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## MONTHLY Bundle of Writes

NEWS AND EVENTS FOR IRWA CHAPTER 67

Q3 2024

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## PRESIDENT'S MESSAGE

*Jillian Friess Leivas, Esq.*  
jleivas@nossaman.com

Dear IRWA Orange County Chapter 67 Members,

Welcome Back! As we head into the 2024-2025 year, I want to share highlights from Summer 2024 and a preview for the year ahead.

In June, we wrapped up last year's luncheon series with a presentation from Selene Lawrence, Energy & Outreach Administrator for the City of Irvine's Environmental Programs Division. We also swore in our new slate of Chapter Officers.

At the end of June, the annual International Education Conference was held in Long Beach, CA and was well attended by Chapter 67 members. Thank you to all members that volunteered at the conference, were conference sponsors, and presentation speakers. Be sure to check out the conference photos throughout this issue and mark your calendar for Virginia Beach, VA in 2025.

P R E S I D E N T



As we head into the next year, we are lining up a great series of luncheon speakers. The year started off with a Joint Luncheon with the Southern California Chapter of the Appraisal Institute, on September 10th. Alison Arms, MAI, SRA, presented on “The Project Influence Rule: What, Where, When, and Why?” Thank you, Alison!

As a heads up, at our November 12, 2024 luncheon, we will be presenting revised bylaws to the chapter for approval. Our last bylaws were adopted in 2014 and the new bylaws are based on the model bylaws that HQ has approved.

Finally, if you are interested in getting more involved, whether joining a committee or helping with an event, please feel free to reach out.

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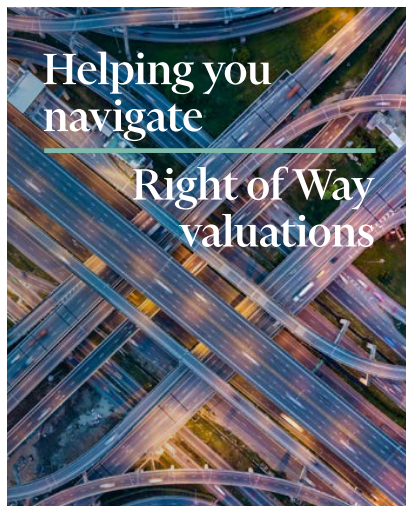
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Welcome back readers to the Q3 2024 edition of our newsletter. If you would like to contribute content to the newsletter, advertise, have questions or any ideas to improve the content, please contact us.

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## UPCOMING EVENTS

### November Monthly Luncheon

Tuesday November 12, 2024 12:00 p.m.



Chapter 67 Is now on LinkedIn!



# CHAPTER 67 COMMITTEE CHAIRS

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Metropolitan Water District

For questions regarding IRWA education, whether it be information on a particular course, how to register, potential upcoming courses, or the credentialing program, please reach out to James.

### IRWA's Virtual Classroom

[IRWA's virtual classes](#) let you engage in courses delivered in real-time from your desk., home or anywhere with an internet connection. Through an easy-to-use digital platform, IRWA instructors facilitate live interactive courses, creating a classroom experience in a virtual environment.



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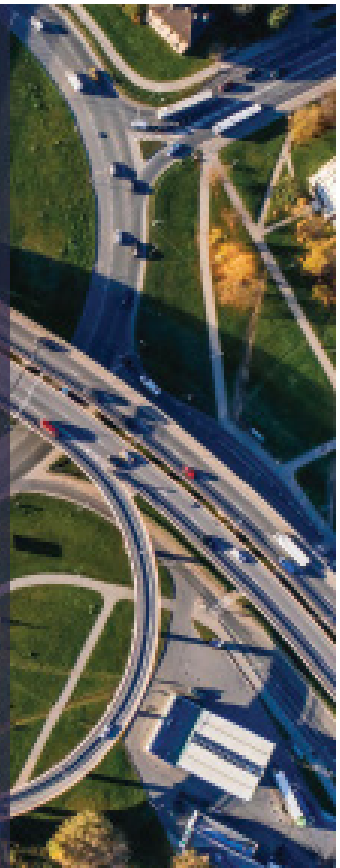
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## ARTICLE



### *Carbon Dioxide Pipeline Battle: Seize Land for Green Energy?*

*By Steve Goreham, MS, MBA*

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*Originally Published in RealClear Energy, August 6, 2024*

*[realclearenergy.com]*

Ed. Note: Mr. Goreham is the Executive Director of the Climate Science Coalition of America, a non-political association of scientists, engineers, and citizens dedicated to informing Americans about the realities of climate science and energy economics.

A battle is underway in five Midwest states over construction of carbon dioxide (CO<sub>2</sub>) pipelines as part of the green energy transition. Opposition to wide-area pipeline networks is rising from farms and communities. But utilities and state governments intend to seize land over landowner protests.

On June 25, the Iowa Utilities Board (IUB) granted the petition of Summit Carbon Solutions (Summit) for a permit to build a CO<sub>2</sub> pipeline across Iowa. The IUB determined that the pipeline was for “public use,” and granted Summit the right to seize land from Iowa landowners using eminent domain. Eminent domain has typically been used to take private land for government projects that serve a public good, but not for private industry.

Summit plans to build pipelines across Iowa, Minnesota, Nebraska, North Dakota, and South Dakota to transport captured CO<sub>2</sub> to deep underground storage sites in North Dakota. The cost of the 2,500-mile project is about \$5.5 billion.



Summit seeks billions of dollars from the federal government. If the pipeline network becomes operational, the company will receive up to \$85 per metric ton in tax credits under Section 45Q of the Internal Revenue Code. The firm intends to sequester up to 18 million tons of CO<sub>2</sub> each year, to annually receive tax credits of over \$1.5 billion. Summit claims to have signed agreements with over 2,700 landowners to build the pipeline.

Ethanol producers in the five states are interested in participating in the project. Captured CO<sub>2</sub> from 57 ethanol plants would be sold to Summit, providing a revenue stream for producers. Billions in federal funds may also be available to ethanol plants that capture CO<sub>2</sub>. In addition, reducing CO<sub>2</sub> emissions may allow ethanol producers to qualify their product as Sustainable Aviation Fuel for commercial airlines.

Supporters claim the project will deliver environmental benefits in the fight against climate change. Summit says the annual CO<sub>2</sub> emissions savings will be equal to removing 3.9 million vehicles from our roads. But the project is fraught with feasibility and cost, environmental, and safety problems.

The feasibility and cost track record of CO2 capture is poor. There are 47 major carbon dioxide capture and storage (CCS) plants operating in the world today, and most are money losers even with heavy subsidies. Ethanol plants that pursue CCS will likely lose money, along with the taxpayers who provide the subsidies.

For example, the Quest CCS project operated by Shell in Alberta, Canada captures only 35% of the CO2 emitted from a chemical process to upgrade bitumen from oil sands. The capital cost of the project is \$811 million, entirely paid for with C\$865 million in grants from the Canadian and Alberta governments. The Quest CCS operation will cost \$41 million a year to run with only \$27 million per year offset in payments from carbon credit subsidies.

The environmental benefits from the Summit project will be tiny. CO2 captured from Midwest ethanol plants will do little to affect global temperatures. Today, all of the world's operating CCS facilities capture only 0.1% of industrial emissions. Even the Sierra Club opposes the Summit pipeline and calls CCS efforts "false climate solutions."

CO2 pipelines come with huge safety issues. Only about 5,000 miles of CO2 pipelines exist in the U.S., compared to 84,000 miles of crude oil pipelines and three million miles for natural gas. Most CO2 pipelines transport liquified CO2 short distances to oil fields where it is pumped underground to force oil and gas to the surface.

CO2 in pipelines is a liquid under high pressure. If it leaks, it turns to gas as it rushes out. Since it is heavier than air, it stays close to the ground and can cover wide areas. CO2 is harmless in small quantities, but in large amounts, it is an asphyxiate, can force oxygen out of people's lungs, and can cause headaches, dizziness, serious injuries, and death.

On February 22, 2020, a CO2 pipeline ruptured in Sartaria, Mississippi. The rupture occurred on a Saturday and spewed CO2 for about four hours. An invisible cloud of CO2 moved through the rural community forcing more than 200 people

to evacuate and at least 45 to be hospitalized. Victims were unable to breathe and suffered unconsciousness and fits of shaking. No one died during the incident, but some victims continue to suffer ongoing physical problems.

As a result of feasibility and safety concerns, opposition to the pipeline is growing. Proponents and opponents battle in state legislatures and at public utility meetings. Counties in all five states have recently passed bans or restrictions on CO2 pipelines.

North Dakota regulators denied Summit's application last August but have agreed to reconsider. Last month, Illinois passed a bill putting CO2 pipeline construction on hold until 2026. South Dakota regulators denied Summit's application last September, but the legislature passed a package of regulations earlier this year that may aid approval of the pipeline network. South Dakota voters will have an opportunity to reject that package of regulations on this year's November 5 ballot.

The Summit pipeline project would not exist without vast federal subsidies for CCS. We have plenty of CO2 for soft drinks and other uses. Huge subsidies, driven by the fear of human-caused global warming, are the only reason to try to seize land from farmers in Midwest states.

Even if this huge pipeline system is built and CO2 is captured at 57 ethanol plants, the effect on global emissions will be insignificant and the effect on global temperatures will not be measurable.

Land for pipelines is not the only case where land is being seized to promote green energy. The US Department of Energy recently announced plans to use eminent domain to seize land across wide areas to build transmission towers for new wind and solar systems. Illinois and Michigan passed laws blocking restrictions and outright bans by local communities on deployment of wind and solar systems. Governments consider the fight against human-caused climate change more important than the property rights of citizens.

Mr. Goreham can be reached at [gorehamsa@comcast.net](mailto:gorehamsa@comcast.net).



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## ARTICLE



R. Harper  
Founder

### ROW TRIBAL RELATIONS: When We're Stuck in the Middle—The IOS Technique

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B. Larson  
Program Director



Ed. Note: Seventh Sovereign provides specialized mediation and facilitation services. The firm advises parties in tribal engagement, dispute resolution, and partnership development. Seventh Sovereign provides customized courses and in-house trainings for small and large organizations.

Do you often feel stuck in the middle with tribes?

Stuck between your organization or client and the Tribe?

Balancing expectations, needs, timelines, and processes that seem out-of-step with each other?

Welcome! You're not alone. For land professionals, this is such a difficult, and common challenge. Although it's a risky one, it's also a great opportunity. There's a great advantage to being stuck in the middle. In fact, we can use a common technique to enhance our role, expand possibilities, and create actionable opportunities others don't see.

#### In The Middle: Relational Risk

But first, let's just recognize how stressful this is—being between a Tribe and your organization or client. Maybe you can relate to a ROW/state land agent at a recent Phoenix workshop. She lamented:

*"Our leadership keeps pushing for updates and progress. They expect agreements from the*

*tribal lands office quickly, like it's a county or city. But it's more complex with this Tribe. We can't go so rapidly... And the Tribe has lots of questions they need answered, and to discuss with the Council. So, we're simultaneously trying to get information and get it back to them. And we have to keep updating our leadership, so we're bugging the Tribe for new information. Now we're pressuring and not listening..."*

Sound familiar? It's messy in the middle! There are no right answers. Furthermore, it's risky—for your work, credibility, professional reputation, and the projects and programs land professions work on.

This tension comes from two different organizations not hearing each other. The person in the middle ends up looking inconsistent or untrustworthy—the real risk. Land professionals are often in such unique, special, even lonely roles, you often have a vantage visible to nobody else.



Ironically, this is where the good news starts. There's a simple tool Seventh Sovereign recommends.

### **IOS: The Inside-Outside Strategy**

The Inside-Outside Strategy (IOS) is a messaging technique for communicating to internal and external audiences who want different things. Simply put, there is an inside strategy... and an outside strategy. The Goal: help two different audiences hear one another.

The Method: (1) Gather and (2) Relay information most important to each side/

The Focus: Use each interaction to both collect and deliver information most useful to the other side. A land professional should always be answering two questions:

- Question 1: What are their biggest interests and concerns?
- Question 2: What type of information best addresses these?

When interacting with Tribes, we should focus on their priorities and concerns. Also try to shine a light inside your organization—illuminating its quirky processes, people, procedures, and ways of doing stuff. Along the way, maintaining credibility through transparency about your organization. Hopefully—with repetition over time, we discover overlap.

Our experience shows that transmitting what we're seeing and hearing is key to direct tribal engagement. The transformative approach is to translate those observations into valuable, actionable insights for decision-makers. Regardless of if you are representing your company or as a professional consultant to a client. This is where you expand their situational awareness and potential options.

When in doubt, inform both sides about the other's process, and share laments about things we can't control. This dualistic dynamic transforms your biggest constraint—being in the middle, into a great organizational asset for both sides.

### **Mediators Make Sense**

Organizations are sense-making machines. They often have a hard time making sense of their work with tribes. Land professionals are often mediators in disguise—helping organizations make sense of complex circumstances.

Remember, your tribal counterpart has people they report to too... A boss. A Council. Constituents. A community. A network of people we don't see. Their relationship with your organization may be multi-faceted, long-term, or may involve people, places, subjects, and situations we're not aware of.

When a land professional enables them to enhance their understanding about our organization, you as the land professional become valuable. Your role becomes valuable for everyone!

### **The Middle Advantage: Pattern-Spotting**

This turns your role into an advantage. The middle is the frontlines of organizational sense-making.

Consider:

“Finding a pattern that explains events that seem like chaos is a breakthrough. It offers us understanding and a lever we can use to make an impact. Sometimes, though, the breakthrough lies in understanding that there is no pattern, simply unpredictable noise. We need effort to find patterns. We need humility to accept the chaos.”

-Seth Godin, July 22, 2024.

Being in the middle enhances our situational awareness. It gives the land professional unparalleled access to information. We can identify actionable patterns and insights. The better we communicate these to each side; we accelerate the sense-making process.

- Your role becomes valuable
- Seeing and knowing more than others.
- Identifying patterns and communicate them
- Even better, expand what's possible

### The Path Forward: Descriptive Metrics

What's next? From Seventh Sovereign's experience, let's start with metrics your organization cares about. Think about your common interactions with a Tribe. What have you noticed over time? Can you translate those observations into metrics?

Consider:

- Any patterns you've seen repeated over time
- The quantity and frequency of tribal attendance
- Specific subjects that arise with (1) frequency and/or (2) intensity
- Any consistency or changes in what the Tribe wants or doesn't want
- Any trends that increase or decrease risks to your projects or programs
- Any evidence of shared interests, concerns, or goals, and
- Any factors that create or constrain resources or barriers.

Even just one of these metrics can be hugely important. Better yet, maybe you can identify more specific metrics relevant to your company or client.

The moment your interactions become a method to measure these metrics, you've just transformed your role.

Hopefully your skills as a land professional translate into your company or client taking notice!

Robert Harper, Founder of Seventh Sovereign, is America's leading provider of professional tribal relations trainings. They advise partnerships and resolve disputes involving Tribes throughout the U.S.

Mr. Harper can be reached at robert@seventhsovereign.com

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## MEMBER SPOTLIGHT

Jessica Frazier



### THE NUTS AND BOLTS

**Education:** Master's degree in business management with an emphasis in Organizational Leadership from the University of Redlands.

**Work:** Real Estate / Principal Staff Analyst of Real Property for OC San

**How Work Relates to the R/W Profession:** OC San is a public agency that provides wastewater collection, treatment, and recycling for approximately 2.6 million people in central and northwest Orange County. To facilitate the maintenance, repair, or replacement of our sewer lines, we rely heavily on easements within our service district, many of which have been in place since our inception. These land rights are a critical part of our work, and it is my job to ensure they are free and clear of encroachments.

### THE GOOD STUFF

**Favorite Things To Do:** Travel and trying new recipes.

**Favorite TV Show:** A Different World

**Favorite Music:** R&B

**Hobbies:** Yoga and going to the gym

**Last Vacation:** Tokyo, Yokohama, and Osaka, Japan; March 2024

**Pet Peeves:** Eating with your mouth open.

### WHAT YOU MIGHT NOT KNOW

**What I look for in people:** Honesty, smartness, open-mindedness, and willingness to think outside the box and put themselves out there.

**Secret to Success:** I think the secret to success is never to be afraid to try something new; you've got to put yourself out there.

#### **Other Highly Pertinent Information:**

I have been working in the real estate industry for over 20 years, with a focus on governmental real estate, real estate development, affordable housing, and commercial and residential property management. Throughout my career, I have assisted government and educational organizations in creating and implementing real estate policies that prioritize equity, development, and affordable housing solutions. Additionally, I am a licensed real estate professional and co-own a boutique real estate firm with my mother and three younger sisters.

**Why I am involved in the IRWA:** I joined this organization because I deal with right-of-way issues every day and wanted to have more resources in my professional toolbox that would help me solve some of the more complex issues that I see.



## MEMBER SPOTLIGHT



Julie Lynne Welch

### THE NUTS AND BOLTS

**Life:** Born in Ilion, NY, living in Carlsbad, CA

**Family:** Twin Boys – almost 17 years old and driving and two Cats – Luna and Storm.

**Education:** BS Environmental Engineering, Rensselaer Polytechnic Institute (RPI)

**Work:** Environmental Consulting, Terraphase Engineering

**How Work Relates to the R/W Profession:** Due Diligence, Phase I ESA, Caltrans ISA, Site Assessment/Remediation

### THE GOOD STUFF

**Favorite Foods:** Tacos, Seafood

**Favorite Things To Do:** Dance, Hiking, Spin, Snorkeling

**Favorite TV Show:** A Different World

**Favorite Music:** Reggae and anything 80s of course!

**Hobbies:** No time for hobbies!

**Last Book Read:** Rich Dad Poor Dad

**Last Movie:** haha – Deadpool & Wolverine!

**Last Vacation:** Cabo San Lucas

**Favorite Restaurants:** Casero Taqueria – Bressi Ranch

**Favorite Quote:** “The major fortunes in America have been made in land.”– John D Rockefeller

**Pet Peeves:** Hypocrisy

### WHAT YOU MIGHT NOT KNOW

**Proudest Accomplishment:** Finishing the Catalina Marathon 5 times!

**Secret to Success:** Integrity and Dedication

**Most Embarrassing Moment (optional):** Too Many!

**Biggest Challenge Faced:** Raising Twin Boys

**What I look for in people:** Respect, Compassion, Accountability, and Communication

**My Most Important Unrealized Goal:** Retire Early

**Why I am involved in the IRWA:** Network with peers and learn about new projects!



# 2024 IRWA INTERNATIONAL EDUCATION CONFERENCE RECAP



# 2024 IRWA INTERNATIONAL EDUCATION CONFERENCE RECAP





# SEPTEMBER LUNCHEON RECAP

