

Mr. Chairman, and members of the Energy and Natural Resources Committee, my name is Kathy Sardelli from Hebron. My husband, David, and I operate our 5th generation farm and ranch in Mercer County. We are writing in favor of Senate Bill 2228.

We are proud North Dakota 5th generation farmers and ranchers...the stewards of the land my family homesteaded. We are passionate about our responsibility to ensure that this land that we have been blessed to care for is maintained and passed onto future generations the same or better under our care.

No one is more committed to this responsibility. No one is better suited for this responsibility. And under no circumstances should it be possible for us to unwillingly lose our land at the whim of a private for-profit company. We could not be more steadfast in our belief that our right to own and manage our land must be protected without exception by the laws of this great state of North Dakota.

The heart of the matter is this...North Dakota Century Code 38-22 includes provisions that are not aligned with the protection of our private land ownership rights. Amalgamating property interests (section 38-22-10) provides what we see as a 'free pass' for our land to be forcefully taken from us for the use and financial benefit of a for-profit private business. This is simply wrong and sets an incredibly dangerous precedent for the rights of landowners in North Dakota for the future. Section 38-22-10 must be repealed as suggested in SB 2228.

With respect to our support for the suggested amendments to 38-22-08:

The threat of eminent domain and the amalgamation of property interests is an incredibly powerful weapon in the toolkit of a landman or storage operator. It establishes a very low bar for the true performance of cooperation and collaboration with the landowner. For example, our experience to date with a storage operator, Summit Carbon Solutions, has not been one where the operator has made an effort to collaborate. Rather, the threat of eminent domain and amalgamation was used very early in the conversations as a 'negotiation' tool.

It is our opinion that the standard for the performance of collaboration on behalf of both the operator and the landowner should be expected to be at the very highest level. We support the fact that with an honest effort and a partnership mentality for real collaboration on the part of a storage operator, consent of all persons who own the storage reservoir's pore space is possible and should be the standard.

We are committed to protecting our land for future generations. Our biggest fear and the burden we carry is that WE did not exercise due diligence...that we became complacent. That we didn't do all that we could to right a wrong. That our lack of stewardship will be considered one of the greatest sins of our generation by our children, and their children, and their children after that.

We ask that this committee approve SB 2228 to right a wrong and protect the private property rights of North Dakota citizens.

Thank you for the opportunity to share our testimony with you today.

Kathy and David Sardelli
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