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

Trailblazer Pipeline
(Remaining in Natural Gas Service)
Trailblazer Pipeline
(To Be Abandoned In-Place)
Rockies Express Pipeline
New REX Natural Gas Laterals
New REX Facilities
(At new or modified sites)

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

<table>
<thead>
<tr>
<th>State</th>
<th>Pipeline regulatory authority</th>
<th>CO2 pipelines identified in statute?</th>
<th>General permitting requirements for pipelines?</th>
<th>Need to be a common carrier or public utility to exercise eminent domain authority?</th>
<th>Can CO2 pipeline companies exercise eminent domain authority?</th>
<th>Recent or pending actions</th>
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</thead>
<tbody>
<tr>
<td>CO</td>
<td>Colorado Public Utilities Commission</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>Unclear. Colorado provides eminent domain authority for “pipeline companies” that transport power, water, air, or gas.</td>
<td>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.</td>
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<tr>
<td>NE</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Unclear</td>
<td>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.</td>
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<tr>
<td>WV</td>
<td>Wyoming Public Service Commission</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>Yes. All pipelines can use eminent domain.</td>
<td>N/A</td>
</tr>
</tbody>
</table>
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.
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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