fight since the beginning, trying to figure out why the state of ND gives corporations all these rights to step all over us landowners. My first informational meeting with Summit was in Casselton ND on Oct. 14th 2021. It took approximately 15 minutes into the meeting when Chris Hill with Summit Carbon solutions said eminent domain could be used for this project.

Summit has called me an activist, I am not I am just a person who does not want Summits hazardous pipeline on my property.

I have held many meetings on my own trying to figure out the need for this pipeline and I never came across the need.

The reason we need this 85% volunteer easement threshold to assure we have a consistent standard, for the Public Service Commission. Currently it is at the PSC's discretion on how many easements are needed before siting a project. I have spoken with PSC commissioners and various legislators and there is agreement that a threshold makes sense. While I believe this threshold should be 100% volunteer easements, that realistically may not be attainable.

To the Honorable members of the Energy and Natural Resources committee in support of SB 2209.

We are retired farmers living in Fargo and own land in Richland County. We are being actively sued by Summit Carbon Solutions (SCS) pipeline for access to two parcels of our prime tillable farmland. We have had minimal communication with SCS and have stated that we have no interest in allowing their pipeline to run across our property. Their minimal communication has been a lawsuit against us, making it necessary for us to “lawyer-up” at our personal expense. **Our land is not for sale!** We don’t accept that an international, private pipeline company should have the right to **take** our land for their own use—while using government incentives to make billions off our backs. All in the name of the public good! This pipeline has been designated as a hazardous-waste pipeline. Transporting this gas and burying it in North Dakota doesn’t appear to be of public benefit. The biggest benefit is to the builders and their investors making large profits at taxpayer expense. The questions of “for the public good” need to be addressed and not left to just 3 or 4 members of the Public Service Commission or the Industrial Commission.

Our hope is that you are willing to take a stand against using eminent domain for the purpose of constructing these kinds of projects by private companies. At the very least, supporting legislation that limits their ability to do so, without a larger amount of voluntary landowner participation and additional public input.

We believe that SB2209 addresses these issues. We would appreciate your support, voting YES.

Loren & Diane Staroba
Fargo, North Dakota

Chairman Patten, Vice Chair Magrum

And Members of the Energy and Natural Resources Board

I'm Kevin Bernhardt from Linton and I am writing in support of Senate Bills 2212 and 2209.

The Summit Carbon Solutions Pipeline is scheduled to run between my yard and my sons (See attached Aerial picture of my farm.)

I do not believe in using Eminent Domain for private gain. I have been approached by several representatives from Summit; I have explained to them why I don't want it running through our yard. They were not concerned or willing to listen to my concerns. The only response I ever received was "We will use Eminent Domain"

If this pipeline runs through my yard it will prevent any future growth of my 4th generation farm.

The use of Eminent Domain for personal gain violates all person property rights and that in my opinion is WRONG! I am standing up against this because it's wrong, if you don't stand against the wrong – you become part of the wrong.

Thanks for your consideration.

Kevin Bernhardt

1860 73rd St SE

Linton, ND 58552



Dear Members of the Energy and Natural Resources Committee:

Re: Support of Bills #2212 and #2209

My name is Marilyn Bryan and I am a Burleigh County resident, landowner and partner of 8N2E Properties, LLP. This property is located just a few miles north of Bismarck and is on the proposed route of the Summit Carbon Solutions CO2 pipeline. The other partners of 8N2E Properties, LLP are my brother, sister, three nephews and niece (children of my deceased brother). All of us lived, worked and cherish this land that we grew up on. Our parents/grandparents (Robert and Marian Morris) were born and raised just a few miles from this property. They are now deceased and this land that they loved so much, this land that they worked so hard to grow and protect was given to us upon their death. We promised our parents/grandparents that we would take good care of this land. We promised that we would use the land wisely for farming, for ranching or for future development. We promised we would protect the land and up to this point we have not broken that promise. Summit Carbon Solutions has tried to change all of that for us. They want access to this land. They want to use our land and bury a huge CO2 pipeline for 99 years. Because we have denied them access to our property, they have sued us. This is NOT right! This is NOT what any landowner should have to do ~ be forced to give up their land for any entity for an experimental project that has the potential of putting the citizens of Burleigh County and specifically the citizens of Bismarck in harm's way should this pipeline carrying toxic, hazardous material rupture.

As duly elected representatives of our beloved State of North Dakota, please DO THE RIGHT THING and support Bill #2212 and #2209 so that landowners' rights are protected and that eminent domain is NOT used for Summit Carbon Solution's gain.

We thank you for support!

Sincerely,

Marilyn Bryan
Managing Partner of 8N2E Properties, LLP

SB2209-Opposed

85 percent threshold is absurd and basically creates a situation encouraging "hold outs" so those informed on the matter can position themselves to get rich quick. Looks like another example of greed to me. PSC permits were designed to cover projects that extend across numerous Counties. Leave that Authority there, the PSC has an obligation to do the right thing. Don't add layers of Bureaucracy. I was a County Commissioner for 16 years. I like local control but some things need to be done by the State and trust that they do their job with integrity.

Jerry Waswick

was@drtel.net

701-678-2431

Gwinner, ND

Fwd: SUPPORT OF SENATE BILL 2209 to amend and reenact the ND Century Code relating to eminent domain and CO2 pipelines.

From: roberta klusmann (robertaklusmann@bellsouth.net)

To: lonklusmann@yahoo.com

Date: Wednesday, January 25, 2023 at 02:02 PM EST

My name is Roberta Klusmann, I am a landowner as well as a homeowner in Burleigh County, Bismarck, North Dakota. I, along with my brother, sister, three nephews, and niece, (my deceased brother's children) are partners in the 8N2E Properties LLP. We have been sued by Summit Carbon Solutions (SCS) because we have not given "voluntary" access to our crop and pastureland. Our partnership was never even notified that SCS planned to run a pipeline through our property, we only found out about it seeing it livestream on the Burleigh County Commission meeting, June 6, 2022. That was a shock to see this! Just so you know, we will never give SCS permission to access our breathtakingly beautiful land gifted to all of us from our loving parents/grandparents, Robert and Marian Morris. There are 29 descendants to this land, and we will do whatever we have to do to protect our private property rights.

I am writing this to you today because I want to protect this land for me and my partners, and as Bismarck grows, this land has unlimited potential for residential development that would result in income for me in my old age and this pipeline would end all of that, not to mention the peace and tranquility I have received for 71 years when I spend time walking every inch of this land. SCS is trying to steal that from me, it's been a living nightmare, it's evil, and SCS has no clue what they have done to my emotional health. I love this land and let me tell you why.

I grew up on this land and worked hard as a farmer's daughter to help preserve this land. My roots are as deep as the unbroken native prairie grass growing on this land, roots that can be up to 12 feet deep, and disturbing those roots would have a negative effect to the watershed and echo system. I've picked rocks in the fields with my cousins and have driven a tractor to mow hay for my dad. I drove dad's dump truck moving it windrow to windrow while he was combining and harvesting his grain. I rode the rake, tripping the mowed hay into a windrow every few seconds. I stomped plenty of haystacks with bees buzzing all around me. I cleaned the windmill tank every spring, helped dad herd cattle, and picked sweet corn to sell to Bismarck restaurants to earn income for myself. I picked chokecherries with my mom out in the pasture, and also helped mom make and take lunches out to dad every afternoon while he was working in the fields. I took brownies I baked, and with my dog, Lassie, I skipped rocks in the dam, and sometimes I just looked around with amazement and appreciation that my parents brought me up on this precious land, my home sweet home. It was a fantastic life for a kid! Some of the things I did back then I still do today, like listen and record the song of North Dakota's state bird, the Meadowlark, pick chokecherries, take pictures while walking the cow paths and the Old Black Trail, a wagon trail from years gone by, and I still have the bowl my parents

found on that trail that we always used for gravy. I remember my dad picking wild crocuses for mom every spring, and to this day I still pick them on the sunny hillsides where God has them tucked away for me in the native prairie grass. I enjoy walking up to the top of the sand rock hill, then over to dad's gravel pit, and over to the place where he sold virgin soil (black dirt) to the state for the governor's mansion lawn, and by the way, next time you are at the Heritage Center, check out the prairie breaker plow my folks donated that broke our existing crop land, the rest of the land is unbroken native prairie grass in the pasture. Another thing I just love is to listen to the rustling of the cottonwood trees, the only trees that were in the countryside years ago, where people would meet to picnic and were sheltered from the hot sun. To this day, I still picnic with my husband on this land and sometimes we bring my sister along when we picnic next to the rock foundation site of the historic country school, and if I'm not mistaken, I was told it was the first country school in Burleigh County. I dream of having a home there someday! Also, during one of our walks we have discovered another historic homesite, a small rock foundation, possibly the homestead of poet Florence Borner. Pioneer Linda Slaughter, the first teacher and superintendent of schools in Burleigh County as well as the first postmaster of Bismarck also lived on this section of land. I so enjoy the wildlife that inhabits this landscape, their homes are all over this land and they must be preserved! I'm amazed at the beauty of the cattails and how they have multiplied through the years. I don't want anyone disturbing this precious family land and I plan to continue to walk this land until I can't walk anymore! Nobody, but our family and our pasture and crop land renters are allowed on this land! Summit Carbon Solutions picked the wrong land and people to mess with, they need to find a new route for their pipeline, and I am suspicious that SCS is involved in Agenda 2030 and I'm here to put on the armor of God and protect our land against this war of good and evil.

It's upsetting to me that I am even having to have this conversation with you. No one should have to be going through this against their will and I will always be opposed to a 99-year pipeline being buried on our partnership's land. In my eyes, this land has been a God given gift. It has been a blessing to me all of my life and will continue to be for my kids and grandkids as well. This land gives me peace and tranquility and it's somewhere I go as often as I can. The thought of an experimental pipeline on this land is horrific, it is a danger to me and my family, the surrounding neighbors, the well and dam water, the wildlife within and the air I breathe. North Dakota should be ashamed to have a law that would ever use eminent domain against its landowners. It's just not right!

I tried to keep this short, but how can I when I'm a lover of the land. I'm definitely a girl of the prairie and this land breathes life into my heart, mind and soul.

Please vote YES, in favor of Senate Bill 2209.

Thank you in advance for your help in preserving my family's sacred land!

Roberta Klusmann
2110 Bay Hill Loop
Bismarck, North Dakota 58503

or
2825 The Terraces Way
Dacula, Georgia 30019

COU

January 23, 2023

Dear Senators and Representatives,

I am reaching out to you as a 5th generation owner of Burleigh County family farmland in the latest route of the proposed Summit Co2 Pipeline being located within six miles north of the State Capitol. I appeal to the Legislators of North Dakota to protect my family's 504-acre ranch, just 4 miles North of Bismarck from being taken for a very dangerous and politically controversial CO2 pipeline and beg your support of SB 2212 and to advance with DO PASS designation.

Summit Carbon Solutions (of Iowa) intends to force the partnership (8N2E Properties LLP) to accept this pipeline (with a 99-year easement) by suing the Partnership in an attempt to force "voluntary survey access" so that they may construct a pipeline to move CO2 into North Dakota for permanent sequestration, and to receive \$1,500,000,000 per year in Taxpayer funding through 45Q tax credits.

The partnership is steadfastly opposed to ANY pipeline from crossing their land, which was gifted (upon parent's death) to the sons, daughters, and grandchildren (currently in their mid to late 70 and 80 years of age) for the purpose of continuing the agricultural heritage of the NATIVE unbroken prairie, as well as for the eventual development for residential rural subdivision.

The legacy now extends to 29 family descendants that will also defend and protect against eminent domain from taking this land and thereby eliminating the financial security that a well-planned development would insure.

I have attached my personal bio so that you can get to know me personally. You will see that I love ND and the Morris Family Heritage in North Dakota. I am a real person and I have plans for developing the Morris Family land - This is very personal to me, and I hope you understand. Many years ago, I promised my Grandma Morris that I would do something great with this land and I fully intend to, but I need your support.

What most people are not understanding is that if the land you own is in the planning stages to be developed into 10-acre homesteads, then the CO2 Pipeline will kill that project and devalue the land. The estimated value of our land before homestead development is worth millions. With a CO2 Pipeline running through our land the development value will drop down to \$0. The homestead developed value is estimated to be five times its current value. We do not farm the land, but we do rent the land for a very small profit each year. The income of the land is how Summit CO2 Pipeline calculates its 99-year lease of the land. Summit doesn't look at the development value of the land. So, the easement payment amount is like giving us pennies. This would be like taking less than 0.01% of its value over 99 years.

Who wants to buy farm land with a CO2 Pipeline? --- No one will want to buy the land if you can critically think about the options each land buyer has? If someone can buy land for sale without a CO2 Pipeline, they will opt out of land for sale with a CO2 Pipeline. That is the big issue for someone who wants to develop their land into 10-acre homesteads.

The North Dakota legislature must defend the right to the peaceful pursuit of happiness through ownership of property, rather than supporting private businesses that hold a disproportionate influence in the political process.

Our Partnership emphatically asks your approval of Senate Bill 2212 and to advance it to the full Senate with a DO PASS classification.

Sincerely,

Daniel J Morris
Partner, 8N2E Properties LLP
3013 South Atlantic Ave #804
Daytona Beach Shores, FL 32118



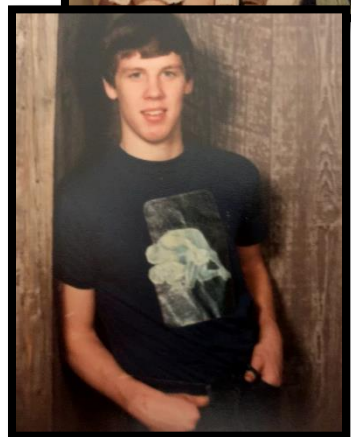
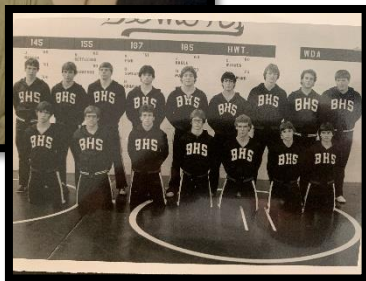
Dan Morris - Bio

I was born and raised in Bismarck, North Dakota. I cherish my family memories working on my grandparents' farm north of Bismarck. When I retire, I plan to own a summer home in Bismarck and develop this land. I visit North Dakota once a year for harvesting on my mom's family farm in Anamoose ND. They have a 4,000-acre farm and every time I visit, I feel like I am in Heaven. I just love our families ND Heritage.

I am the second son of Russell & Bonnie Morris. My older brother Jeff is married to Marie, and Jeff is a professional artist and over the past 30 years has managed two very successful art museums. My younger brother Sam is married to Dorothy, and Sam is an over the road trucker in Minnesota. Sam and Dorothy also own an ATA Taekwondo business, and both are 5th degree blackbelts. The youngest of the family is Teresa who works for the founders of Knight Transpiration, the world's largest trucking company. Teresa is the executive assistant to the Knight family in including managing their annual shareholder meetings. Teresa is one of the most important assets as stated by Kevin & Keith Knight.

I was on a championship high school wrestling team – The Bismarck Demons. My senior year was 1984 and, in that year, we earned our way into the Genesis Book of Records for the most HS consecutive dual wins at 151. As a HS we didn't lose a team wrestling dual in 15+ years. I was also on the varsity football

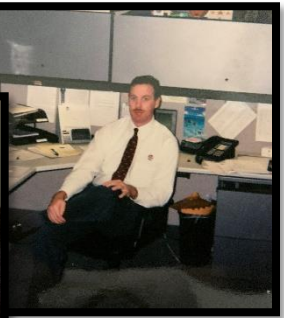
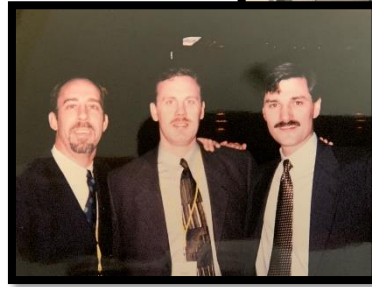
team, and I was into motocross racing. I once raced in the San Diego AMA Supercross but landed on a competitor coming down off a trip jump.





After High School I began working for Pizza Hut North in Bismarck. At the time, I didn't think college was for me, So I figured that I could work my way up and become a manager and that would allow me to move anywhere in the US and have a good paying job. I worked my way up the ladder from dishwasher to part owner of Pizza Hut franchised locations in Seattle WA. I lived in 9 different cities and loved every minute at Pizza Hut.

My business partner today at Honest-1 Auto Care of South Daytona is Jeff Zerbe. Phoenix AZ working



We met 36 years ago in for Pizza Hut. We both

were working our way up the corporate ladder. As time Jeff was promoted, he recommended me as his backfill. We are very close and at some point, in time, we told each other we would become business partners. Dreams do come true. My favorite food has always been pizza. Most of my High School friends still call me "Dan the Pizza Man."

After my 20-year Pizza Hut career I to Orlando FL and started working for Auto Repair franchise – Honest-1 Auto purchased most of the state of Florida Region Developer. I originally planned assist franchisees open 100 plus locations but then the 2008 & financial depression hit. Times challenging and I barely survived but by the Grace of God, I was able to keep the South Daytona Shop and H1-Territory business alive. I slept at the shop for 18 months and lost my home in Orlando to a short sale.



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2009 were

In 2014 after signing up 5 franchisees I knew I needed some assistants to help me grow my H1-Territory. I called my old Pizza Hut friend Jeff Zerbe. That was back in March of 2014. Jeff agreed and I flew up to Kansas City and helped Jeff move to Daytona.



In 2015 we supported Eric/Sharon open their first location in Ormond Beach and in 2016 Leighton/Marie open their location in Orlando. In 2017 we guided Eric/Sharon open their second location in Deltona. Jeff and I are planning to expand to more H1-locations in the near future.

I was close to my dad (Russell) who passed away May 28th, 2011, from complications of diabetes. My dad gave me my first self-help book while managing my first Pizza Hut "13-Fatal Errors Managers Make and How You Can Avoid Them". This book launched my successful manager career.





I sure do love my mom (Bonnie) and when mom and dad divorced back in 1994 my moved in with me in Kansas City. It was a difficult telling my dates that my mom lived me, but I didn't care as she was great to have around. One time we were evaluating at one my 18 Pizza Hut locations testing the product service. My mom ordered a supreme pizza, we discovered it didn't have any pepperoni good visit and we still laugh about that visit.)



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Both sets of Grandparents are my greatest inspiration. Through their example and support I learned the art of hard work, integrity, and perseverance. I would not be what I am today without them. I always seemed to hang around my Grandpa/Grandma Morris. I really enjoyed the family pioneer stories my Grandma Morris would tell. One was when Sitting Bull visited her grandfather's



farm back in 1870s and how he received a peace-pipe for being a friend to Sitting Bull and for cooking their venison (deer meat). I once took the Peace-Pipe to "Show & Tell" in the 3rd grade and after class on the way home I asked my grandparents if I could have it someday. Well, in 2002 my Grandpa Morris passed away and I received a gift in the mail. It was the Sitting Bull Peace Pipe with a note from my Grandma Morris.



My grandparents on my mom's side were wonderful people. I loved traveling to Harvey ND to visit. My Grandpa Bender was someone I always listened to as he had a way of helping people achieve their goals. My Grandma Bender was a real hoot to be around and a super star bingo player (well sometimes anyway).

My girlfriend Debbie, and I met each other on Match.com. I must have tried to connect with her for a month, but she wasn't checking her account (she said she had almost given up). We finally did start talking and her mom pushed her to go meet me. Our first date was on Father's Day 2021 at 3pm at Outriggers in NSB. After several dates I met Debbie's parents on a Sunday morning date at church (now that took some guts!) Debbie's Dad Richard (Dick) squeezed my hand kind of hard – LOL. We're having an incredible time together and we seem to like a lot of the same activities. Debbie is a gift from God and my family and friends like her a lot.



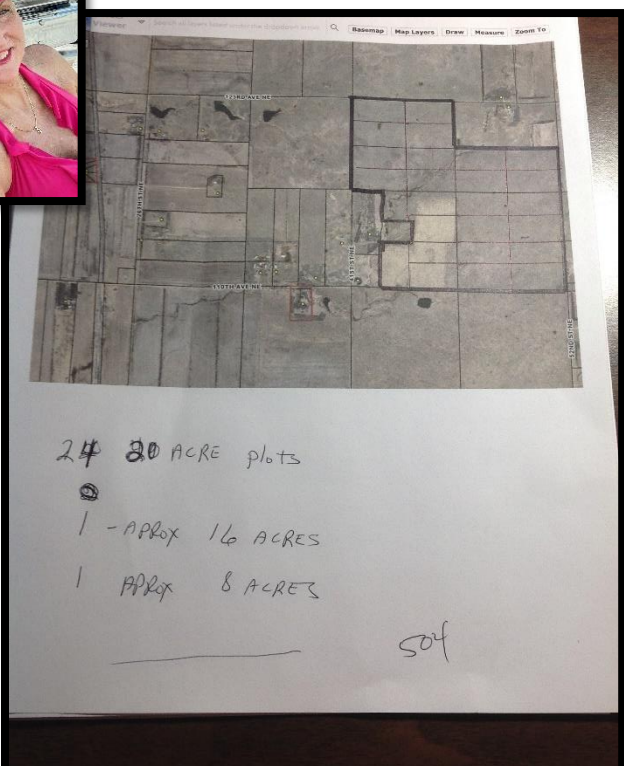


I don't have kids (as far as I know anyway). My kids are my cars which I enjoy restoring. I guess this comes from the time I was in High School and cruised main street with my friends. I have recently completed a car I purchased as a present to myself after successfully moving my business to our new location at 2200 South Ridgewood Ave.

The guy who sold me the car was a medical doctor and hated to sell it, but his expanding family needed a larger home. The car was original purchased new as a gift from his dad to his mom. It's a 1968 Cutlass 442 with a 4-Speed and 455 engines.

The restoration work took 3 years.

Next is my 1984 Scottsdale 4x4 truck which I purchased from a friend in West Virginia. My friend only sold the truck because he knew I loved it and he wanted to buy his granddaughter a new car for her college graduation. The restoration took about 12 months. I mostly use it as a beach cruiser 😊



My plans in retirement are to continue enjoying

life with family and friends. I hope to be able to develop the land in the Morris Family Trust in ND. The plan is to develop the farmland into 2 to 10-acre ranch lots. I hope to keep working until my body tells me it is time to stop.

I have some lofty dreams and I hope you do as well – let's go make our dreams come true!

All the best to you. Dan Morris



January 25, 2023

Dear Senators and Representatives,

I am reaching out to you as a 5th generation owner of Burleigh County family farmland in the latest route of the proposed Summit Co2 Pipeline being located within six miles north of the State Capitol. I appeal to the Legislators of North Dakota to protect my family's 504-acre ranch, just 4 miles North of Bismarck from being taken for a very dangerous and politically controversial CO2 pipeline and beg your support of SB 2209 and to advance with DO PASS designation.

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The partnership is steadfastly opposed to ANY pipeline from crossing their land, which was gifted (upon parent's death) to the sons, daughters and grandchildren (currently in their mid to late 70 and 80 years of age) for the purpose of continuing the agricultural heritage of the NATIVE unbroken prairie, as well as for the eventual development for residential rural subdivision.

The legacy now extends to 29 family descendants that will also defend and protect against eminent domain from taking this land and thereby eliminating the financial security that a well-planned development would insure.

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Our Partnership emphatically asks your approval of Senate Bill 2209 and to advance it to the full Senate with a DO PASS classification.

Sincerely,

Jeffory Morris
Partner, 8N2E Properties LLP
5036 E. Siesta Drive, #2
Phoenix, AZ 85044

January 25, 2023

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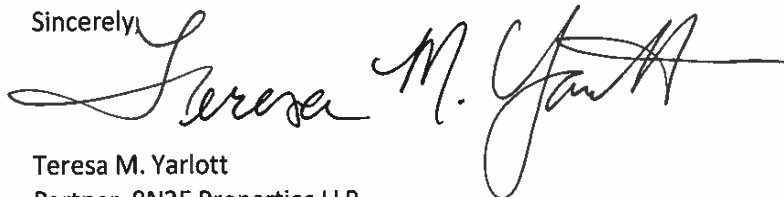
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Sincerely,

A handwritten signature in black ink, appearing to read "Teresa M. Yarlott". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Teresa M. Yarlott
Partner, 8N2E Properties LLP
13384 W. Red Range way
Peoria, AZ 85027

MEMBERS OF THE SENATE ENERGY AND NATURAL RESOURCES COMMITTEE

I am in strong support of **SB2209**, which sets the eminent domain threshold to 85% of landowners as it relates to CO2 pipelines.

Summit Carbon Solutions is proposing to cross my native prairie land **and** cropland property with a dangerous CO2 pipeline. This land has been in my family for 60 years.

I support the 85% sign-up, and giving the counties the right to raise it higher if need be. This would help protect our property rights.

This whole project is based on fake science, and opinions of people who really don't know what they are talking about. There are just as many people or more who believe we shouldn't be doing this, and that we should follow the real science.

I never thought I would have to be forced to give up my land to a company in my opinion that serves no public good.

Thank you for your support of voting **YES** on **SENATE BILL 2209**.

David Moch

Hazelton, ND

Emmons County

January 25, 2023

Committee Chairman and members of the Committee,

My name is Art Rode from rural Bismarck and I support bill SB2209.

I may not speak politically correct, but, here are my thoughts. I am concerned about the safety and rights of the people.

I don't understand why an unborn duck has more rights than an unborn baby and human life. I wonder why Summit Carbon Capture (SCC) can go through our backyards, wrap around our farmsteads, close to schools and just up river from Bismarck's water intake. The SCC route would be considerably safer if it went through wetlands and wildlife areas and not in our backyards.

Some of you representatives have grandchildren. Would you like them living by or going to school by a hazardous CO2 pipeline?

How can it be right that SCC as a big business can use eminent domain to take away the rights of the landowner who is just trying to protect his land and family - for the sake of SCC's profits? This is why eminent domain should not be used for hazardous, unproven CO2 pipelines.

We have only ONE shot to do this right and if we screw up we will live with it for the rest our lives.

Thank you for your time,

Art Rode

To the Honorable members of the Energy and Natural Resources committee in support of SB 2209:

We are farmers in Sargent County who live and work on the land subject to eminent domain. The proposed route of the hazardous waste pipeline goes right through our calving pasture. In the case of a pipeline leak, what if none of our cattle survive? What if insurance doesn't cover our losses? It's doubtful that Summit Carbon Solutions would ever respond to a phone call if there are problems since they haven't proven to be a trustworthy or ethical company to work with so far.

We are being sued by Summit Carbon Solutions for not allowing them access to our land to survey. We have hired a lawyer at our own expense.

We do not support the idea of a CO2 pipeline for the many reasons but the main ones are as follows:

- We feel that destroying fertile topsoil will hurt society far more than carbon emissions from fossil fuels ever could.
- We also feel it would decrease our property value. Who wants to buy farmland with a carbon pipeline buried a few feet under the ground where topsoil has been disturbed? No matter how good of a job they do putting it back it will never be as good as it was.
- We are concerned about the safety of the pipeline. Independent pipeline safety consultant and expert witness Richard Kuprewicz, who has worked in the oil and gas industry since the 1970s and authored a recent report on CO2 pipelines for the nonprofit Pipeline Safety Trust. The US needs strong federal safety standards that are designed specifically for carbon capture pipelines—and doesn't have them yet." He says. "For billions of dollars you can make smart people do incredibly stupid things."

Dozens of proposed carbon pipelines projects have never gotten off the ground (and for many good reasons) and so far carbon capture has so far mostly just captured taxpayers money.

We hope that you are willing to support North Dakota landowners against using eminent domain by private companies. We would appreciate your support by voting YES on SB 2209.

Thank you for your consideration.

Randy and Karla Waloch
Gwinner, ND
Sargent County

Madam Chairman
Distinguished Members

My name is Connie Erickson and I reside in Naughton Township for the past 38 years.

I am here to give my support to the Bills: SB2228, SB2251, SB2313, SB2209, and SB2212, that Senator Magrum has submitted.

I have not been contacted by Summit Carbon Solutions except for mailings and once when the surveyor came to the house unannounced. I was surprised when he was at the door as the driveway has numerous signs stating: private drive, keep out, no trespassing, private property, security cameras in use. It was not the most pleasant experience I have had with trespassing and being threatened. When I answered the door he stated to me "I don't suppose you will let me on to survey your land"? I responded "probably not"? and his response was "Well if they want it, they will get it one way or another". The second time this gentleman stopped I was not home but my security cameras picked him up coming to the door numerous times, ringing the doorbell and said "If you would answer your door and give me a contact number or name of your attorney, I wouldn't drive up and down your road anymore". This made me think he knows he was trespassing and do I need to be concerned about anything else here?

This is our main source of income which produces awesome crops to provide food for the world, there is a school in the area, neighbors and livestock that are my concern. To me there is nothing more valuable and would like to touch on areas for you to review. This farm was my husband's legacy where he had worked since he was able to. He inherited the farm in 2019, with the passing of his parents and became the 5th generation to farm and ranch, which he loved and it was more than just a job. It has now been passed onto our son who is now the 6th generation and rents the land out for farming and ranching, as his father would of wanted.

Sec 27 T140N R79W:

Summit is requesting 491.406 feet (along with additional 500 feet on each side) for \$22336.64

Last appraisal 2019 shows market value of property \$785,000

Yearly income from this track \$27279.36

Year end report from land manager showed: Sunflowers were planted and reported harvesting, on average, a yield of 1,900 pounds per acre. This was an excellent yield and the renter was happy with the end results and is looking forward to farming this land.

*There is also a house on this section where a husband and wife live. Contains 61 acres of habitat.

Sec 34 T140N R79W

Summit is requesting 268.979 feet (along with additional 500 feet on each side) for \$12226.32

Last appraisal 2019 shows market value of property \$480,000

Yearly income from this track \$16511.56

Year end report from land manager showed: Corn was planted and when observed by the land manager, it was found to be one of the nicest in the area even though there was a dry spell. The renter reported a harvest averaging 110 bushels per acre and was pleased.

*This renter also rents 2 other sections which gives an additional \$16,930 yearly income. Contains 17 acres of habitat

If these two renters pull out because of the hazardous liquid pipeline and they will, Out of a total yearly income \$66,728.30, I will be left with \$6006.00 for the year from a pasture that is rented from a 3rd renter. I am not sure how I am to pay a mortgage and any other bills on \$6006.00. I don't see how putting in a hazardous liquid pipeline is better than the excellent yields these two sections produce for food to feed the world. Both of these sections are ideal for residential growth as North Dakota continues to grows, as there is residential areas already closely located to the West. With a pipeline, the land will become unsellable and unrentable.

If in the beginning maybe a phone call would have been made by the company asking to visit with everyone, explain what happens, answer questions we would have had and advise us that they have faith in their pipeline and will be taking full responsibility and taking care of the private property homeowners by yearly payments for as long as they have their pipeline in ~ it would of

possibly went better for everyone involved. To be completely honest: I don't understand how someone can just go ahead and bully a person and do whatever they want.

Please take into account that we will not have insurance coverage as stated by an insurance company response:

As time passes, landowners may change hands, pipeline owners and operators may change, future technology may render the pipeline useless or ineffective. All of these factors among others, increase the potential that you may be held personally liable in the future for cleanup, removal and other activities that could cause damage as a result of this pipeline being installed. As history has proved, any pipeline has a chance to fail, leak and seep resulting in significant damage to life and property. To place this type of risk or burden upon unwilling landowners, is tantamount to placing a risk to your livelihood without your permission. In summary, having a pipeline running through your property, carrying hazardous liquid, a pollutant, subjects the owner to substantial uninsurable exposure.

Please take into account that the land value will change as stated by an appraisal company response stating: Environmental Disclaimer:

The clause estimated is based on the assumption that the property is not negatively affected by the existence of hazardous substances or detrimental environmental conditions. The existence of hazardous substances or detrimental environmental conditions on or around the property will negatively affect its value.

Here is a couple of other things I would appreciate you taking in for review.

First 1/18/2023 Burleigh County Commission meeting had stated some interesting thoughts:

Accounting States Attorney Lawyer stated: For ordinances recommendation regarding pipelines would be to call it hazardous liquid pipeline that way not calling out any particular pipelines and to prepare for the future too. Hard telling what could come in the future.

Commissioner Schwab stated: North Dakota has deep frost. If we hit that who's going to pay for it? Someone replied: Let's pray we never hit it.

Commissioner Schwab goes on to say: These companies that want to run stuff through, need to be bonded so if anything goes wrong, they are going to be out fixing it instead of filing bankruptcy. According to information that pipeline is 24" and running 2550 psi. We have to be very careful, if that thing goes a lot of things will go. Even the shut off valves, there's a lot of stuff in those lines. I'm very concerned about that. To me it don't make sense. I think the whole thing is crap. The whole idea to be honest with, it's just a big joke, going to cost a bunch of money and hard feelings.

Second I would like taken in for review is the 1/03/2023 State of the State Address which the Governor speaks about:

Today the State of our State is one of strength and infinite opportunity, blessed with our abundant natural resources, inherent freedoms and industrious, caring people.

Our bedrock industry, agriculture, continues to lead the nation in several categories

Our farmers and ranchers battle every day to provide food security for our state, country and world. They fight through challenging weather, through droughts and fires, blizzards and floods. They innovate and expand the use of technology to boost yields and are implementing resilient and regenerative farming and grazing practices. They work through burdensome red tape pushed down from the federal government. These farm and ranch families are the backbone of our rural state, and the work they do is feeding the growing world, and for that, we all should be grateful.

We know our farmers and ranchers can compete with anyone, anywhere, anytime, IF they're given a level playing field. Right now, the field is so uneven when it comes to capital access and capital formation. We can level it, and we can do it wisely and with smart environmental

stewardship. Plus, the economics of animal agriculture increase land values and are helping rural communities to grow and thrive. I urge this body to change the long downward trajectory of animal agriculture in North Dakota and do away with this archaic law as it applies to ownership of animal agriculture operations, including poultry. (Note is Grand Forks Harold 1/24/2022): Let's take the handcuffs off our farmers and ranchers and allow animal agriculture, family farms and our rural communities to thrive in in North Dakota once again. We need Farm Freedom legislation, and we need it now!

This last one I know is about NRCS but it is also about the farmer and rancher and it don't matter who the other party is, it's about protecting the farmer/ranchers and landowners private property and not picking or choosing.

Article dated 9/28/2022: HOEVEN HELPS INTRODUCE LEGISLATION TO PROTECT PRIVATE PROPERTY OWNERS FROM GOVERNMENT OVERREACH

This legislation would protect private property rights and would safeguard farmers, ranchers and landowners from the bureaucracy (of the NRCS – take out) and empower them to make the best decisions for their land.

“North Dakota farmers and ranchers take care of their land better than anyone else,” said Hoeven. “This legislation is about ensuring (USDA NRCS – remove) policies are farmer-friendly and respect property rights. As we get to work on the next farm bill, we will continue to prioritize efforts to reduce bureaucratic overreach and red tape for landowners.”

“In North and South Dakota, we are all too familiar with the punitive enforcement of conservation compliance and farmers and private property rights rarely come out on top,” said Cramer. “Our bill provides much-needed reforms for the Natural Resources Conservation Service wetland determinations. It creates a more thorough appeals process, prohibits bureaucrats from being retroactively punitive, and rightly places the burden of proof on the government as opposed to the landowner. I thank Senator Rounds for his leadership and look forward to working with him on these reforms.”

Specifically, the legislation would:

Prohibit (NRCS – takeout) entering into permanent easement agreements, only allowing termed easements.

Prevent certain compliance penalties for newly determined wetlands from being imposed retroactively.

Place the burden of proof on the company (NRCS – take out), rather than the landowner, to prove a violation.

Update and reform (NRCS – take out) appeals process to ensure fair treatment of farmers and landowners.

*10/25/2022 Reuters: long- term underground storage of carbon is unproven. That undermines the pipeline.

With all the talk of food shortages, North Dakota growing and wanting to make the state more presentable for people to decide to move here, why would you want to move to a state where your private property is taken from you, people's lives and wildlife put in danger, being bullied, told what to do with what you legally own and have no choice, be held liable for something you are not partaking in but being forced to. How do we have any faith or trust when we the people are being treated as we are, have no backing and shown we don't matter?

Please do not allow this to happen, this is our life, bread and butter, and means everything in the world to us.

Thank you for your time and consideration you have taken to listen to me.



Tharaldson | Ethanol

Ryan Carter & Brad Kjar
Co-Chief Operating Officers
Tharaldson Ethanol
3549 153rd Ave SE
Casselton, ND 58012

January 25, 2023

The Honorable Dale Patten
Chairman
Senate Energy and Natural Resources Committee
North Dakota Legislature
600 E. Boulevard Avenue
Bismarck, North Dakota 58505

RE: SB 2251 – OPPOSE
SB 2313 – OPPOSE
SB 2212 – OPPOSE
SB 2209 – OPPOSE
SB 2228 – OPPOSE
SB 2317 – OPPOSE
SB 2314 – OPPOSE



Tharaldson | Ethanol

Dear Mr. Chairman and members of the Senate Energy Committee,

Our names are Ryan Carter and Brad Kjar, and we have the privilege of serving as co-Chief Operating Officers for Tharaldson Ethanol in Casselton. As you may know, our facility is the ninth largest ethanol manufacturing facility in the United States and produces a high-octane, clean burning fuel that reduces our nation's dependence on foreign oil, while utilizing our locally grown, renewable agricultural resources. In total, our plant produces 175 million gallons of ethanol every year.

I am writing today to express our opposition to several bills that have been proposed this legislative session, including SB 2251, SB 2313, SB 2212, SB 2209, SB 2228, SB 2317, and SB 2314. These bills, along with others that may be proposed this year, would fundamentally alter North Dakota's regulatory landscape, shift the state away from its traditional pro-business, pro-growth approach to public policy, and prevent North Dakota from continuing to be the national leader in an emerging industry that will benefit our economy long-term.

Tharaldson Ethanol is one of 32 plants across the Midwest that joined Summit Carbon Solutions carbon capture, transportation, and storage project. This multi-billion-dollar private infrastructure investment will allow Tharaldson and Summit's other partners to sell their product at a premium in the growing number of states and countries that have adopted low carbon fuel standards. While opinions may vary on these types of policies, the ability of ethanol manufacturers to access these markets is absolutely vital to ensuring the long-term viability of the industry as a whole. Some renewable fuel leaders in the Midwest have even characterized carbon sequestration as "a matter of life and death" for ethanol manufacturers. We agree.

The ethanol industry contributes \$640 million to North Dakota's GDP every year, supports 10,000 jobs in the state, and, critically, purchases approximately half the corn grown in North Dakota. The stronger the ethanol industry, the better it is for corn growers here in our state and the broader ag economy that is so critical to our way of life. However, the flip side of that coin is true as well. If the industry is not able to access low carbon fuel markets in the years to come, it will undermine the competitiveness of the industry and put all those benefits at risk. And simply put, we believe the bills cited in this testimony would likely produce that outcome.



Tharaldson | Ethanol

For years, existing businesses in North Dakota and businesses considering investing in the state have enjoyed a predictable regulatory environment and the confidence that the rules would not change in the middle of the game. Summit Carbon Solutions developed a business model based on those rules and rightfully should be able to expect the state won't now, two years later, undertake a complete overhaul of the regulations around infrastructure projects.

With more than 30,000 miles of pipeline already in operation in North Dakota and policymakers across the political spectrum supporting efforts to permanently and safely store carbon dioxide, it's important now more than ever that we maintain the state's regulatory process that is rigorous, comprehensive, and has consistently worked for all stakeholder groups. Despite what some may say, landowners are embracing this project. Hundreds of North Dakota landowners have signed easement agreements with Summit Carbon Solutions, accounting for 85% of the area where the company will safely sequester CO2 and more than 58% of the proposed pipeline route, with many additional landowners currently considering agreements.

Thank you for your consideration on these issues and please don't hesitate to contact me if you have any questions.

Sincerely,

Ryan Carter and Brad Kjar

Co-Chief Operating Officers

Tharaldson Ethanol

3549 153rd Ave SE

Casselton, ND 58012

Mr. Chairman and members of the Senate Energy and Natural Resources Committee,

My name is John Warford, Sr and I am in favor of SB 2212 and ask for your support for a Do Pass on the bill.

I own a mile of land in Burleigh County that Summit Carbon Solutions wants to secure an easement to site a hazardous CO2 pipeline. I am opposed to this pipeline and the use of Eminent Domain to take my land. I have been threatened of a lawsuit on 7/11/22 if I do not allow Survey access.

SCS is a private company, that will make billions in 45Q tax credits, and with Biden's recent 'inflation reduction act' \$85.00 a metric ton! In addition, the only benefits will be for 32 ethanol plants (subsidized as well) 31 of which lie outside of North Dakota. They should not be allowed to steal my land.

Six counties along with Burleigh and Emmons Counties have passed resolutions against eminent domain for this project.

Governor Burgum has stated publicly he supports voluntary easements for the project.

There are a number of significant safety concerns and lack of hazardous response operations that threaten the public close to the pipeline.

In addition, Burleigh County is concerned that the pipeline is sited through a rural residential area and will impede the growth of Bismarck; it is located just a mile outside the Bismarck ETA.

I ask that you stand for the people and support our right for eminent domain.

I am in support of this bill. The proposed route of this pipeline is within 1/2 a mile of my home and comes within several feet of other homes in Apple Creek township. I feel this is much too close due to the hazards associated with this or any other type of pipeline. I support this bill because I do not feel a landowner should be forced to have this on their property.



Testimony in Opposition of
House Bill No. 2209
Education and Environment Division of the House
Appropriations
January 27, 2023

TESTIMONY OF

Josh Teigen, Commissioner, ND Department of Commerce

Mr. Chairman and members of the committee. My name is Josh Teigen and I have the privilege of serving as the Commissioner for the ND Department of Commerce and by statute also the chair of the EmPower ND Commission.

I am here today in opposition of 2209 both as the Commissioner of Commerce and on behalf of the EmPower ND Commission as its chairman. The EmPower ND Commission was formed for the purpose of developing **ND's comprehensive energy policy for the state's diverse and growing energy industry**. The commission is made up of representatives from all the state's energy industries and is a model of how differing interests can come together for the good of an industry. Commerce exists to increase the overall wealth of the state and we do this primarily through the attraction of both capital and talent.

ND prides itself on a being a business-friendly state. A state with a favorable regulatory environment, low taxes, and an approach that innovation trumps regulation. This bill directly flies in the face of the principles that we have used to build our state as a great place to invest and do business.

Both Commerce and EmPower ND believe this bill to be harmful to the future of our economy. There is so much opportunity on the horizon and by enacting policies such as this, we signal to the world that ND is changing course and taking a stance of regulation over innovation. The passage of this bill will cause us to lose critical investments that will contribute to a better quality of life and economic opportunity for all citizens of ND.

Mr. Chairman and members of the committee, on behalf of EmPower ND and the ND Department of Commerce, I strongly urge you to vote no on this bill.



Testimony of Adam Dunlop, Executive Vice President of Midwest Ag Energy

North Dakota Ethanol Producers Association

Opposition of SB 2122, 2209, 2228, 2317, and 2314

January 27, 2023

Chairman Patten and members of the Senate Energy and Natural Resources committee,

I am Adam Dunlop, Executive Vice President of Midwest Ag Energy which owns and operates ethanol plants located in Underwood and Spiritwood. Midwest Ag Energy is a member of the North Dakota Ethanol Producers Association (NDEPA), which represents North Dakota's six ethanol plants, industry stakeholders and associated businesses. NDEPA is here today to oppose Senate Bills 2122, 2209, 2228, 2317, and 2314. These bills would be detrimental—and in some cases fatal—to the ethanol industry with respect to any future advancements in the carbon (CO₂) markets. North Dakota's legislature has diligently invested immense resources in research and development to advance the CO₂ markets and opportunities in ND, and it has spent 15 years creating a legal, tax, and regulatory regime to encourage investment in the CO₂ markets. Each of these bills could unilaterally undo the very thoughtful and at times groundbreaking work you have invested in safe and permanent CO₂ storage.

North Dakota's ethanol industry contributes nearly \$1.7 billion annually to the state's economy and provides thousands of direct and indirect jobs. Thanks to North Dakota's innovative private sector and supportive state government, the state's ethanol production capacity is 550 million gallons per year, which is more than five times the production a decade ago. The plants produce 2.4 million tons of CO₂ annually. Red Trail Energy in Richardton has been capturing and storing the CO₂ it produces for about a year. They were the first Class VI injection well approved by a state regulator with EPA primacy. Midwest Ag Energy's Blue Flint plant has been working on its CO₂ project for the past several years and will have an operational CO₂ project this summer. Tharaldson Ethanol has signed onto the Summit Carbon Solutions pipeline which will be able to capture CO₂ from various Midwest ethanol plants and store it in central North Dakota.

There is a tremendous advantage to capturing and storing North Dakota's CO₂ emitted from the ethanol plants. There are a couple of powerful economic factors at play: (1) the ability to capture more revenue with low-carbon ethanol and (2) 45Q tax credits. The ethanol produced from these plants can be sold to developed and emerging low carbon fuels markets that are willing to pay a premium for low carbon fuel. Low carbon ethanol is often sold at a premium—around 20-30 cents more a gallon. Assuming a \$.20 lift in every gallon ethanol, at 550 million gallons of production in the state, assuming all CO₂ from ND's ethanol plants be permanently stored, that would amount to an additional \$110M (550M X \$.20) in increased annual revenue. That revenue supports North Dakota's agriculture economy. Those who permanently store carbon can also utilize the 45Q tax credit which is currently valued at \$85/ton. ND Ethanol plants produce 2.4 million tons CO₂ annually, the 45Q tax credit on this volume could generate \$204M per year in federal tax credits taken directly to the plant's bottom line (2.4M x \$85). The 45Q tax credit is available for 12 years. Also, lower carbon-intensity scores at a plant enables it to pay a higher price for corn in their area, which translates directly into a better economy for our farmers in ND. These are game-changing opportunities for ND agriculture.

With regard to the eminent domain bills, Senate Bill 2212 completely repeals common carrier status for CO₂ projects, Senate Bill 2209 creates an 85% threshold for eminent domain and gives county commissioners authority to set higher percentages, and Senate Bill 2314 gives the Public Service Commission (PSC) authority to determine common carrier status and eminent domain limitations. Our industry work extremely hard to be sure that landowners are treated fairly and appropriately- they are our suppliers for corn and customers for distillers grains. We all share benefits if we're able to successfully build and operate these projects. Eminent domain, simply put, is not a desired tool, but vocal small minorities of protestors should not be given veto power over any linear infrastructure that allows our state to compete and prosper.

Similarly, with regard to the amalgamation bills, Senate Bill 2228 repeals amalgamation for CO₂ storage, and Senate Bill 2317 creates an 85% threshold for amalgamation. Similar to eminent domain, NDEPA understands that amalgamation is never the first mode of action, but it is a tool that must be utilized at times avoid property rights of the minority outweighing the property rights of the majority on project development. Again, the industry aims for 100% consent from landowners on these projects but there are instances that amalgamation is the voice of the majority. Significantly raising this threshold would absolutely hinder all CO₂ projects across North Dakota.

Addressing a carbon-constrained future is a critical public purpose. Our two major industries, agriculture and energy, cannot survive and thrive without them. Additional, hindering projects for the ethanol industry would put the 550 million gallons of ethanol produced by home grown corn in North Dakota's at a disadvantage on the national level. Thank you for your time today and on behalf of NDEPA I respectfully urge a 'Do Not Pass' on SB 2212, 2209, 2228, 2317, and 2314.

Summit Carbon Solutions Testimony on Senate Bill 2209
January 27, 2023, 9:30 A.M.
Senate Energy and Natural Resource Committee
Senator Dale Patten, Chairman

**Charlie Adams – Manager of Agriculture and Stakeholder Relations,
Summit Carbon Solutions**

Opposition to SB 2209

My name is Charlie Adams. I am a Manager of Agriculture and Stakeholder Relations for Summit Carbon Solutions. I am a fourth generation North Dakotan who grew up on the farm 2 miles north of Lansford in western Bottineau County. My record of service to the rural agriculture community includes service as a Bottineau County Commissioner. During that time, I served on the state board of the North Dakota County Commissioners Association. I was also the General Manager of Hefty Seed Company in Mohall for 8 years where I helped farmers grow their business. I joined Summit Carbon Solutions in July to connect with landowners and farmers, local government leaders, and other stakeholders to get the facts out regarding our project and its benefit to the future of North Dakota's agriculture and energy industries. I ask for your opposition to Senate Bill 2209 for the following reasons:

- 1.) The enactment of this bill arbitrarily singles out CO².
- 2.) The enactment of this bill adds additional responsibility onto the workload of County Commissioners and county staffs, creating another layer of bureaucracy.

First, this bill seemingly singles out CO² based on random choice or personal whim. CO² is a resource for North Dakota. Lyn Helms addressed this in a recent joint session of your committee, the House Energy & Natural Resources committee, and both chambers' Agriculture Committees showing a well-thought-out strategy for CO² infrastructure development for our state over the next 50+ years. That future CO² infrastructure development strategy starts with capture facilities and pipelines. His presentation suggested that proper allocation of this resource would unlock approximately 10 billion barrels of oil in the Bakken and Three Forks formations in the Williston Basin. As such, the importance of a CO² line is essentially as necessary as the oil and gas lines that are required to export North Dakota's vast energy reserves.

Secondly, by specifying an exact percentage of landowners and allowing that percentage to ratchet higher at the will of County Commissions, this legislation creates an additional layer of bureaucracy and signals to industry that North Dakota is a difficult place to do business. This creation would undoubtedly bring fiscal impact both at the state and county level that would adversely impact taxpaying property owners as well as already understaffed county departments. Conservative North Dakotans are not looking for additional layers of government. Our elected Public Service Commissioners already do a very thorough job of establishing and enforcing minimum safety standards for the design, construction, and operation of pipeline facilities. Specifically, the existing CO² pipeline that safely operates north from Beulah and has now for over 22 years.

The enactment of this bill gives County Commissions the right to require 100% acquisition. This gives County Commissions the power to shut down economic development based on the smallest of parcels. This would discourage development and investment in North Dakota for future infrastructure. North Dakota's legislature has been an industry business partner with respect to ag and energy. County commissioners should be following suit and looking for tools to alleviate the property tax burden by welcoming economic development, not looking for tools to restrict it. Senate Bill 2209 puts them in a position to stifle future development and restrict tax base revenues. It is for these reasons that I oppose the enactment of Senate Bill 2209 and respectfully urge you to recommend a DO NOT PASS. Thank you.

Committee Chairman Senator Patten and committee members I'm here to testify regarding SB2209

My name is Susan Doppler; I'm here for myself and other family members. We are landowners in Burleigh County. We are in support of SB2209

Our families have owned property in the same location in Burleigh County for generations. Farming has been our livelihood in providing for our families and the nation throughout these generations. North Dakota's leading industry from its inception was agriculture and it is still one of the leading industries here today. Agriculture being a provider of food is the cornerstone of human existence. The impact of recent food shortages across our state, nation and the world is a reflection of the importance and value of agricultural production; in our case its farm land.

The threats by Summit Carbon Solutions of eminent domain could result in over 200 acres of our farm land being inoperable for farming; because of the risk of the shallow depth of the pipeline and we will be uninsurable because the pipeline is considered hazardous. In addition, in conversation with other landowners affected by pipelines, there will be a devaluation of valuable land. How many acres of land could be lost to agricultural food production by eminent domain with this one 2,000 mile proposed pipeline route? What kind of impact will it have locally, nationally and globally because of the loss of agricultural acreage? CO2 pipelines are NOT always I repeat NOT always beneficial for agriculture, as they continually advertise.

With this being Summit Carbon Solutions first pipeline project and inadequate safety regulations currently in place; the risks are many for landowners, adjacent land and home owners, schools etc. My nephew, his wife and their two young daughters live a very short distance from the proposed pipeline location. I ask you, would you or any of your family members choose to live close to an inadequately regulated hazardous pipeline?

In closing, I will admit this is a very personal issue, our family has owned this land for generations and we believed future generations would inherit this valuable land. I'm asking you to support SB2209 for us, other North Dakotans and the generations to come. Thank you.

Susan Doppler
Bismarck

Mr. Chairman and members of the Senate Energy and Natural Resources Committee,

My name is Jennifer Warford and I am an affected landowner by the Summit Carbon Solutions proposed hazardous CO2 pipeline.

I am in favor of SB 2212 and 2209. I prefer SB 2212 as it is most restrictive. SB 2209 would be acceptable.

I feel Eminent Domain should not be used by a private company, with very questionable motives, to site a pipeline that I do not want and will de-value my land. My development plans for the land for the future will be not possible.

I have four grandchildren that live close to the route and three that attend Naughton Country School about a half mile away! I fear for their safety if a leak would occur. In the summer they often play in the proposed pipeline pasture. It is too close to both Bismarck and their home.

Please do not allow this huge multi-billion dollar company take my land for their private gain.

Thank you.

I

Chairman Patten & members of the Energy and Natural Resources committee,

I support Carbon Capture and Sequestration as I feel it is vitally important to the future of North Dakota's two most important industries, agriculture and energy.

Summit Carbon Solutions is an innovation project which offers landowners an opportunity to develop their pore space as well as providing tax revenue for local government.

As a landowner in the project area, I believe Senate Bills 2209, 2213, 2212, 2228, 2317, and 2314 as well as House Bills 1384 and 1466 are short-sighted and interfere with my property rights. I urge you to vote NO on these bills.

Thank you for your consideration,
Bill and Norma Breimeier, landowners

Good Morning, Chairman Patten and committee members

My name is Keith Kessler. I am a farmer and rancher in Oliver County, and a landowner within the boundaries of a carbon sequestration project.

We are opposed to Senate Bill 2209, as it would have a huge negative impact on North Dakota's ag and energy industries. Carbon capture is important for agriculture and energy, because they go hand-in-hand. Everybody eats. Everybody turns on the light switch. Everybody uses power. We have to sustain agriculture and energy in North Dakota and in the US in general. Both of these industries are under attack, and we have a way to defend them with carbon capture. In addition, it will bring additional jobs and economic benefits to the state and region.

As far as safety is concerned, there's a pipeline that's been in operation with CO2 going to Canada for 20-plus years on the bottom of Lake Sakakawea, and that's been safe. No issues there. So I don't personally have a concern with it.

We have had very good conversations with the company developing the project, and feel comfortable that they will work effectively with landowners throughout the planning, construction, and operation of the pipeline. Their representatives are local people, friendly faces, some in agriculture just like we are. They've been good to work with.

My family has owned this land for over 100 years. It is my hope that this land stays in my family for generations to come. A stable source of additional income can help with that. I am also opposed to Senate Bills 2212, 2228, 2314, and 2317.

Thank you.

Honorable Chairman Patten & members of the Energy and Natural Resources committee,

Thank you for the opportunity to testify. I am a fourth-generation landowner in Oliver County. Many of my family and friends make their living in the energy and agriculture industries which are vastly important to our state and the people who live in it. Carbon Capture and Storage projects are an essential step in maintaining and growing these industries. SB 2212, 2314, and 2209 will hinder the opportunity for this growth. In addition, they threaten the property rights of the majority. Please take into consideration these rights and vote no on these bills.

Sincerely,

Jessica Pulver Biesterfeld



January 27, 2023

Chairman Patten and Senate Energy and Natural Resources Committee Members,

On behalf of the members of the Lignite Energy Council, I am submitting testimony today in opposition of Senate Bill 2209. The Lignite Energy Council consists of over 250 members representing lignite mines, electric utilities, independent power producers and contractor suppliers in the Upper Midwest. The lignite industry accounts for over 13,000 direct and indirect jobs, over \$5.4 billion in economic development and millions in state, county and local tax revenue.

For the past two decades, the Lignite Energy Council has worked with the legislature, state agencies and stakeholders to create a legal, tax, and regulatory framework to support development of carbon capture technology for the electric power that would position North Dakota to lead the nation in CO2 development. There is a long list of legislation that has been thoughtfully designed, debated and passed into law that includes conformity with federal laws, the fee structure at the North Dakota Industrial Commission, the long-term accountability for CO2 storage, Class VI primacy for pore space and the critically important state investments into research, and development to name a few policies that our industry has helped place into law.

We are pursuing this technology because it has the potential to create another top five industry in North Dakota, and to preserve and enhance the coal industry in the new carbon economy. We have pursued this path because ever tightening federal regulations around carbon emissions threaten the longevity of the lignite industry and we now have a tremendous opportunity to mitigate that risk. In North Dakota, we are blessed not only with an 800 year supply of our lignite natural resources, but we also have some of the best geology in the whole world for the underground storage of carbon emissions. This combination provides the tremendous opportunity to lower our carbon emissions while providing us with economic and regulatory certainty in the future that we will be able to continue to deliver affordable and reliable energy to the citizens of our state.

The language found in SB2209 creates additional risk for power sector carbon capture projects. LEC believes that the laws that have been carefully crafted in the Century Code should not be repealed or changed before they have the opportunity to work. We are proud of the community relations that our power plants and mines have built over the many decades that our industry has been in operation. Strong landowner relationships are the only way that these projects move forward and we have achieved high levels of landowner support while coexisting with the current eminent domain laws. The future of our economy depends on moving the commodities we produce to market through critical infrastructure. The CO2 economy will provide public goods through the reduction of regulatory risk for the energy industry, the development of value-added products made from CO2 and the ability to supply CO2 for enhanced oil recovery to continue the petroleum production that provides over 50% of our state's tax revenues.

For these reasons, the Lignite Energy Council opposes SB2209 and we respectfully ask that the committee move to give this legislation a "Do Not Pass" recommendation.

Thank you for your consideration,
Jason Bohrer, President and CEO

1016 E. Owens Ave. | PO Box 2277 | Bismarck, ND 58502

☎ 701.258.7117

🌐 www.lignite.com

@ LEC@lignite.com

Good evening, Chairman Patten and Energy and Natural Resources committee members,

Thank you for the opportunity to provide testimony on SB 2209. I strongly urge you to support this bill. Carbon Dioxide pipelines are a different animal and there is no public benefit to them. The claims of going carbon-neutral are a complete farce, a scam if you will. When billions of dollars are available in the form of tax credits, there are some that see this as an opportunity to capitalize on (including many state politicians, read the news), knowing full well they cannot get their pet projects approved unless thousands of acres of people's land are scarred and the safety of the people nearby compromised. But, progress right?

Our current laws enable and welcome any and all development, some of which is good for the state. The problem is that the state of ND is predominately in private ownership (>90%), and the way things are, private landowners have the short end of the stick. This bill would strengthen private property rights for projects that have no public benefit. When you consider what is enabling these types of projects to come to fruition, keep in mind government spending is out of control and the tax credits available for carbon capture and storage is the epitome of a waste of tax payer's dollars. I don't know about anyone else but I would prefer to see our tax dollars go to something useful.

My point in all this is, SB 2209 would give landowners in North Dakota a voice. If less than 85% of private landowners don't agree to a project, then I'm sorry, the project isn't that important and eminent domain should absolutely not be an option. We are not talking about heating people's homes or providing families with potable drinking water here, we are talking about hazardous pipeline projects that solely benefit private interests and compromise safety of citizens along the way. Plain and simple. Please look past the dollar signs of the recent proposed CO2 projects and support private property rights as well as the safety of the people who have made North Dakota "Legendary". Please pass this bill and support private property rights.

Thank you,

Greg Schonert

Chairman and members,

Thank you for your time on these Eminent Domain bills. I am for both of them on the CO2 hazardous pipeline.

My name is Connie Erickson and I have resided in North Bismarck for 38 years.

Eminent Domaine should not be usable for a CO2 pipeline and I do not want a CO2 pipeline on our private property for these reasons.

I never heard of them until I got a packet in the mail saying I need to sign this easement. Then a second mailing on a different section. Then the surveyor trespassed and came to my door, threatened me and left. Surveyor came one other time when I was not home and knew he was trespassing by his comments on my security cameras. No one has contacted me to explain a thing but yet they are saying in the paper, we are reluctant.

This company does not take faith in their own pipeline to take full responsibility once it is in the ground. I have dealt with water pipes in our house that blew and battled that for four years. You can not prove it's their fault so you are liable! No negligence on your part but too bad. So if a root grows into the pipe and causes a leak, it's all yours to take care of because we let the root grows. They need to be responsible 100%.

These pipelines have not been researched enough as they only are about 1% of the pipelines out there.

No insurance coverage will cover you for liability or anything else, saying this is wrong to be forced to have hazardous on your property.

Your appraisal on your property will be void as there is a disclaimer in the appraisal that states this. It is now not rentable or sellable for 99 years. Is this company going to pay my mortgage, bills, food, taxes for 99 years or are we supposed to be happy becoming homeless?

Our neighbors' lives could be lost, the habitat in danger, our lives are in danger and we can get sued by families of the deceased .

Now you are homeless and the company does not and will not care. Who will help us because of what we were forced to have done.

They say paying a fair market price is good enough for a one time payment. From everything I just mentioned, could you live on a one time payment of whatever they think is good enough for 99 years. 11/29/2022, Ag week has an article stating Iowa farmland (several parcels) sold for \$30,000 an acre. Piper's Auction and Realty said what is happening in Iowa has some effect in North Dakota.

1/13/2023, science.Org has an article about Assessing Exxon Mobil's Global Warming. The article states: this is real and human caused. Oil and gas companies have known about this since the 70's.

European Parliament and the US Congress have held hearings, President Joe Biden was committed to holding fossil fuel companies accountable. A 2020 statement that "we should go after the fossil fuel industry", just like we did the drug companies, tobacco companies. Also states a 2021 executive order to "hold polluters accountable"!

How do farmers and ranchers get to be the target instead. We do not get one thing positive out of this, while this company will make billions every year and others involved also will pocket from it.

KX NEWS had an article on Thursday that the cost of living in North Dakota will continue to rise, not go down, get used to it.

Am I surprised to not see North Dakota standing by the farmers and ranchers?

Thank you for your time and consideration into reviewing my concerns.

**David & Vicki Degenstein
Written Testimony
Senate Energy and Natural Resources Public Hearing**

January 26, 2023

Dear esteemed members of the Senate Energy & Natural Resources Committee:

As longtime residents of Mercer County and landowners in Oliver County, we write to you today to share our enthusiastic support of carbon capture and utilization, as it is vitally important to two of North Dakota's most important industries--agriculture and energy. This legislative session is of critical importance to our ability as a state to be responsive to innovations that help our industries and in turn, help our people.

You will be reviewing proposed legislation that seeks to impede, damage and even cripple our ability as a state to be nimble and innovative and support trailblazing efforts that are at the very fiber of the roughrider spirit we as North Dakotans possess. As you consider Senate Bills 2209, 2313, 2212, 2228, 2317 and 2314, and House Bills 1384 and 1466, please know of our staunch opposition to each bill and our encouragement for you to stand in opposition. Your NO vote will demonstrate your commitment to a vibrant North Dakota that is committed to solutions that benefit our state and our people; and not to poor policy that is clearly motivated by greed and self-interest or worse, by ignorance.

Thank you for voting NO and representing your constituency well.

Best wishes for a productive session,

**David & Vicki Degenstein
Hazen, ND**

Chairman Patten and Members of the Senate Energy & Natural Resources Committee,

I own and operate a 4-generation farm and ranch near Milnor in Sargent County. Corn is our largest commodity, and we also grow soybeans, sunflowers, and wheat. In addition, my father started selling seed in the 1960s and we've always been at the forefront of technology in seed hybrid selection and farming practices. A good amount of our corn is sold to the ethanol plant, and we understand how important ethanol production is to our farm and our rural communities.

I am submitting this testimony in opposition to Senate Bills 2209 and 2314 because these bills single out CO2 unfairly. CO2 pipelines are safe and proven. The DSG CO2 pipeline north of Beulah has been operating safely for over 22 years. The PSC has done a great job of regulating that and moving some of that regulation to county commissions is not right. County commissions are not set up to regulate pipelines. Leave that to the elected officials of the PSC. These bills restrict infrastructure development of the ag and energy industries and those are the two most important industries for our state. I say this as a farmer who relies on a strong ethanol market for my corn.

Please recommend a DO NOT PASS for SB2209 and 2314.

Sincerely,
Bruce Speich
Milnor, ND
bspeich@drtel.net
701-680-0841

**Do Pass Testimony
of Doug Sharbono, citizen of North Dakota
on SB2212
in the Sixty-seventh Legislative Assembly of North Dakota**

Dear Chairman Patten and members of the Senate Energy and Natural Resources Committee,

I am writing as a citizen and believe SB2212 and its companion bill SB2209 are much needed legislation.

I believe in the process of eminent domain benefitting society with needed products and services. Gas, oil, electricity, and transportation require eminent domain to make society function. Carbon dioxide sequestration is not required to make society function.

There is no environmental benefit to carbon dioxide sequestration. Scientifically, if historically trapped carbon dioxide is analyzed from other periods of time, we find there were periods of time when the earth was detrimentally much cooler and more unlivable when the concentration of carbon dioxide in the air was less. We are currently within the margins of measurement error if the earth has warmed since the 1970s. We can thus conclude our anthropogenic contribution to carbon dioxide in the atmosphere has had little affect except perhaps making our crops grow better with the photosynthesis process having more available carbon dioxide to grow the plant material.

The carbon dioxide pipeline and the carbon dioxide sequestration fields DO NOT qualify for eminent domain due to lack of public benefit. If willing sellers of these properties can be found, they can continue with their efforts. Otherwise, it is not the public's interest to intervene with eminent domain.

Thank you,

Doug Sharbono
1708 9th St S
Fargo, ND 58103



100 West Broadway, Ste. 200 | P.O. Box 1395 | Bismarck, ND 58501-1395
701.223.6380 | ndpc@ndoil.org | www.NDOil.org

Senate Bill 2209

Testimony of Brady Pelton

Senate Energy and Natural Resources Committee

January 27, 2023

Chairman Patten and members of the Committee, my name is Brady Pelton, vice president of the North Dakota Petroleum Council (“NDPC”). The North Dakota Petroleum Council represents more than 600 companies in all aspects of the oil and gas industry, including oil and gas production, refining, pipeline, transportation, mineral leasing, consulting, legal work, and oilfield service activities in North Dakota. I appear before you today in opposition to Senate Bill 2209.

This bill attempts to modify the existing law as to when a pipeline carrier may exercise the right to eminent domain, specifically as applied to a carbon dioxide common carrier pipeline. This bill would require voluntary written consent from 85 percent of the landowners in a project area, or more than 85 percent of the landowners in a project area if the board of county commissioners specify a larger percentage is necessary, before a carbon dioxide common carrier pipeline may use eminent domain.

Senate Bill 2209 would substantially alter existing law on the use of eminent domain by a specific type of common carrier pipeline and would severely limit and restrict any carbon dioxide pipelines that have been designated as a common carrier from using eminent domain to complete a project.

The use of eminent domain is rare and is typically considered as a last option available for a project. A project first needs to complete the extensive siting process through the North Dakota Public Service Commission (PSC) and obtain approval for its specific route and corridor. If Senate Bill 2209 is approved, then a project could fail to be completed based on not securing voluntary

consents from 85 percent or more than 85 percent of the landowners within the project area. Such a project would then have to start over, find a new route, and obtain new siting approval from the PSC through its siting process again for that new route and corridor. This time consuming process could be repeated until the project secures the 85 percent or greater consent to proceed. Also, it is unclear and somewhat vague as to what is meant by “85 percent” in the language of the bill. It remains unclear whether this threshold refers to the number of individuals who have title ownership to certain land within the project area or, in the alternative, if it is based on the volume, such as the acreage and size of land that is owned within the project area by landowners.

The use of eminent domain by a pipeline, including carbon dioxide pipelines, should not be restricted in such a manner - particularly when the pipeline project has been deemed to be for the common use and in the public interest by its designation as a common carrier.

A pipeline designated as a common carrier must, without discrimination, accept, carry, or purchase, the product (oil, coal, gas, or carbon dioxide) of the state or of any person not the owner of any pipeline, operating a lease or purchasing oil, coal, gas, or carbon dioxide at prices and under regulations to be prescribed by the PSC (§ 49-19-11 NDCC). The restrictions under SB 2209 on the use of eminent domain by having a requirement for 85 percent or greater voluntary consent could negatively impact development and ultimately result in a pipeline project not being completed despite its siting through the PSC process and designation as a common carrier for the public. A common carrier carbon dioxide pipeline should not be unreasonably prohibited and restricted from the use of eminent domain as is being proposed by SB 2209.

Senate Bill 2209 is also substantially similar to Senate Bill 2314 that will be heard by this Committee later today. However, Senate Bill 2314 includes a requirement that the PSC approve the use of eminent domain after a public hearing is held in every county seat of each county involved

with the pipeline project. It also includes the same provisions for 85 percent voluntary consent, or more than 85 percent if the board of county commissioners determine it is necessary.

NDPC strongly opposes Senate Bill 2209 and urges a **Do Not Pass recommendation**. Thank you for the opportunity to provide this information, and I would be happy to answer any questions.

Testimony of Senator Jeff Magrum
in favor of
SENATE BILL NO. 2209
Senate Energy and Natural Resources Committee
January 27, 2023

Chairman Patten and members of the committee,

I sponsored SB 2209 because I heard from many landowners that developers are threatening the use of eminent domain as a way to negotiate for property rights and access. Eminent domain should not be used as a threat or as a tactic in negotiations. Especially when eminent domain is being used by private companies who are making money by conducting an ongoing business venture on the landowner's property, it is unfair when those landowners are not treated as the hosts of this business venture and invited to discuss how it will impact their own business.

We need to support property rights and our landowners as we develop our natural resources, and we need to make sure we are balancing our goals of developing our natural resources with protecting private property rights.

Thank you,
Senator Jeff Magrum

Testimony of Troy Coons on behalf of
Northwest Landowners Association
in favor of
SENATE BILL NO. 2209
Senate Energy and Natural Resources Committee
January 27, 2023

Chairman Patten and members of the committee, thank you for taking my testimony into consideration today.

My name is Troy Coons and I am the Chairman of the Northwest Landowners Association. Northwest Landowners Association represents over 525 farmers, ranchers, and property owners in North Dakota. Northwest Landowners Association is a nonprofit organization, and I am not a paid lobbyist.

We support SB 2209 because we have heard from members and other landowners who are very upset by the threat of eminent domain as a negotiating tactic. This problem has not gone away and it is not only a problem in only one part of the state – landowners around the state are finding themselves forced to take unfavorable terms and unfair compensation because their choice is to take it or spend large sums and years of their lives on litigation.

Eminent domain is sometimes necessary for public projects with a public benefit. But in too many situations it is being used to force landowners to accept unfavorable terms rather than having a real negotiation, and that is not how eminent domain should be used. We support legislation that limits the use of eminent domain and encourages development to occur through private contracts.

Thank you,

Troy Coons
Northwest Landowners Association