

Landowners: Know Your Rights Regarding Voluntary Easements, Eminent Domain, and the Summit Carbon Solutions Pipeline

Do I have to sign a voluntary easement?

No, there is nothing in the law that requires a landowner to sign a voluntary easement.

What is a voluntary easement?

A voluntary easement means that the landowner is agreeing, without requiring the Summit Carbon Pipeline to go through eminent domain, to give the Summit broader rights than it would get through eminent domain, or it may provide for a lower payment than the landowner would get through eminent domain. Generally, voluntary easements are in perpetuity, and Summit would retain the rights to the easement even if the pipeline is not built.

How does the eminent domain process work?

Eminent domain requires Summit to go through a legal procedure to determine the rights of the landowner, particularly the amount of compensation for taking the easement. The determination would first be made by a committee of local landowners and local people familiar with real estate in your county. The case can then be appealed to a court jury of local people to review the compensation determined by the committee. [MN Statute 117.055, 117.075, 117.085, and 117.145] You are in the driver's seat as they cannot build this infrastructure without landowners. You have the right to negotiate fair and equitable easement payments.

What options do I have as a landowner?

You do not have to sign a voluntary easement. You can wait to sign an easement.

Can Summit use eminent domain?

It is not clear yet, because eminent domain is determined through the regulatory process.

Will I get more money for a voluntary easement rather than eminent domain?

Not necessarily. You need to do your homework to make sure the voluntary easement is giving you a fair price. It is also possible that eminent domain will award compensation for impacts that are not considered in the voluntary easement. Again, you could negotiate what kind of payments you get as a landowner. For example, you could take a one-time payment for damages, or you could negotiate payments overtime like other energy projects have, such as annual payments over a 30-year period. There may be more leverage if landowners work together to negotiate the details.

How will my land be impacted?

Building a pipeline is a major construction project. Based on experience with other pipeline infrastructure projects, the fertility of cropland can be adversely impacted for many years. Their

equipment may need to cross your fields to get to the easements that may cause soil compaction and tile damage. They will likely need to remove the topsoil and substrate soil to dig the trenches and soil may be mixed. Tile lines may need to be rerouted/designed based on placement of the easement.

Why are permanent easements a problem?

A permanent easement preempts the landowner's future plans for the property. Any easement over a property limits what a landowner can do on the property, such as requiring no structures or trees on the easement. The easement may also affect what gets built nearby. An easement may allow representatives of the easement company to have access to the property 24 hours a day, without notice, using motorized equipment on the easement or flying above the property.

What is Carbon Capture Utilization and Storage (CCUS)

CCUS can seem complicated, but when you boil it down, the basic premise is that it captures the carbon and stores it underground (CCUS) or it captures the carbon and uses it for industrial purposes. Currently, many of the companies that utilize CCUS use carbon for enhanced oil recovery.

If the pipeline is approved, what will be in the pipeline and what are the risks if it leaks or ruptures?

The pipeline will contain a highly pressurized and chilled liquid CO₂. At 1500 – 2800 psi, the pressure of the CO₂ in this type of pipeline is more than twice the pressure of a natural gas pipeline. In this chilled, compressed, and liquid state, CO₂ is heavier than air and tends to accumulate in low lying areas. And because CO₂ is odorless and colorless, it can be difficult to detect. Furthermore, when CO₂ interacts with water, it creates carbonic acid, acidifying the water. If the pipeline ruptured or leaked CO₂ into our aquifers or surface waters, it could ultimately contaminate our water.

How can we start organizing?

First off, do not sign a voluntary agreement right away. Once you sign a voluntary easement, you cannot reverse that decision, so start talking with your neighbors. Summit will want to work with individuals rather than a unified group. Landowners will have more power if they work together. For more information about when carbon pipelines come to your community visit: www.carbonpipelinesmn.org

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