



**KNOLL LEIBEL** <sup>LLP</sup>  
ATTORNEYS AT LAW

June 6, 2023

VIA U.S. MAIL & E-MAIL ONLY: [ndpsc@nd.gov](mailto:ndpsc@nd.gov)

Steve Kahl  
Executive Secretary  
North Dakota Public Service Commission  
State Capitol  
600 E Boulevard Ave, Dept 408  
Bismarck, ND 58505-0480

RE: In the Matter of the Application of SCS Carbon Transport LLC for  
Certificate of Corridor Compatibility and Route Permit for the Midwest  
Carbon Express  
Case No.: PU-22-391

Dear Mr. Kahl:

At the conclusion of Lon Klusmann's testimony at the June 2, 2023 hearing, Commissioner Sheri Haugen-Hoffart requested Mr. Klusmann's timeline of discussions with Summit and supporting documentation. Enclosed for filing please find the packet of information Mr. Klusmann referenced.

This letter is being filed with the North Dakota Public Service Commission (hereinafter "NDPSC") on behalf and at the request of Lon Klusmann.

Sincerely,

KNOLL LEIBEL LLP

Steven J. Leibel  
[steve@bismarck-attorneys.com](mailto:steve@bismarck-attorneys.com)

SJL: rmo

Enclosures

302 PU-22-391 Filed 06/06/2023 Pages: 26

Lon Klusmann's timeline of discussions with Summit and supporting documentation  
Knoll Leibel, LLP, on behalf of and at the request of Lon Klusmann  
Steven J. Leibel

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**Steven J. Leibel, Partner**

PO Box 858 · 1915 N. Kavaney Drive, Suite 3 · Bismarck, ND 58502-0858  
Phone 701-255-2010 · Fax 701-255-1980 · Email [steve@bismarck-attorneys.com](mailto:steve@bismarck-attorneys.com) · [www.bismarck-attorneys.com](http://www.bismarck-attorneys.com)

**Timeline/Documents requested by  
Commissioner Sheri Haugen-Hoffart at the  
conclusion of my testimony on 6/2/23**

**Lon Klusmann, (8N2E Properties LLP)**

**Township 140 (Burnt Creek)**

**Range 80W**

**Section 24**

**CO2 Pipeline Project PU-22-391**

Timeline requested by PSC in Support of my (Lon Klusmann) testimony on 6/2/23

We learned about the project from a Bismarck tribune article on or about 3/17/2022

I contacted the Tribune to see if they had a map of the route and they provided a contact at Summit, when I reached out to Summit they asked if I was a landowner since I don't appear in their system.

On March 18<sup>th</sup> I received a map from Erik Schovanec showing the Route to NOT BE ON 8N2E property, but rather on our neighbor to the South .

On about 6/1/2022 our managing partner received a phone voice mail message from Ben Schriber and she asked me to call him, I called him he returned my call on 6/3/2022 He wanted to know if it would be alright from him to survey 8N2E, I told him NO and that we do not allow anyone on the land when our renters are in active rent agreement, , He said Ok but asked if anyone from Summit has been in touch with us to explain the project as to "educate us" I said NO, but that we do not allow anyone to enter our land.

On 6/6/2022 while watching an on-demand replay of the 6/6/2022 county commission meeting, Summit was presenting the project to the county and put on the overhead a photo of what they said was "the route" and that is the 1<sup>st</sup> time we ever knew about SCS re-routing from our neighbor's land and onto 8N2E..

6/7/22 I called Ben scriber and ask since he was told NOT TO ENTER 8N2E how is it possible that on 6/6/22 Summit presented a route crossing our land he said he informed summit he had been denied access, but that Summit draws lines on a map via a computer program in Ames Iowa)

On June 17<sup>th</sup> 8N2E received a call from the Sheriff office that cattle were out, and that the gate was open, (case number 22-00003928) we suspect this was intimidation from Summit. because for 71 years we never had cattle escape the pasture. (attached)

6/22/2022 8N2E letter (attached) sent to each individual member of the NDPSC, The ND Industrial Commission, District 8 ND Representative, The ND agricultural Commissioner, and Members of the Burleigh County Commission and planning commission.

On July 12 8N2E received a letter from Juile Dimeo of Summit stating that they tried "Numerous occasions" to contact 8N2E (Attached)

On July 13<sup>th</sup> 8N2E sent its response (attached)

On Aug 2<sup>nd</sup>, 2022, 8N2E received from Lawrence Bender a letter (dated 7/29/22) stating (falsely) that they had made numerous attempts to get our voluntary access. and that unless we give them access within 15 days they will take legal action to gain access.

On 8/11/22 8N2E replied to Lawrence Bender (attached)

On 8/27/22 8N2e send a letter directly to Wade Boeshans home address. (attached)

On Sunday 8/28/22 at 9:38 PM, the Summit lawsuit was hand delivered to the managing partner of 8N2E (attached) and we forwarded by FedEx to Dominalaw..

On 9/7/2022 My testimony to the Burleigh commission (video available)

On 9/12/22 approximately 2 weeks after they SUED 8N2E , we received an" increased offer" letter.

On 9/20/2022 I called Summit to request a face-to-face meeting to explain why 8N2E did not want any pipelines to cross its property.

On 9/21/22 Wade Boeshans, Julie Dimeo, and Dave Nehring , appeared at my home in Bismarck ,and 8N2E politely explained why we will never allow this pipeline on 8N2E

January 2023 Numerous points of written and audio testimony in support for senate bills 2212, 2209, 2251, 2314

1/21/2023 received an email from Senator Keith Boehm (member of the senate energy and natural resources committee) stating the pipeline is planned for his land too and his desire to obtain the best easement and negotiate a higher payment. (attached) in no way can he be impartial should recuse and or resign.

Various dates in January and February numerous emails to various County, State and National elected officials ..



2/23/23, and 3/6/23, testimony to Burleigh County commission, (replay video available)

3/8/23 testimony to Burleigh County Planning Commission.

I urge the PSC to submit the NO ACTION alternative to reject the SCS 10/17/22 aplicatio.

The Length, design, location and purpose will have TOTAL AND MAXIMUM ADVERSE EFFECT ON OUR DEVELOPMENT PROPERTY.

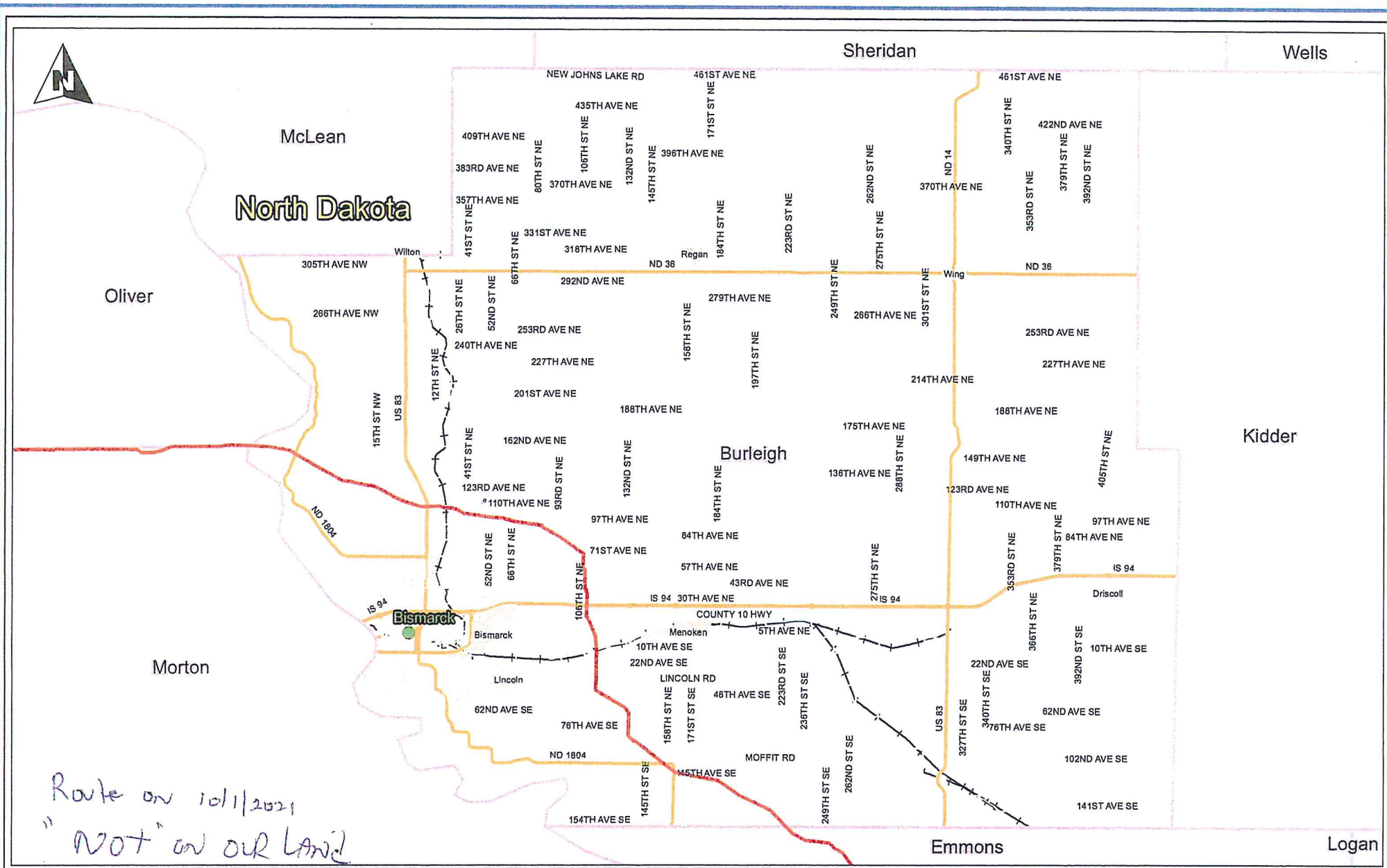
It is NOT APPROPRIATE to waive any time schedules,procedures,and requirements, as *PHMSA has not reviewed nor issued safety rules and regulations specific to CO2 pipelines.*

Construction, operation and maintenance will cause maximum adverse effect on the environment and welfare of the Rural residential development.

The proposed route is NOT COMPATIBLE with historic and cultural features and will disrupt the ecosystem of the waterway and native unbroken prairie grass.

The construction, operation and maintenance will have MAXIMUM ADVERSE EFFECT on humans and the environment, nor does the facility provide for ANY needed /necessary energy, utility I.e., water, electricity, communication, etc.

SUMMIT could file a new application once it has a re-route that complies with the Burleigh County ordinance.



- Participating Ethanol Plant
- County Seat
- Highly Populated Areas
- State Boundary
- County Boundary
- Route
- Primary Road
- Secondary Road
- Local Road
- Railroad

## 38.39 MILES OF ANTICIPATED PIPELINE BURLEIGH COUNTY NORTH DAKOTA

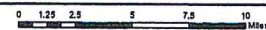
Round 3/18 from Erik Schovance

### Burleigh County North Dakota Pipeline Mileage Overview

|                     |                   |            |
|---------------------|-------------------|------------|
| COUNTY: BURLEIGH    | DRAWN BY: KAS     |            |
| STATE: NORTH DAKOTA | CHECKED BY:       |            |
| REV. NO.:           | REVISION          | DATE       |
| 0                   | ISSUED FOR REVIEW | 2021-10-01 |
| PRELIMINARY ROUTE   |                   |            |
| SUBJECT TO CHANGE   |                   |            |



SUMMIT  
CARBON  
SOLUTIONS

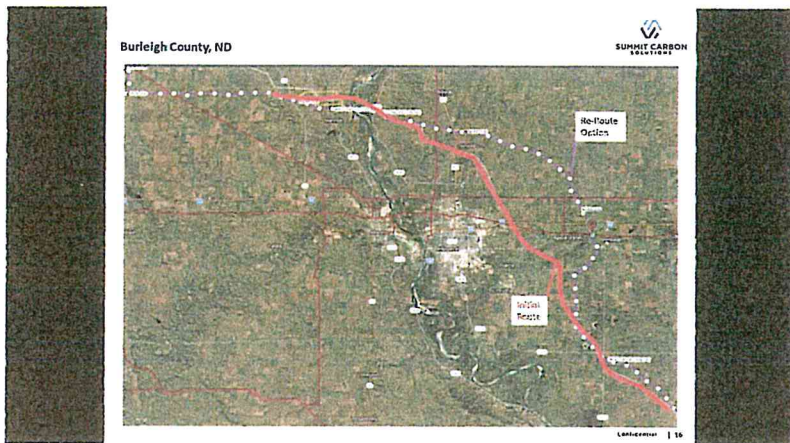


Search

Search

Watch (/CablecastPublicSite/watch/1?channel=2)

## Burleigh Commission Replay 6/6/22



Download Video (<https://reflect-dakotamediaaccess.cablecast.tv/vod/8705-v1/vod.mp4>)

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## SHOW DETAILS

**Download Agenda:** <https://reflect-dakotamediaaccess.cablecast.tv/Cablecast/WebFiles/149359/6-6-22 BCC Mtg Agenda.pdf> (<https://reflect-dakotamediaaccess.cablecast.tv/Cablecast/WebFiles/149359/6-6-22 BCC Mtg Agenda.pdf>)

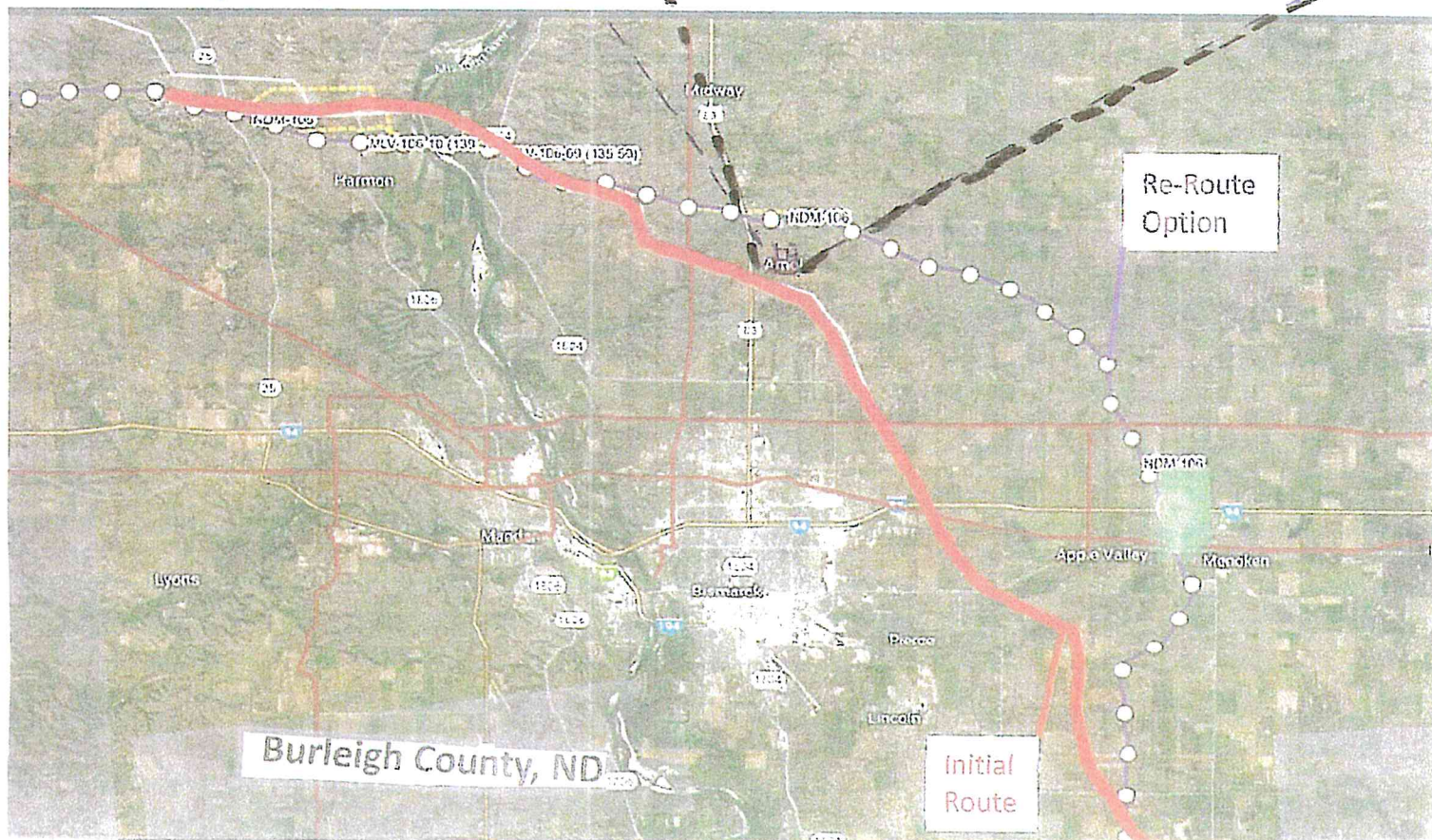
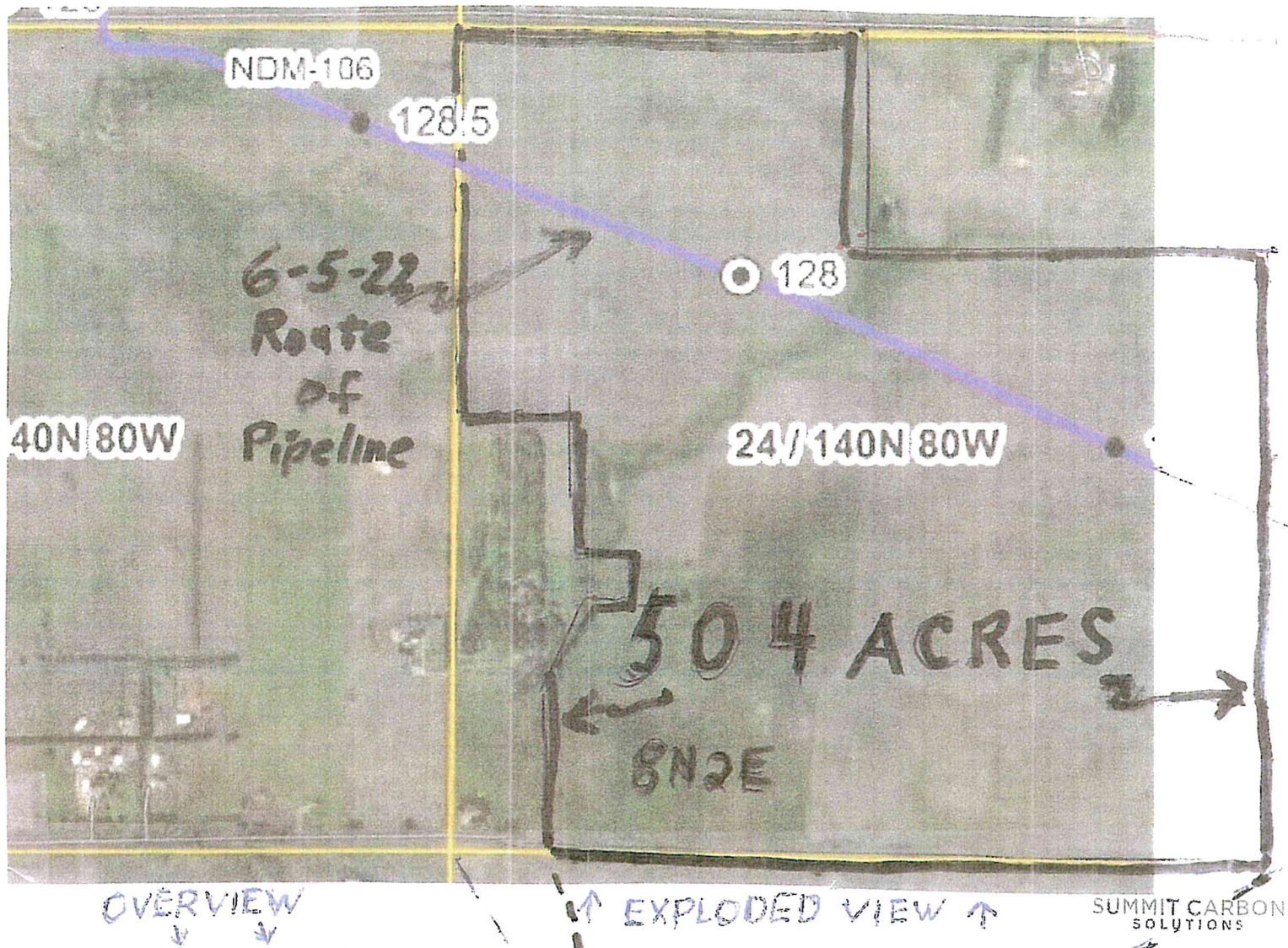
## UPCOMING AIR TIMES

Today at 7:00 AM

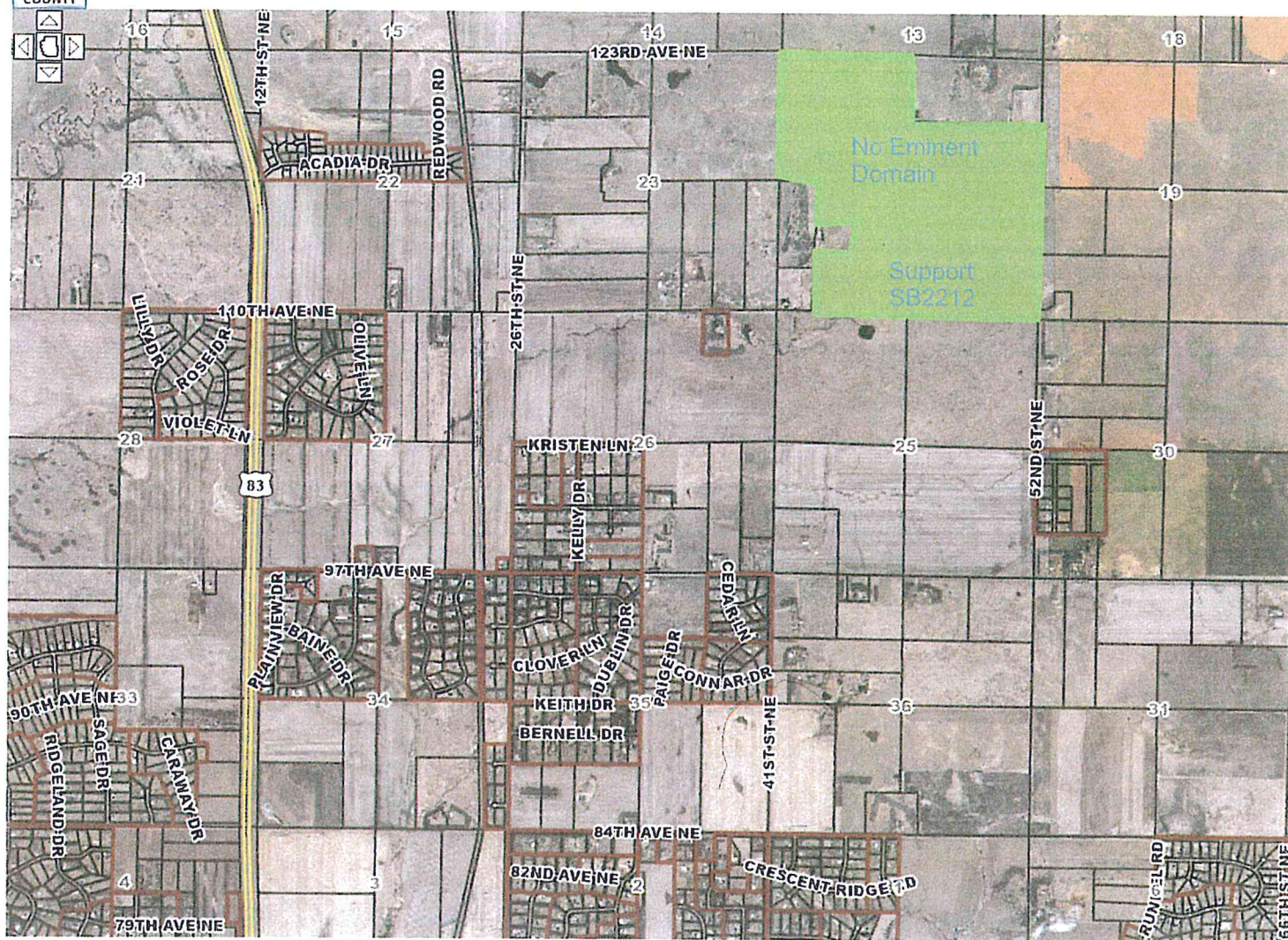
Today at 10:00 AM

Today at 1:00 PM









cattle out/ sheriff report

From: Lon Klusmann (lonklusmann@yahoo.com)

To: gordonmorris15@yahoo.com; mjbryan@midco.net

Date: Monday, June 20, 2022 at 11:19 AM EDT

Marilyn

The call you received and had forwarded to Mitch is legit....

I called Sherrif office today but Kelly is on vacation, BUT they did have a case number

Deputy "Tristan" Brown reported case number 22-00003928

8 cows and 3 calves were out near 97th and 52nd avenue

they suggested trail cameras could be placed on the property by owner or renter if desired

so what we dont know is WHO opened the gate and left it open,,, I think it might have been the Summit surveyor i feel like calling him and making the aqusation .. (ill think it over) just to let him know we are watching!

Sherry Kelly Lutz ~  
701-222-6651



8N2E Properties, LLP  
621 W. Avenue C  
Bismarck, ND. 58501

RECEIVED  
JUN 23 2022

June 22, 2022

Burleigh County Commission

The letter below was also mailed by certified, mail to each member of the ND PSC, each member of the ND industrial commission, Senator's Hoeven and Cramer, Representative Armstrong.

RE: CO2 Pipeline Proposed Route

Dear Mr. Peluso:

On June 6, 2022, while observing the Burleigh County Commissioners Meeting, we were shocked to see that Summit Carbon Solutions/Midwest Carbon Express had, without notification or authorization, drawn a line on our family's ranch property, 504 acres, Burnt Creek Township, Burleigh County, indicating a proposed route for a CO2 pipeline that dissects diagonally, essentially cutting our property, which is unbroken prairie pasture, cropland and cattle ranch, in half. A plat showing the current proposed location is attached.

This is particularly disturbing since on June 3, 2022 a surveyor asked permission to enter the property to survey and he was given explicit direction that he DID NOT HAVE PERMISSION to enter or survey the land.

This property has been owned by our family for over 70 years for the purpose of farming, ranching, raising a family, and preserving the American agricultural way of life. The land, in addition to being the heart and soul of our family, was gifted with love by our parents and has immense historic significance to us. In fact, the farmstead itself could be considered for inclusion in the National Register of Historic Places.

The wooden beam Prairie Breaker plow that was used to open this prairie to farming and is on display at the North Dakota Heritage Center and Museum, was donated by Mr. Robert Morris (our father and grandfather). Additionally, the "Old Black Trail" wagon route is still visible on this prairie land, as well as the rock foundation for one of the first rural one-room schoolhouses built to serve the pioneers of our community.

Our family views this land as Sacred and in no way is in favor of anyone or any entity desecrating this land for a project that is obviously very political in nature, said to be financed with 45Q tax credits, i.e. funded with taxpayer monies.

A 24-inch high-pressure pipeline carrying toxic gases for thousands of feet on our ranch, being only 6 feet deep with 4 ft. of cover soil on a 50-foot easement is, without a doubt, inconsistent with the agricultural uses of our property and creates a significant potential danger to the many residences of nearby landowners, as well as creating a roadblock to the growth plans of the City of Bismarck.

Mr. Jim Peluso

-2-

June 22, 2022

We beg you to honor our property rights and prohibit this pipeline from placement anywhere on our property. We also demand equal protection as those who have already refuted an earlier proposed route for this debacle. This proposal to cross our property being located some 3-4 miles north of the present Costco location is ridiculous and we enlist your support to reroute this proposed pipeline.

On behalf of the Partners of 8N2E Properties, LLP: Gordon R. Morris, Roberta A. (Morris) Klusmann, Jeffery Morris, Daniel Morris, Samuel Morris and Teresa (Morris) Yarlott, I am

Sincerely,

Marilyn J. (Morris) Bryan  
Managing Ranch Partner

Enclosure





July 11, 2022

8N2E Properties LLP  
621 West Avenue C  
Bismarck, ND 58501

RE: VOLUNTARY ACCESS FOR SURVEYS  
TRACT NO. ND-BU-0984.159, ND-BU-0984.160, ND-BU-0984.161

Dear Landowner:

As you are aware, Summit Carbon Solutions, LLC ("Summit") has made numerous attempts to obtain your voluntary consent to access your property for the purpose of making examinations and surveys to determine the most beneficial route for Summit's proposed carbon dioxide pipeline. To date, we have been unsuccessful at all such attempts.

Summit would greatly appreciate the opportunity to speak with you and address any concerns you may have regarding the project or the survey work it intends to conduct on your property. If you are agreeable to meeting with us, please contact our North Dakota land management personnel at 701-638-1032 or [infoND@summitcarbon.com](mailto:infoND@summitcarbon.com). If you are willing to voluntarily grant Summit the access it requires, we ask that you complete and sign the enclosed survey permission form and return it to us in the enclosed self-addressed, stamped envelope. If we have not received an executed permission form or other response from you within ten (10) days of the date of this letter, Summit will be forced to explore alternative means for accessing your property.

Thank you for your prompt attention to this matter. We look forward to hearing from you.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Julie Dimeo', with a long, sweeping horizontal line extending to the right.

Julie Dimeo  
Right of Way Manager- North Dakota  
Summit Carbon Solutions, LLC

Enclosure(s): Survey Permission Form

76505816.1

July 13<sup>th</sup> 2022

Summit Carbon Solutions

Attn: Julie DiMeo

RE: 8N2E Properties LLP

Dear Right Of Way Manager:

8N2E received your letter on July 12 2022 you stated you have made numerous unsuccessful attempts to contact 8N2E. That is a false claim.

Your Representative Ben Schreiber contacted 8N2E by telephone and on 6/3/2022 was told that neither he or Summit had permission to enter the property, and was advised not to trespass onto 8N2E property.

A subsequent conversation on 6/7/22, he reiterated that he understood that access is denied and that he communicated that directly to Summit, so the question is did Ben Schreiber lie, or are you lying?

The multiple members of 8N2E Properties LLP are in 100% agreement that we DO NOT ALLOW Summit or any other of its affiliates, agents or contractors to enter the 8N2E property physically or by drone or any other means for any and all reasons, and will never sign the survey access form you request.

Furthermore, your publication of a pipeline route crossing 8N2E property is highly objectionable to our members inasmuch as it diminishes our current property valuation in ongoing financial work. Please be advised that you will be held responsible for all damages and losses to the full extent of the law if you persist in such unauthorized publications

Also, per contact from Burleigh County Sheriff's department 8N2E suspects that Summit did in fact trespass on the property on or about 6/17/22 and left open the gate allowing several cattle to escape.

The Summit pipeline is not wanted on 8N2E as it conflicts with our Right to Privacy and is not compatible with the planned residential subdivision.

ACCESS DENIED

Marilyn Bryan

Manager 8N2E Properties LLP

July 29, 2022

VIA FEDEX

8N2E Properties LLP  
621 West Avenue C  
Bismarck, ND 58501

ECOPY

**RE: FINAL ATTEMPT-ACCESS FOR SURVEYS**  
**Tract Nos. ND-BU-0984.159**  
**ND-BU-0984.160**  
**ND-BU-0984.161**  
**Township 140 North, Range 80 West**  
**Section 24: W/2, SE/4, S/2NE/4, less and**  
**except certain tracts**  
**Burleigh County, North Dakota**

Dear Sir or Madam:

This firm represents Summit Carbon Solutions, LLC ("Summit") in the proposed construction of a new carbon capture and storage project located in Iowa, Minnesota, North Dakota, South Dakota, and Nebraska (the "Project"). The Project will capture carbon dioxide emissions that otherwise would be emitted into the atmosphere from biorefineries such as ethanol plants, compress the captured emissions, and transport it through a pipeline to North Dakota where it will be permanently and safely stored underground in deep geologic storage locations. The pipeline, as currently designed, is expected to traverse certain portions of the above-described lands, of which you are the current owner of record. Prior to construction, Summit is required by governmental regulators to make examinations, surveys, and maps of your property to determine the most beneficial route for the pipeline.

Summit has attempted, on numerous occasions and through various means, to obtain your voluntary consent to access your property for the purpose of making such surveys to determine to gather the information it is required to submit to regulators in connection with the Project. To date, Summit has been unsuccessful at all such attempts. Summit would prefer to secure access to your property voluntarily to obtain this required information without the need of involving the courts.

Therefore, with this letter, Summit is making a final attempt to voluntarily secure permission to access your property in order to complete survey work for the Project. Enclosed are two (2) copies of a survey permission form and a self-addressed, stamped envelope. We ask that you sign one (1) copy of the survey permission form and return it in the envelope provided. The other copy of the survey permission form is for your files. If you have any questions

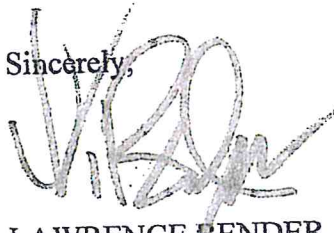


regarding the survey permission form or the survey work that will be performed, please contact Jeff Bryant at (701) 638-1032.

If Summit does not receive your signed survey permission form by August 15, 2022, it will have no other alternative other than to initiate a legal action to obtain access to your property for the purpose of making surveys as required by governmental regulators. This legal action will likely result in your desire to retain an attorney. Hopefully, an agreement can be reached where you and Summit can both avoid unnecessary legal costs and expenses to conduct these benign surveys.

Should you have any questions, please advise.

Sincerely,

A handwritten signature in dark ink, appearing to read 'LB', with a stylized flourish extending from the bottom right.

LAWRENCE BENDER

LB/tjg

Enclosures

cc: Summit Carbon Solutions, LLC

76701783 v1



**8N2E PROPERTIES LLP  
621 West Avenue C  
Bismarck, ND 58501**

**August 11, 2022**

**Fredrikson & Byron, PA  
1133 College Drive, Ste. 1000  
Bismarck, ND 58501**

**Attn: Mr. Lawrence Bender**

**Re: Sec. 24, T140N, R80 W  
Burnt Creek Township  
Burleigh County, ND**

**Dear Mr. Bender:**

The partners of 8N2E Properties LLP are of a mind that there is no sum of money that would be acceptable to allow your client to enter upon the subject treasured family property inasmuch as it has for some time been planned for use as a rural residential development of some 40 plus lots of ten acres each with all desirable amenities.

Accordingly, every effort will be made to avoid having this very desirable high-growth land, situated in the outskirts of Bismarck and in view of the North Dakota State Capitol, to be desecrated by the permanent installation of a highly toxic substance carrier such as your clients propose to construct.

The firm opinion of the 8N2E partners was voiced on KFYZ TV a few days ago by Senator John Hoeven when he said, "Private property rights must be respected and participation in the Summit Carbon Solutions project should be voluntary, and I am concerned about the use of litigation to compel access to private property."

Sincerely,

**8N2E Properties LLP**

**Marilyn Bryan, Manager**

5:18 PM

KFYR 7/26/22

pipeline

## CARBON CAPTURE LAWSUIT

SEN. HOEVEN RAISES CONCERN



"PRIVATE PROPERTY RIGHTS MUST BE RESPECTED AND PARTICIPATION IN THE SUMMIT CARBON SOLUTIONS PROJECT SHOULD BE VOLUNTARY, AND [I AM] CONCERNED ABOUT THE USE OF LITIGATION TO COMPEL ACCESS TO PRIVATE PROPERTY."

SEN. JOHN HOEVEN  
(R) NORTH DAKOTA

CARBON CAPTURE LAWSUIT

By Joel Crane  
Published: Jul. 26,



Tell Me  
More

College

Bank of North Dakota's 529 Plan

Tell them  
\$100 match



8N2E PROPERTIES LLP  
C/o Marilyn Bryan, Mgr.  
621 West Avenue C  
Bismarck, ND 58501

August 27, 2022

Mr. Wade Boeshans,  
Executive Vice President of  
Summit Carbon Solutions

Washburn, North Dakota

Dear Mr. Boeshans:

This is to summarize the efforts of my Burleigh County family who are the 7 successors to our 1890 vintage pioneer settler ancestors who have for generations made their living off the land and instilled a love of the land in our hearts. Some of our direct family members were, in fact, related to King John Satterlund, the founder of Washburn.

We appreciate the opportunity to inform and provide you with a copy of our correspondence in the recent past and our proposed correspondence, all directed to have the route of the Summit pipeline moved slightly north to be located off of our 500 acres in Section 24, T140N, R-80W.

I am a recent widow currently under care of my physician for a rather severe case of Covid and ask that any response that you have or further information that you need to assist us be directed to my brother-in-law Lon Klusmann at his address below.

Lon D. Klusmann  
2110 Bay Hill Loop  
Bismarck, ND 58503

*Y. Klusmann only*

Thank you for your consideration of our plea.

Sincerely,



August 23, 2022

VIA PERSONAL SERVICE

8N2E Properties LLP  
621 West Avenue C  
Bismarck, ND 58501

RE: 8N2E Properties LLP – Survey Access

Dear 8N2E Properties LLP:

Please find enclosed herewith the following:

1. Summons in Petition for Entry to Survey;
2. Petition for Entry to Survey (“Petition”); and
3. Voluntary Access Agreement.

The Petition has been filed in Burleigh County District Court and seeks authority from the court to access your property for the purpose of conducting certain surveys. After receipt of the Petition, if you desire to allow voluntary access, please sign the Voluntary Access Agreement and return it to the undersigned in the enclosed self-addressed, stamped envelope.

Please be advised that SCS Carbon Transport, LLC intends to request a hearing on its Petition and to proceed with its request for a court order unless it receives a signed Voluntary Access Agreement.

Should you have any questions, please contact Julie DiMeo at (701) 290-4682 or [jdimeo@summitcarbon.com](mailto:jdimdeo@summitcarbon.com).

Sincerely,

LAWRENCE BENDER

LB/mlm

Enclosures  
76950766 v1

Attorneys & Advisors  
main 701.221.8700  
fax 701.221.8750  
[www.fredlaw.com](http://www.fredlaw.com)

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1133 College Drive, Suite 1000  
Bismarck, North Dakota  
58501-1215



# Civil, Family & Probate Case Records Search Results

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Location : South Central District

Record Count: 13

Search By: Party Exact Name: on Party Search Mode: Business Name Last Name: SCS Carbon Transport LLC All All Sort By: Filed Date

| Case Number                      | Style  | Filed/Location/Judicial Officer                     | Type/Status                             |
|----------------------------------|--|---|---|
| <a href="#">15-2022-CV-00029</a> | SCS Carbon Transport LLC vs. Bruce E. Doolittle  | 08/22/2022<br>-- Emmons County<br>Narum, Daniel D   | Other Civil<br>Open                     |
| <a href="#">08-2022-CV-02073</a> | SCS Carbon Transport LLC vs. Connie Erickson   | 09/01/2022<br>-- Burleigh County<br>Narum, Daniel D | Condemnation / Eminent Domain<br>Open   |
| <a href="#">08-2022-CV-02075</a> | SCS Carbon Transport LLC vs. Larry R. Hoge   | 09/01/2022<br>-- Burleigh County<br>Narum, Daniel D | Condemnation / Eminent Domain<br>Open   |
| <a href="#">08-2022-CV-02076</a> | SCS Carbon Transport LLC vs. Dean Twardowski   | 09/01/2022<br>-- Burleigh County<br>Narum, Daniel D | Condemnation / Eminent Domain<br>Open   |
| <a href="#">08-2022-CV-02078</a> | SCS Carbon Transport LLC vs. BRH LLLP  | 09/01/2022<br>-- Burleigh County<br>Narum, Daniel D | Condemnation / Eminent Domain<br>Open   |
| <a href="#">30-2022-CV-00665</a> | SCS Carbon Transport LLC vs. Howard L. Malloy, Trustee of the Harry L. Malloy Trust No. 2 dated May 25, 2008 | 09/01/2022<br>-- Morton County<br>Narum, Daniel D   | Condemnation / Eminent Domain<br>Open   |
| <a href="#">08-2022-CV-02097</a> | SCS Carbon Transport LLC vs. SPLJ, LLP   | 09/06/2022<br>-- Burleigh County<br>Narum, Daniel D | Condemnation / Eminent Domain<br>Open   |
| <a href="#">08-2022-CV-02116</a> | SCS Carbon Transport LLC vs. 8N2E Properties LLP   | 09/07/2022<br>-- Burleigh County<br>Narum, Daniel D | Condemnation / Eminent Domain<br>Open   |
| <a href="#">08-2022-CV-02161</a> | SCS Carbon Transport LLC vs. Paul E. Kuetemeyer  | 09/13/2022<br>-- Burleigh County<br>Narum, Daniel D | Condemnation / Eminent Domain<br>Open   |
| <a href="#">08-2022-CV-02162</a> | SCS Carbon Transport LLC vs. Hoge Farm Limited Partnership   | 09/13/2022<br>-- Burleigh County<br>Narum, Daniel D | Condemnation / Eminent Domain<br>Open   |
| <a href="#">08-2022-CV-02163</a> | SCS Carbon Transport LLC vs. Timothy J. Hoge   | 09/13/2022<br>-- Burleigh County<br>Narum, Daniel D | Condemnation / Eminent Domain<br>Open   |
| <a href="#">15-2022-CV-00032</a> | SCS Carbon Transport LLC vs. Mitchell Kertzman, Trustee  | 09/21/2022<br>-- Emmons County<br>Hill, James S     | Condemnation / Eminent Domain<br>Closed |
| <a href="#">15-2022-CV-00034</a> | SCS Carbon Transport LLC vs. Kevin Bernhardt, et al.   | 09/23/2022<br>-- Emmons County<br>Hill, James S     | Condemnation / Eminent Domain<br>Closed |

RE: CO2 vs E.O.R. committee work from 1/13/2023 , and support of Senate bill 2212.

From: Boehm, Keith (kboehm@ndlegis.gov)

To: lonklusmann@yahoo.com

Date: Saturday, January 21, 2023 at 06:36 PM CST

Mr. Klusmann,

I can understand your concerns. There are 8 bills involved. The pipeline is crossing our property also and our effort is not to necessarily stop the project but to get the best easement and best negotiated price. I will not decide until testimony and amendments are complete as to which bills, I support and which ones I don't.

Thank you

Senator Keith Boehm  
District 33  
ND State Senate  
[kboehm@ndlegis.gov](mailto:kboehm@ndlegis.gov)  
701-425-1520  
Isaiah 54:17

**From:** Lon Klusmann <lonklusmann@yahoo.com>

**Sent:** Sunday, January 15, 2023 2:07 PM

**To:** Beard, Todd <tbeard@ndlegis.gov>; Boehm, Keith <kboehm@ndlegis.gov>; Kannianen, Jordan L. <jkannianen@ndlegis.gov>; Kessel, Greg <gkessel@ndlegis.gov>; Magrum, Jeffery <jmagrum@ndlegis.gov>; Patten, Dale <dpatten@ndlegis.gov>; Anderson, Dick D. <dickanderson@ndlegis.gov>; Bosch, Glenn D. <gdbosch@ndlegis.gov>; Christensen, Cole <colechristensen@ndlegis.gov>; Conmy, Liz <lconmy@ndlegis.gov>; Dockter, Jason D. <jddockter@ndlegis.gov>; Hagert, Jared <jhagert@ndlegis.gov>; Heinert, Patrick D. <pdheinert@ndlegis.gov>; Kasper, Jim M. <jkasper@ndlegis.gov>; Novak, Anna <anovak@ndlegis.gov>; Olson, Jeremy <jolson@ndlegis.gov>; Porter, Todd K. <tkporter@ndlegis.gov>; Prichard, Brandon <bprichard@ndlegis.gov>; Roers Jones, Shannon <sroersjones@ndlegis.gov>; Tveit, Bill <btveit@ndlegis.gov>; Ruby, Matthew <mruby@ndlegis.gov>

**Subject:** CO2 vs E.O.R. committee work from 1/13/2023 , and support of Senate bill 2212.

Honorable members of the Committee

I feel I must reach out to provide additional clarity on the presentation by Lynn Helms and Mr. Harju.

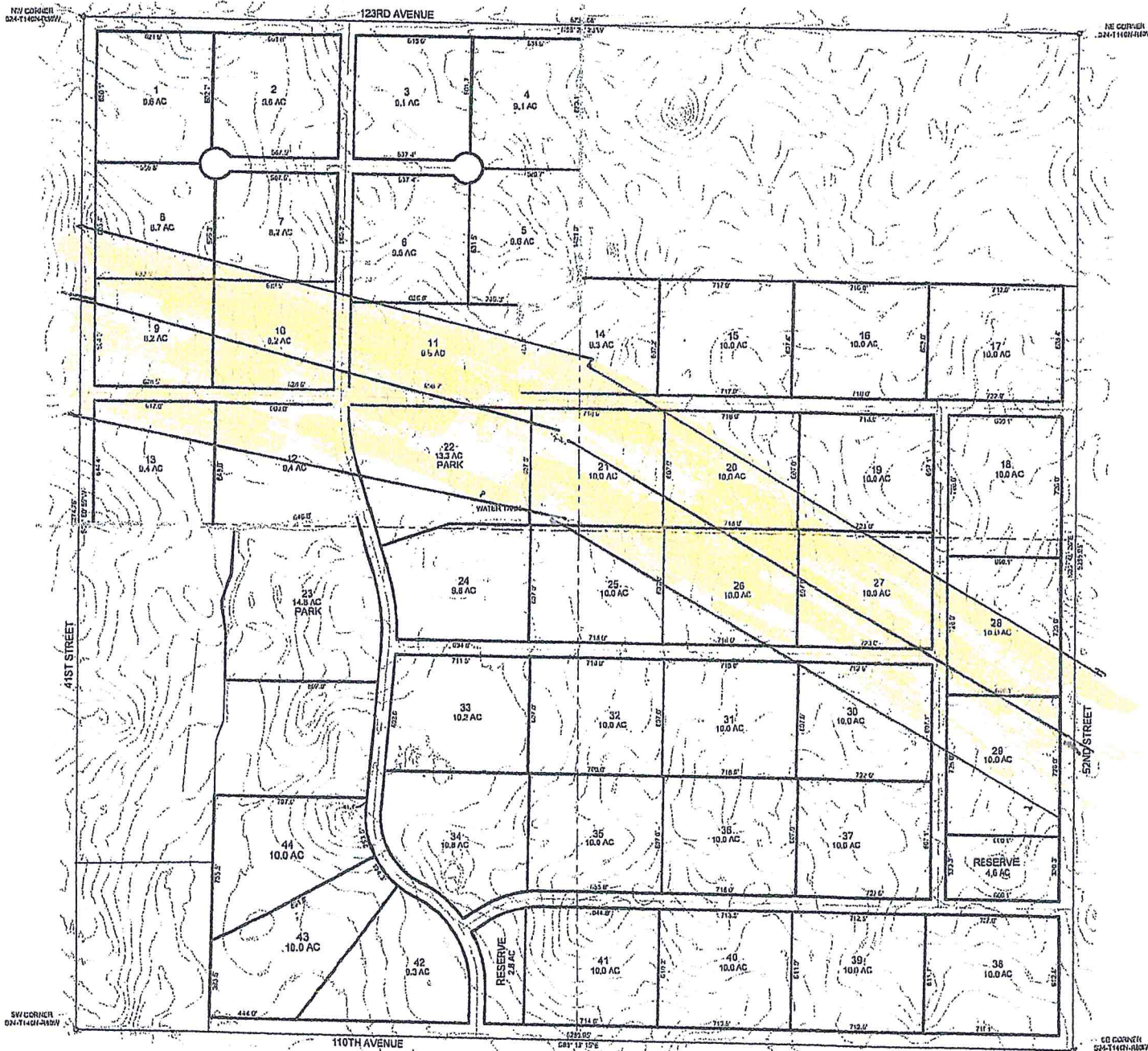
I patiently listened to the presentation as they touted the safety of CO2 pipelines.

The fact is the Weyburn-Midale project (the pipeline from Beulah ND to Canada) did leak, you have not heard about it because it leaked in CANADA in 2011 causing loss of livestock and additional damage, SEE ATTACHMENT for complete detail.

While some CO2 pipeline projects can be used for E.O.R. the Summit Carbon Solutions project is NOT and WILL NEVER be used for E.O.R. not in 12 years NOT ever, (only projects for E.O.R.



NE CORNER  
SECTION 24



SW CORNER  
SECTION 24

# REUNION SUBDIVISION CONCEPT #4

SECTION 24-T14DN-R80W

DATE: 3/28/23

Every NEW "concept"  
Get A NEW DATE  
Concept #5 will  
Be A June/July DATE

## SECTION 24 AREAS

|                       |             |
|-----------------------|-------------|
| TOTAL 44 LOTS AREA    | 415.7 ACRES |
| TOTAL 4 PARK/RESERVED | 26.6 ACRES  |
| TOTAL ROW AREA        | 61.9 ACRES  |
| TOTAL AREA            | 504.2 ACRES |



Independent Land Surveying  
& Engineering Inc.  
4215 OLD HILL TRAIL NW, Mankato, MN 56001  
Phone: 761-641-1164 FAX: 761-23601



## Testimony in Support of Senate Bills 2212 and/or 2209

My name is Lon Klusmann,

My testimony is on behalf of 8N2E properties LLP

Since I don't have all the words to properly articulate the many reasons, (legal, moral, ethical) as to why I oppose Summit Carbon Solutions and the State of North Dakota from implementing eminent domain to take my family's private property.

### The Prophet Micah, Chapter 2:1-3

"Woe to those who plan iniquity, they covet fields, and seize them; houses, and they take them;

They cheat an owner of his house, a man of his inheritance.

Therefore, thus says the LORD:

Behold, I am planning against this race an evil from which you shall not withdraw; Nor shall you walk with head high, for it will be a time of evil.

**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

IN THE MATTER OF THE APPLICATION  
OF SCS CARBON TRANSPORT LLC FOR  
A CERTIFICATE OF CORRIDOR  
COMPATIBILITY AND ROUTE PERMIT  
FOR THE MIDWEST CARBON EXPRESS  
PROJECT IN BURLEIGH, CASS, DICKEY,  
EMMONS, LOGAN, MCINTOSH,  
MORTON, OLIVER, RICHLAND AND  
SARGENT COUNTIES, NORTH DAKOTA

Case No. PU-22-391

**DECLARATION OF SERVICE**

[1] Rosanne Ogden declares that I am of legal age and not a party to this action, and that I served the following document(s):

- 1. Timeline/Document Packet; and**
- 2. Declaration of Service.**

[2] On June 6, 2023, by sending a true and correct copy thereof by electronic means only to the following email addresses, to wit:

John Maurice Schuh Bar ID 08138  
Special Assistant Attorney General  
North Dakota Public Service  
Commission  
600 E. Boulevard Ave, Dept. 408  
Bismarck, ND 58505-0480  
[jschuh@nd.gov](mailto:jschuh@nd.gov)

Lawrence Bender Bar ID 03908  
Fredrikson & Byron, P.A.  
1133 College Dr., Ste. 1000  
Bismarck, ND 58501-1215  
[lbender@fredlaw.com](mailto:lbender@fredlaw.com)

Hope Lisa Hogan Bar ID 05982  
Administrative Law Judge  
Office Of Administrative Hearings  
2911 N. 14th St., Ste. 303  
Bismarck, ND 58503  
[hlhogan@nd.gov](mailto:hlhogan@nd.gov)

Zachary Evan Pelham Bar ID 05904  
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John Hamre  
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State Capitol  
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[3] and by sending the originals and seven (7) copies of said documents via U.S. Mail, at Bismarck, North Dakota with postage prepaid, to the following:

Steve Kahl  
Executive Secretary  
North Dakota Public Service Commission  
State Capitol  
600 E Boulevard Ave, Dept 408  
Bismarck, ND 58505-0480

[4] The addresses of each party served are the last reasonably ascertainable e-mail address and post office address of such party.

[5] I declare, under penalty of perjury under the law of North Dakota, that the foregoing is true and correct.

Signed on the 6th day of June 2023 at Bismarck, North Dakota.

  
Rosanne Ogden