

Testimony of Troy Coons on behalf of
Northwest Landowners Association
in favor of
SENATE BILL NO. 2364
Senate Energy and Natural Resources Committee
February 3, 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 2364 with the proposed amended language requiring the state of North Dakota to accept liability for this pipeline. We have heard from the landowners being impacted by this pipeline and we stand beside them and support their efforts. It is unfair and unreasonable that Garrison Diversion is only offering the same compensation it set in 2009 and refuses to even negotiate with the landowners. It is even more unreasonable that Garrison Diversion is asking landowners to sign easements to allow a massive pipeline project without any precedent to be constructed on their property without even knowing who will own or have any liability once the project is complete. If this state-funded project is going to require easements and use eminent domain to take property for the project, the landowners should not be the ones with the liability for the project should things go wrong or if the project is never completed. We are asking the state of North Dakota to accept the liability for this pipeline. These landowners are being sued in eminent domain proceedings as we speak because they have not signed easements at 2009 compensation levels with an entity that cannot even guarantee that an indemnity clause from it will have any meaning in ten years. We ask for a do pass on 2364 as amended with the landowners' requested language. We also ask Garrison Diversion to stand down on using eminent domain for this project and negotiate with the landowners, and we request that the members of this Assembly condition any future funding of the project on this requirement.

Thank you,

Troy Coons
Northwest Landowners Association