

# **Landowners: Know Your Rights Regarding Voluntary Easements, Eminent Domain, and the Summit Carbon Solutions and Wolf Carbon Pipelines**

## **Do I have to sign a voluntary easement?**

No. There is nothing in the law or Iowa Utilities Board (IUB) rules that require a landowner to sign a voluntary easement.

## **What is a voluntary easement?**

A voluntary easement means that the landowner is agreeing to give Summit or Wolf a right to construct the pipeline on the landowner's property and have control over the easement perpetuity, without going through eminent domain. The voluntary easement may give Summit or Wolf broader rights than it would get through eminent domain.

## **Can Summit or Wolf use eminent domain?**

Summit and Wolf can use eminent domain only if the Utilities Board deems the project a "public convenience and necessity" and grants it a permit to construct the pipeline. (Chapter 479b.9)

## **How does the eminent domain process work?**

After a company files an application, the IUB begins reviewing the application and scheduling a hearing to determine if the application is approved and if the right of Eminent Domain is approved. The IUB process could take many months or years. If approved, the pipeline company must go through a legal procedure to determine the rights of the landowner, particularly the amount of compensation for taking the easement. The determination would first be made by a committee of local landowners and local people familiar with real estate in your county. The case can then be appealed to a court jury of local people to review the compensation determined by the committee.

## **What options do I have?**

You do not have to sign a voluntary easement. You can certainly wait to sign an easement. You can require the pipeline company to go through eminent domain. There will be a hearing before the IUB and you, or an organization to which you belong, can intervene to present any evidence you have regarding whether the Board should issue a permit to Summit or Wolf for the pipeline.

## **Can I get out of a voluntary easement?**

If you sign an easement, you have 7 days to rescind your decision (excluding Saturdays & Sundays) in writing via certified mail to the pipeline company (Chapter 479B.24) After the 7 day rescind period, a voluntary easement is forever. If the pipeline projects are not approved, you will still have an easement on your land.

## **Will I get more money for a voluntary easement rather than eminent domain?**

Not necessarily. You need to do your homework to understand the immediate and long term impacts to your land to determine if you believe the easement offer is a fair price. The IUB may put landowner protection conditions on easements that are subject to eminent domain. It is also possible that eminent domain will award compensation for impacts that are not considered in the voluntary easement.

## **How will my land be impacted?**

Based on the experience with Dakota Access, the fertility of cropland can be adversely impacted for many years, well beyond the 3 years the pipeline company is required to reimburse for crop loss. Many landowners are still experiencing reduced yield along the easement over 6 years later. Landowners who are in the Forest Reserve Tax Credit or CRP programs, may lose their participation in those programs - please check with the appropriate offices. You will have other limitations like not being able to build a building, plant a tree or use the land as intended along the easement. Landowners are unable to get liability insurance for the easement.

## **Why are permanent easements a problem?**

A permanent easement preempts the landowner's future plans for the property. Any easement over a property limits what a landowner can do on the property, such as requiring no structures or trees on the easement. The easement may affect what gets built nearby. The right to an easement allows representatives of the easement company to have access to the property 24 hours a day, without notice, using motorized equipment on the easement or flying above the property.

## **How can we start organizing?**

First off, do not sign a voluntary agreement. Once you sign a voluntary easement, you cannot reverse that decision. Attend the informational meeting in your county. Landowners who have been fighting Summit and Wolf for years will be there to talk, share information and tell you how to get involved locally and at the state level. Email [jessica.mazour@sierraclub.org](mailto:jessica.mazour@sierraclub.org) with your name, county, and which pipeline you are impacted by to be added to the landowner opposition group for update, action step and more.