

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?