

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.