

Kertzman Farm Trust, and Dwight and Wanda Kertzman Trust
Julia Stramer, Hazelton, ND ND Emmons PSC Hearing, June 4, 2024
Legal Description: Emmons County, Township 135 North,
Range 76 West, Section 26: E2E2 and W2E2. (Map ~~25~~?) 26

Greeting Commissioners. I am Julia Stramer and I have lived in Hazelton all of my life. My family owns 4th generation cropland 4 miles east of Hazelton in Emmons County. The proposed pipeline would cut our property in half diagonally and would be about 1800 feet from the yard. We were sent the first easement contract in November of 2021. The amount of compensation was insulting as was the language of the contract. We were sent six more identical contracts, then an eighth. On July 11, 2022 we received our first threat letter from Summit's Right of Way Manager. On July 29, 2022 Summit's Lawyers informed us that they were to initiate legal action and advised us to retain an attorney. We did hire an attorney. If we were to take the largest easement offer per year of the 99 easement years then apply it toward the lawyer bill, it would take us 27.71 years to pay it off. This would make me 92 years old before it was paid...and we're not done.

At an early Summit meeting in Hazelton about 2 years ago, I sat and listened to Wade Boeshans, Summits EVP, and others, pitch their pipeline project. What was said and what was real at that time were not the same. I became disgusted and got up and walked out of the meeting. As I was walking to the parking lot, two of Summit's people were following me. They confronted me and demanded to know who I was and who my land agent was. I told them nothing and got in my car and left. One was a land agent and the other was Julie DiMeo, the Right of Way Manager.



Early on in this project, we were aware of how the Summit agents and representatives enter private property without permission. For intimidation they arrived in out of state motorcades with their entourage, including bodyguards who wouldn't speak, and a film crew and sometimes boring crews. We were on constant watch to see if we would be next. We waited for the bullies to invade our land and I prayed that when it happened I would have enough phone battery to call the sheriff when I'm standing out in the field. I kept "notes to myself" in the back of my phone so when the time came, I could follow my 9 steps to protect myself.

In several publications WE have been called "the radical landowners" and have also been compared to the DAPL Pipeline protesters. But we like pipelines. We like water and fuel and gas and electrical and power and services and all of the things that pipelines bring. This potential pipeline brings only a senseless draining of our resources and provides us with nothing but constant dread.

Then on June 8th, 2023 we were informed by letter from Summit that they have the authority to enter our private property without permission to "conduct environmental, archaeological, cultural surveys and examinations including any necessary geotechnical soil boring". They declared that they WILL be entering our private property. ~~I understand they can,~~ I, without permission, to enter, drive on, trample, snoop, and even drill or bore holes in our land regardless of crops, fences, livestock, roads, private buildings, equipment, homes or family situations.

Summit repeatedly states that they cover liability for the pipeline. Our first easement contract states in very small writing “... landowner acknowledges and agrees that it releases and forever discharges Company from all damages and claims relating to the pipeline...”

Then the actual wording in our latest easement contract states “Company shall... indemnify and hold Landowner harmless for any loss, damage, claim, or action resulting from Company’s use of the Easements...”

On March 1st of this year I received the five page form letter from James Powell, COO. On page four of the letter it states that Summit Carbon “is responsible for any and all liability associated with pipeline construction and operation”.

So what I am reading is that there is no liability coverage for farm equipment accidents, weather related catastrophes, landslides, earthquakes, Acts of God, human error, personal injury, loss of livestock or loss of life. There is no protection for the landowner if something happened now or 99 years from now when Summit is long gone and has sold out, gone bankrupt or has abandoned the project when the money dried up. The insurance policy for our land has a pollution exclusion and will not commit to cover anything related to a CO2 pipeline. We have been advised that even if we never sign an easement agreement and Summit takes our land by Eminent Domain, we could still be liable for incidents and law suits arising from the pipeline on our land for the next 99 years.

Mr. Powell states on page one of the form letter that the CO2 will be “permanently and safely stored underground”. Humans cannot predict the future. This science experiment has never been done before. He goes on to state that there are many existing pipelines in the Bismarck area, etc, etc. Yes, there are many pipelines, but none of them are near the size and pressure and danger of this pipe, and it cannot be compared to anything that is known. It’s like comparing a slight breeze to a tornado. Both move air, but one helpful and the other a catastrophe.

This pipe is only four feet deep. We bury people deeper than that.

Mr. Powell declares in his letter “there have been zero fatalities and only a single injury associated with CO2 pipelines in the last 25 years”. So is he saying that all 45 of the people who suffered injury and were hospitalized and lived through the Mississippi CO2 pipeline rupture have conspired to make up the whole thing?

This pipeline route is 1.8 miles from Hazelton. Our fearless local volunteer firefighters and EMT’s would be powerless to deal with a CO2 disaster. This PSC should be very concerned that it is planned to be built only 1.8 miles from our population of 300 plus 97 students and staff in our schools.

On Summits distorted map of Emmons County, Hazelton appears farther away from the pipeline than it actually is. The city of Linton is marked clearly in large print, and Hazelton is barely visible with tiny print. Evidently Summit has no concern for us.

Also in his letter, Mr. Powell states that pipelines have “not materially impacted property values”. No current data reflects any information for a 24” toxic high pressure pipe because no pipeline undertaking of this magnitude exists for there to be any data! No person with a choice would choose a property with this pipeline over one without. Anyone who was buying a property would certainly pay less for a piece of land with this type of risk involved. If this thing gets built, and when the first accident or mistake happens and news of it gets out, our properties could become worthless. It is not possible for a project of this magnitude to be built without mistakes. A simple house is not built without mistakes. A five state 2000 mile pipeline will be accidents waiting to happen.

Mr. Powell goes on to describe their high regard for cultural resources. Over a year ago, I testified at the first Emmons County PSC hearing. I shared our concerns that artifacts have been found on our property. I even brought part of our family collection to show the Commission and Summit. After that Hearing and to this day, there has been zero follow up, no questions asked, no letters or calls or any interest whatsoever from anyone about the artifacts from the land. Summit has no regard for our cultural resources.

Summit is a master manipulator with words and promises that are not kept. I do not believe anything they say. As children we learn that people who keep telling us lies are known as liars. I do not trust them with my life and I do not trust them with the lives of my children or grandchildren. We cannot allow this dishonest and misleading organization to build a life threatening monstrosity.

We submitted a request for a re-route nearly a year ago. It was completely ignored. Summit states that it is “committed to pursuing good faith negotiations with landowners in an attempt to reach agreements”. Wade Boeshans repeatedly states at public meetings that if you don’t want it on your land, we can move it. Gov. Burgum says “If you don’t want it, let the neighbor get the big check”. I have informed Gov. Burgum that we have not received an offer of “the big check”.

We have again and again requested a re-route, actually ten times. One time by our Lawyer, three by e-mail and six by certified mail with return-receipt. We did not received a single phone call, letter, or any communication with Summit regarding a re-route, not even an acknowledgment of the requests. I question their claim of moving it 5000 times. What happened to their testifying under oath that the “landowner is in charge” and Mr. Boeshans claim of “We’ll treat you right”?

Then just 13 days ago, our lawyer received a letter from Summit’s attorney Mr. Bender stating that Summit tried to communicate with us approximately 11 times and that we would not engage with Summit representatives. They have **not** contacted us in any way, by phone, mail, agent, or representative. Not even one time. If they are counting the 8 easements they sent by Fed-Ex 2 years ago and the 3 threat letters we received a year ago, then yes, that would be 11 times. The letter to our lawyer also requested written permission from us to survey the “property in order to determine whether the proposed re-routes are feasible”. Um-- they made the whole route plan without surveys...they do not need a survey to move it off our land.

At the Friends of Ag and Energy Meeting on April 18, 2024 at BSC, Speaker Scott Hennen stated at 46:20 of the meeting “90% of landowners have said yes and have gotten upfront payments. This is directly from the PSC who gets reports from the Pipeline Company. It’s in the filing.” On April 22, at the Burleigh PSC Hearing, Mr. Powell was questioned about this 90%. He confessed that it was not 90%. From what I have observed I believe that Summit has been doctoring the sign-up data from day one.

In that same meeting, Scott Hennen states that Summit Carbon Solutions fired 50 or more agents or representatives because of the way the early easements were obtained with threats. I would surmise that the early agents were advised by upper management. The Chief Operating Officer and the Executive Vice President were not fired. The Right of Way Manager was not fired.

At the recent Burleigh PSC Hearing, State Representative Mike Brandenburg made light of the seriousness of the easements by referring the first easy sign-ups as “Summits cherry picking”. If Summit was truly concerned about the way the first easements were acquired, they should go back to the landowners who signed under duress and release them from the contract. Honestly, what percent of these easements were volunteer? I believe that if the landowners had been informed of the true risks and dangers, that percent would be zero.

Another petty and unprofessional way that Summit uses deception is by distorting the county and state maps. They have done this from the beginning and are still doing it. I have no doubt that this is done for the benefit of Summit. Maybe so the route looks farther away from Bismarck and other cities and towns, and to keep us uninformed of where the route is.

Powell states “for security reasons, we cannot share the dispersion analysis with the general public...” I believe that Summit is not letting the public find out how dangerous this pipeline is because they know that it would never get built. We listened Mr. Baake’s expert witness Jeff Steinbronn speak during the technical hearings. What he said made me terrified. Even if his calculations are only half accurate, a leak or rupture of the pipe on our land would kill the entire population of Hazelton, as our farm is high in a hill and we can look downhill to see Hazelton. I can’t believe we are still talking about building this thing.

Our County governments are not able to protect it’s own citizens with smart local setbacks for CO2 pipelines. It is a sad day when state regulations pre-empt County and local ordinances on hazardous zoning issues and we loose our local control.

Summit provides no public utility or service to any persons. We cannot allow trampling upon ND family farms and cropland to appease a money grabbing, made-up-problem solving, money chasing scheme. It is ridiculous for the whole state to bend over backwards in order for Summit to build the worlds largest underground landfill. Why would we even consider bringing this to our safe and peaceful state? Please, let's not give away the best there is. Once we give it away, there is no getting it back. Let's not start a precedent that we will soon sorely regret. It's not too late. We can stop this now.

On the day of the initial route permit denial, we were elated and relieved that good judgment prevailed. This commission sent out a news release which states the reasons for the denial, including;

“Those testifying expressed broad concerns regarding eminent domain, safety, the policy of permanent CO2 sequestration and storage, setback distances, irreparable harm to underground drain tile systems, impacts on property values, and the ability to obtain liability insurance due to the project.

Landowners and intervenors testified that the project would cause adverse effects on the value of their property and residential development projects. And...

Landowners repeatedly testified that they had contacted Summit with requests for reroutes across their properties but heard nothing back from the company. The Commission felt that Summit has not taken steps to address outstanding legitimate impacts and concerns expressed by landowners or demonstrated why a reroute is not feasible.

Those are some of the reasons for your denial of the route permit nearly a year ago. **None of these things have changed.** Considering that and using common sense, it is not possible to approve this Summit Route permit, when, since your denial, we have seen only more of the same bad practices, poor conduct and unorganized behavior from Summit. For nearly 3 years we have witnessed their hurried mismanagement...we can assume that the building of this pipeline would be the same.

Please Commissioners, we sincerely implore you again to deny the Summit Carbon Solutions route permit.



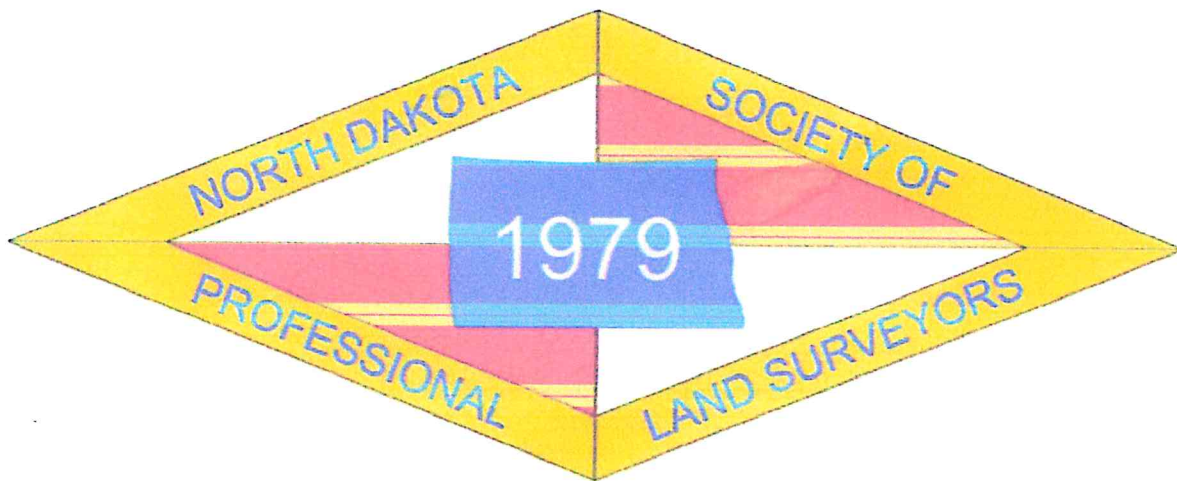


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MANUAL OF PRACTICE FOR LAND SURVEYING IN NORTH DAKOTA



**NORTH DAKOTA SOCIETY OF
PROFESSIONAL LAND SURVEYORS**

Adopted May 1, 2015

Revised and Readopted February 8, 2019

1 INTRODUCTION

1.1 WHY THIS MANUAL?

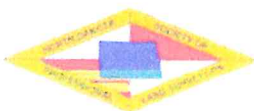
To help safeguard property and promote public welfare, the North Dakota Society of Professional Land Surveyors (NDSPLS) has prepared and adopted this manual for Land Surveyors and those interested in land surveys in North Dakota.

We hope these guidelines will help Land Surveyors meet public needs and work to the highest standards possible. We urge you to use the contents of this document for all surveys relating to the creation, establishment or retracement of property boundaries in the state, oil and gas well surveys, wind towers, topographic surveys and all other surveys which fall under the definition of the practice of land surveying whether for public or private lands.

This manual provides useful information about the usual or normal practice and procedures for land surveying in North Dakota. This manual attempts to familiarize the practicing Land Surveyor of North Dakota's laws and rules, which are called statutes and are enacted by the State Legislature.

Statutes can be broad in nature and do not always contain specific information. To help define the requirements contained in statutes, the government agencies can create administrative rules. These rules are contained in the North Dakota Administrative Code (NDAC). These administrative rules are enforceable, just like statutes, and all registrants are required to comply with NDAC. The chapter referred to as NDAC 28 is assigned to Professional Engineers and Professional Land Surveyors. This manual strives to relate to or reference the various codes in NDAC 28 where it is noted.

Note, however, while this manual serves as a realistic and prudent guide for adequate surveying performance, Land Surveyors should continue to exercise individual skill, discretion, and judgment on each specific job. Careful consideration should be given to North Dakota Century Code (NDCC), all State and Federal statutes, ordinances, administrative Rules, State and Federal court ruling, policies, and accepted survey practices that are either not included or that may be in conflict with the guidelines contained within this manual.



5 SURVEY CORNER RECORDS

Once a Land Surveyor locates a corner, a record must be certified and filed. This chapter provides guidance for both completing new and finding previously filed corner records.

The NDSPLS has adopted the following as stated in NDCC 47-20.1-01.

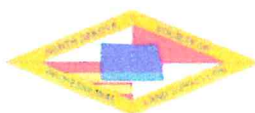
SURVEY AND CORNER RECORDATION ACT

Purpose. It is the purpose of this chapter to protect and perpetuate public land survey corners and information concerning the location of such corners by requiring the systematic establishment of monuments and recording of information concerning the marking of the location of such public land survey corners and to allow the systematic location of other property corners, thereby providing for property security and a coherent system of property location and identification of ownerships, and thereby eliminating the repeated necessity for reestablishment and relocations of such corners where once they were established and located, and, to authorize any registered Land Surveyor to locate, erect, maintain, record and perpetuate landmarks, monuments, section corners, quarter corners, meander lines or boundary lines heretofore or hereafter established.

The NDSPLS has adopted the following as stated in NDCC 47-20.1-02.

Definitions. Except where the context indicates a different meaning, terms used in this chapter shall be defined as follows:

1. **"Accessory Corner"** means any exclusively identifiable physical object whose spatial relationship to the corner is recorded. Accessories may be bearing trees, bearing objects, monuments, reference monuments, line trees, pits, mounds, charcoal filled bottles, steel or wooden stakes or other objects.
2. **"Corner,"** unless otherwise qualified, means a property corner, or a property controlling corner, or a public land survey corner, or any combination of these.
3. **"Monument"** means an accessory that is presumed to occupy the exact position of a corner.
4. **"Practice of Land Surveying"** means the assuming of responsibility for the surveying of land for the establishment of corners, lines, boundaries, and monuments, the laying out and subdivision of land, the defining and locating of corners, lines, boundaries, and monuments after they have been established, the survey of land



areas for the purpose of determining the topography thereof, the making of topographical delineations, and the preparing of maps and accurate records thereof, when the proper performance of such services requires technical knowledge and skill.

This Practice of Land Surveying has now been superseded by the new definition under NDCC Chapter 43-19.1-02 (8).

5. **"Property Controlling Corner"** means a public land survey corner, or any property corner, which does not lie on a property line of the property in question, but which controls the location of one or more of the property corners of the property in question.
6. **"Property Corner"** means a geographic point on the surface of the earth, and is on, a part of, and controls a property line.
7. **"Public Land Survey Corner"** means any corner actually established and monumented in an original survey or resurvey used as a basis of legal description for issuing a patent for land to a private person from the United States government.
8. **"Reference Monument"** means a special monument that does not occupy the same geographical position as the corner itself, but whose spatial relationship to the corner is recorded, and which serves to witness the corner.
9. **"Registered Land Surveyor"** means a Surveyor who is registered to practice land surveying under chapter 43-19.1 regulating the registration and practice of professional engineering and Land Surveyors, or who is authorized under said chapter to practice land surveying as defined herein.

The NDSPLS has adopted the following as stated in NDCC 47-20.1-03.

Filing of corner record required. A Surveyor shall complete, sign, stamp with the Surveyor's seal, and file with the Recorder of the county where the corner is situated a written record of corner establishment or restoration to be known as a "corner record" for every public land survey corner and accessory to such corner which is established, reestablished, monumented, remonumented, restored, rehabilitated, perpetuated, or used as control in any survey by such Surveyor, and within ninety days thereafter, unless the corner and its accessories are substantially as described in an existing corner record filed in accord with the provisions of this chapter.



The NDSPLS has adopted the following as stated in NDCC 47-20.1-04.

Filing permitted as to any property corner. A registered Land Surveyor may file such corner record as to any property corner, property controlling corner, reference monument, or accessory to a corner.

5.1 PUBLIC RECORDER

The following describes how the Public Recorder of the county containing a corner manages the recording process:

Note. Certifying the corner record is the responsibility of the Land Surveyor. The Recorder will not file a corner record until it is first signed by a registered Land Surveyor and stamped with the Surveyor's seal.

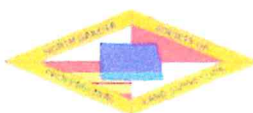
1. The Recorder receives the completed corner record and preserves it in a hardbound book. The books are numbered in numerical order as filled.
2. The Recorder numbers the forms in numerical order as filed.
3. The Recorder places the book and page number in which the said corner record is filed near that same corner on a cross-index plat, which the Recorder provides for such purpose.
4. The Recorder makes these records available for public inspection during all usual office hours.

Official corner record. When a corner has been established and filed, that corner record enters the official record and becomes available to all state and federal government agencies without cost; however, the Recorder may charge a reasonable fee for furnishing certified copies of the official record to others.

5.1.1 Acknowledgments

The NDSPLS has adopted the following as stated in NDCC 43-19.1-30 Duties of recorder.

It is unlawful for the recorder of any county or any county or any proper public authority to file or record any map, plat, survey, or other document with the definition of land surveying which does not have impressed thereon and affixed thereto the personal signature and seal of a registered professional land surveyor by whom the map, plat, survey, or other document was prepared.



**Under Chapter NDCC 47-19 Record Title specifically 47-19-02
Instruments entitled to record without acknowledgment.**

47-19-02. Instruments entitled to record without acknowledgment.

The following instruments may be recorded without acknowledgment or further proof:

1. An instrument issued by an agency, bureau, department, or the judiciary of the United States, this state or a political subdivision of this state, or an Indian tribe recognized by the United States department of the interior. An instrument includes a contract or agreement that is entered by one of these governmental entities that contract or agreement is deemed to have been issued by the entity.
2. An instrument certified by an agency, bureau, department, or the judiciary of the United States or a foreign government, a state of the United States or a political subdivision of a state, or an Indian tribe recognized by the United States department of the interior.
3. A lis pendens or other instrument that is signed by an attorney at law licensed to practice law in this state which bears the attorney's identification number issued by the state board of law examiners.
4. An affidavit that bears a jurat or verification upon oath or affirmation.
5. A Uniform Commercial Code financing statement under title 41.
6. A plat signed by a land surveyor registered in this state.

40-50.1-15. Filing and recording of surveyor's certificate.

The recorder of the county in which the land platted or subdivided is located shall accept each certificate for filing and recording upon payment of a fee commensurate with the length of the certificate. **Neither witnesses nor an acknowledgment is required on any such certificate, but it must be signed by the registered land surveyor and must include a statement that the signing surveyor holds valid registration in this state.** The recorder shall make suitable notations on the record of the plat or subdivision to which the certificate refers to direct the attention of anyone examining the plat or subdivision to the record of that certificate. No such certificate has the effect of destroying or changing vested rights acquired based on an existing plat or subdivision despite errors, defects, or omissions.



7 SUBDIVISION OF SECTIONS

Several laws and other resources provide guidance on subdivision of sections. The rules and methods for accomplishing this task are in Chapter III of the *BLM 2009 Manual of Surveying Instructions*, or current manual, and are used and applied in North Dakota rules.

7.1 PLATTING LAWS AND REGULATIONS

The NDSPLS has adopted the following as stated in NDCC 11-33.2-01.

Subdivision defined. For the purposes of this chapter, unless the context otherwise requires, "subdivision" means the division of a lot, tract, or parcel of land, creating one or more lots, tracts, or parcels for the purpose, whether immediate or future, of sale or of building development, and any plat or plan which includes the creation of any part of one or more streets, public easements, or other rights of way, whether public or private, for access to or from any such lot, tract, or parcel, and the creation of new or enlarged parks, playgrounds, plazas, or open spaces.

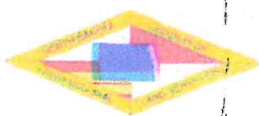
The NDSPLS has adopted the following as stated in NDCC 11-33.2-02.

County power to regulate subdivision. For the purpose of promoting health, safety, morals, public convenience, general prosperity, and public welfare, the board of county commissioners of any county is hereby empowered to regulate and restrict within the county the subdivision of land. This chapter shall not serve to invalidate any ordinance, resolution, regulation, decision, plat approval, or other action taken or adopted, by a board of county commissioners or county planning commission, prior to or subsequent to July 1, 1981, which regulates or otherwise affects the subdivision of land, except that, subsequent to July 1, 1981, the provisions of section 11-33.2-12 shall apply to any county requiring plat approval as a prerequisite to the subdivision of land.

The NDSPLS has adopted the following as stated in NDCC 40-50.1-01.

Laying out townsites, additions, and subdivisions - Survey and plat required - Contents of plat. Any person desiring to lay out a townsite, an addition to a townsite, or a subdivision of land shall cause the land to be surveyed and a plat made of the land. The written plat must comply with the following:

1. The plat must describe particularly and set forth all the streets, alleys, and public grounds, and all outlots or fractional lots within or adjoining the townsite or jurisdiction, together with the names, widths, courses,



5. "Project" means the entire parcel of real property divided, or to be divided into condominiums, including all structures thereon.
6. "To divide" real property means to divide the ownership thereof by conveying one or more condominiums therein but less than the whole thereof.
7. "Unit" means the elements of a condominium which are not owned in common with the owners of other condominiums in the project.

47-04.1-02. Recording of declaration to submit property to a project.

When the sole owner or all the owners, or the sole lessee or all of the lessees of a lease, desire to submit a parcel of real property to a project established by this chapter, a declaration to that effect shall be executed and acknowledged by the sole owner or lessee or all of such owners or lessees and shall be recorded in the office of the recorder of the county in which such property lies.

47-04.1-03. Contents of declaration. The declaration provided for in section 47-04.1-02 shall contain:

1. A description or survey map of the surface of the land included within the project.
2. Diagrammatic floor plans of the structures built or to be built thereon in sufficient detail to identify each unit, its relative location and approximate dimensions.
3. A description of the common elements.
4. A description of the limited common elements.
5. The fractional or percentage interest which each unit bears to the entire project. The sum of such shall be one if expressed in fractions and one hundred if expressed in percentage.

47-04.1-04. Declaration of restrictions. The owner of a project, shall, prior to the conveyance of any condominium therein, record a declaration of restrictions relating to such project, which restrictions shall be enforceable equitable servitudes where reasonable, and shall inure to and bind all owners of condominiums in the project. Such servitudes, unless otherwise provided, may be enforced by any legal or equitable owner of a condominium in the project.

47-04.1-05. Reference to declaration for description of unit and common elements. All subsequent deeds, mortgages, or other instruments



The document creating the easement should define the scope of the easement. An easement generally can be used for only the purpose expressly stated in the document that created it. If the geographic extent or location of an easement is not described in the document creating it, the owner of the servient estate has the first right to designate its location.

The Land Surveyors profession is specifically educated and trained in the preparation of land descriptions. A good land description is concise, clear, and complete, thereby describing one unique, identifiable location on the surface of the Earth. The weight of authority has outlined that if a description can be located on the ground as a unique parcel by a competent surveyor, it is considered sufficient. Easements must contain specific legal descriptions of the property right transferred and the location thereof.

The NDSPLS has adopted the following as stated in NDCC 47-05-02.1.

Requirements of easements, servitudes, or nonappurtenant restrictions on the use of real property. Real property easements, servitudes, or any nonappurtenant restrictions on the use of real property, which become binding after July 1, 1977, shall be subject to the requirements of this section. These requirements are deemed a part of any agreement for such interests in real property whether or not printed in a document of agreement.

1. The area of land covered by the easement, servitude, or nonappurtenant restriction on the use of real property shall be properly described and shall set out the area of land covered by the interest in real property.
2. The duration of the easement, servitude, or nonappurtenant restriction on the use of real property must be specifically set out, and in no case may the duration of any interest in real property regulated by this section exceed ninety-nine years. The duration of an easement for a waterfowl production area acquired by the federal government, and consented to by the governor or the appropriate state agency after July 1, 1985, may not exceed fifty years. The duration of a wetlands reserve program easement acquired by the federal government pursuant to the Food, Agriculture, Conservation, and Trade Act of 1990 after July 1, 1991, may not exceed thirty years.
3. No increase in the area of real property subject to the easement, servitude, or nonappurtenant restriction shall be made except by negotiation between the owner of the easement, servitude, or nonappurtenant restriction and the owner of the servient tenement.



The NDSPLS has adopted the following as stated in NDCC 54-01-17.1.

Granting Easements to State-Owned Land - Procedure. A state agency may, when it deems such action to be in the best interest of the state, grant easements upon or across any real property which it administers and which is owned by the state for the use or benefit of a state institution under its jurisdiction. Any property rights transferred under the authority of this section must be transferred and conveyed by quitclaim instrument or easement executed in the name of the state of North Dakota by the governor and attested by the secretary of state. **Such quitclaim instrument or easement must contain specific legal descriptions of the property right transferred and the location thereof.**

Surface Easement. The right to use only the surface of the land; as for easements of access, flowage, or for rights of way.

Subsurface Easement. The right to use the land at a designated distance below the surface of the land; as for pipelines, electric and telephone circuits and cables etc.

8.18 RIGHT OF WAY SURVEYS

A right of way is any strip or area of land, including surface, overhead, or underground, granted by deed or easement, for construction and maintenance according to designated use such as drainage and irrigation canals, ditches, electric power, telegraph and telephone, gas, oil, water, and other pipelines, highways, roadways, including right of portage, sewers, flowage, or impoundment of surface water and tunnels.

Right-of-Way Surveys and Easement Surveys have the same sort of requirements and technically are the same. The statement in NDAC Chapter 28-02.1-13-01 has been adopted by the NDSPLS as the requirements for this type of survey and is stated in its entirety on page 58. These surveys, which convey an easement or right-of-way having a term of five years or more, must be retraceable in each section of land over which they cross by using established subdivision or public land survey system monuments existing or placed at the time of the conveyance. (See Exhibits #1 & #8 for reference).

8.19 PIPELINE SURVEYS

Pipeline surveys usually follow guidelines for either an easement or a right of way. (See Exhibits #1, #8, #9 for examples of pipeline surveys in a minimal accepted format.)



11. Boundaries formed by water courses, located by traverse or off-set lines, and defined with bearing and distance.

14.9.1 Surveyor Statements

These statements are to guarantee the client that the Surveyor has performed his/her job completely and according to existing federal, state, tribal, county, and city rules and regulations and codes and laws to the best of his ability and knowledge. Sometimes these statements must certify the work being performed, and sometimes it is stated the work was performed properly according to the rules and laws of the State of North Dakota. There can be various Surveyor Statements according to the type of work being completed. The primary rule in a Surveyors Statement is that he/she is accepting the responsibility of the work being performed for the client, and that he/she is held to the highest standard to assure this was done.

If there is not a certification, statement, or narrative describing what the Surveyor has done on the face of the survey or plat, and the Surveyor has stamped, signed, dated, and sealed the document, it is understood everything on the face of that document is correct and to the Surveyors satisfaction, and the Surveyor has now accepted responsibility for all the information.

14.9.2 Filing and Recording of Surveyor's Certificate

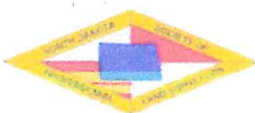
The NDSPLS has adopted the following section as stated in NDCC Chapter 40-50.1-15 Filing and recording of surveyor's certificate.

40-50.1-15. Filing and recording of surveyor's certificate.

The recorder of the county in which the land platted or subdivided is located shall accept each certificate for filing and recording upon payment of a fee commensurate with the length of the certificate. **Neither witnesses nor an acknowledgment is required on any such certificate, but it must be signed by the registered land surveyor and must include a statement that the signing surveyor holds valid registration in this state.** The recorder shall make suitable notations on the record of the plat or subdivision to which the certificate refers to direct the attention of anyone examining the plat or subdivision to the record of that certificate. No such certificate has the effect of destroying or changing vested rights acquired based on an existing plat or subdivision despite errors, defects, or omissions.

14.9.3 Notice of Errors on Recorded Plat

The NDSPLS has adopted the following section as stated in NDCC 40-50.1-14 Notice of errors on recorded plat.



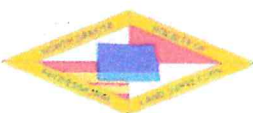
40-50.1-14. Notice of errors on recorded plat - Certificate by original surveyor.

Notwithstanding section 40-50.1-06, if a plat, or what purports to be a plat, has been signed and filed in the office of the recorder of the county where the land is situated, and the plat fails to identify or correctly describe the land to be so platted or subdivided, or to show correctly on its face the tract of land intended or purported to be platted or subdivided, or is defective because the plat or subdivision and the description of land purported to be so platted or subdivided is inconsistent or incorrect, the registered land surveyor who prepared the plat may sign a certificate stating the nature of the error, omission, or defect and stating the information that surveyor believes corrects the error, supplies the omission, or cures the defect, referring, by correct book and page or document number, to the plat or subdivision and designating its name, if it has a name. The registered land surveyor shall date and sign the certificate.

14.9.4 Seals

The NDSPLS has adopted the following section as stated in NDAC Chapter 28-02.1-08-02 Seals.

1. The board has adopted standard seals or stamps similar to those illustrated in this section for use by registered professional engineers and professional land surveyors as prescribed by law. The seal authorized by the state board of registration for professional engineers and land surveyors for registrants is of the crimp type or rubber stamp, or electronic. Seals prepared after July 1, 2005, shall be of a design so the seal consists of two concentric circles with the diameter of the outer circle being one and three-fourth inches [44.45 millimeters] and the diameter of the inner circle being one and one-fourth inches [31.75 millimeters]. The upper portion between the two circles shall bear whichever of the following phrases is applicable to the registrant: "Registered Professional Engineer", "Registered Professional Land Surveyor", or "Registered Professional Engineer & Land Surveyor". Professional land surveyors who purchased a seal with the phrase "Registered Land Surveyor" prior to January 1, 2011, are not required to purchase a new seal. At the bottom of the annular space between the two circles shall appear the inscription "North Dakota"; the inner circle shall contain the name of the registrant, registration number, and the word "Date". The registration number assigned should be centered in the inner area of the seal in the space occupied by the word "NUMBER" and the size of the numbers should not be larger than the word "NAME". The words and parentheses "(NUMBER)" and "(NAME)" should not appear on the seal.
2. Seals may be of rubber stamp, metal impression type, computer-generated, or electronically generated. Electronic seals may not be used in any document



40-50.1-14. Notice of errors on recorded plat - Certificate by original surveyor.

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2. Seals may be of rubber stamp, metal impression type, computer-generated, or electronically generated. Electronic seals may not be used in any document



are stored at (location)," or "The original documents have been destroyed and are no longer available", whichever is applicable. Sets of plans or drawings must have this statement attached to every sheet of the set. For specifications, reports, and studies, only the cover or introductory sheet need include this statement.

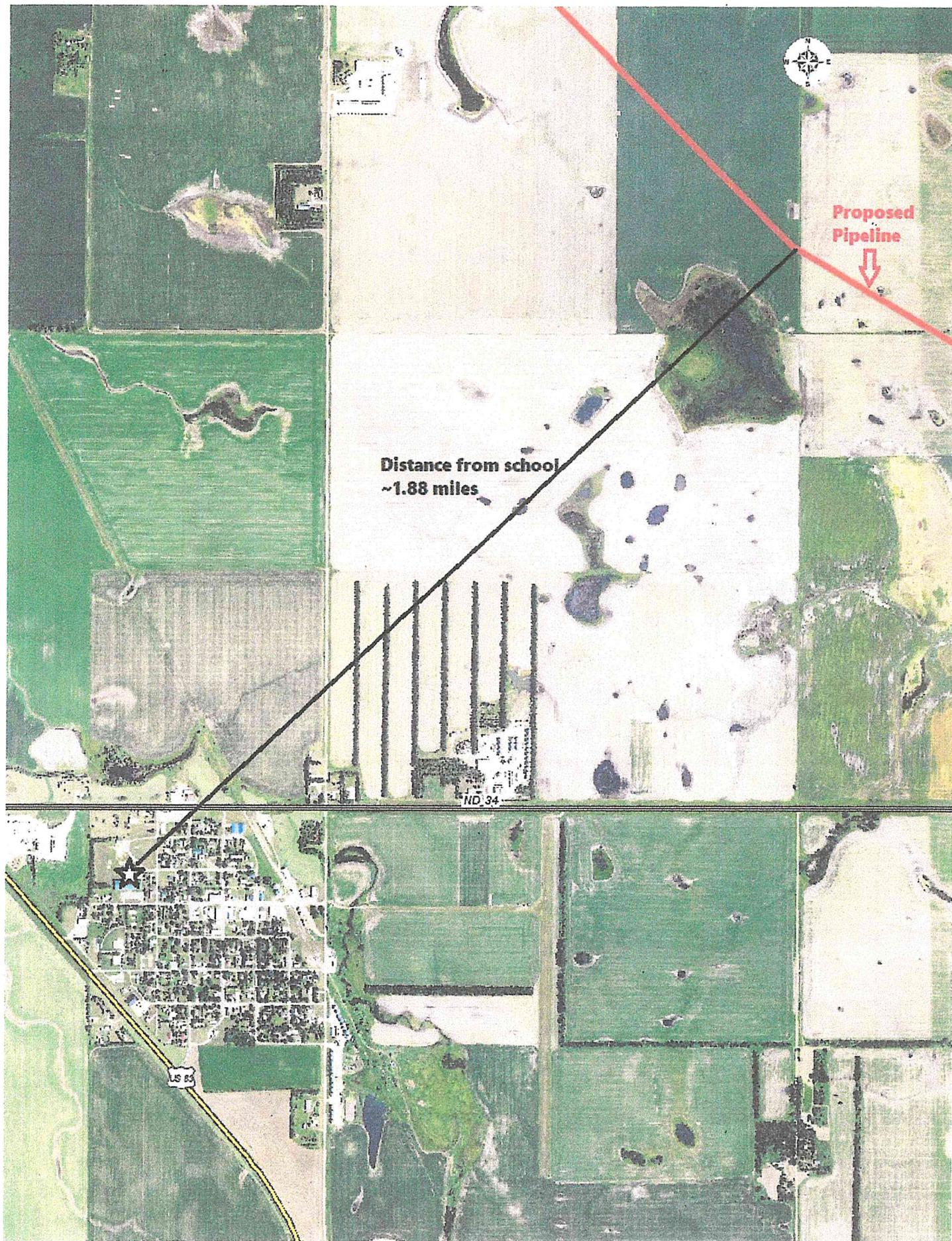
10. Paper or hard copy reproductions of drawings, plan sheets, specifications, studies, reports, plats, maps, and other engineering and surveying work product that are distributed to reviewing agencies, owners, clients, contractors, suppliers, and others shall contain a reproduction of the seal and signature. A new seal and original signature will not be required with such paper distribution.
11. Working drawings and unfinished documents must comply with North Dakota Century Code section 43-19.1-21.

History: Effective October 1, 2004; amended effective October 1, 2010; October 1, 2014.

General Authority: NDCC 43-19.1-08

Law Implemented: NDCC 43-19.1-21





June 4, 2024

North Dakota Public Service Commission
Case No. PU-22-391
SCS Carbon Transport LLC
Midwest Carbon Express CO2 Pipeline Project

Commissioner Christmann, Commissioner Haugen-Hoffart, substitute decision maker Tim Dawson, and staff:

My name is Terry Wanzek. I am a 4th generation farmer from Jamestown, and I serve as the state Senator in District 29.

My family's farming roots go back to my great Grandparents Simon and Mary Wanzek who migrated from Poland to the USA and North Dakota in the 1880s. The farm continues to provide for multiple generations as my son and nephew actively farm with me and my brother today. Their children, too, are already spending time in our fields.

As a multi-generation farming family, we understand the need to adapt to meet market demands. Right now, the markets demand low Carbon Intensity ethanol. I'm concerned that if Summit's CO2 pipeline is not built, the plants that use North Dakota corn to produce ethanol will not be able to meet that market demand. And if that happens, our ethanol exports will decrease, and the corn prices paid to North Dakota's farmers will slip. Considering that 40% to 60% of North Dakota's total annual corn production – around 200 million bushels – is purchased by North Dakota ethanol plants, the potential negative economic impact to our farm economy is enormous. And this does not include the out of state ethanol plants that buy ND corn.

Simply put, Summit's pipeline project will allow our state's farmers and our state's ethanol plants to provide the consumers, our customers, the low Carbon Intensity ethanol they desire. It also presents huge new marketing opportunities, like sustainable aviation fuel markets for our corn ethanol. The future is here, and it dictates that we adapt to preserve the livelihoods of our future farmers, like my children, nephews, and grandchildren.

I respectfully request that the Public Service Commission approves Summit's pipeline project as it is critical to North Dakota's farmers, the state's economy, and our future.

Thank you,

Terry Wanzek



SMITH PORSBORG

Schweigert Armstrong Moldenhauer & Smith

ATTORNEYS AT LAW

July 21, 2022

Summit Carbon Solutions, LLC
Attn: Tom Bray; Julie Dimeo
2301 8th Ave NE, Suite 230
Aberdeen, SD 57401

**Re: Bruce and Stephanie Doolittle; Harry L. Doolittle; Douglas Doolittle
Carbon Dioxide Pipeline Easement**

Dear Mr. Bray and Ms. Dimeo:

Please be advised that my office is writing on behalf of the above-identified Emmons County, North Dakota landowners, namely: Bruce and Stephanie Doolittle; Harry L. Doolittle; and Douglas Doolittle (the "Doolittles") regarding the proposed carbon dioxide pipeline project and related activity by Summit Carbon Solutions, LLC ("Summit").

We are writing to advise that the Doolittles are firmly opposed to the pipeline crossing through their properties. The Doolittles have a substantial interest in maintaining the current state and condition of their land and have no interest in negotiating easements or access to their property as it relates to Summit's pipeline project.

In order to avoid future dispute and/or contested legal proceedings, demand is hereby made to re-locate the preliminary pipeline route to avoid all property owned by the Doolittles. We believe this is a reasonable request under the circumstances and appreciate your attention to this matter.

Sincerely,

SMITH PORSBORG SCHWEIGERT
ARMSTRONG MOLDENHAUER & SMITH

/s/ Tyler J. Malm

Tyler J. Malm
Attorney at Law

Sheldon A. Smith*

Scott K. Porsborg***

Suzanne M. Schweigert*

Mitchell D. Armstrong**

Stacy M. Moldenhauer**

David J. Smith**

Brian D. Schmidt*

Tyler J. Malm*

Austin T. Lafferty*

Jon C. Lengowski*

Morgan E. Wentz*

* Licensed in North Dakota

** Licensed in Minnesota

*** Licensed in South Dakota

* Board Certified Civil Trial
Specialist by National Board
of Trial Advocacy

www.smithporsborg.com

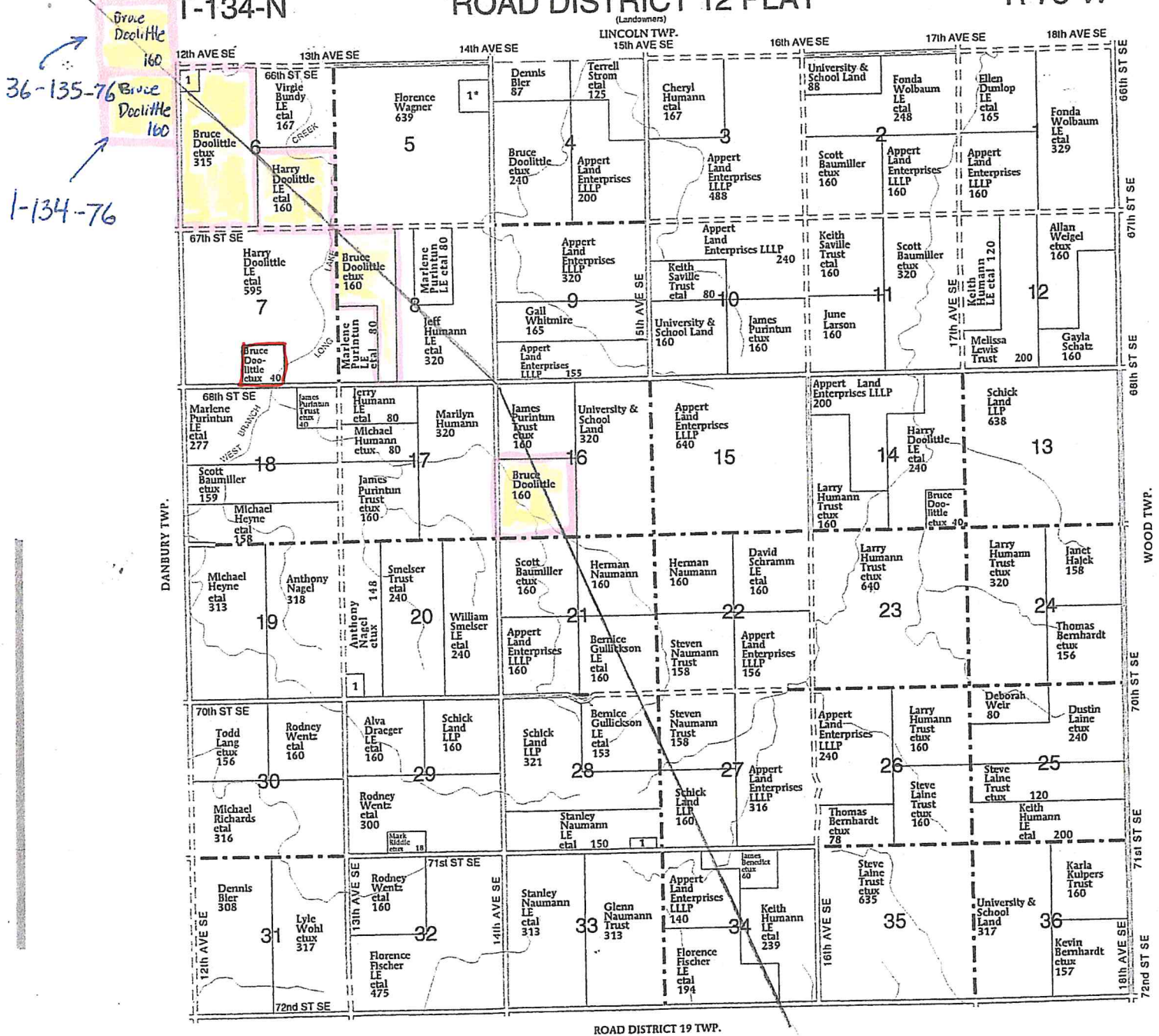
122 E. Broadway Avenue Bismarck, ND 58501 P.O. Box 460 Bismarck, ND 58502-0460

Phone (701) 258-0630 Fax (701) 258-6498

T-134-N

ROAD DISTRICT 12 PLAT

R-75-W



Doolittle

16-134-75 Bruce
 8-134-75 Bruce
 6-134-75 Harry
 6-134-75 Bruce
 36-135-76 Bruce
 1-134-76 Bruce

ROAD DISTRICT 12
TOWNSHIP

SECTION 5

1 PURINTUN, JAMES ETUX 15

SECTION 6

1 DOOLITTLE, DILLON 9

SECTION 20

1 BUCK, BRADLEY 12

SECTION 28

1 EMMONS LOGAN WIND II LLC 10

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 ½ 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 88th 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.

Stephanie 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 ½ 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:

On Wed, Aug 9, 2023 at 3:47 PM Sanders, Gary R. <gsanders@nd.gov> wrote:

FYI

RE: Open House - Summit Carbon Solutions Pipeline August 14th 4-6pm

(See below email)

For informational purposes only, for those that did or may not have received a RSVP Invite to attend and informational Open House hosted by Summit Solutions to be held in Linton at the community Center on August 14th, from 4-6pm. This seems to be a last minute Public Relations effort, being only 5 days prior to the meeting that invites are sent out.

After recently having their Pipeline Application rejected by the ND PSC for various reasons, they are just now having informational meetings in the local communities and with some first responders that it has a direct effect on to try to undo and reverse the local negative perception and Public Relations of the company, product and process that they themselves have created during this process.

As Sheriff, my tentative plan is to attend to see what their message is to the public and communities as they continue to push forward with their pipeline project.

Respectfully;

Gary R. Sanders, Sheriff

Emmons County Sheriff's Office

100 4th SE JN W.

HELENA, MONTANA 59601



February 15th, 2024

Bruce E. Doolittle
Doris Doolittle
Stephanie Doolittle
1245 68th Street Southeast
Hazelton, ND 58544

Dear Doolittle Family,

This letter is to notify you that Summit Carbon Solutions has modified the route of the proposed Midwest Carbon Express pipeline in Emmons County and the proposed route of the pipeline does not cross your property previously cited as parcels ND-EO-0897.000, ND-EO-0898.000, ND-EO-0901.000, ND-EO-0902.000, ND-EO-0903.000, and ND-EO-0904.000. Please reach out should you have any questions associated with this notification.

Sincerely,

Julie Dimeo
Summit Carbon Solutions