

STATE NEWS

Lawmakers seek to smooth rift between some infrastructure developers, landowners

by Jacob Orledge



Dozens of people turned out to the civic center in Center, North Dakota, for a meeting of the interim Energy Development and Transmission Committee. (Photo by Jacob Orledge/North Dakota Monitor)

CENTER, N.D. (North Dakota Monitor) — North Dakota lawmakers are looking for ways to reduce the friction between landowners and developers of infrastructure projects, such as pipelines and powerlines, as debate continues on how to balance private property rights and economic development.

Matt Perdue, president of the North Dakota Farmer's Union, said one way to avoid many of the recent disputes is for companies developing a project to have proactive conversations with landowners, local officials and communities.

"We all want to see our rural communities survive. We want to see them thrive," Perdue said during a Feb. 26 meeting of the interim Energy Development and Transmission Committee at the civic center in Center, northwest of Bismarck. "I think that puts the responsibility on all of us to ensure that we're doing everything we can to build healthy conversations so people can make well informed decisions about these projects."

Rep. Mike Brandenburg, R-Edgeley, said he thinks many citizens do not realize that by opposing further development, they are undercutting the revenue sources local governments will need in the future.

"They're cutting off their own life-support," Brandenburg said.

Brandenburg's district is home to a project that has prompted backlash from the public. A proposed high voltage power line, known as the JETx project, would travel from Jamestown to

Ellendale.

Otter Tail Power and Montana Dakota Utilities plan to jointly construct and operate the transmission line, which is waiting on a permit decision from the state Public Service Commission.

"Our future is dependent upon these transmission lines which support our energy sector," the lawmaker said. "Without progress in this state, how are we going to keep our young people here?"

Michael Berg, a fourth-generation farmer in Oliver and Mercer counties, is a member of those younger generations who left his career in the energy industry to work his family's farm. He told lawmakers he just wants companies to be transparent with local landowners and communities when they begin considering a project in the area, rather than operating in the shadows.

"Most farmers and ranchers, I would say, are in the business of farming and ranching and not developing industry on their farmland," Berg said. "However, I'm witnessing that these developments and these projects are not always following that transparency model."

That's not an uncommon situation for landowners, Perdue said.

"Development conversations can often leave residents feeling unheard and often leave developers feeling as though landowners and local stakeholders are unreasonably opposed," Perdue said. "I don't know all of the answers to that, but I know that we all can do a better job of being proactive and building conversations

about those projects before they occur."

'A great track record'

One project that has not had those differences with affected landowners is the Abercrombie Solar Project, according to a representative of Otter Tail Power. The solar project is being developed in Richland County, was approved by regulators last fall and is scheduled to begin construction this May.

Joe Hoppe, manager of legislative affairs for Otter Tail Power, said they have leased or purchased 3,400 acres from 23 landowners and have not encountered any issues. The land acquired for the project was very alkaline and Hoppe said he was told the farmers were glad to not have to farm it moving forward.

Rep. Anna Novak, R-Hazen and chair of the committee, invited three companies she considers to "have a great track record" in working with landowners to obtain consent for transmission lines and pipelines in the state: Grid Electric, Oneok, and Basin Electric Power Cooperative.

Those speakers all emphasized the importance of engaging landowners and local officials in the process early on and making a good faith effort to accommodate any concerns or opposition.

Brant Johnson, senior vice president of development for Grid United, the company developing the North Plains Connector transmission line to increase the connectivity between east and west electricity grids, said his team has made 400 route changes to the 425-mile line, a 50-mile increase from its original route, in order to accommodate landowners' wishes. If someone is adamantly opposed to their project, they don't play hardball, but go and talk to their neighbors instead, he said.

Grid United pays landowners for the right to survey, the time required to review contract documents, building on their land and the right-of-way itself. Most importantly, Grid United priorities "hands on, pragmatic dialogue" with affected

landowners, Johnson said.

"It's kind of expensive to do it this way," Johnson said, but worth it to "demonstrate the kind of flexibility that you need in order to develop a route with support in the communities."

Oneok has constructed and operates around 6,000 miles of pipeline in North Dakota. Danette Welsh, director of government relations for Oneok, said the vast majority of those pipelines are for gathering oil and gas from wells and moving it to central locations. Gathering lines are not eligible for eminent domain, a legal proceeding that can force landowners to consent, she said. If they can't obtain the landowner's consent, Oneok reroutes the pipeline.

A representative from Basin Electric said negotiations with landowners involve many factors and opposition can take many forms. At times, it's a request for the project to cross on the edge of the property rather than across a cultivated field. Others can't reach an agreement on the terms and conditions, the insurance and liability and surface use provisions.

"There are things we can do to have a minimal or lesser impact on their property," said Mike Murray, director of property and right of way for Basin Electric Power Cooperative.

Perdue asked lawmakers to remember most, if not all, of this development will use land that is, and will continue to be used for farming and ranching. "We think it's very important that landowners are engaged in these conversations proactively," he said.

Multiple landowners spoke to lawmakers on Thursday pushing back on the idea that all companies operate transparently and have built trust

with landowners in the area.

"Relationships are built on what you do, not what you say," said Josh Dukart, a rancher in Oliver County. "Let's not think that everything is rosy and peachy."

Local control

McLean County has been attempting to tackle many of these issues by using zoning as a tool to guide, not constrain, development. County Commission Vice-Chair Steve Cottingham said they know the county has to keep bringing in new oranges in order to avoid squeezing what they have for a tax base for more juice.

"It all boils down to working together," Cottingham said.

Sen. Kathy Hogan, D-Fargo, said one of the most important issues this committee could try to solve is the conflict between state control and local control of how development is regulated.

"Finding that balance between local authority and state authority and complex, big systems projects, that has been an issue for us as policy-makers for decades," Hogan said. "I think it's important to hear the local voice."

This was a prominent discussion during the 2025 legislative session. House Bill 1258, now law, gave the Public Service Commission more authority on transmission lines, taking away authority from townships and counties.

Welsh said too much variance in regulations between neighboring districts, whether townships or counties, can be dangerous and challenging.

"Having consistency is very important," Welsh said. *North Dakota Monitor* reporter Jacob Orledge can be reached at jorledge@northdakotamonitor.com.

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