

2023 SENATE ENERGY AND NATURAL RESOURCES

SB 2212

2023 SENATE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Peace Garden Room, State Capitol

SB 2212
1/27/2023

A bill relating to eminent domain and carbon dioxide pipelines; and to declare an emergency.
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9:00 AM Chairman Patten opened the meeting. Present are Chairman Patten and Senators Magrum, Beard, Boehm, Kannianen and Kessel.

Discussion Topics:

- Environment
- Property rights
- Energy industry
- Pipelines

9:01 AM Senator Magrum introduced the bill and provided written testimony #17403.

9:04 AM Gaylen Dewing testified in favor of the bill and provided written testimony #17191.

9:11 AM Todd McMichael testified in favor of the bill and provided written testimony #16356.

9:15 AM Susan Dopler spoke in favor of the bill and provided written testimony #17264.

9:19 AM John Warford testified in favor of the bill and provided written testimony #17147.

9:21 AM Kevin Bernhardt testified in favor of the bill and provided written testimony #16575.

9:25 AM Aaron Magrum, Chairman, Emmons County Commission spoke in favor of the bill.

9:27 AM Troy Coons, Northwest Landowners Association testified in favor #17757.

9:29 AM Travis Zabloutney spoke in favor of the bill.

9:32 AM Greg Miller gave oral testimony in favor of the bill.

9:34 AM Keith Kessler, farmer rancher, testified opposed to the bill #17300.

9:41 AM Lori Flemer testified opposed to the bill #17243.

9:48 AM Wade Boeshans, Executive Vice President, Summit Carbon Solutions testified opposed to the bill #17175.

10:03 AM Pamela Trhlik, Director of Governmental Affairs and New Business Development for the Laborers International Union of North America, Local 563 testified in opposition #17762.

10:12 AM Jason Bohrer, President Lignite Energy Council, testified opposed to the bill #17306.

Additional written testimony:

Joshua Teigen provided written testimony #17176.
Stephanie Doolittle provided written testimony #17181.
Adam Dunlop provided written testimony #17234.
Charles Doppler provided written testimony #17244.
Roberta Klusmann provided written testimony #16407, 17249, 17250, 17251, 17252.
Lon Klusmann provided written testimony #17263, 15486, 15580, 16671, 17016.
Jennifer Warford provided written testimony #17271.
Dave Burns provided written testimony #17274.
Christine Childress provided written testimony #17277.
James Rockstad provided written testimony #17280.
Bill Breimeier provided written testimony #17293.
Larry Hogue provided written testimony #17304.
Jessica Pulver provided written testimony #17308.
Mike Rohrich provided written testimony #17324, 17325.
Constance Erickson provided written testimony #17326.
Geoff Simon provided written testimony #17329.
Greg Schonert provided written testimony #17338.
David Degenstein provided written testimony #17342.
Doug Sharbono provided written testimony #17370.
Brady Pelson provided written testimony #17382.
Gordon Morris provided written testimony #15536.
Julia Stramer provided written testimony #14894.
Larry and Cheryl Stockert provided written testimony #15633.
Daniel Morris provided written testimony #15640.
Lori Klabunde provided written testimony #15733.
Sue Mclean provided written testimony #15852.
Diane and Loren Staroba provided written testimony #16371.
Dan Dotzenrod provided written testimony #16499.
Rose Dotzenrod provided written testimony #16507.
Marilyn Bryan provided written testimony #16710.
Jeffory Morris provided written testimony #16727.
Jerry Waswick provided written testimony #16767.
Teresa Yarlott provided written testimony #16818.
Valera Hayen provided written testimony #16838.
Arthur Rode provided written testimony #16901.
Randall Waloch provided written testimony #16936.
Connie Erickson provided written testimony #16988.
David Moch provided written testimony #17115.
Ryan Carter provided written testimony #17133.
John Warford Junior provided written testimony #17756.

10:20 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 2212
1/27/2023

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

4:34 PM Chairman Patten called the meeting to order.

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

Discussion Topics:

- Carbon pipelines
- Environment
- Property rights
- Energy industry

4:34 PM Chairman Patten reopened the public hearing for further testimony.

4:35 PM Roberta Klusman testified in favor of the bill and provided written testimony #16407.

4:45 PM Lon Klusman testified in favor of the bill and provided written testimony #16671.

4:58 PM Chairman Patten closed the public hearing.

4:58 PM 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 2212
2/10/2023

A bill relating to eminent domain and carbon dioxide pipelines; and to declare an emergency.
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10:58 AM Chairman Patten opened the meeting.

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

Discussion Topics:

- Committee action
- Pipelines

10:58 AM Justin Kringstand, North Dakota Pipeline Authority, spoke to the committee about pipelines in North Dakota.

11:01 AM Senator Magrum moves to adopt amendment LC 23.0637.01003, #20497.

11:09 AM Motion dies due to a lack of a second.

11:09 AM Senator Magrum moves to adopt amendment with 1250-foot setback language.

11:09 AM Motion dies due to a lack of a second.

11:15 AM Senator Beard moves to adopt amendment with 1000-foot setback language. Motion was seconded by Senator Boehm.

11:17 AM Lynn Helms, Department of Mineral Resources, answered committee questions.

11:25 AM Roll call vote is taken.

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

Motion passes 5-1-0.

11:25 AM Senator Magrum moves to further amend the bill to include an emergency clause.

11:26 AM The motion dies due to the lack of a second.

11:26 AM Senator Magrum moves to Do Pass the bill as amended. Motion seconded by Senator Beard.

11:27 AM Roll call vote was taken.

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

Motion passes 5-1-0.

Senator Boehm will carry the bill.

This bill does not affect workforce development.

11:28 AM Chairman Patten closed the meeting.

Rick Schuchard, Committee Clerk

*This bill was reconsidered at a later meeting.

February 10, 2023

AG
2-10-23
(1-1)

PROPOSED AMENDMENTS TO SENATE BILL NO. 2212

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 49-22.1-03 of the North Dakota Century Code, relating to avoidance areas for carbon dioxide pipelines.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 49-22.1-03 of the North Dakota Century Code is amended and reenacted as follows:

49-22.1-03. Exclusion and avoidance areas - Criteria.

The commission shall develop criteria to be used in identifying exclusion and avoidance areas and to guide the site, corridor, and route suitability evaluation and designation process. Except for oil and gas transmission lines in existence before July 1, 1983, areas within five hundred feet [152.4 meters] of an inhabited rural residence must be designated avoidance areas. For carbon dioxide pipelines, areas within one thousand feet [304.8 meters] of an inhabited rural residence must be designated avoidance areas. This criterion does not apply to a water pipeline. The five hundred foot [152.4 meter] and one thousand foot [304.8 meter] avoidance area criteria for an inhabited rural residence may be waived by the owner of the inhabited rural residence in writing. The criteria also may include an identification of impacts and policies or practices which may be considered in the evaluation and designation process."

Renumber accordingly

2023 SENATE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Peace Garden Room, State Capitol

SB 2212
2/10/2023

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

3:38 PM Chairman Patten opened the meeting.

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

Discussion Topics:

- Committee action

3:38 PM Senator Kessel moved to reconsider the action the committee previously took on the bill. Motion seconded by Senator Beard.

3:38 PM Roll call vote is 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.

3:48 PM Lynn Helms, Director, Department of Mineral Resources spoke to the committee.

3:54 PM Senator Kessel moves to Do Not Pass as amended. Senator Kannianen seconds the motion.

3:55 PM Roll call vote is 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.

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02/10/23
Page 2

Senator Kessel will carry the bill.

This bill does not affect workforce development.

3:59 PM Chairman Patten closed the meeting.

Rick Schuchard, Committee Clerk

REPORT OF STANDING COMMITTEE

SB 2212: Energy and Natural Resources Committee (Sen. Patten, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2212 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 49-22.1-03 of the North Dakota Century Code, relating to avoidance areas for carbon dioxide pipelines.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 49-22.1-03 of the North Dakota Century Code is amended and reenacted as follows:

49-22.1-03. Exclusion and avoidance areas - Criteria.

The commission shall develop criteria to be used in identifying exclusion and avoidance areas and to guide the site, corridor, and route suitability evaluation and designation process. Except for oil and gas transmission lines in existence before July 1, 1983, areas within five hundred feet [152.4 meters] of an inhabited rural residence must be designated avoidance areas. For carbon dioxide pipelines, areas within one thousand feet [304.8 meters] of an inhabited rural residence must be designated avoidance areas. This criterion does not apply to a water pipeline. The five hundred foot [152.4 meter] and one thousand foot [304.8 meter] avoidance area criteria for an inhabited rural residence may be waived by the owner of the inhabited rural residence in writing. The criteria also may include an identification of impacts and policies or practices which may be considered in the evaluation and designation process."

Renumber accordingly

2023 SENATE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Peace Garden Room, State Capitol

SB 2212
2/15/2023

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

3:06 PM Chairman Patten opened the meeting.

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

Discussion Topics:

- Committee action

3:07 PM Senator Kessel moved to reconsider the action the committee previously took on the bill. Motion seconded by Senator Kannianen.

3:07 PM Roll call vote is taken.

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

Motion passes 6-0-0.

3:08 PM Senator Kessel moves to remove previously adopted amendment to the bill. Motion seconded by Senator Kannianen.

3:08 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.

3:09 PM Senator Kannianen moves to Do Not Pass the bill. Motion seconded by Senator Kannianen.

3:09 PM Roll call vote is taken.

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

Motion passes 4-2-0

Senator Kessel will carry the bill.

This bill does not affect workforce development.

3:10 PM Chairman Patten closed the meeting.

Rick Schuchard, Committee Clerk

REPORT OF STANDING COMMITTEE

SB 2212: Energy and Natural Resources Committee (Sen. Patten, Chairman) recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2212 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

TESTIMONY

SB 2212

Committee Members

This is in support of **SB 2212**, which eliminates the right of CO2 pipelines to eminent domain.

Summit Carbon Solutions is planning to cross through our cropland with a pipeline that serves no useful purpose for the good of man. 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 pipe 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?

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.

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 be about \$23.00 per year for 99 years. This amount would not even pay the 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.

While we are minding our own business, working our fields, and taking care of our land, we are now finding ourselves buried in paperwork and meetings, and paying a lawyer every month.

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 without a toxic pipeline cutting through it.

We are asking you to help ND landowners.

Please vote **YES** on **SB 2212**.

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.

January 12, 2023

This is an open letter to all of the Honorable Members of the North Dakota Senate and House of Representatives and their respective Energy and Natural Resources Committees:

Subject: S B No 2212 A Bill for an Act to amend and reenact subsection 10 of section 32-15-02 and section 49-19-12 of the North Dakota Century Code, relating to eminent domain and carbon dioxide pipelines; and to declare an emergency.

Dear Senators and Representatives,

As a 4th 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 Capital grounds, who has worked as a Natural Resources attorney for over 50 years, this is to respectfully request your support of the subject legislation.

Inasmuch as Co2 pipelines utterly fail to meet the threshold test of having a public purpose (as hydrocarbon pipelines transporting a critical energy supply clearly do) adoption of this widely-supported legislation would immediately accomplish the following objective:

Elimination of any taking or use of privately owned ranch and farmlands for construction of carbon dioxide pipelines and related facilities by use of the power of eminent domain.

I hope that you will agree that eminent domain should never again be afforded to an entity formed for private gain which serves no public purpose.

Nothing in this bill would prohibit any private enterprise pipeline, operating under State rules and regulations, from obtaining their easements by arms-length negotiations with landowners under the tried and true American enterprise system.

Thank you for your public service and your support of this legislation.

Sincerely,



Gordon R. Morris

SUPPORT OF SENATE BILL 2212, to amend and reenact the ND Century Code relating to eminent domain and CO2 pipelines.

From: Lon Klusmann (lonklusmann@yahoo.com)

To: lonklusmann@yahoo.com

Date: Saturday, January 14, 2023 at 12:17 PM EST

Honorable members of the Committee.

As a lifelong Republican, I find it ironic that I must appeal to the Republican Legislators of ND to protect my families 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 ND for permanent sequestration, and to receive \$1,500,000,000 per year in **Taxpayer funding** through 45Q tax credits. (Robin Hood in reverse)

The partnership is steadfastly opposed to ANY pipeline from crossing their land, which was gifted (upon parent's death) to the sons and daughters (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.

The North Dakota legislature must defend the God given right to peace and pursuit of happiness through ownership of property, rather than supporting private businesses that hold a disproportional 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.

Lon & Roberta Klusmann
2110 Bay Hill Loop
Bismarck, ND

Testimony in Support of Senate Bill 2212
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 2212 because:

1. We do not believe a private corporation should have the right to steal our property utilizing eminent domain for private gain. Ensuring landowners have rights to their land is critical. Government officials have been presented information stating carbon capture is the next boom for North Dakota, we have to do it right. Doing it right doesn't mean citizen's land is taken without landowner consent for the private gain of the corporation.
2. Carbon dioxide pipeline technology, which transports deadly hazardous liquid material, is in its infancy with superficial safety regulations. Large diameter pipelines have not been independently and scientifically proven safe and as such should not be provided eminent domain authority.
3. Eminent domain, in this instance, would be equivalent to a private corporation playing Russian Roulette with our lives and the lives of anyone within the "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 states, "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 2212.

Thank you for the opportunity to comment.

Larry and Cheryl Stockert

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



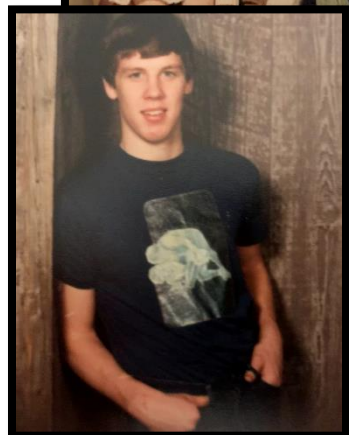
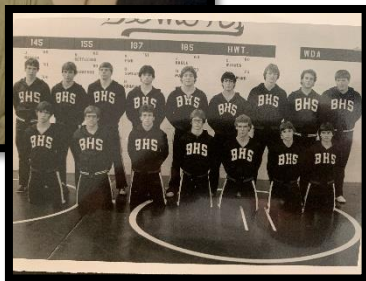
Dan Morris - Bio

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

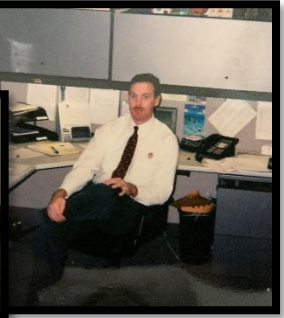
team, and I was into motocross racing. I once raced in the San Diego AMA Supercross but landed on a competitor coming down off a trip jump.





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.



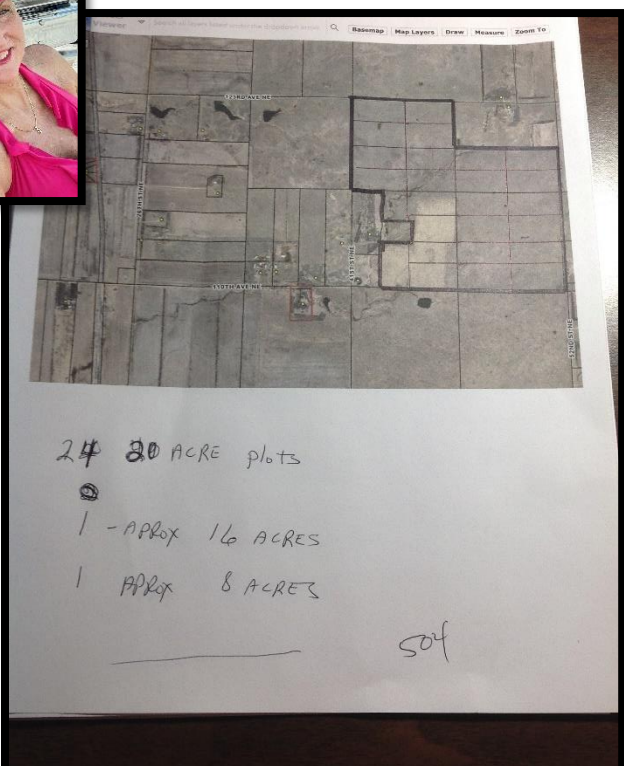


I don't have kids (as far as I know anyway). My kids are my cars which I enjoy restoring. I guess this comes from the time I was in High School and cruised main street with my friends. I have recently completed a car I purchased as a present to myself after successfully moving my business to our new 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 22, 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 2212. As you know, this Bill will prevent Summit Carbon Solutions from using Eminent Domain to secure land for their current pipeline route. 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. 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 industry in North Dakota. The easement and route 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 allow me to develop my land as I have 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 2212, 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 2212, landowners and Summit Carbon Solutions will find an agreement that continues to support and foster a strong Energy Industry North Dakota

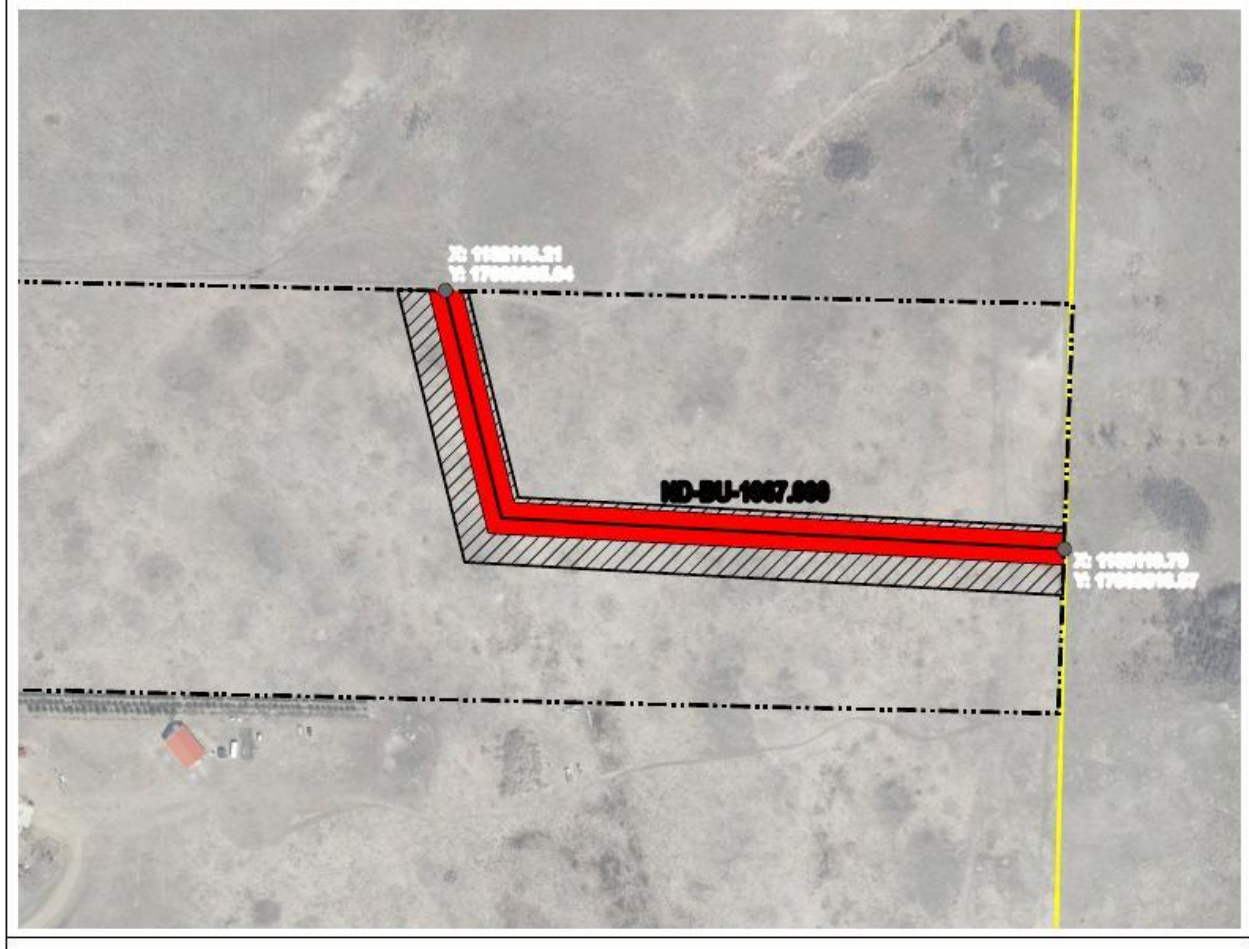
Thank you for your support.

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



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

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.

- 1 According to NDCC 49-22.1-14 this would be considered a threat to encourage landowners to sign. My family is a perfect example, we would not be in conversations with Summit if we did not fear eminent domain.
- 2 The governor was asked about that on the Joel Heitkamp show on Aug. 25. Below is a transcript of his response, followed by a couple of excerpts from the Attorney General's [eminent domain page](#), which supports the governor's remarks.

“Under North Dakota law, eminent domain would only be available for projects that have public use or public purposes, so in this case it wouldn't even be available as a tool. If Summit (Carbon) Solutions is going to get a pipeline built in North Dakota, they're going to have to do that by coming to mutually agreeable terms with landowners to pay for that access. And if enough landowners say, 'Hey I don't want to get paid for an easement across my land that's going to help agriculture and energy in North Dakota,' then as a private company, they'll build their \$3 billion pipeline to Wyoming or somebody else who's willing to get it. The market forces will drive whether or not this thing actually happens or not. But no, there's zero possibility of eminent domain being part of this, don't even know how that came to be part of the conversation.”
- 3 ND Constitution Article 1 Section 16 second paragraph

For purposes of this section, a public use or a public purpose does not include public benefits of economic development, including an increase in tax base, tax revenues, employment, or general economic health. Private property shall not be taken for the use of, or ownership by, any private individual or entity, unless that property is necessary for conducting a common carrier or utility business.

In an August 29, 2022 press release Summit states “The goals of this 4.5 Billion dollar investment are to drive economic growth and job creation.”
- 4 Summit has continually stated that their goal is to achieve 100% volunteer easements, by passing this bill we will help Summit achieve that goal.
- 5 When CO2 pipelines were given the use of eminent domain it was for the sole use of EOR. I spoke with Senator Rich Wardner at length about this. The Summit Carbon Express is an unintended circumstance of passing that legislation and therefore it should be removed.

This pipeline is for the sole purpose of capturing 45Q tax dollars at 85 dollars per ton of stored CO2. Due to regulations and the rock this CO2 is stored in it will never be recovered and used for Enhanced Oil Recovery. Our governor is betting on the 45Q taxes to go away in 12 years and then use this pipeline to transport CO2 into the Bakken oil fields. What new technologies will there be in 12 years?

To the Honorable members of the Energy and Natural Resources committee in support of SB 2212.

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 SB2212 addresses these issues. We would appreciate your support, voting YES.

Loren & Diane Staroba
Fargo, North Dakota

Fwd: SUPPORT OF SENATE BILL 2212, to amend and reenact the ND Century Code relating to eminent domain and CO2 pipelines.

[REDACTED]
[REDACTED]
Date: Tuesday, January 24, 2023 at 03:07 PM EST

Begin forwarded message:

From: [REDACTED]
Date: January 18, 2023 at 8:59:28 PM EST
To: [REDACTED]
Subject: SUPPORT OF SENATE BILL 2212, to amend and reenact the ND Century Code relating to eminent domain and CO2 pipelines.

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 land this land breathes life into my heart, mind and soul.

Please vote YES, in favor of Senate Bill 2212.

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

Committee Chair and Members of the Energy and Natural Resources
Committee

I am Dan Dotzenrod. I support the passage of SB 2212.

I recognize a landowner may find it worthwhile to sign an easement with a carbon pipeline company. I also believe a landowner should not be forced to handicap or give up their land in order to help finance a highly profitable (Billions) endeavor.

The future value of our land will be forever irreversibly damaged by the placement of a proposed carbon dioxide pipeline on our property.

The carbon dioxide pipeline begets liability with no reward. A carbon pipeline company proposes their pipeline will go kittycorner through our most productive quarter of land. This means every tile line will be cut. The carbon pipeline company claims it will repair the cut tile lines and there will be no problems. This defies common sense. The trench for the pipeline will be dug, then filled with loose dirt. The repaired tile line will have loose dirt below and above our drainage tile lines. As dirt settles over time, there will be breaks in the drain tile lines. A break in the tile line will allow dirt to enter the drain tile system. It will likely plug downstream tile lines. In order to repair those breaks (directly a result from the carbon pipeline), we will be at the mercy of the carbon pipeline company. The company employee or agent will be the only party that will determine if the break is caused due to the CO2 pipeline. The carbon company can claim it is not due to their pipeline. Also, the carbon pipeline company will decide who repairs and when repairs will be made. Delay in repair will lead to crop production losses beyond the carbon pipeline easement area. This is especially concerning given that there are so few regulations and oversight for carbon dioxide pipelines.

We have been good stewards of the land by installing drain tile on 100% of the parcel. This CO2 pipeline will forever reduce bushels and income produced from this parcel.

In the past year and a half, our Governor has stated eminent domain will not be used for a carbon dioxide pipeline project. Please help the Governor stand behind his statement by voting yes.

I implore you to support SB 2212. This Bill allows landowners to have a fair negotiation over their property without the threat of eminent domain.

Support landowner property rights. Pass SB 2212.

Dan Dotzenrod
Wyndmere, ND

Committee Chair & Members of the Energy & Natural Resources Committee,
My name is Rose Dotzenrod. I support SB 2212.

I am a landowner on a proposed pipeline route carrying carbon dioxide.

SB 2212 will allow landowners to negotiate over their property without the threat of eminent domain. A Yes vote will also allow landowners to develop infrastructure on their property in the most economical and sustainable manner which best meets a family's farming needs. Passing SB 2212 will allow landowners to continue to be good conservationists and stewards of the land.

The use of eminent domain for carbon dioxide pipelines harms family farms and landowners. A proposed carbon dioxide pipeline meandering diagonally across and through the center of our property hurts. We have spent hundreds of thousands of dollars in improvements. We have more plans for infrastructure improvements. The placement of a carbon pipeline transversing across the property will halt those plans. It will stifle plans and suppress future infrastructure investment on our property and other properties forever.

Eminent domain should not be used for carbon dioxide pipelines. It is perplexing, there are little or no safeguards or regulations regarding production cropland property infrastructure improvements and carbon dioxide routing. The carbon pipeline proposal will cut every single drainage tile line on our property.

Their routing choice action brings forth unwanted liability and safety concerns. The repaired tile lines will have loose dirt above and below the tile lines. Soil settles over time. There will be breaks in the tile lines. Also, as a result of the cuts and resulting breaks to the tile lines, sink holes or underground air pockets may well form under the topsoil. These air pockets will create dangerous, unseen sink holes. When farming, we will be unaware of a sink hole until it collapses, perhaps, as we are crossing the unseen air pocket as we are planting or harvesting. Additionally, the cuts and breaks in tile lines (as a result solely of the carbon pipeline) will put dirt into the tile lines, thereby plugging our tile lines downstream from the carbon pipeline's cuts (beyond the area the carbon dioxide pipeline company guarantees). The carbon pipeline company agent will decide If or When repairs are made, Not the landowner. The result will be lost yield and lost profit.

We have proposed alternate routes. We have negotiated. We have attempted to collaborate. Another suggestion because this is a project funded with federal money, routes utilizing federal and state lands have been suggested. We were told by a carbon pipeline employee— *It's too hard for them to cross federal and state lands*. We have brought forth concerns. The carbon company has not answered questions with transparency throughout conversations.

In a grassroots groundswell from landowners this past Spring, 6 County Commissions on the proposed carbon dioxide pipeline route passed resolutions Unanimously to Oppose Eminent Domain for the carbon dioxide pipeline. Our Governor has stated there was a “Zero” chance that eminent domain would be used on the proposed project in the state.

It is understood the landowner desires what is best for their property and family. For some landowners and their property, the placement of a carbon dioxide pipeline route on property may not be problematic. The landowner should decide if the pipeline is or is not beneficial for their property.

Carbon dioxide stored underground makes it eligible for federal tax credits at an increased payment compared to a lower payment for carbon dioxide used for enhanced oil recovery as I understand it. Federal tax credits are funding this proposed carbon dioxide pipeline project. The federal government will not pay farmers to sequester carbon through safe conservation practices at the same rate as a carbon pipeline company.

The integrity and value of land as a natural resource is to be protected. This is very difficult with few regulations and safeguards in place for CO2 pipelines. Unlike oil & gas pipelines, carbon dioxide pipelines do not fuel our farms or our communities. Pressurized Carbon Dioxide is a hazardous waste product according to the Occupational Safety and Health Administration. When questions have been asked regarding emergency response and how the pipeline company will assist in education and financial assistance in advance of, and if there is a carbon dioxide leak or rupture, the carbon pipeline company employees have given no transparent answer in how they will participate in education or financial assistance for education, specialized equipment, and so forth required to prepare for and respond to an emergency event.

Your support for SB2212 will allow the opportunity for a carbon dioxide pipeline without the use of eminent domain. Allow landowners and farmers to be responsible stewards of the land. Please help us. Please protect basic landowner rights.

Thank you for your time and consideration.

Your Yes vote will allow landowners to negotiate without the threat of eminent domain.

Please help us. Support the basic landowner property rights of SB 2212.

Rose Dotzenrod
Wyndmere, ND

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



Fw: Support of Senate Bill 2212

From: [REDACTED]

To: [REDACTED]

Date: Friday, January 20, 2023 at 10:59 AM EST

Subject: Support of Senate Bill 2212

Honorable Members of the Committee

My Name is Lon Klusmann, of Bismarck

I am writing today to ask your support of Senate bill 2212.

This bill would prevent the use of eminent domain from taking our families 504 acres for the Summit Carbon Solutions CO2 pipeline.

This bill DOES NOT prevent any CO2 company from negotiating an agreement with landowners, it just STOPS THE STEAL. from landowners that do not want a pipeline on their land.

Our family did not invite nor authorize a pipeline on our land, Summit Carbon Solutions just drew a line on the map of our land, this action alone could diminish its retail value, and this is particularly troubling as we are planning to develop a Rural Residential Subdivision, which would generate significant tax revenue to Burleigh County, this encroachment by Summit will negatively impact our 29 family members financial future, and without a doubt hurts Burleigh County potential tax revenue.

Under eminent domain Summit Carbon Solutions and the State Of North Dakota presume that they know the BEST USE of OUR land. They don't, only our family knows what is best for our land, and it is OUR land, not Summits.

Our Family disagrees with the use of eminent domain for this project, especially since the CO2 sequestered in North Dakota, and as stated by Summit Carbon Solutions, will not and cannot be used for enhanced oil recovery, (per the provisions of 45Q of the IRS code) and therefor this planned pipeline is NOT in the public interest, but only serves the globalist Climate Change advocates, and would place Billions of *taxpayer Dollars into the hands of a PRIVATE company.*

The ND legislature should protect individual property and reject the desires of a private company that holds undue and disproportionate power over the political process.

Thank you for voting to approve Senate Bill 2212

Lon Klusmann

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

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 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.

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,

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

SB2212-Opposed

At some point ND lawmakers once determined CO2 pipelines met the criteria for importance of Common Carrier status. I see no new evidence to suggest otherwise. If you believe in global warming, how can you argue against CO2 capture? Plus this should never be a belief one way or the other, it should be based on scientific data for which I don't have time to study. I like to lean on the side of safety and capture CO2 for the good of all. Now if you think global warming is hogwash then wake up, fossil fuels are the target by Federal government for complete elimination and we better do what we can to minimize CO2 release into the atmosphere and position North Dakota as good as we can to fight against fossil fuel elimination.

Jerry Waswick
was@drtel.net
701-678-2431
Gwinner, ND

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 families 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.

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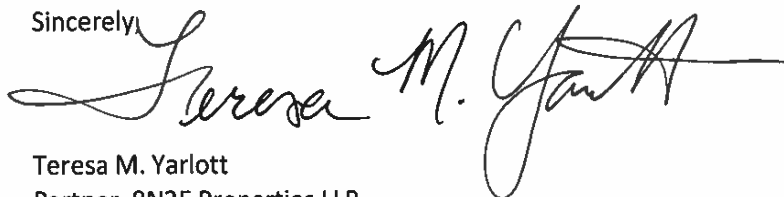
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The legacy now extends to 29 family descendants that will also defend and protect against eminent domain from taking this land and thereby eliminating the financial security that a well-planned development would insure.

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,

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

January 25, 2023

In re: North Dakota Senate Committee regarding Senate Bill 2212:

I am asking your support for SB 2212, that CO2 should not be included with oil and gas.

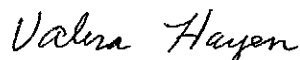
Where is the public benefit of burying CO2? It is for the benefit of a private and foreign owned company. They will be using taxpayer money to make a fortune and using our land to do it.

My land is virgin prairie with many native grasses and flowers, also Indian artifacts. It cannot be restored; once it is gone, it is gone.

If you allow eminent domain for private enterprises, then who will be the next company that want our land for themselves?

Please support this bill for landowner protection.

Thank you,



Valera Hayen
Sargent County

Valera Hayen
9164 119th Ave. SE
Cogswell, ND 58017
701-680-2559

January 25, 2023

Committee Chairman and members of the Committee,

My name is Art Rode from rural Bismarck and I support bill SB2212.

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 2212:

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 2212.

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.

To the Chairman and members of the Committee

Please ask Summit these questions as you prepare the vote to APPROVE with a DO PASS recommendation to the full Senate. On SB2212 and /or SB2209

Since you have NO customers and no product to SELL, and have no source of income other than 45Q funding, do you plan to file bankruptcy when the GOVT/ TAXPAYER money dries up?

If 45Q taxpayer money was NOT GIVEN to you, would you still be doing this project?

Will you consider moving from Washburn to Bismarck, so that you can live DOWNWIND/DOWNSTREAM from your pipeline?

Why did you not solicit landowners? some would probably welcome your pipeline, rather than being a bully to steal land for your GREEDY project?

Why do you think ND owes YOU the rights to our land?

How can You say NO historical, environmental, geological factors exist on our land since you did NOT do an actual on-the-ground survey, OR did you trespass onto our land and do it anyway before you sued us?

Why do you think **you know** the best use for my land? I think I know the BEST use for YOUR home and land too.

Have you previously, or are you currently in easement negotiations with the Senate Majority Leader, or any member of the Energy and Natural Resource Committee?

How can YOU say the pipeline is safe? you DONT KNOW! Do you think the lowest bidder builds it to last FOREVER? or 99 years?

Will you denounce your affiliation with the Ultra Left-Wing organization 'The Great Plains Institute'?

Will you allow me to "rest in peace" in my grave knowing YOU will NEVER come for my land?

Lon Klusmann

MEMBERS OF THE SENATE ENERGY AND NATURAL RESOURCES COMMITTEE

I am in strong support of **SB 2212**, which specifically stops Summit Carbon Solutions from using **eminent domain** for this CO2 pipeline.

I don't agree with any company being allowed to come into the state of North Dakota take my land, and force me to accept a dangerous CO2 pipeline that I do not want. I thought we still lived in a free country.

I know that the native virgin prairie will never be the same once the soil is disturbed. This CO2 pipeline will affect my native grassland, and my farmland.

They are using my land, public money, and tax credits for their own private gain. It's time to protect North Dakota and support **all** of the people that call it home.

Please help protect our landowner rights by taking a stand against using eminent domain in North Dakota.

Thank you for your support of a **YES** vote on **SENATE BILL 2212**.

David Moch

Hazelton, ND

Emmons County



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.

**Summit Carbon Solutions Testimony on Senate Bill 2212
January 27, 2023, 9:00 A.M.
Senate Energy and Natural Resource Committee
Senator Dale Patten, Chairman**

Wade Boeshans – Executive Vice President Summit Carbon Solutions

Opposition to SB 2212

My name is Wade Boeshans. I am an Executive Vice President with Summit Carbon Solutions responsible for leading Summit's project in North Dakota. I am a fourth generation North Dakotan. I grew up on and now own the land that my great grandfather homesteaded; in what is now the heart of coal country in Mercer County. I worked in the lignite industry for twenty-four years prior to joining Summit Carbon Solutions. I have personal experience with the many benefits of a robust energy and agriculture economy including affordable food, fuel, and the economic prosperity it affords our communities.

Summit Carbon Solutions is developing the world's largest carbon capture and storage project that proposes to capture CO₂ from ethanol plants and industrial facilities across five states, transport the CO₂ to North Dakota where it will be permanently geologically sequestering in Oliver and Mercer Counties. The project will invest over \$900 million in North Dakota to bolster the energy and agricultural industries that are critical to the North Dakota and regional economy.

Proposed climate and energy policies, investor pressures, and societal demands for lower carbon energy have created a low-carbon economy that presents both significant risk and tremendous opportunity to North Dakota. If we do nothing, these pressures threaten North Dakota's traditional energy and modern agriculture that represent seventy percent of our economy. If we take action and deploy solutions like carbon capture, transportation, storage and utilization, we can preserve our industries, spur new investment, and thrive in the low-carbon economy.

Fortunately, North Dakota industry, research, and policy leaders had the foresight over two decades ago to begin investing in research and developing the legal and regulatory frameworks to enable the development and commercialization of carbon capture, transportation, utilization, and storage. I've had the privilege of working closely with North Dakota leaders in these efforts for over a decade. As a result, North Dakota is uniquely positioned to thrive in a low-carbon economy with an established legal and regulatory framework, well understood geology, and commercially available capture technologies. This early action and thoughtful

leadership of North Dakotans has produced three operating CCUS projects today and four others under development.

Linear infrastructure is critical to North Dakota's economy. We produce massive amounts of energy and agriculture commodities that all rely on linear infrastructure to transport them to markets including pipelines, electric transmission, roadways, and rail lines. Our economy, jobs and state funding are heavily dependent on our ability to move Ag and Energy Commodities to markets. Stopping linear infrastructure development would be devastating to our economy and the livelihoods of North Dakotans.

SB 2212 proposes to remove CO2 pipelines from the common carrier definition and by extension the ability to use eminent domain to secure easements for CO2 pipelines. This would effectively stop all CO2 pipeline projects significantly impairing if not eliminating the ability for industrial facilities to install carbon capture and compete in low-carbon markets. Consequently, shutting down \$billion of investment, thousands of jobs, stranding North Dakota resources and strangling our economy.

Chairman Patten and members of the committee, CO2 pipelines are the conduits to the markets of the future. We are at the doorstep of an emerging carbon capture and storage industry. Keeping the door open for CCUS is critical to the livelihoods of North Dakotans. I respectfully ask for your opposition to SB 2212.

Thank you.



Testimony in Opposition of
House Bill No. 2212
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 2212 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.

January 27, 2023

Good morning Chairman Patten and Senate Committee members.

My name is Stephanie Doolittle. I am a resident from District 8 and here in support of SB2212 introduced by Senator Jeff Magrum and Rep. Prichard. Thank you for giving me the opportunity to share a little bit of our story concerning Eminent Domain and Summit Carbon Solutions with you. Many of you may have heard only 1 side of the story.

My husband Bruce and I, along with our son Dillon, are 4th generation farmers from Emmons County who have been privileged to raise our family on property purchased in the 1930's. With hard work and perseverance, we have managed to provide for our family on a modest number of acres. Our goal has always been to manage our ground to the best of our ability and to be grateful to feed our family with its rewards. Every acre and every bushel are important.

Summit Carbon Solutions approached us over a year ago with their proposal for a route for their carbon pipeline. It would span the distance of nearly 2 ½ miles through our home section and some of the best producing acres in our operation. We were respectful to the land agents and let them present their offers which included a 99-year easement. We declined. The fertility and productivity of our land has always been at the forefront of our farming practices. My husband has spent the last 40 years of his life working to improve soil health and thousands of dollars have been invested to increase our yields. No dollar amount would be acceptable compensation in the reclamation of the land our family has nurtured for the last 90 years. We thought by exercising our private property rights this would be the end of our contact with Summit Carbon Solutions. Little did we know.

In July, I attended an Emmons County Commission meeting to get an update on the project and hoped to see a current map of the route. No map was available. Other landowners were also present, and we asked the Summit representatives about re-routing around our properties. Summit openly stated that eminent domain was an option they would exercise to acquire the land needed for the proposed route. We all left the meeting feeling sickened and defeated. The very next day the Executive Vice President of Summit publicly stated on local radio that their company never uses eminent domain when talking with landowners. They were on record the previous day intimidating landowners in a public meeting with eminent domain. Landowners from other counties were reporting that threats of eminent domain were being used to intimidate those who weren't receptive to Summit's proposals.

On July 13th we received a certified letter from Summit demanding access to our property for surveying purposes. If we didn't sign the voluntary consent forms, further action would be taken. At this time, we secured legal counsel to correspond with Summit. We needed to let them know we wouldn't be bullied and were serious about our stance and asked them to re-route once again.

On Sunday, August 28th while taking a much-needed break from the busy wheat harvest, we were served with papers from Summit Carbon Solutions for entry to survey forcing us into a lawsuit to defend our private property rights. Summit refuses to disclose information about what they plan to do on our property. Our legal fees are nearing \$10,000.

The monetary stress through all of this has been challenging...but nothing compared to the added stress and emotional burden that Summit Carbon Solutions has brought to our family. Valuable and precious time was taken away from our operation and our grandchildren so we could attend meetings hoping to find a way to protect our property, zoom calls with other affected landowners, appointments with our attorney, communication with our state and local officials and countless hours spent trying to learn more about how we could save our land from eminent domain. We will never get back the time that was stolen from us because of this pipeline. We didn't ask for this...we asked to be left out of the project.

Our family has paid taxes on this land since the 1930's. It's heart-breaking to see the energy drain from my husband when the phone rings with more pipeline news. I've tried to protect him by shouldering as much of the conflict as I could. Not talking about the pipeline in his presence was my method of operation...only taking calls when he was out of the house. I could see how concerned he was and how the joy in his life was being overshadowed by worry. Seeing the land that he has protected over the years being inundated with heavy equipment to accommodate the burying of a 24-inch pipe must have been on his mind. It would be devastating to our landscape and would destroy all that he, his father, his grandfather, and his son have labored so diligently to protect and preserve through the years.

What has been eye-opening to me through this whole experience is the lack of respect and the arrogance that this company has shown to the landowners and taxpayers who won't bow, who won't comply, who won't sign a 99-year easement.

This pipeline isn't for progress- it's for profit. There is no "public use" to warrant Eminent Domain. The public has nothing to gain from this project and is incurring a loss considering the 1.5 BILLION dollars annually in tax credits that Summit will pocket thanks to the American taxpayer. Summit Carbon Solutions is the big winner. How is it fair that our private property can be taken for the private gain of Summit Carbon Solutions?

As leaders in our state, protecting the rights of the citizens you represent should be your top priority. We can't give away the rights of our citizens to pacify and entice BIG business. I ask you all to consider how you would react if you were living in our nightmare. I wouldn't wish this on anyone.

I ask you to please support SB2212 and the Property Protection Bills introduced by Senator Magrum.

Good morning members of the Senate!

My name is Gaylen Dewing and I'm here in support of SB2212. I am a lifetime resident of North Dakota and have been a farmer and rancher 5 miles east of Bismarck for over 50 years.

I am a strong supporter of the energy industry, having worked in it myself for many years. I support the use of eminent domain, when necessary, to secure the rights-of-way to move products safely to a location where they can be used for the betterment of human lives. The issue we are discussing this morning is a much different type of project. The proposed carbon dioxide pipeline would move a dangerous product through our community to a location where it can not be used for any purpose, but instead must be injected underground and sequestered forever. North Dakota's energy industry would not benefit in any way from this practice. For this reason alone, it should not qualify for common carrier status.

If any other reason bears mentioning, the CO2 pipeline should not be granted common carrier status for the simple issue of safety. After investigating an event in which hazardous CO2 escaped from a pipeline in Mississippi, the Pipeline and Hazardous Materials Safety Administration (PHMSA) reported that they are in the early stages of developing new comprehensive regulations pertaining to CO2 pipelines and STRONGLY suggested that permitting new CO2 pipelines be suspended until new regulation be implemented.

So, what are the safety concerns for CO2? When pressurized liquid CO2 escapes into the environment it immediately returns to the gas state. Since CO2 gas is heavier than air, it settles in low lying areas and forces out oxygen in the affected area. People, and even animals, in these areas will have difficulty breathing and, as is known from the Mississippi leak, many will lose consciousness. The purposed pipeline would have shut off valves every 20-30 miles however even if the valves were able to be turned off immediately, the area between the valves would still be released. A 20 mile stretch would be the equivalent volume of over 1000 tanker trailers.

How large of an area would be affected by this type of leak is difficult to estimate as it would depend on where along the pipeline it occurred and the atmospheric conditions at the time. It is known that CO2 would move with the wind and would follow low lying areas and waterways. The fairly densely populated areas just north and east of Bismarck with Apple Creek, Hay Creek, Burnt Creek and of course the Missouri River could be significantly affected.

Not only would citizens be at risk but responding to a CO pipeline rupture or leak would be extremely difficult due to lack of oxygen. Our first responders and medical providers, do, regularly participate in simulated disaster preparedness exercises such as plane crashes, tornadoes, shootings, etc but few, if any, have been trained in responding to a CO2 pipeline leak. In the Mississippi event, 49 people required hospitalization, nearly all exposed suffered medical emergencies. That influx of patients would quickly overwhelm our local hospitals and first responders.

If any further argument is even necessary, it's worth noting multiple studies which have shown the impact of leaking carbon dioxide on soil properties and ecosystems. Plants, soil dwelling animals and microorganisms, even in shallow soil, are affected by CO2 exposure. In one study from 2017, CO2 invasion in the soil was proven to cause changes in pH and reduction of organic carbon, nitrogen and phosphorus which resulted in adverse effects on plant growth and even crop quality of wheat. Clearly this would be of significant concern for North Dakota farmers, ranchers and land owners.

So, in summary, the lack of benefit to our energy industry, potential harm to our citizens, and detrimental effects to the land and animals of our farmers and ranchers are inarguably reason enough to support SB2212.

Thank you for your time and consideration of this important 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.

Chairman Patten and members of the Senate Energy Committee,

My name is Lori Flemmer, and I'm a longtime resident of Mercer County. My family moved from Mandan to Mercer County in 1978 when the power plants were being built, and if you were around back then, you'd know that there was plenty of controversy over those projects – can you imagine what North Dakota would be like without our coal-fired power plants and coal mines? Over the past couple of years, we've had some glimpses of what could happen if we don't support our coal-fired baseload plants. Coal Creek Station was on the brink of closure; Dakota Gasification Co. had some tough times as well. It's been stated many times that carbon capture technologies are necessary if we are going to continue to operate these plants.

I was fortunate to meet my husband, who was raised a farmer and to put down roots here. My husband worked and our 2 sons are currently working in the energy industry in addition to working our family farm. Our close friends also work in agriculture and energy. That's reality in coal country! Our co-workers are more than just co-workers, they are our close friends and family – it's a very tight-knit community.

Now we have a tremendous opportunity to help ND ag producers and our energy communities not only survive, but thrive. The development of carbon capture is vitally important to North Dakota's 2 leading industries, Power & Agriculture.

In recent headlines the State of ND is seeking to draw people to come & work & put down roots in our state. In passage of these bills that are brought before you it would hinder the growth of work opportunities to continue to grow our great state of North Dakota.

Passage of bills like Senate Bill 2212 would threaten the economic stability of our communities, our great state, and our 2 largest industries. I'm also opposed to Senate Bills 2209, 2228, 2317, and 2314 for the same reasons.

I am asking on behalf of myself, my family, my friends, and my community that you defeat this legislation.

Thank you!

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 to close due to the hazards associated with this or any other type of pipeline. I support this bill because I do not feel an landowner should be forced to have this on their property.







SUPPORT OF SB 2212

Chairman Patten and the Members of the Committee

My Name is Lon Klusmann, I represent the 29 members of our family that are directly impacted by this ill-conceived CO2 pipeline route.

We will never agree to this pipeline crossing by over one mile of our beloved family heritage and future.

Summit Carbon Solutions is of the mind that all private property owners along its proposed route should just cave in and give Summit their land, what arrogance...

SB BILL 2212 I DOES NOT STOP CO2 pipelines, it just does what North Dakota should already be doing, and that is allow private property owners the right to decide what is BEST for their own property.

Even Senator John Hoeven stated on July 26, 2022 “ Private property rights must be respected and participation in the Summit Carbon Solutions project should be voluntary, and (I am) concerned about the use of litigation to compel access to private property”

Summit Carbon Solutions just needs to thoughtfully find a route that DOES NOT REQUIRE the USE of FORCE by eminent domain .. and does not threaten the populated areas of Burleigh County!

VERY POOR PLANNING ON SUMMIT'S PART , as they have been getting serious OPPOSITION IN EVERY STATE ALONG ITS 2200 mile planned route.

Thank you for a DO PASS recommendation to the full Senate.

Lon Klusmann.

Good Morning Committee Chairman Patten and Committee Members.

My name is Susan Doppler, I am here on behalf of my family members and myself. We are in favor of SB2212.

There has been much discussion about just compensation and reimbursement for a landowner when land is forcibly taken from them through eminent domain. For many of the landowners – money is not the issue for what many are calling “holding out”. The land is part of who we are, and until we feel our time for stewardship of what the Lord has placed in our families for sooo many generations and we don’t want to sell and we shouldn’t be forced to sell. So assuming

My father, who had impaired memory issues, changed to his heavenly address many years ago; to the very end of his days here, he always found pleasure in talking about the land, the hard and the good years, and one of the last things he spoke to my sister and I as we thanking him for all he did for us was “I did my best, to provide”. So don’t make this all about dollars and cents, many of us care for and about our land. We don’t want our land ripped up, toxic and useless, to give way to a hazardous pipeline. What a worthless and disgusting inheritance to leave to future generations.

Some are comparing CO2 to public utilities and public work projects such as oil, gas, electricity, roads, streets; CO2 pipelines DO NOT provide tax paying citizens, cities, states or our nation with any of these services.

The Pipeline and Hazardous Materials Safety Administration, PHMSA has begun a new rulemaking process for CO2 pipelines acknowledging current regulations are greatly inadequate, as a result of their investigation after the CO2 pipeline rupture in Mississippi in 2020. What’s the big rush for Summit Carbon Solutions, 1) eagerness because this is the first pipeline they’ve built – which will be the longest one in existence 2) because there will possibility less restrictions and guidelines to follow, for public safety or 3) the recent Inflation Reduction Act increased the 45Q tax credit for CO2 sequestration from \$50 a ton to \$85 a ton, in which they will receive over a billion dollars a year in taxpayer credits.

In closing I’m asking the committee to allow landowners to determine for themselves what’s the best use for the land that belongs to them, please approve SB2212. Thank you

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



RED TRAIL ENERGY, LLC

“Our Farms, Our Fuel, Our Future”

PO Box 11 Richardton, ND 58652 (701)-974-3308 FAX (701)-974-3309

**Testimony of Dave Burns, Regulatory and Compliance Manager
Red Trail Energy
Opposition of SB 2212 and 2228
January 27, 2023**

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

I am Dave Burns, CCS Regulatory and Compliance Manager with Red Trail Energy (Red Trail) located in Richardton. I am here representing Red Trail Energy in place of Chief Executive Officer Gerald Bachmeier who was unable to attend today. Red Trail is here today to indicate opposition for Senate Bills 2212 and 2228. These bills would be detrimental to Red Trail and its current and future advancement in low carbon fuel markets.

Red Trail Energy began producing ethanol in 2007 and now employs 48 personnel with an annual payroll of \$4 million. Originally constructed as one of the first coal-fired ethanol plants in the nation, Red Trail was converted to natural gas in 2015. Red Trail produces 59-64 million gallons of ethanol, using 21-23 million bushels of corn annually. The plant will generate 2.8 gallons of ethanol from every bushel of corn. Coproducts produced by the plant include 125,000 tons of dried distillers grain, 80,000 tons of modified-wet cake and 18 million pounds of corn oil annually. We are currently injecting roughly 500 tons of carbon (CO₂) per day. We participate in low carbon fuel standards in Oregon and British Columbia and are applying for a pathway in California.

On June 16, 2022 Red Trail celebrated a historic moment in North Dakota history of becoming the first facility permitted under state primacy to capture and store CO₂. Red Trail is continually looking for other ways to lower its carbon intensity (CI) score. We have future plans to implement several groundbreaking technologies that would allow Red Trail to capture and store an additional 200,000 tons of CO₂ per year. These plans would require Red Trail to expand its amalgamated area to accommodate these new technologies.

Senate Bill 2212 completely repeals common carrier status for CO₂ projects. Senate Bill 2228 repeals amalgamation for CO₂ projects. Red Trail values its landowners and understands that amalgamation is never the first mode of action, but it is a tool that must be utilized at times for the minority shouldn't be able to out voice the majority on project development.

Bills such as SB 2212 and 2228 would inhibit future expansion for Red Trail and the other regional ethanol plants by inhibiting implementation of new technologies; and could have consequences on existing projects. These bills will not only affect Red Trail but will dramatically affect the ethanol industry in the state. The proposed policy would be detrimental to any ethanol plant looking to get into lower carbon fuel markets and will put North Dakota's commodities at a disadvantage on a national level. Thank you for your time today and on behalf of Red Trail Energy I respectfully urge a 'Do Not Pass' on SB 2212 and 2228.

To the honorable members of the Energy and Natural Resource committee:

Private property may not be taken or damaged for public use without just compensation first having been made to or paid into court for the owner. When private property is taken by a person, no benefit to accrue from the proposed improvement may be allowed in ascertaining the compensation to be made therefor. Private property may not be taken for the use of, or ownership by, any private individual or entity, unless that property is necessary for conducting a common carrier or utility business.

-32-15-01 North Dakota Century Code

Is a carbon dioxide pipeline needed for the public good?

No. A privately owned carbon dioxide pipeline going across half of our state is not in the public's best interest and is not done with the intent of public good. Opponents of SB 2212 are propagating that a privately owned carbon dioxide pipeline is needed to stimulate growth in North Dakota's economy. This simply is not true. The average North Dakotan gets zero benefit. The majority of jobs that such a project would develop are short term and not sustainable. The proposed pipeline captures carbon primarily from other states-not North Dakota. The individuals who would benefit are those who are financially invested in the proposed carbon dioxide pipeline-not the public. If public interest was at the heart of a project, a public utility would be managing a carbon dioxide pipeline project NOT a private company.

Carbon dioxide pipelines are not a public utility and do not provide any direct benefit to the public; therefore, carbon dioxide pipelines should not have right to eminent domain. The majority of opposition to this bill comes from companies and individuals who have a financial interest in the success of a private company. If a private company wants to tear up a corridor across the state for a carbon dioxide pipeline, please give landowners the opportunity to negotiate fairly without the fear of eminent domain.

The current wording of North Dakota's Century Code invites private companies to come in and abuse eminent domain in order to collect federal tax dollars. The majority of North Dakotans do not support the use of eminent domain to forcibly take family farmland in order to generate private profit for out-of-state investment companies. A concerning precedent will be set if North Dakota allows eminent domain for the sake of investor profits, with no goods or services provided to North Dakotans in return. The use of eminent domain for carbon dioxide pipelines simply has no place in North Dakota's Century Code.

I hope that North Dakota has enough integrity to allow property owners-families, farmers, and small businesses-to exist without the fear of large corporations despoiling years, decades, and even generations of honest labor.

I humbly ask for your support and vote YES on SB2212.

God bless-



Christine Childress
Fargo, North Dakota

James O Rockstad
P O Box 7
Fort Ransom, ND 58033

In re SB 2212

To all parties concerned:

I strongly support SB2212. A private corporation should not benefit from the Police and Seizure powers afforded to a state or a municipality. This pipeline will provide sizeable financial benefit to a privately and foreign held entity and will provide only liability and negative valuation to the landowner.

The personal real estate affected in my family has been in our possession for three generations. We have paid taxes, farmed and grazed this parcel of land, and have been good stewards for the next generation of our family. No entity should have the right to enter the property without permission. That is a trespass. Nor should we be forced to lose value in our land due to the burden of an easement for the financial benefit of a privately and foreign held corporation.

Respectfully submitted

James O Rockstad

DocuSigned by:
James O Rockstad
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1/26/2023

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 2212, 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 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 2209, 2228, 2314, and 2317.

Thank you.

January 26, 2023

Summit CO2 Pipeline

Our family's land is only a few miles NW of Bismarck and is going on five generations of property ownership. Bismarck's growth & expansion to the North and East is inevitable. Already there is land platted for development of homes only minutes away from this proposed hazardous CO2 pipeline route.

In addition to the home development, the proposed CO2 route would also include land designated as Eagles Park, historical Double Ditch Indian Village and the Seventh Day Adventist School and Academy. The proposed route would intersect my land between Double Ditch Indian Village and the Seventh Day Adventist Academy.

Landowners like myself who oppose signing the Summit easement are now forced to spend thousands of dollars to hire legal counsel to protect our property.

If the CO2 hazardous pipeline is to be built, an alternate route FAR AWAY from Bismarck and existing towns, schools, and any future development must be paramount in protecting our citizens and families.

Sincerely,



Larry Hoge

Landowner



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 2212. 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 SB2212 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 SB2212 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

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

Mike P Rohrich
5528 Falconer Dr.
Bismarck, ND 58504

January 26, 2023

Re: SB 2212

To all North Dakota Legislators and Constituents:

I am a Burleigh County resident and I also hold interest in land in Emmons County, North Dakota. The proposed Summit Carbon pipeline is slated to cross through the farmstead I grew up on and have interest in. Part of the pipeline is about 800 feet from the front door of the farmstead home.

This pipeline will carry over 2100 pounds per square inch of liquefied carbon in a 24-inch diameter pipe, the size scheduled for my land! The shut-off are to be around 20 to 24 miles apart. If there is a break or leak, this pressurized pipe has the potential to release over 2 million gallons of Carbon into the air, which can cause catastrophic damage to life and property for many miles. I support SB 2212.

Summit Energy numerous times contacted my family, friends and neighbors in order to negotiate a settlement on an easement lease contract. There are many issues and oppositions with the terms of the lease, monetary being one but many more important terms I am opposed to. Summit is so-called friendly company and fails to share information. They will, however, threaten to use Eminent Domain in order to gain access and implement a Blanket easement on our property.

I am including a map of the proposed Summit pipeline route running through Emmons County. Notice – Summit's Pipeline does not cross through any State of North Dakota School lands. Instead, the pipeline will take curves and corners in its route, to avoid the State-owned lands. At a recent Emmons County Commission meeting we were informed by a Summit representative that it's not that they are not allowed to run the pipeline on State owned land, but it is too cost prohibitive as the State has its own Easement terms that have too many restrictions and criteria that makes running their pipeline through that land too restrictive and cost prohibitive to justify taking said route. In all cases, it would actually reduce the distance the pipeline would have to travel if State-owned land were used.

My question is: If the Governing Body of the State of North Dakota can impose such stringent restrictions and requirements on this Private Company that stands to make millions, possibly billions of Dollars a year, on the CO2 project, why **shouldn't private**

SB 2212
Page 2

property owners be able to impose and demand their own said requirements in negotiating easement leases?

In the coming months Summit Carbon Solutions will be asking the North Dakota Public Service Commission to approve this project and allow them the power of exercising Eminent Domain in acquiring Easements on lands in order to install a pipeline that will mainly benefit wealthy business men and women and give no regard to private property owners rights. **Is it right that the same Governing Body that imposes harsh restrictions on its own lands in order to prevent a company or companies from gaining easements in order to cross those lands, would deny and prevent private landowners, residents and taxpayers the same privilege and/or necessities?** I urge you to support Senate Bill 2212.




Sincerely,

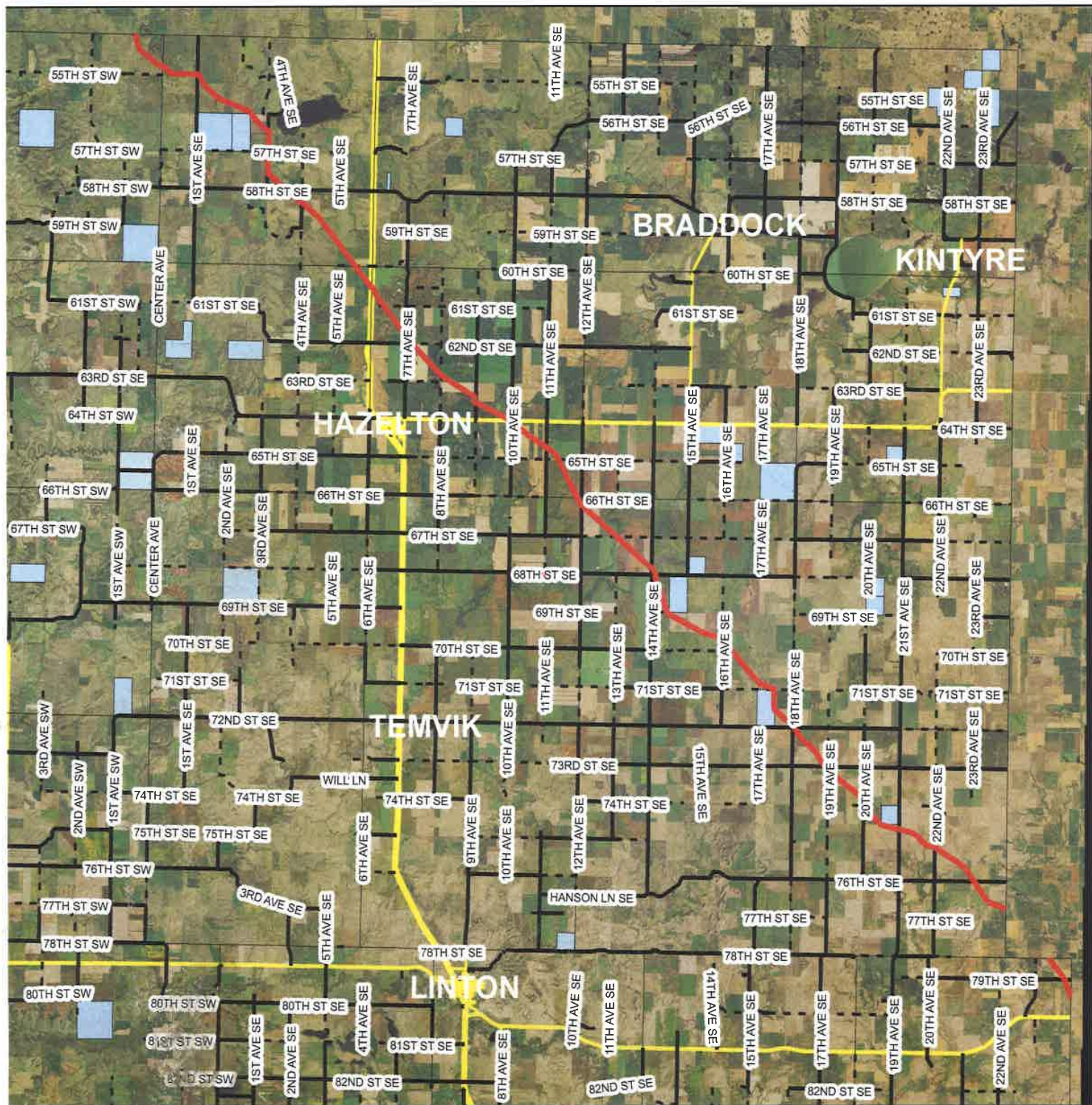
Mike P. Rohrich

Attachment

For a more detailed map of the anticipated pipeline running near or through your property, please feel free to stop by my office Mon-Thur.

Josh Odden, GIS Coordinator
Emmons County Courthouse, 2nd Floor
701-254-2209

-  Preliminary Pipeline Route (Provided by Summit Carbon Solutions) N
-  Paved Roads/HWYS
-  State/School Land



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.

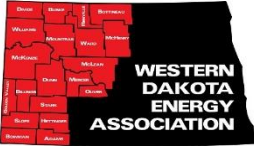
European Parliament and the US Congress have held hearings, President Joe Biden was committed to holding fossil fuel companies accountable. A 2020 statement that "we should go after the fossil fuel industry", just like we did the drug companies, tobacco companies. Also states a 2021 executive order to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



WESTERN DAKOTA ENERGY ASSOCIATION

January 27, 2023

EXECUTIVE COMMITTEE

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Mountrail County

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Craig Pelton
Dunn County

John Phillips
Coal Conversion
Counties

Testimony of:

Geoff Simon, Lobbyist #144

in opposition to SB 2212 – Common Carrier Status for CO2 Pipelines
Senate Energy and Natural Resources Committee

Chairman Patten and Committee members:

On behalf of the city, county and school district members of the Western Dakota Energy Association (WDEA), we wish to express our strong opposition to SB 2212, which would strip common carrier status from CO2 pipelines, making it effectively impossible to obtain a certificate of convenience and necessity to construct a CO2 pipeline.

While WDEA appreciates the angst of the supporters of this legislation who doubt that carbon dioxide poses a threat to public health as determined by the U.S. Environmental Protection Agency, it is an unfortunate reality that our fossil fuel industry must confront. There will undoubtedly be increasing federal regulatory pressure on all forms of energy production that emit carbon dioxide. This prospect poses a huge threat to not just the ongoing economic viability of ethanol plants and our coal-based generation assets, the forced retirement of baseload coal-fired electric generation presents a huge threat to the reliability of the electric grid in North Dakota and throughout the region.

To put it succinctly, if this legislature wants to kill the state's \$5.8 billion lignite industry and create a future in which our state's citizens are subject to power blackouts during life-threatening weather conditions, pass this bill which will prevent the construction of carbon dioxide pipelines.

Environmental extremist groups that would love to see the demise of the coal industry undoubtedly love this legislation. However, their activism which has convinced policy makers that carbon dioxide is a menace, has actually performed a huge favor for North Dakota and our fossil fuel industry. The operators of the state's coal-fired generating plants are developing plans to capture and store carbon dioxide. Developers of Summit Carbon Solution's proposed CO2 pipeline plan to do the same by capturing and storing CO2 from the region's ethanol plants. But that's not the end of the story.

There are multiple pilot projects underway by several of North Dakota's major oil producers to develop technology to inject gas into oil-bearing shale formations to enhance oil production. While today those experiments are using produced natural gas, the miscibility of carbon dioxide is virtually identical. So while current plans contemplate the sequestration of CO2, a day will come in the not-to-distant future that carbon dioxide will be used to extract billions more barrels of oil from the Bakken, extending the life of North Dakota's oil patch by decades. Suffice to say, that prospect provides our state the opportunity to reap many millions, if not billions, more dollars of tax revenue.

We urge the Senate Energy and Natural Resources Committee to give SB 2212 a Do NOT pass recommendation, and ensure a bright economic future for our fossil fuel industry.

Western Dakota Energy Association
1661 Capitol Way, Bismarck ND 58501
www.ndenergy.org • 701-527-1832

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

Thank you for the opportunity to provide testimony on SB 2212. I strongly urge you to support this bill. My testimony will be similar to what was provided for SB 2209. Carbon Dioxide pipelines are a different animal and there is no public benefit to them, despite what the supporters say and claim. 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, property devalued, 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 2212 would give landowners in North Dakota a complete opposition to the use of eminent domain for private projects that only benefit those directly invested. Again, 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. Eminent domain is not for private gain.

Thank you,

Greg Schonert

**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**

**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 2212
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 involved 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 2212.

This bill attempts to remove carbon dioxide pipelines from the types of pipeline granted the right and power of eminent domain to acquire rights of way and easements when the use of a property is deemed necessary for public use. Senate Bill 2212 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 pipeline having 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 available option for projects. A pipeline project first needs to complete the extensive siting process through the North Dakota Public Service Commission and obtain approval for its specific route and corridor. If Senate Bill 2212 is approved, carbon dioxide pipelines would be fully restricted from using the right of eminent domain in acquiring easements, greatly decreasing the likelihood of any future carbon dioxide pipeline projects being completed.

The use of eminent domain by a pipeline, including carbon dioxide pipelines, should not be restricted in such a manner - particularly when a pipeline project has been deemed to be for the common use and in the public interest by being designated 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 Public Service Commission (§ 49-19-11 NDCC).

The exclusion of carbon dioxide pipelines from the types of energy-related pipelines able to utilize eminent domain in acquiring access to land would have direct negative impacts on North Dakota's oil and gas industry. The technology in utilizing carbon dioxide for enhanced oil recovery operations is advancing rapidly, paving the way for the continued oil and gas production essential to maintaining and growing our state's economic prosperity. To allow that technology to develop, policy must be in place that creates and supports a strong, business friendly, and capital-attracting environment necessary in allowing the economics of enhanced oil recovery techniques to move forward.

The bill before you is a step in the opposite direction and will almost certainly act as a barrier to getting the carbon dioxide needed for enhanced oil recovery operations both into the state and to the oil and gas producing areas of western North Dakota. Without the reliable and plentiful source of carbon dioxide that an interstate carbon dioxide pipeline can provide from carbon dioxide producers in other states, enhanced oil recovery with carbon dioxide will not happen in our state.

NDPC strongly opposes this bill and the severely negative impact it will likely have on moving North Dakota oil and gas production forward, and we therefore urge a **Do Not Pass recommendation** for Senate Bill 2313.

Thank you, and I would be happy to answer any questions.

Testimony of Senator Jeff Magrum
in favor of
SENATE BILL NO. 2212
Senate Energy and Natural Resources Committee
January 27, 2023

Chairman Patten and members of the committee,

I sponsored SB 2212 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,

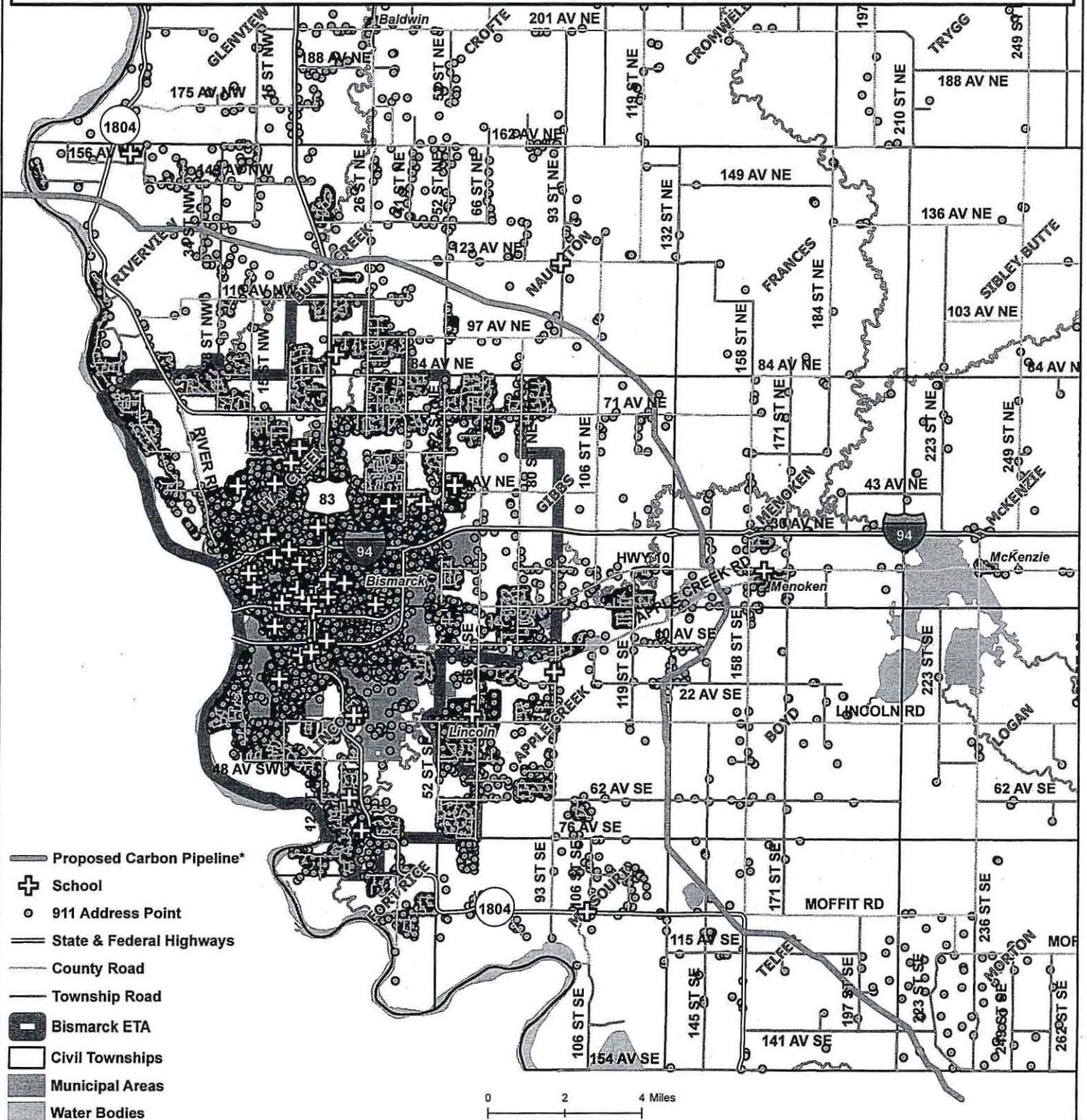
Senator Jeff Magrum

BURLEIGH COUNTY, NORTH DAKOTA

PROPOSED CARBON PIPELINE ROUTE AS OF 05/31/2022

12/29/2022

* The proposed carbon pipeline route was digitized off of a pdf map from Summit Carbon Solutions. The map was titled "40.28 Miles of Anticipated Pipeline Burleigh County North Dakota". The pdf map also listed that the "Pipeline centerline is based on the 05/31/2022 route." Due to the map scale used on the pdf map there could be up to a half mile location error in the drawn pipeline route on this map from the actual proposed location.



Testimony for the North Dakota Senate Energy and Natural Resources Committee

January 27, 2023
Dr. John H Warford, Jr.

Mr. Chairman, and members of the Senate Energy and Natural Resources Committee, my name is John Warford, I live at 11851 93rd St NE, Bismarck about 10 miles northeast of the intersection of I94 and US83. Thank you for allowing me to testify.

I am in favor of Senate Bill 2212 which eliminates the right of CO2 Pipelines to Eminent Domain.

I also am in favor of the Senate Bill 2209 which sets the Eminent Domain threshold to 85% of land owners as it relates to CO2 pipelines and allows the option for the County Commission to set the threshold higher.

Summit Carbon Solutions wants easements and survey access to over a mile of our family property. We have declined. On 7/11/22 we were threatened "they would use alternative means of access" if we did not comply with their wishes. We have had to hire legal counsel, and as of yet we have not been sued while numerous private ND citizens along with six county commissions that have been sued by them.

In addition to the taking of land we are concerned with the significant loss of value of the land by having a hazardous CO2 pipeline on it. For those that wish to in the future, it will likely be undevelopable. The safety and hazardous concerns, beyond the purview except for brief discussion to this committee, is also a significant concern: I live 1.5 miles from the proposed route, and my children attend Naughton School, a quarter mile farther north.

Summit Carbon Solutions is a private company, and I don't think they should be able to take private land, against our wishes, for their private gain and force a hazardous pipeline on it. It is not for the public good.

It seems unreasonable that we should put up with an unwanted pipeline on our land, for the benefit of a private company, that gains over a billion dollars profit yearly from the 45Q tax credit (our tax dollars), benefiting 32 ethanol plants (subsidized by our tax dollars) only one of which is in North Dakota, so they can produce 'green ethanol'. I will withhold my opinion of the popular "green agenda" and its purported claims to make the world a better, safer, place.

How does a pipeline, that receives such substantial tax subsidies, rise to the level of being able to take our land simply because they desire to draw even more profit at the expense of the landowner and taxpayer that already in small part subsidizes them?

I respectfully ask your support for a do pass, and ultimately protection through legislation, for me and my family from the taking and devaluing of our private land. A private company, that can survive only on subsidies, is building their first pipeline, and wants to take needed land by force. There is no benefit to the landowners, and the potential consequences to public safety, even if unintended, are only a few of the reasons they should be denied the ability to utilize Eminent Domain.

Thank you.

Testimony of Troy Coons on behalf of
Northwest Landowners Association
in favor of
SENATE BILL NO. 2212
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 2212 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

January 27, 2023

Testimony in opposition to Senate Bill 2212 – Senate Energy and Natural Resources Committee

My name is Pamela Trhlik – Director of Governmental Affairs and New Business Development for the Laborers International Union of North America, Local 563. Within the state we have approximately 400 current members and have worked in energy for more than 60 years.

I stand here representing those men and women supporting North Dakota's vast carbon capture and sequestration initiatives. LiUNA wants to help the state become nationally and internationally known for another area of innovative technology that will enhance and extend our existing energy production sources.

We are opposed to Senate Bill 2212, and cannot support any current Senate Bill aimed at completely squashing the carbon capture industry by going after every aspect and angle of proposed projects. Effectively, if this bill plus the seven others are passed, economic growth in North Dakota in the agriculture and energy sectors will remain stagnant or worse, decline.

LiUNA – throughout the United States and Canada – is respectably known for large-scale pipeline construction and our advocacy for a safe, reliable and quality work. Since the large-scale CO2 pipeline project announcement, we actively have pursued this project and various other smaller capture/sequestration projects that were already in development in North Dakota.

You may already know that our state has the No. 1 recognized geological formation to sequester carbon emissions and very quickly power companies, ethanol production facilities, oil production organizations interested in enhanced oil recovery, are taking note and turning to North Dakota for

solutions. We can become a world leader in projects, technology for advanced capture, storage, and usage of carbon emissions. A multitude of additional industries, such as steel manufacturing and cement production, could once again grow in the United States if CCS technology is refined in our state.

Currently, a few facilities in the U.S. already captured 25 million metric tons of CO₂ per year and this is with infancy-stage technologies. According to the U.S. Energy Information Administration, the U.S. produced and emitted *5130 million metric tons* of energy-related carbon dioxide in 2019, *5,981 million metric tons* of greenhouse gases in 2020 and 4.9 billion metric tons in 2021. North Dakota ranks low on its overall CO₂ emissions, but per capita we are No. 2 behind Wyoming with 76.24 metric tons produced per resident. North Dakota's geology formations could store simply North Dakota's CO₂ emissions for 5000 years and overall we stand to store 150-250 billion metric tons throughout the lifespan of North Dakota's storage capacity.

Industry forecasts show enormous economic benefits for the state and region – especially states positioned to have the Summit Ag's CO₂ network of pipelines. According to information gathered from Great Plains Institute (GPI) and Rhodium Group concluded that North Dakota has the opportunity to create an annual average of 1,300 construction jobs annually over a 15-year period and 650 ongoing operations jobs through the deployment of carbon capture at eight industrial and power facilities.

Since LiUNA prides itself on skilled pipeline workers, carbon capture, transportation and storage technologies will keep our pipeliners from all across the nation working steady for potentially decades to come. We have actively been involved in with state agencies regulating pipelines, overseeing growth and development in all aspects of energy production, plus continually engage with oil, coal and natural gas production companies to help the state remain a powerhouse in the energy sector.

Senate Bill 2212 is just one piece of the puzzle targeting what can be North Dakota's next immense energy-related boom, which will also kill opportunities for hundreds of skilled North Dakotans looking to be part of a national solution.

23.0637.01003

Sixty-eighth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2212

Introduced by

Senator Magrum

Representative Prichard

1 A BILL for an Act to amend and reenact subsection 10 of section 32-15-02 and section 49-19-12
2 of the North Dakota Century Code, relating to eminent domain and carbon dioxide pipelines;
3 and to declare an emergency for an Act to amend and reenact section 49-22.1-03 of the North
4 Dakota Century Code, relating to avoidance areas for carbon dioxide pipelines.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 ~~SECTION 1. AMENDMENT.~~ Subsection 10 of section 32-15-02 of the North Dakota
7 Century Code is amended and reenacted as follows:

8 ~~10. Oil, gas, and coal, and carbon dioxide pipelines and works and plants for supplying or~~
9 ~~conducting gas, oil, coal, carbon dioxide, heat, refrigeration, or power for the use of~~
10 ~~any county, city, or the inhabitants thereof, together with lands, buildings, and all other~~
11 ~~improvements in or upon which to erect, install, place, maintain, use, or operate~~
12 ~~pumps, stations, tanks, and other machinery or apparatus, and buildings, works, and~~
13 ~~plants for the purpose of generating, refining, regulating, compressing, transmitting, or~~
14 ~~distributing the same, or necessary for the proper development and control of such~~
15 ~~gas, oil, coal, carbon dioxide, heat, refrigeration, or power, either at the time of the~~
16 ~~taking of said property or for the future proper development and control thereof.~~

17 ~~SECTION 2. AMENDMENT.~~ Section 49-19-12 of the North Dakota Century Code is
18 amended and reenacted as follows:

19 ~~49-19-12. When pipeline carrier may exercise right of eminent domain.~~

20 ~~Every~~ Except for carbon dioxide carriers, every common pipeline carrier which shall have
21 filed with the commission its acceptance of the provisions of this chapter has, subject to chapter
22 32-15, the right and power of eminent domain in the exercise of which it may enter upon and
23 condemn the land, right of way, easements, and property of any person necessary for the
24 construction, maintenance, or authorization of its pipeline. The manner and method of such