

Tallgrass Pipeline:

Strategies for Landowners



Agenda

Project Overview – Paul Blackburn

Legal Approach – Brian Jorde

Landowner Rights – Bold Organizers

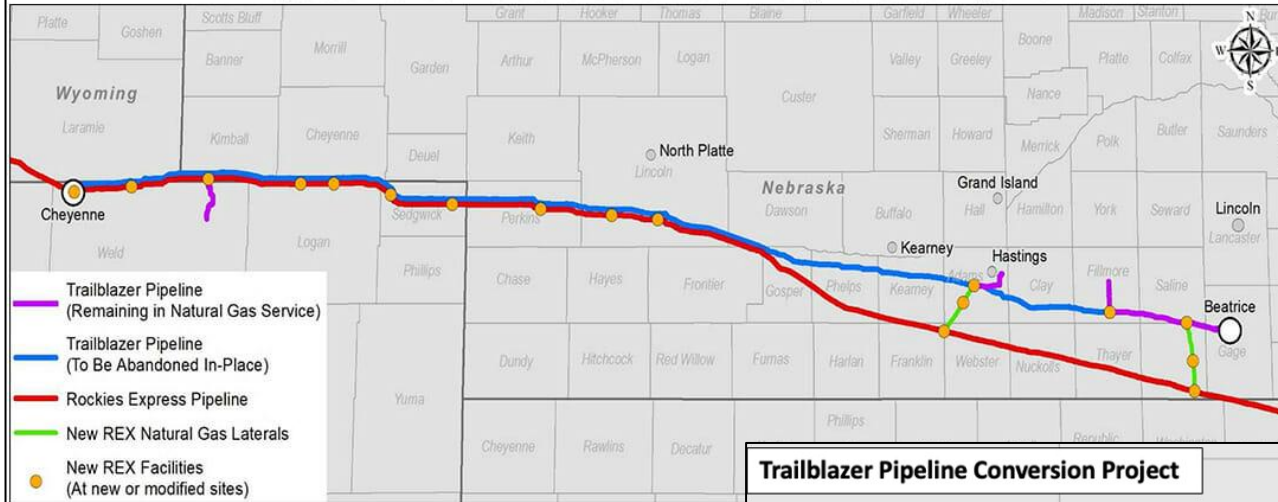
Community Benefits Agreement – Jane Kleeb

Q & A

Next Steps

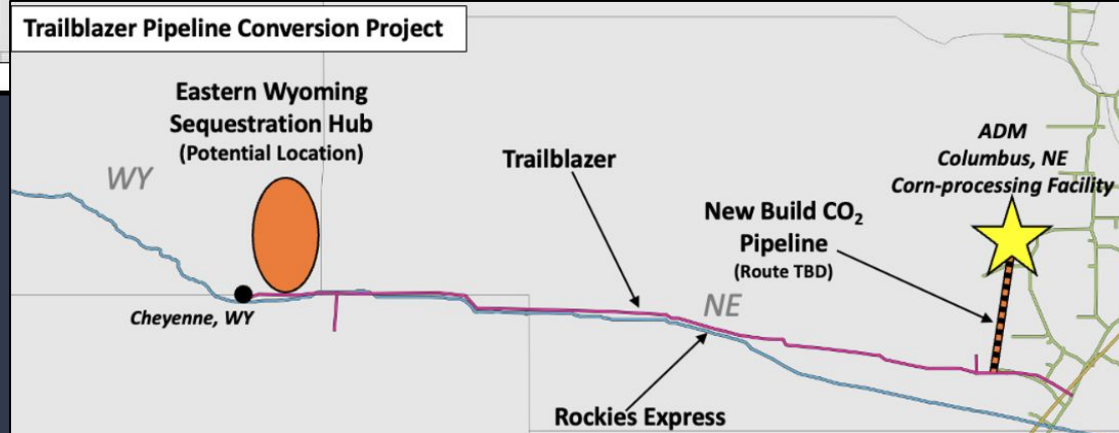
Project Overview

Proposed Abandonment and Construction Along Trailblazer Pipeline



Source: Trailblazer Pipeline Co. LLC, Rockies Express Pipeline LLC

Trailblazer Pipeline Conversion Project



FERC Status

The FERC process is complete is no longer relevant

Development Status

- Tallgrass intends to start construction on the CO2 pipeline conversion in 2024 and has a planned in-service date sometime in the first half of 2025
- Tallgrass has just begun construction to shift natural gas to REX
- Just one CO2 emitter has been signed up, the ADM ethanol plant near Columbus, NE

Legal Approach

State	Pipeline regulatory authority	CO2 pipelines identified in statute?	General permitting requirements for pipelines?	Need to be a common carrier or public utility to exercise eminent domain authority?	Can CO2 pipeline companies exercise eminent domain authority?	Recent or pending actions
CO	Colorado Public Utilities Commission	No	No	Yes	Unclear. Colorado provides eminent domain authority for “pipeline companies” that transport power, water, air, or gas.	CCUS Task Force released recommendations in 2022 for state legislative action to establish siting authority of CO2 pipelines and outreach to neighboring states to develop a regional CO2 pipeline strategy.
NE	No	No	No	No	Unclear	2021 legislation declared CO2 storage to be “in the public interest” and gave the PSC the authority to regulate carbon “storage facilities,” but specifically excluded pipelines from that definition.
WY	Wyoming Public Service Commission	No	Yes	No	Yes. All pipelines can use eminent domain.	N/A

Landowner Rights

Unproven Technology

First of its kind
No regulations

Safety Risk

No public plume studies
Emergency response

Eminent Domain

No due process in Nebraska
Private company, no public use

Land Damage

Soil will never be the same
Destruction of tile, terraces, etc.

Legislation in Nebraska

- Eminent Domain
- Decommissioning

Eminent Domain bill has a hearing this Friday

Nebraska Legislature Judiciary Committee
Friday, Feb. 2 at 1:30 p.m.

Room 1113 at the Nebraska State Capitol
1445 K St, Lincoln, NE 68508

Submit a comment by 8am CT on Friday
(tomorrow):

- All the info on how to submit a comment is posted on <https://boldnebraska.org>

There is also a bill that deals with decommissioning but it is stuck in committee.

Community Benefits Agreement

Decommissioning: Follow the lead of MN which allows landowners to decide, at the time of decommissioning, on whether the pipe is removed and land restored OR if the pipe is left in place. This should be in a legally binding agreement that applies to all landowners.

Yearly Payments: Landowners receive share of profits or come to agreement on a certain amount of funds each year that is given to landowners on top of what was paid for the land easement.

First Responders: Annual trainings, funds for equipment needed and a concrete way to inform public on what to expect in an emergency.

Questions?

Next Steps

- Contact county commissioners
- Contact state legislators
- Write a letter to the editor

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