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From: 220007102  
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Re: Uniform Easement

### Main Point

Earlier this year, it was noted there were talks of building a pipeline across five states to transport carbon dioxide for storage. The states that will be involved with this project are North Dakota, South Dakota, Minnesota, Nebraska, and Iowa. With this new project's estimated begin date looming as the new year comes into view, many property owners have raised questions as to what this will mean for not only their landowner rights, but their rights to privacy as well.

### Background

Carbon Capture and Storage Utilization is noted to be an important procedure for the reduction of carbon emission (Balaji and Rabiei, 2022). The use of pipelines for transporting the carbon dioxide is a method used in order to ensure it is done safely. According to the West Central Tribune, the total investment for the construction between all five states is estimated to be 3.7 billion. The pipeline itself is estimated to lay at about 2,000 miles long. Subsequently, Minnkota Power Cooperative and Summit Carbon Solutions have come to an agreement regarding a storage plan once the carbon dioxide is transferred to the state of North Dakota (Kurtz, 2022).

### Evidence

As of right now, there is a projection start date of early 2023. It is somewhat challenging to view successful data regarding CCSU projects due to various factors which have caused projects to be left incomplete. "All told, more than 100 of the 149 CCS projects originally planned to be operational by 2020 have been terminated or placed on indefinite hold." (Abdulla, Hanna, Schell, Babacan, Victor, 2020). However, it is to note that some of these factors which halt projects or cause failure are permit denials, regulatory proceedings, as well as lawsuits.

### Conclusion and Implementation

To ensure there are no halts in the current project is to collaboratively work on easements uniformly for the property owners and legislature. Historically, government entities have delegated eminent domain power to private companies who are streamlining the projects. However, as previously stated, permit denials, regulatory proceedings and lawsuits can all be reasons for project failure. While it's mentioned there have been negotiations started with landowners since last December, there has not been a unified solution to ensure the protection of the rights of the homeowners (Associated Press, 2022). Wood suggests in *Pipelines v. Property Rights*, that negotiations at arm's length could allow projects to go forward while keeping protections for the landowner. Since there are five states involved, legislation can collaborate to find a uniform method to engage and discuss easements in order to assure the project at this scale is not subject to failure. With the expected start date of the pipeline project of 2023, it is important to acknowledge concerns regarding the rights of landowners to come up with appropriate easements if the project is to succeed. Due to the project's involvement between multiple states, uniform easements can accurately exhibit appropriate protections for those landowners. However, in order to apply this policy, legislation would need to involve themselves rather than granting eminent domain power to the companies who are involved in the project.

Reference:

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