

I ask that you amend and pass House Bill 1292 that removes carbon dioxide pipelines from the common carrier status.

Common carrier status was given to Summit Carbon Solutions before they had been evaluated for, and given common carrier status.

This company then went out and told land owners they had eminent domain power.

You can say that it is hearsay, but I have proof from an official Emmons County Commissioner Meeting dated July 05, 2022.

If we refused to sign, they stated they would use eminent domain to cross our private property.

So, I again ask you to remove CO2 pipelines from common carrier status, so this abuse can never happen to North Dakota land owners again.

Thank You for your time.

David Moch

6030 4<sup>th</sup> Ave. SE

Hazelton, ND 58544

OFFICIAL PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS  
OF EMMONS COUNTY, NORTH DAKOTA  
AT IT'S REGULAR MEETING  
JULY 5, 2022

Chairman Erin Magrum called the meeting to order at 9:00 A.M. with Commissioners Don Eberle, Gary Hulm, David Kalberer and Leonard Weichel being present. Also present was States Attorney Joseph M. Hanson.

The Pledge of Allegiance was recited.

The June, 2022 end of month fund balance report and the year to date expenditure report were distributed to the board.

Commissioner Weichel motioned to approve the minutes of the June 7, 2022 regular meeting and the June 21, 2022 special meeting. Seconded by Commissioner Eberle. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Commissioner Kalberer motioned to approve the agenda with the addition of mowing the county lot on the W ¼ 245' X 288' in Section 17, Township 132, Range 76, Resolution for fast tracking employee background checks and water concerns on the main road on 88<sup>th</sup> St. SE. Seconded by Commissioner Weichel. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Representatives from Summit Carbon Solutions appeared and provided an update on the proposed CO2 pipeline in Emmons County. Joey Borracci, Relationship Manager, provided an infographic that showed a total project investment of \$73,753,741 in Emmons County that's expected to generate \$423,197.00 in property tax revenue. Mr. Borracci informed the board that of the 36.43 miles of anticipated pipeline in Emmons County, twelve miles has been acquired, which is 32%. The completion date for the project would be August, 2023.

Mr. Borracci inquired about permitting requirements for the project and was informed by the Commission that in addition to the required utility and approach permits, a conditional use permit is required for the pipeline and also for the pump station in phase two of the project. A haul road agreement would need to be entered into between Summit Carbon Solutions and Emmons County for restoration of the road system.

Brent Niece with Summit Carbon Solutions, stated that the diameter of the pipe will be 24" and intended to be at least 4 to 5 feet deep. Information on pipeline casings was provided with further discussion to be held at the August meeting.

Clerk of Court/Recorder, Anita Ibach, questioned why Summit Carbon Solutions was filing easements without maps? "How is anyone going to know where the easement is at without any maps attached?" The easements will need to be filed with maps, and there will be additional filing fees.

David Moch was present and stated that the earlier easements were not surveyed. "They didn't survey correctly when they surveyed his land and the Recorder could not correctly record the easement, so the surveyor came back and re-surveyed his land because they didn't follow state law the first time."

David Moch inquired about the roads getting repaired following construction. Brent Niece stated that the company will repair all the roads and section lines.

Stephante Doolittle was present and questioned Summit Carbon Solutions about land acquisition. "We are not in favor of the project and will not jump on board with it, so how will you re-route the project?" Brent Niece stated that the hope is to acquire as much land as possible through easements, but eminent domain practices is a possibility.

Old and Unfinished Business:

Chairman Magrum stated that Don Volk will mow and bale the county property on the W ¼ 245' X 288' in Section 17, Township 132, Range 76 without any reimbursement.

Chairman Magrum instructed States Attorney Joseph M. Hanson to create a resolution for fast tracking employee background checks.

Commissioner Eberle motioned to adopt the following Resolution:

**RESOLUTION 22-03-01 REGULATING MOBILE HOMES, CONEX BOXES AND OTHER STRUCTURES**

**BE IT RESOLVED** by the Emmons County Commission, the governing body of the County of Emmons, North Dakota;

WHEREAS, the Emmons County Commission acts as the Emmons County Zoning Commission; and

WHEREAS, the Emmons County Commission has previously approved and adopted the Emmons County Zoning Ordinance; and

WHEREAS, the Emmons County Commission seeks to amend the above-described Emmons County Zoning Ordinance, as follows:

DAVID MOCH  
6030 4TH AVE SE  
HAZELTON ND 58544