

October 8, 2021

Via Electronic Mail & Hand Delivery

Mr. Steve Kahl
Executive Director
North Dakota Public Service Commission
600 E. Boulevard, Dept. 408
Bismarck, ND 58505-0480
ndpsc@nd.gov

In re: Denbury Green Pipeline-North Dakota, LLC
12-Inch Cedar Hills Pipeline Project
Slope and Bowman Counties
Case No. PU-19-294
Our File No. 025331-000058

Dear Mr. Kahl:

Please find enclosed for filing in the above-captioned matter the original and seven copies of the following:

1. Application for Amendment of Certificate of Corridor Compatibility; and
2. Certification Relating to Route Adjustment.

Also enclosed is a flash drive containing the related GIS files.

If you have any questions, please feel free to contact me. Thank you.

Sincerely,



Wade C. Mann

WCM/drh

Enc.

cc: Rusty Shaw (via email w/enc.)
Forrest Hudson (via email w/enc.)

88 PU-19-294 Filed 10/08/2021 Pages: 112


Certification and documentation for route adjustment under section N.D.C.C.49-22.1-15(3)&(1)

Denbury Green Pipeline - North Dakota, LLC

Wade Mann, Crowley Fleck PLLP

- a. The construction activities for Route Adjustment 2 occurred within the existing approved corridor;
 - b. The construction activities for Route Adjustment 2 occurred within areas previously surveyed and did not affect any known avoidance or exclusion areas within the existing approved corridor;
 - c. The construction activities for Route Adjustment 1 will not affect any known exclusion or avoidance areas;
 - d. The route outside of the existing approved corridor for Route Adjustment 1 is not longer than one and one-half miles.
 - e. No owner of real property on which Route Adjustment 1 is to be located and no governmental entity with an interest in the adjustment area oppose the adjustment.
 - f. Denbury will comply with the Commission's Order, laws, and rules designating the corridor and designating the route.
7. Attached to this Certification as Exhibit A, is correspondence from Denbury's project consultant SWCA including project maps depicting the route adjustments in relation to the existing approved corridor and route. Exhibit A also includes detailed reports and studies regarding exclusion and avoidance areas for the route adjustments. Updated shapefiles regarding the route adjustments have been filed with the Commission.

Dated this 16th day of October, 2021.


 David Sheppard
 Denbury Green Pipeline – North Dakota, LLC

STATE OF Texas)
) ss.
 COUNTY OF Collin)

The foregoing instrument was signed and sworn to before me on this 16th day of October, 2021 by Cheryl Stacey.


 Cheryl Denise Stacey
 Notary Public

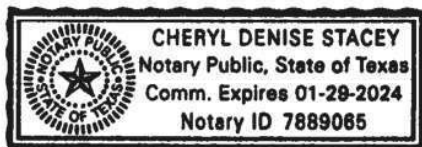


Exhibit A



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Bismarck, ND 58503
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701.258.5957
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October 4, 2021

Rusty Shaw
Denbury Green Pipeline – Montana, LLC
5851 Legacy Circle, Suite 1200
Plano, Texas 75024

Subject: CHSU Lateral CO2 Pipeline Project
Bowman County, North Dakota
Route Adjustments and Proposed Additions to the Designated Corridor

Dear Mr. Shaw:

SWCA Environmental Consultants (SWCA) provides this letter in support of the Denbury Green Pipeline – Montana, LLC (Denbury) route adjustments filing for the CHSU Lateral CO2 Pipeline Project (Project) in Bowman County, North Dakota. On April 1, 2020, the North Dakota Public Service Commission issued Findings of Fact, Conclusions of Law and Order, granting Denbury Certificate of Corridor Compatibility No. 215 and Route Permit No. 225 for a Designated Corridor and a Designated Route, respectively, for the Project.

It is SWCA’s understanding that at the start of Project construction, Denbury identified two new utilities and one area with constructability issues that will require two route adjustments: Route Adjustment No. 1 is necessary to avoid the two underground utilities and will result in relocating the Designated Route outside of the Designated Corridor. Route Adjustment No. 2 will require shifting the Designated Route to the east of its designated location but still within the Designated Corridor. For both route adjustments, the location of the 200-foot wide Designated Corridor will change to keep it centered on the new proposed pipeline route. In addition to the proposed route adjustments, Denbury identified 5 locations where the workspace area for pipeline construction will have to extend beyond the Designated Corridor and thus, these areas should be considered as proposed additions to the Designated Corridor. Information on the route adjustments and proposed additions to the Designated Corridor are summarized in the following table and maps of the route adjustments and proposed corridor additions are included in a separate attachment.

Table with 8 columns: Permit Area ID*, Length (Total, Outside of Corridor), Area (Addition to Corridor), Milepost, and Location (Township, Range, Section, QtrQtr). Rows include Route Adjustment No. 1, Route Adjustment No. 2, and Proposed Addition No. 1-5.

* See Figures 2 – 5 for locations
† Location: QtrQtr = QuarterQuarter
‡ N/A = Not Applicable

SWCA previously conducted natural resources, paleontological resources, and cultural resources desktop analyses and field surveys along the proposed pipeline route, as documented in the Application for Certificate of Corridor Compatibility and Route Permit and Waiver Application, dated August 7, 2019. As summarized below, SWCA reviewed aerial imagery in the vicinity of the route adjustments and proposed additions to the Designated Corridor and determined that natural resources and paleontological resources field surveys would not be required to assess potential impacts from the route proposed adjustments and corridor additions, but that cultural resources field surveys would be required to assess if cultural or historic artifacts would be affected by construction of the route adjustments and the ATWs. Summaries of these studies are presented in the following sections, while copies of the natural resources and paleontological resources letter reports and the cultural resources report and correspondence from the State Historical Preservation Office are enclosed herewith.

Natural Resources: Natural resources desktop analyses and field surveys were conducted in the immediate vicinity of the route adjustments and ATW expansion areas, as presented in the Natural Resources Report included as Appendix D to the Certificate of Corridor Compatibility and Route Permit and Waiver Application (Application, submitted as Hearing Exhibit No. 1 (see Docket No. PU-19-294, Item No. 1). As described in Attachment 1 hereto, aerial imagery interpretation of the proposed route adjustments and corridor additions did not identify any exclusion or avoidance areas, as defined in North Dakota Administrative Code (NDAC) § 69-06-08-02.1 and NDAC § 69-06-08-02.2, respectively. Trees and shrubs that meet the North Dakota Public Service Commission (NDPSC) tree and shrub mitigation requirement may be impacted by the route adjustments and proposed additions to the Designated Corridor and SWCA recommends that any trees and shrubs removed during construction be documented for inclusion in post-construction tree and shrub mitigation activities.

Paleontological Resources: Paleontological resources desktop analyses and field surveys were conducted in the immediate vicinity of the route adjustments and proposed additions, as presented in the Paleontological Resources Report included as Appendix E to the Application for a Certificate of Corridor Compatibility and Route Permit and Waiver Application, submitted as Hearing Exhibit No. 1 (see Docket No. PU-19-294, Item No. 1). As described in the Paleontological Resources Letter Report presented as Attachment 2 hereto, aerial imagery interpretation and literature reviews of the proposed route adjustments and proposed corridor additions did not identify any bedrock exposures or locality information that would warrant field surveys to determine the presence or absence of significant paleontological resources that would need to be considered by the NDPSC, as required by North Dakota Century Code Chapter 49-22.1-09.9. Additionally, the aerial imagery and literature review did not identify any exclusion or avoidance areas, as defined in NDAC § 69-06-08-02.1 and NDAC § 69-06-08-02.2, respectively.

Cultural Resources: Class I and Class III Cultural Resources inventories were conducted in the immediate vicinity of the route adjustments and proposed additions areas, as presented in the Cultural Resources Report included as Appendix C to the Application for a Certificate of Corridor Compatibility and Route Permit and Waiver Application, submitted as Hearing Exhibit No. 1 (see Docket No. PU-19-294, Item No. 1). The concurrence letter from the North Dakota State Historical Society (SHSND) for the initial report was included in Appendix F to the application (see Docket No. PU-19-294, Item No. 1), and the SHSND concurrence letter for evaluation of previously identified site 32BO00245 for listing in the National Register of Historic Places that was filed with the NDPSC on November 12, 2019 was submitted as Hearing Exhibit No. 6 (see Docket No. PU-19-294, Item No. 6). Because the route adjustments and proposed additions are outside of the previous cultural resources survey corridor and due to the potential for cultural resources to be within these areas, SWCA conducted pedestrian surveys of these areas on July 27, 2021. The pedestrian surveys did not identify any cultural resources within the route adjustments or proposed additions to the Designated

Corridor. The Class III Cultural Resource Inventory for these additional areas was submitted to the SHSND for concurrence on the report's "No Significant Sites Affected" determination. The report and the SHSND concurrence letter are included as Attachment 3. The route adjustments and proposed corridor additions will not impact cultural resources.

Based on SWCA's review of existing data (desktop analysis), aerial photographic interpretation, and the results of the August 2021 Class I and Class III Cultural Resource Inventory, construction activities associated with the two route adjustments and the five proposed corridor additions will not affect any known exclusion or avoidance areas, as set forth in NDAC §§ 69-06-08-02(1) and (2), respectively.

If you have any questions or need further information, please contact me at jdawson@swca.com or 701.595.2081.

Sincerely,

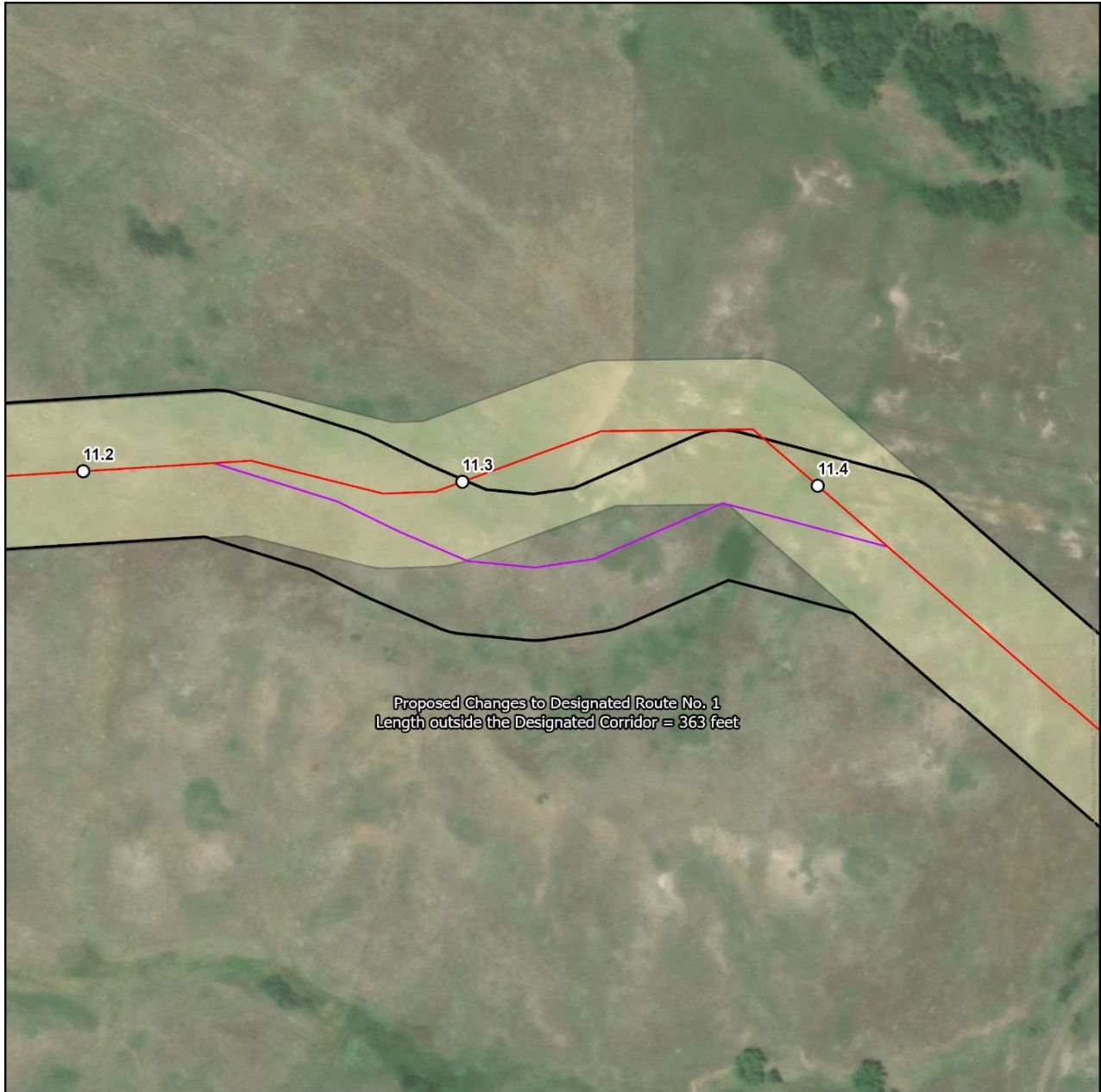
A handwritten signature in blue ink that reads "James W. Dawson". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Jim Dawson, PG, CHMM
Senior Hydrogeologist

Enclosure: as stated.

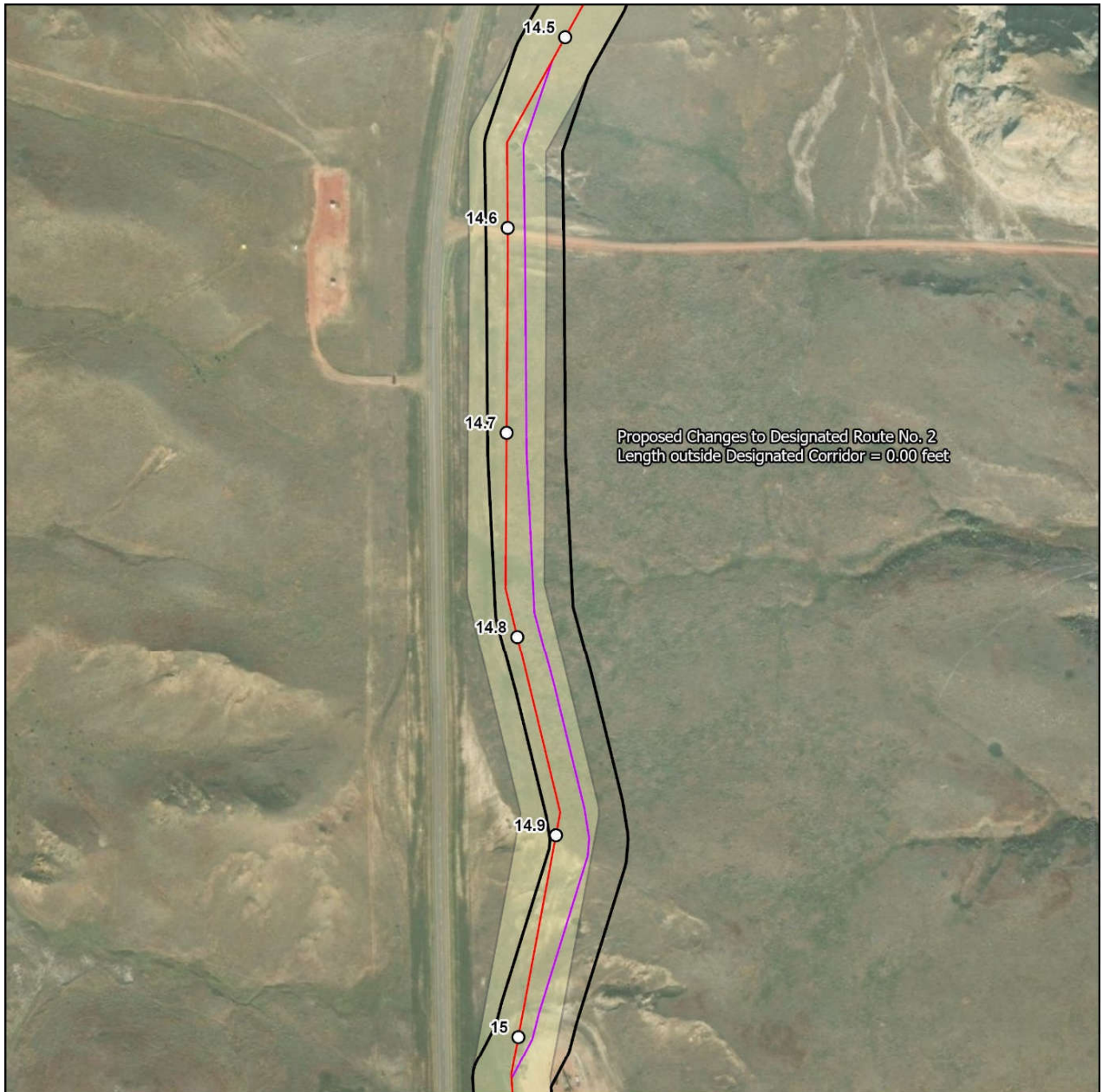
**ROUTE ADJUSTMENT
AND
PROPOSED CORRIDOR ADDITION LOCATION MAPS**

Proposed Change to Designated Route No.1



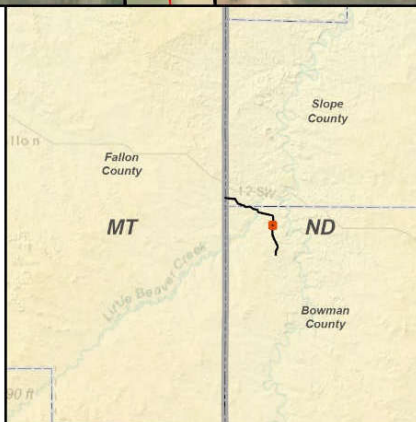
<p>CHSU Lateral Pipeline Proposed Reroute</p> <ul style="list-style-type: none"> — Designated Route — New Route ○ Mile Posts Designated Corridor New Corridor 		<div style="text-align: right;"> </div> <p style="text-align: center;">Cedar Hills South Unit Lateral Project Proposed Project Change: Reroute</p> <p style="text-align: center;">Page 1 of 1</p> <p>Coordinate System: Name: UTM83-13F Datum: North American 1983 Projection: Transverse Mercator Page units: Foot US Imagery Source: USA NAIP (USDA)</p> <div style="display: flex; justify-content: space-between;"> <div style="text-align: center;"> <p>Meters</p> </div> <div style="text-align: center;"> <p>Feet</p> </div> <div style="text-align: center;"> <p>1:2,400</p> </div> </div> <p style="text-align: right;">Date: 10/1/2021</p>
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Proposed Change to Designated Route No.2



CHSU Lateral Pipeline Proposed Reroute

- Designated Route
- New Route
- Mile Posts
- Designated Corridor
- New Corridor

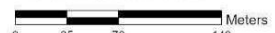


Cedar Hills South Unit Lateral Project

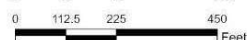
Proposed Project Change: Reroute

Page 1 of 1

Coordinate System:
 Name: UTM83-13F
 Datum: North American 1983
 Projection: Transverse Mercator
 Page units: Foot US
 Imagery Source: USA NAIP (USDA)



1:4,500



Date: 10/1/2021

Proposed Addition to Designated Corridor No. 1, No. 2, No. 3, and No. 4



CHSU - Additional Workspace

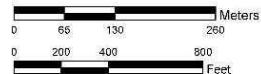
- Designated Route
- Mile Posts
- Designated Corridor
- ▨ Proposed Additions to Designated Corridor



Cedar Hills South Unit Lateral Project
Proposed Project Change: Additional Workspace

Page 1 of 1

Coordinate System:
 Name: UTM83-13F
 Datum: North American 1983
 Projection: Transverse Mercator
 Page units: Foot US
 Imagery Source: USA NAIP (USDA)



1:8,000

Date: 9/28/2021

Proposed Addition to Designated Corridor No. 5



<p>CHSU - Additional Workspace</p> <ul style="list-style-type: none"> — Designated Route ○ Mile Posts ▭ Designated Corridor ▨ Proposed Additions to Designated Corridor 		<div style="text-align: right;"> </div> <p>Cedar Hills South Unit Lateral Project Proposed Project Change: Additional Workspace</p> <p style="text-align: center;">Page 1 of 1</p> <p>Coordinate System: Name: UTM83-13F Datum: North American 1983 Projection: Transverse Mercator Page units: Foot US Imagery Source: USA NAIP (USDA)</p> <div style="display: flex; justify-content: space-between;"> <div style="text-align: center;"> <p>Meters</p> </div> <div style="text-align: center;"> <p>Feet</p> </div> <div style="text-align: center;"> <p>1:3,500</p> </div> </div> <p style="text-align: right;">Date: 9/28/2021</p>
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Attachment 1
Natural Resources Letter Report



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October 1, 2021

Rusty Shaw
Denbury Green Pipeline – Montana, LLC
5851 Legacy Circle, Suite 1200
Plano, Texas 75024

**Re: Natural Resource Review of Reroutes and Additional Temporary Workspace Areas
CHSU Lateral CO₂ Pipeline, Bowman County, North Dakota**

Dear Mr. Shaw:

SWCA Environmental Consultants (SWCA) previously conducted natural resources analyses of existing data (i.e., desktop analysis) and field surveys for the proposed Denbury Green Pipeline – Montana, LLC's (Denbury's) Cedar Hills South Unit (CHSU) Lateral Carbon Dioxide (CO₂) Pipeline Project (Project) in Slope and Bowman Counties, North Dakota (Figure 1). The natural resources studies were documented in the Natural Resources and Wetland Delineation Report, included as Appendix D to the Consolidated Application for a Certificate of Corridor Compatibility and Route Permit, and Waiver Application, dated August 7, 2019, that was submitted to the North Dakota Public Service Commission (NDPSC). The NDPSC issued Certificate of Corridor Compatibility Number 215 and Route Permit Number 225 (i.e., Designated Corridor and Designated Route, respectively) on April 1, 2020 (NDPSC Case Number PU-19-204), per the requirements of the North Dakota Energy Conversion and Transmission Facility Siting Act (North Dakota Century Code [NDCC] §49-22.1).

Since the start of Project construction, Denbury identified two locations where the pipeline route will have to be moved to avoid two previously unknown underground utilities (Route Adjustment No. 1) and for constructability concerns (Route Adjustment No. 2), plus five additional temporary workspace areas (i.e., proposed additions to the Designated Corridor) in Bowman County that are necessary to facilitate pipeline construction. As summarized in Table 1 and illustrated in the attached figures, the pipeline reroute for Route Adjustment No. 1 (Figure 2) is partly outside the Designated Corridor, while the pipeline location for Route Adjustment No. 2 (Figure 3) is within the Designated Corridor, but the associated construction easement for this reroute is partly outside the Designated Corridor. Proposed additions to the Designated Corridor No. 1, No. 2, No. 3, and No. 4 (Figure 4), and proposed addition to the Designated Corridor No. 5 (Figure 5) are portions of temporary work areas required for pipeline construction that extend outside the Designated Corridor. Because the pipeline reroutes, construction right-of-way (ROW), and proposed corridor additions are partly outside of the Designated Corridor, notification of these required changes to the Designated Corridor and Designated Route must be filed with the NDPSC per NDCC §49-22.1-15.3 for Route Adjustment No.1, NDCC §49-22.1-15.1 for Route Adjustment No. 2, and NDCC §49-22.1-06.4 for the proposed additions to the Designated Corridor.

Table 1. Route Adjustment and Proposed Corridor Additions Information

Permit Area ID*	Length		Area	Landowner	Location			
	Total (feet)	Outside of Corridor (feet)	Addition to Corridor (acres)		Township	Range	Section	QtrQtr†
Route Adjustment No. 1	964	363	N/A†	Hadley Brothers LLP	132N	107W	1	SESE
Route Adjustment No. 2	2,689	0	N/A	Fischer	132N	106W	16	SWNW, NWSW, SWSW
Proposed Addition No. 1	200	50	0.22	Duffield	132N	106W	7	NWNW
Proposed Addition No. 2	200	50	0.22	Duffield	132N	106W	7	NENW
Proposed Addition No. 3	100	50	0.11	Duffield	132N	106W	7	SWNE
Proposed Addition No. 4	100	50	0.11	Duffield	132N	106W	8	NWSW
Proposed Addition No. 5	200	52	0.24	Miller	132N	106W	33	SENW, NESW

* See Figures 2 through 5 for locations

‡ QtrQtr = QuarterQuarter

† N/A = Not Applicable

NDCC §49-22.1-15.3 addresses route adjustments before or during construction for gas or liquid transmission lines and states that a utility (Denbury), without any action by the NDPSC, may adjust the route of a gas or liquid transmission line outside the Designated Corridor if, before conducting any construction activities associated with the adjustment, the utility:

1. Files with the NDPSC certification and supporting documentation that:
 - a. The construction activities will not affect any known exclusion or avoidance areas.
 - b. The route outside the corridor is no longer than one and one-half miles.
 - c. The utility will comply with the NDPSC's order, laws, and rules designating the corridor and designating the route.
 - d. Each owner of real property on which the adjustment is to be located and any applicable governmental entity with an interest in the same adjustment area do not oppose the adjustment.
2. Files detailed field studies indicating exclusion and avoidance areas for an area encompassing the route outside the designated corridor equal to the length of the adjustment of the proposed corridor.

SWCA previously completed desktop analyses and field surveys of a 200-foot-wide survey corridor for the CHSU Lateral CO₂ Pipeline Project, as documented in Appendix D of the Consolidated Application for a Certificate of Corridor Compatibility and Route Permit, and Waiver Application (Consolidated Application), dated August 7, 2019, and included, in part, the following findings:

1. Five wetlands, totaling approximately 0.42 acres, were identified within the 200-foot-wide survey corridor; 0.41 acres of those wetlands will be temporarily impacted by project construction.
2. One waterbody, classified as a small lake or pond, was identified within the survey corridor, but this feature is outside of the proposed construction ROW and will not be impacted by the project.
3. Each of the wetland crossings is a single, and complete project as defined by the U.S. Army Corps of Engineers (USACE) and can be constructed under NWP 12, which authorizes utility line construction projects in non-tidal waters of the U.S., provided the activity does not result in the permanent loss of greater than 0.5-acre of waters of the U.S.
4. A tree and shrub survey recorded 161 tree, sapling, and shrub individuals that may be impacted by construction activities.
5. No threatened or endangered species or habitat were observed during the field survey.
6. Listed threatened and endangered species in Bowman County are the gray wolf, whooping crane, and northern long-eared bat; however, these species are not likely to be impacted by construction of the proposed project.
7. Migratory birds and suitable nesting habitat were observed throughout the survey corridor and mitigation measures to avoid an unauthorized take of migratory birds and active nests were recommended.
8. No active raptor nests were observed within 0.5-mile of the survey corridor and no bald or golden eagle nests were observed.
9. The project lies within the greater sage-grouse primary range in Bowman County and recommendations to minimize impacts to greater sage-grouse and their habitats were included.

Transmission facility corridor and route criteria are defined in North Dakota Administrative Code (NDAC) §69-06-08-02. Compliance with these criteria for the proposed pipeline route (i.e., the permanent and temporary construction easements and the proposed corridor additions), was demonstrated in the Consolidated Application, which culminated in issuance of permits for the Designated Corridor and Designated Route. The NDCC §49-22.1-15.3, NDCC §49-22.1-15.1, and NDCC §49-22.1-06.4 certification and documentation requirements for natural resources are discussed below:

- Route Adjustment No. 1 – the route adjustment is completely within the one-mile-wide project study area for the desktop analysis and approximately 363 feet of the reroute lies outside of the Designated Corridor (Figure 2). No transmission facility corridor and route exclusion and avoidance areas were identified during the desktop analysis and field surveys for the proposed pipeline route and aerial photographic interpretation of the route adjustment indicates that a pedestrian survey of the reroute is not warranted.
- Route Adjustment No. 2 – required for constructibility concerns; the route adjustment is completely within the one-mile-wide project study area for the desktop analysis and, while the rerouted pipeline itself lies within the Designated Corridor, approximately 2,689 feet of the associated temporary construction easement lies outside of the Designated

Corridor which will have to be relocate as shown in Figure 4. No transmission facility corridor and route exclusion and avoidance areas were identified during the desktop analysis and field surveys for the proposed pipeline route and aerial photographic interpretation of the route adjustment indicates that a pedestrian survey of the reroute is not warranted.

- Proposed Corridor Addition No. 1 – this proposed addition is for expansion of a temporary workspace area from approximately 100 x 100 feet to 100 x 200 feet, with an area that measures approximately 50 x 200 feet (0.22-acre) outside of the Designated Corridor (Figure 3). No transmission facility corridor and route exclusion and avoidance areas were identified during the desktop analysis and field surveys for the proposed pipeline route and aerial photographic interpretation of this proposed corridor addition indicates that a pedestrian survey of the area is not warranted.
- Proposed Corridor Addition No. 2 – this proposed addition is for expansion of a temporary workspace area from approximately 100 x 100 feet to 100 x 200 feet, with an area that measures approximately 50 x 200 feet (0.22-acre) outside of the Designated Corridor (Figure 3). No transmission facility corridor and route exclusion and avoidance areas were identified during the desktop analysis and field surveys for the proposed pipeline route and aerial photographic interpretation of this proposed corridor addition indicates that a pedestrian survey of the area is not warranted.
- Proposed Corridor Addition No. 3– this proposed addition is for a temporary workspace area that measures approximately 100 x 100 feet, with an area that measures approximately 50 x 100 feet (0.11-acre) outside of the Designated Corridor (Figure 3). No transmission facility corridor and route exclusion and avoidance areas were identified during the desktop analysis and field surveys for the proposed pipeline route and aerial photographic interpretation of this proposed corridor addition indicates that a pedestrian survey of the area is not warranted.
- Proposed Corridor Addition No. 4– this proposed addition is for a temporary workspace area that measures approximately 100 x 100 feet, with an area that measures approximately 50 x 100 feet (0.11-acre) outside of the Designated Corridor (Figure 3). No transmission facility corridor and route exclusion and avoidance areas were identified during the desktop analysis and field surveys for the proposed pipeline route and aerial photographic interpretation of this proposed corridor addition indicates that a pedestrian survey of the area is not warranted.
- Proposed Corridor Addition No. 5 – this proposed addition is for a portion of the Miller Station that measures approximately 52 feet by 200 feet (0.24 acre) that was not included in the previous field survey and Designated Corridor (Figure 3). No transmission facility corridor and route exclusion and avoidance areas were identified during the desktop analysis and field surveys for the proposed pipeline route and aerial photographic interpretation of this proposed corridor addition indicates that a pedestrian survey of the area is not warranted.

If you have any questions or wish to discuss this matter, please do not hesitate to contact me by telephone at (701) 595-2081 or by email at jdawson@swca.com.

Sincerely,



James W. Dawson, PG
Senior Hydrogeologist

Figures

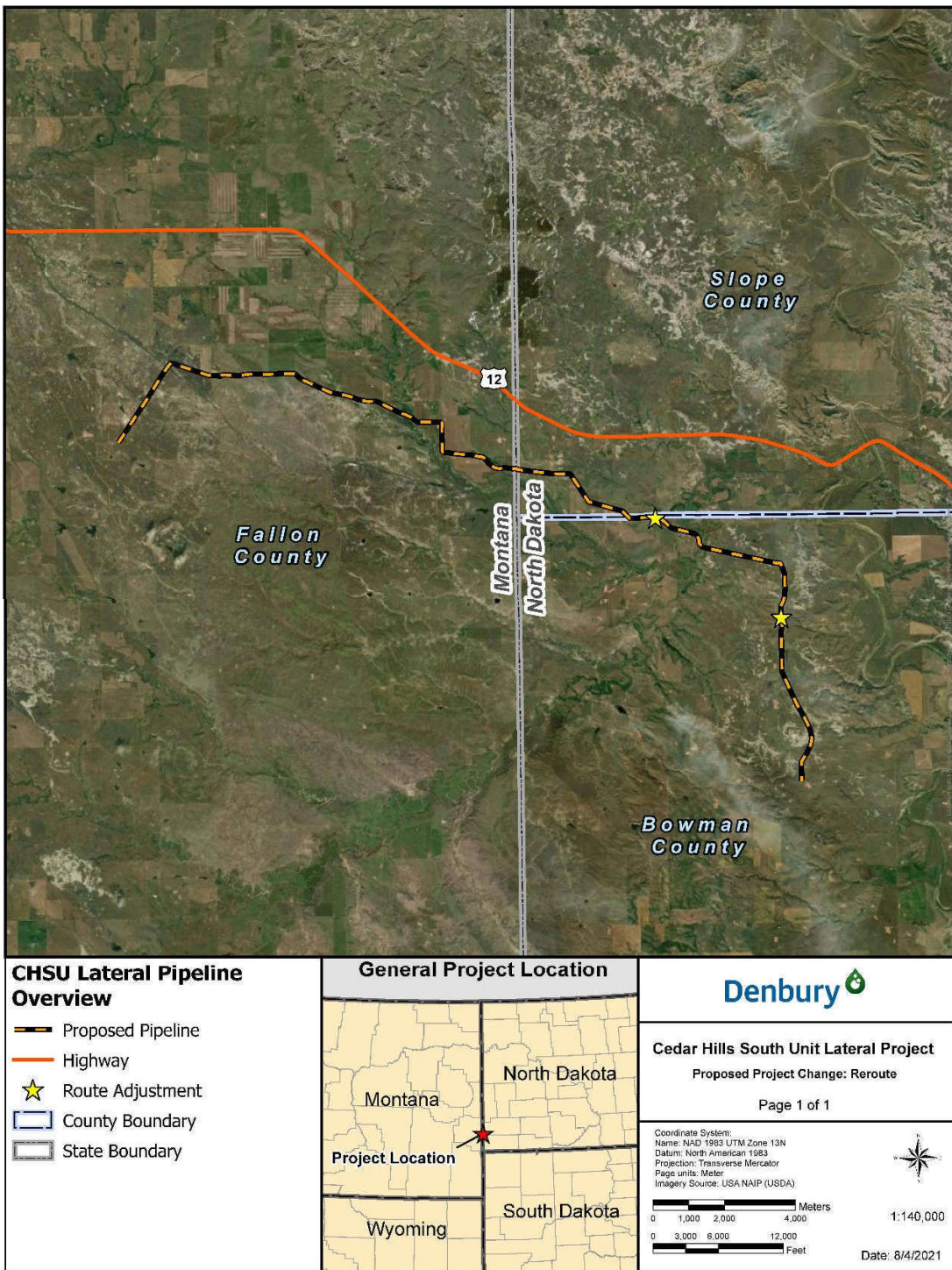


Figure 1. CHSU Lateral CO₂ Pipeline location map.

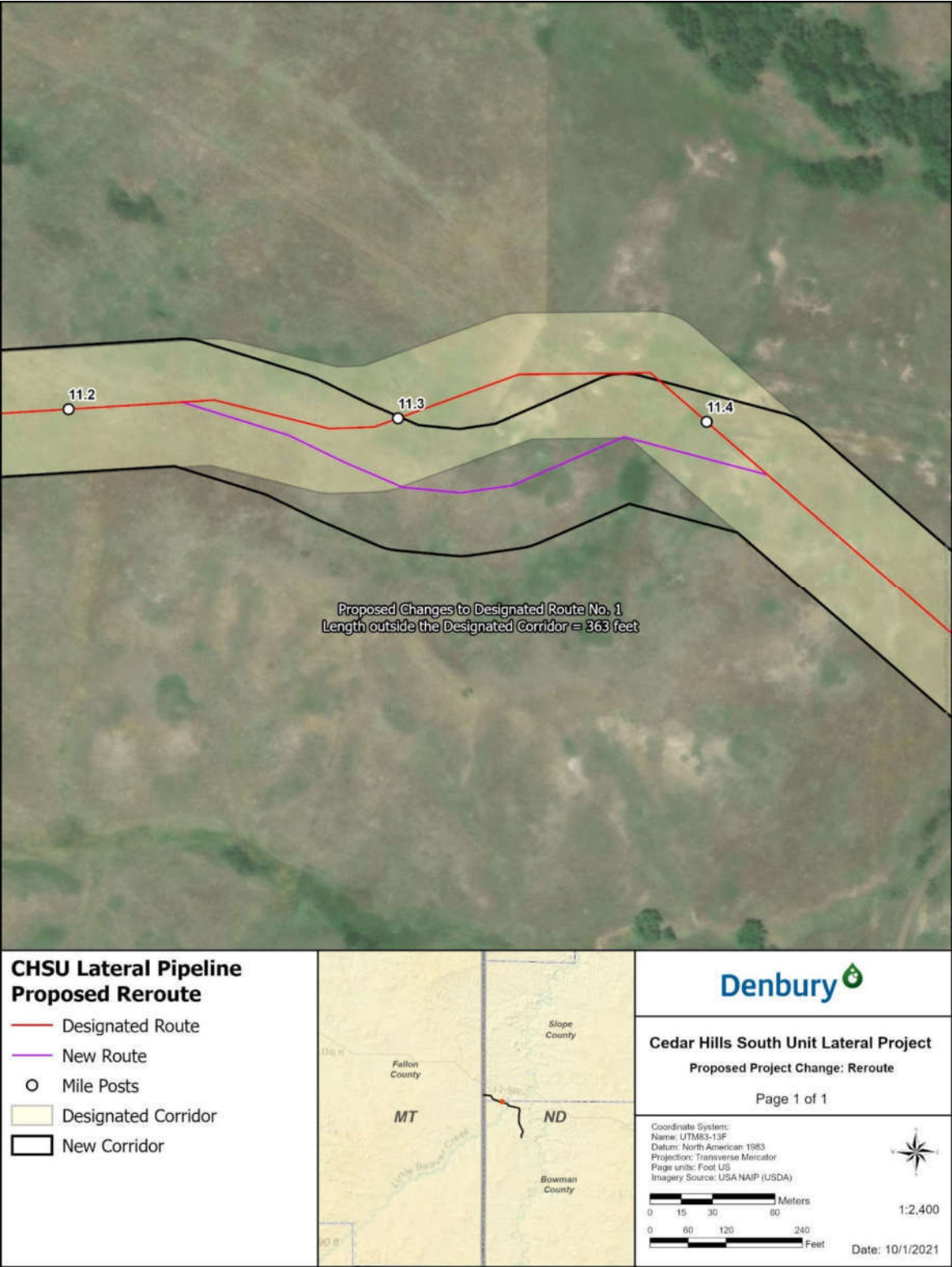


Figure 2. Route Adjustment No. 1 location map.

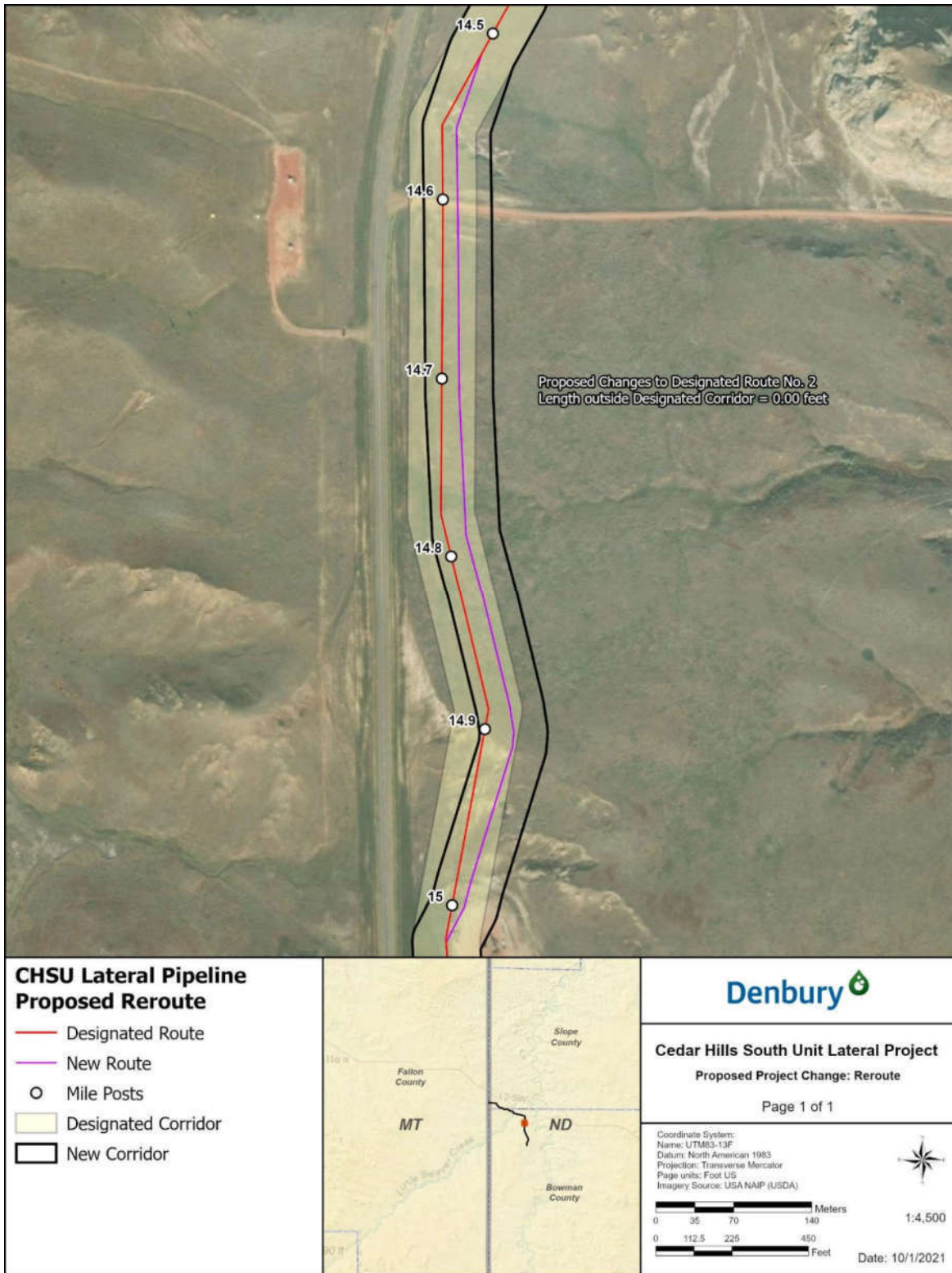


Figure 3. Route Adjustment No. 2 location map.

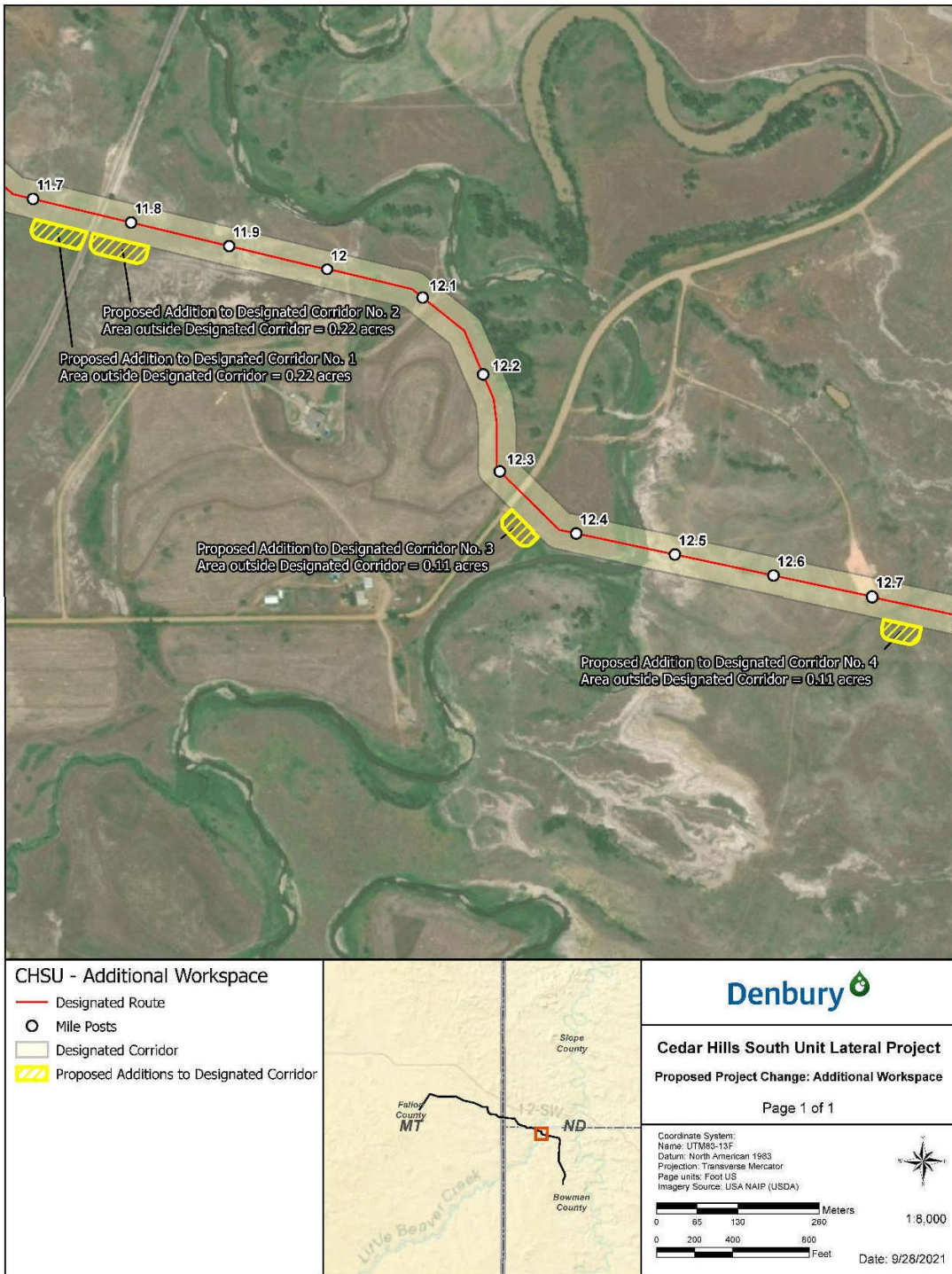


Figure 4. Proposed Corridor Additions 1, 2, 3, and 4 location map.

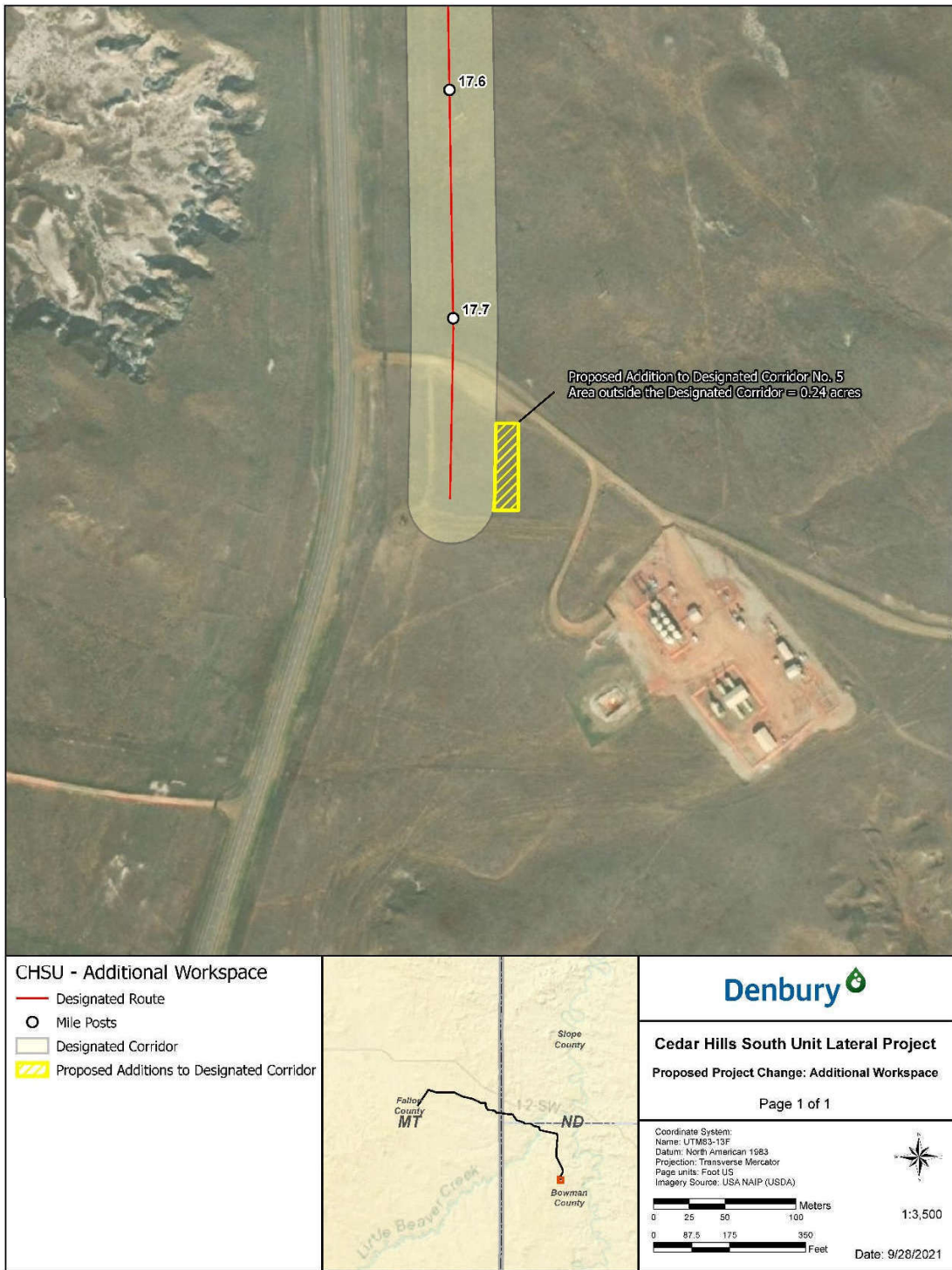


Figure 5. Proposed Corridor Addition No. 5 location map.

Attachment 2
Paleontological Resources Letter Report



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Sheridan, Wyoming 82801
Tel 307.673.4303 Fax 307.673.4505
www.swca.com

October 1, 2021

Rusty Shaw, REM
Environmental Compliance Manager
Denbury, Inc.
5851 Legacy Circle, Suite 1200
Plano, Texas 75024

Re: Paleontological Resource Review of Two Route Adjustments and Five Proposed Additions to the Designated Corridor along Denbury's Cedar Hills South Unit CO₂ Lateral Pipeline, Bowman County, North Dakota

Dear Mr. Shaw:

SWCA Environmental Consultants (SWCA) conducted a paleontological resource analysis of existing data (i.e., desktop analysis) for proposed route adjustments and additions to the designated corridor for the Cedar Hills South Unit (CHSU) Lateral Carbon Dioxide (CO₂) Pipeline Project (Project). Denbury Green Pipeline – Montana, LLC (Denbury) is constructing a 17.76-mile-long pipeline through southeast Montana and southwest North Dakota. The Project consists of a 75-foot-wide construction right-of-way (ROW) and 12-inch-diameter pipeline to transmit liquid CO₂ from Denbury facility in the Coral Creek Unit Oilfield in Fallon County, Montana to the Cedar Hills South Unit Oilfield in Bowman County, North Dakota. The North Dakota Public Service Commission issued a Certificate of Corridor Compatibility Number 215 and Route Permit Number 225 on April 1, 2020, under the North Dakota Energy Conversion and Transmission Facility Siting Act. As part of the permitting process, a paleontological resource assessment was conducted for the Project because published geologic mapping indicated that most of the area overlies geologic units with a high potential to contain scientifically important paleontological resources and to assist Denbury in meeting the paleontological resource assessment requirements of the permitting process.

SWCA previously completed a desktop analysis and pedestrian surveys of 9.22 miles of pipeline on privately owned land in Slope and Bowman Counties, North Dakota, as documented in the Paleontological Survey Report (Knauss et al. 2019) submitted as Appendix E of the Consolidated Application for a Certificate of Corridor Compatibility and Route Permit for CHSU Lateral CO₂ Pipeline, dated August 7, 2019 (SWCA 2019). Since the start of Project construction, Denbury identified two route adjustments (or reroutes) and five additions to the designated corridor for additional temporary workspace areas (ATWs) along the pipeline route in Bowman County, North Dakota (Figures 1-3; Table 1). An analysis area comprised of a 100-foot-wide buffer of the two proposed route adjustments and the five proposed corridor additions was reviewed. The reroutes and ATW areas comprise a total of 10.55 acres that are outside of the previously analyzed areas and require paleontological resources assessments of this analysis area to meet corridor and route permit conditions. The analysis area is located on private lands in Township (T) 132 North (N), Range (R) 106 West (W); T132N, R107W; and T133N, R106W, within the Waterhole Creek (1981), Kid Creek (1976), and Marmarth (1980), North Dakota, U.S. Geological Survey (USGS) 7.5-minute quadrangles. Analysis of the reroutes and ATW areas was conducted by SWCA lead paleontologist Georgia E. Knauss.

Paleontological Resource Review of Two Routes Adjustments and Five Additions to the Designated Corridor along Denbury's Cedar Hills South Unit CO2 Lateral Pipeline, Bowman County, North Dakota

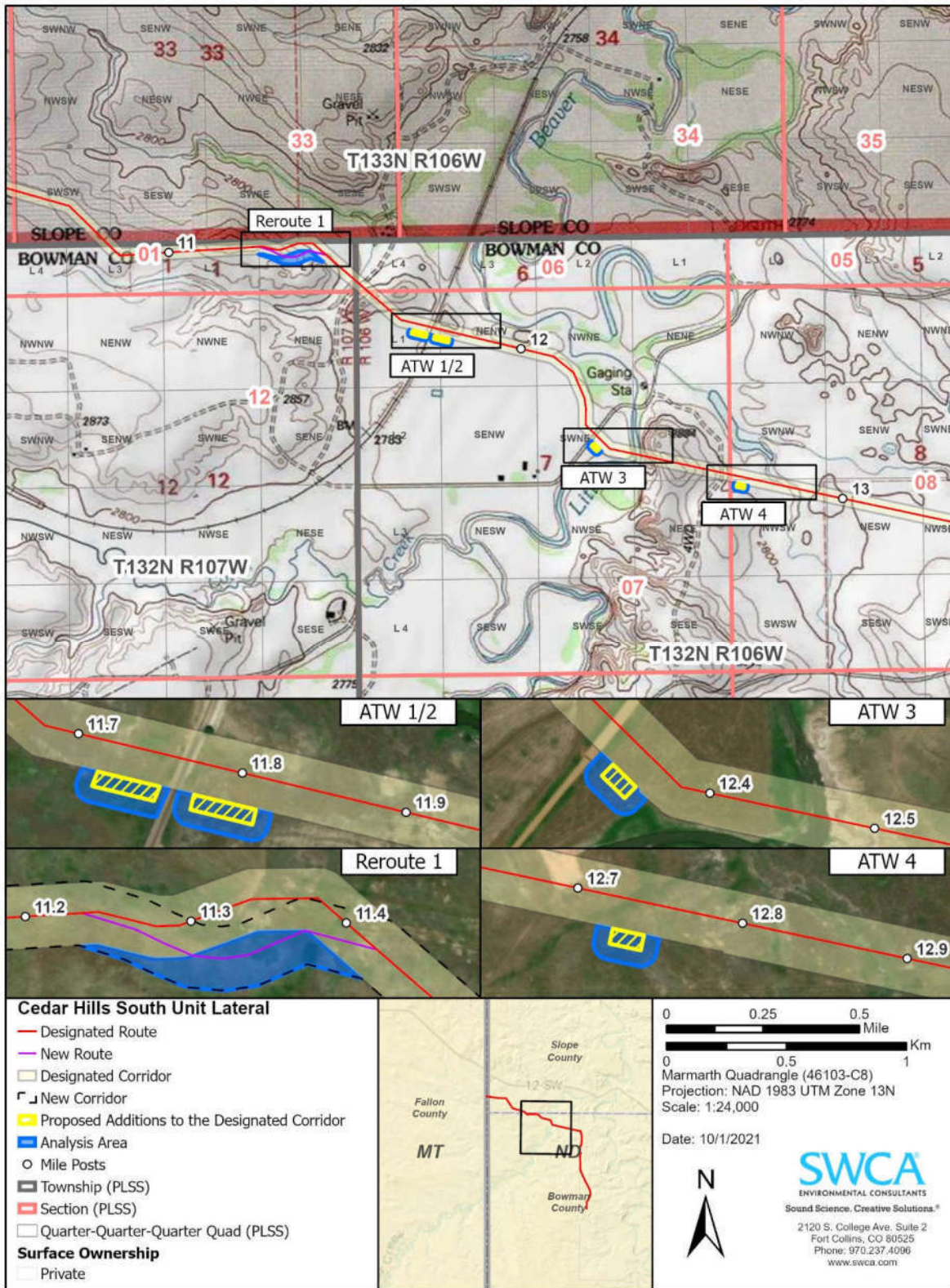


Figure 1. Map with paleontological resource analysis areas for Reroute 1 and ATWs 1 through 4.

Paleontological Resource Review of Two Routes Adjustments and Five Additions to the Designated Corridor along Denbury's Cedar Hills South Unit CO2 Lateral Pipeline, Bowman County, North Dakota

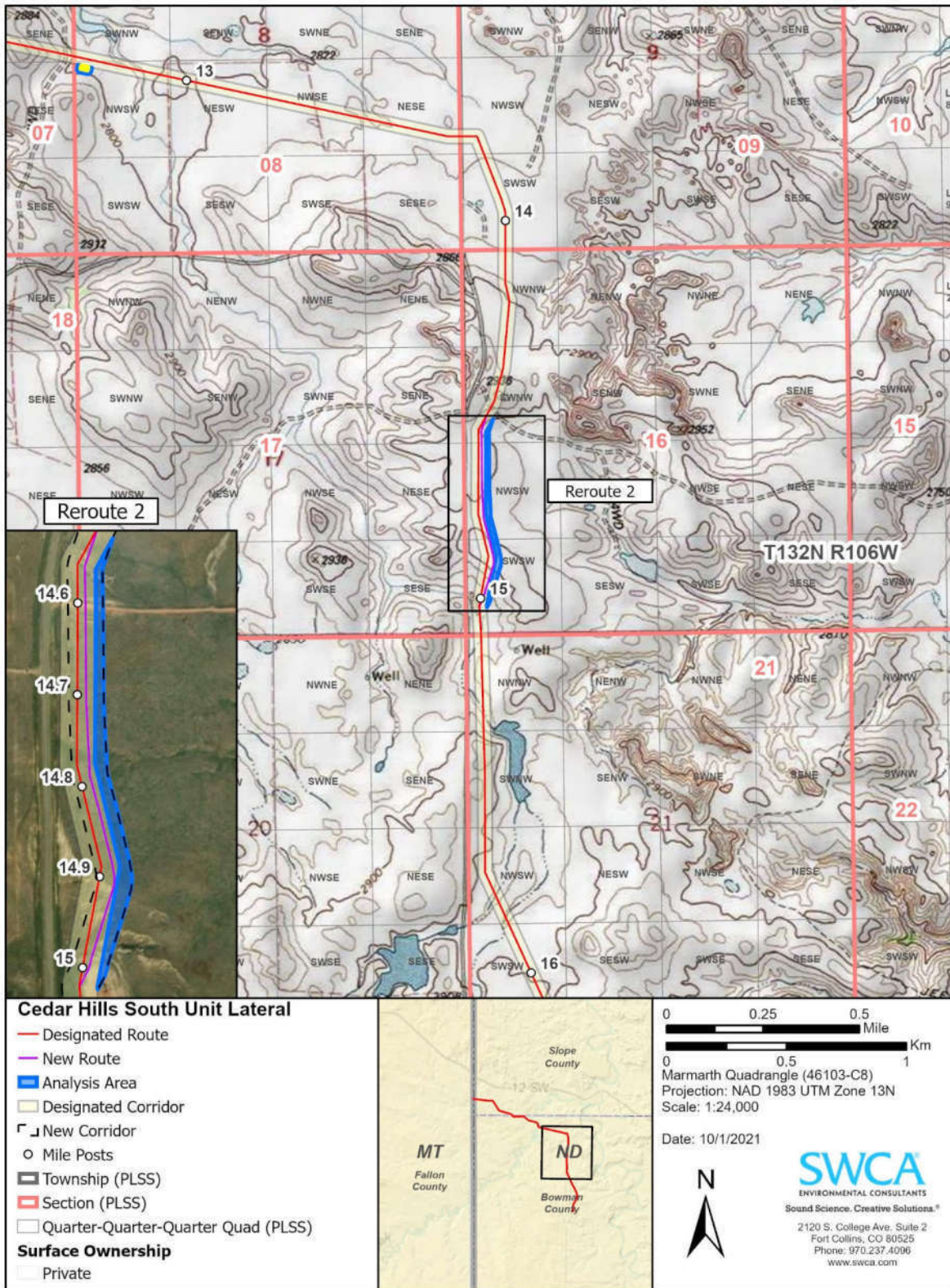


Figure 2. Map with paleontological resource analysis area for Reroute 2.

Paleontological Resource Review of Two Routes Adjustments and Five Additions to the Designated Corridor along Denbury's Cedar Hills South Unit CO2 Lateral Pipeline, Bowman County, North Dakota

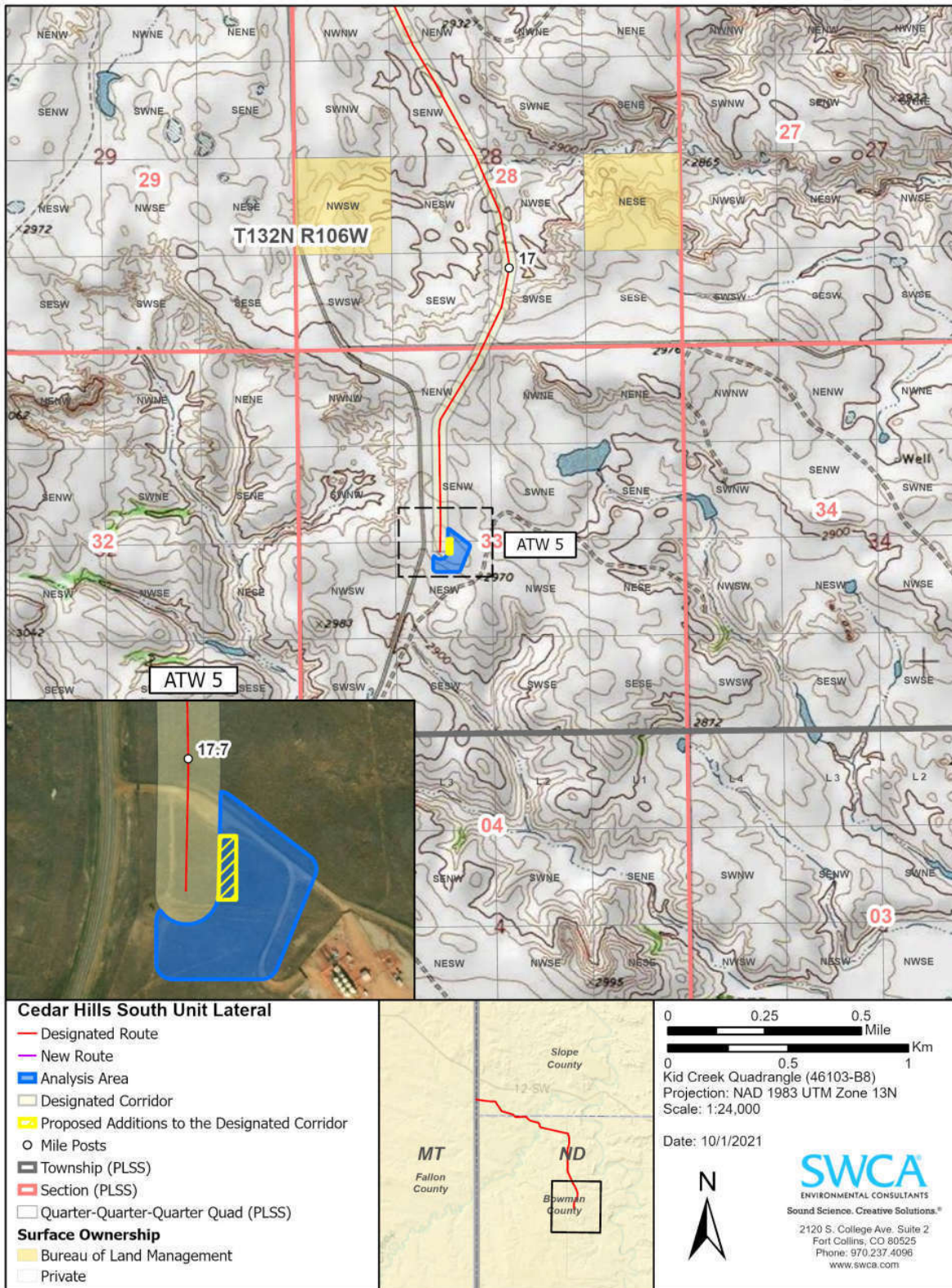


Figure 3. Map with paleontological resource analysis areas for ATW 5.

Table 1. Project Area Legal Descriptions

Infrastructure Name*	Acres Inventoried	Township	Range	Sections
Reroute 1	1.68	132N	107W	1
ATWs 1 and 2	1.01	132N	106W	7
ATW 3	0.65	132N	106W	7
ATW 4	0.42	132N	106W	8
Reroute 2	3.08	132N	106W	16
ATW 5	3.71	52N	93W	33

* See Figures 2 – 4 for locations of route adjustments (or reroutes) and additions to the designated corridor for ATWs.

According to previous geological mapping (Clayton et al. 1980), the two routes and five additional ATWs overlie the Cretaceous-age Pierre Shale Formation, the Fox Hills Formation, and the Hell Creek Formation. SWCA analyzed existing data on the Project to identify known fossil resources therein and nearby in the same geologic formation. SWCA then used that information and the Potential Fossil Yield Classification (PFYC) ranking of the underlying geologic unit to evaluate the paleontological sensitivity of the Project and to assess the potential for construction to disturb known and unknown paleontological resources. SWCA’s pre-field research included a review of geologic maps and current literature. In addition, SWCA compiled locality data from the Pioneer Trails Regional Museum and the North Dakota State Fossil Collection. No previously documented localities are within the two routes and five additional ATWs analyzed.

Information about the geology and paleontological potential of each of the route adjustments and ATW areas analyzed is summarized below:

- Reroute 1 (# CHSU-CL-003), from milepost (MP) 11.2 through MP 11.4, is in a portion of the project that was previously cleared for paleontological resources through a review of aerial imagery due to the lack of bedrock exposures. The route adjustment to the south is completely within the property of Hadley Brothers LLP and the length of segment is 0.18 miles. Terrian, and the potential for bedrock exposures of mapped Fox Hills Formation, is the same as observed in the previously analyzed area along this portion of the pipeline. The area is mostly vegetated, sloping, with some cobble-armored slopes and ridges near MP 11.3, possibly representative of unmapped Quaternary or Tertiary gravels. No pedestrian survey was conducted. Exposed paleontological resources are not expected within the route adjustment.
- ATW 1 and ATW 2, near MP 11.7 and MP 11.8, respectfully, are in a portion of the project that was previously cleared for paleontological resources through a review of aerial imagery due to lack of exposures of the mapped Pierre Shale Formation. The area is mostly vegetated with minor weathered areas (or blow outs) within the ATW 2 analysis area. Exposed paleontological resources are not expected within the ATWs.
- ATW 3, northwest of MP 12.4, is in a portion of the project that was previously cleared for paleontological resources through an aerial image review due to lack of bedrock exposures. In addition, while conducting initial pedestrian surveys nearby, a paleontologist walked through the area to access the next survey area (i.e., bedrock exposure). The area is vegetated with no exposures of the mapped Fox Hills Formation. Exposed paleontological resources are not expected within the ATW.

Paleontological Resource Review of Two Routes Adjustments and Five Additions to the Designated Corridor along Denbury's Cedar Hills South Unit CO2 Lateral Pipeline, Bowman County, North Dakota

- ATW 4, southeast of MP 12.7, is in a portion of the project that was previously cleared for paleontological resources through a visual review while conducting nearby pedestrian surveys due to a lack of bedrock exposures. The area is vegetated with no exposures of the mapped Hell Creek Formation. Exposed paleontological resources are not expected within the ATW.
- Reroute 2 (# CHSU-CL-004), from milepost MP 14.5 through MP 15, is adjacent to a portion of the project analysis area that was previously surveyed for paleontological resources. No paleontological resources were observed during initial paleontological project surveys near this reroute (Knauss et al., 2019) and no pedestrian survey was conducted for this reroute. The route adjustment is to the east within the Fischer property and the length of the segment is 0.5 miles. While there is a sandstone exposure, possibly of the mapped Hell Creek Formation within the analysis area at MP 14.9, the route shift (e.g., no more than 30 feet east) keeps most of the proposed disturbance area within the previously surveyed area and/or mostly vegetated areas. In addition, as is typical with standard paleontological survey methodology, pedestrian surveys of small exposures of this type would be unlikely to detect any significant paleontological resource. Exposed paleontological resources are not expected within the route adjustment.
- ATW 5, south of MP 17.7, is in a portion of the project that was previously cleared through an aerial image review and a visual review conducted during pedestrian paleontological surveys in the area due to lack of bedrock exposures. The area is vegetated with no exposures of the mapped Hell Creek Formation. Exposed paleontological resources are not expected within the ATW.

Sincerely,



Georgia Knauss
SWCA Paleontology Lead

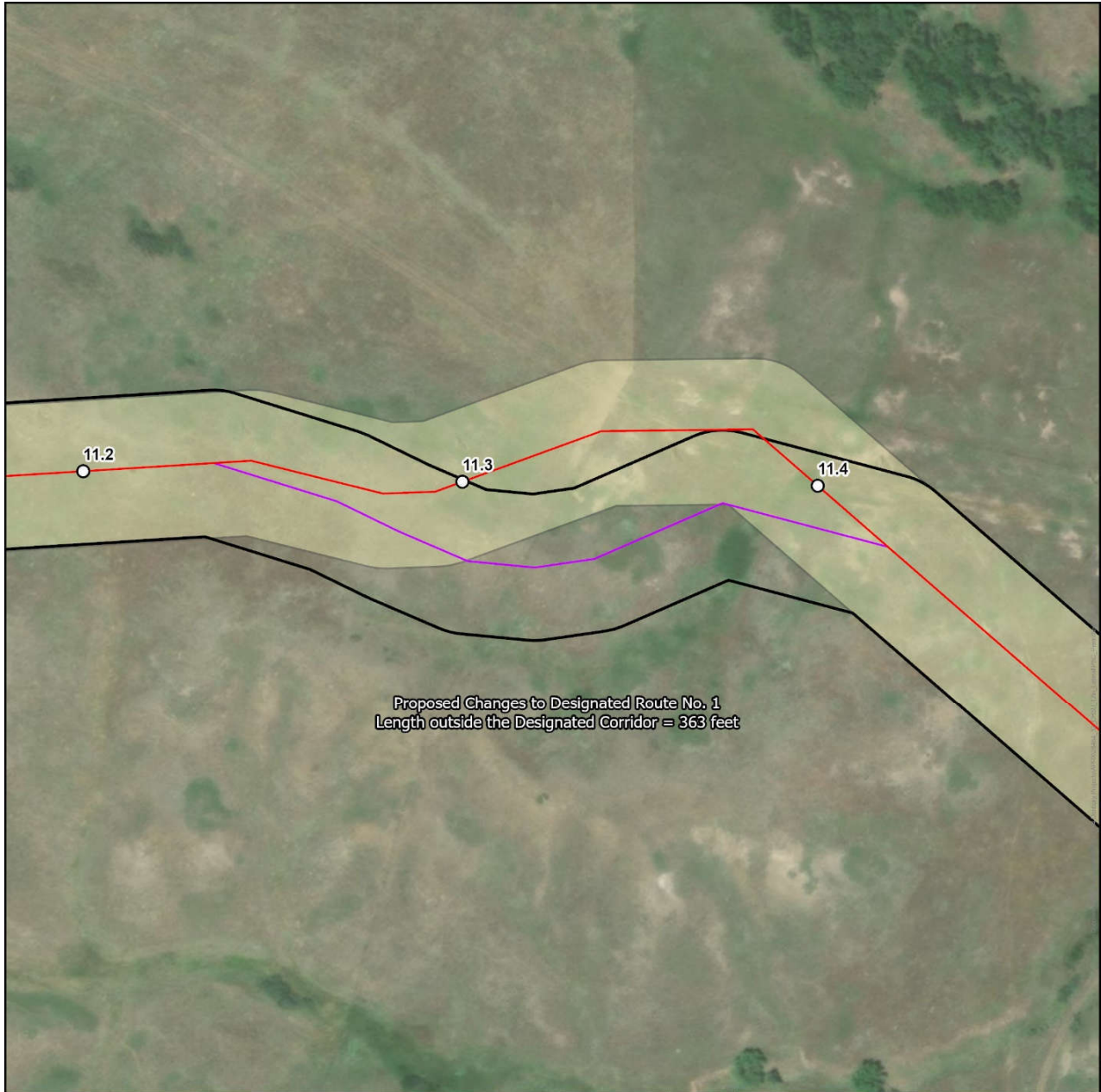
REFERENCES CITED

Clayton, L., S.R. Moran, and J.P. Bluemile. 1980. Geologic Map of North Dakota. U.S. Geological Survey, Scale 1:500,000.

Knauss, G.E, V. Meyers, and A. Gerwitz. 2019. Paleontological Survey Report for the Cedar Hills South Unit CO2 Lateral Pipeline, Slope and Bowman Counties, North Dakota. SWCA Paleontological Report No. ND18-28464-01. Sheridan, Wyoming: SWCA Environmental Consultants.

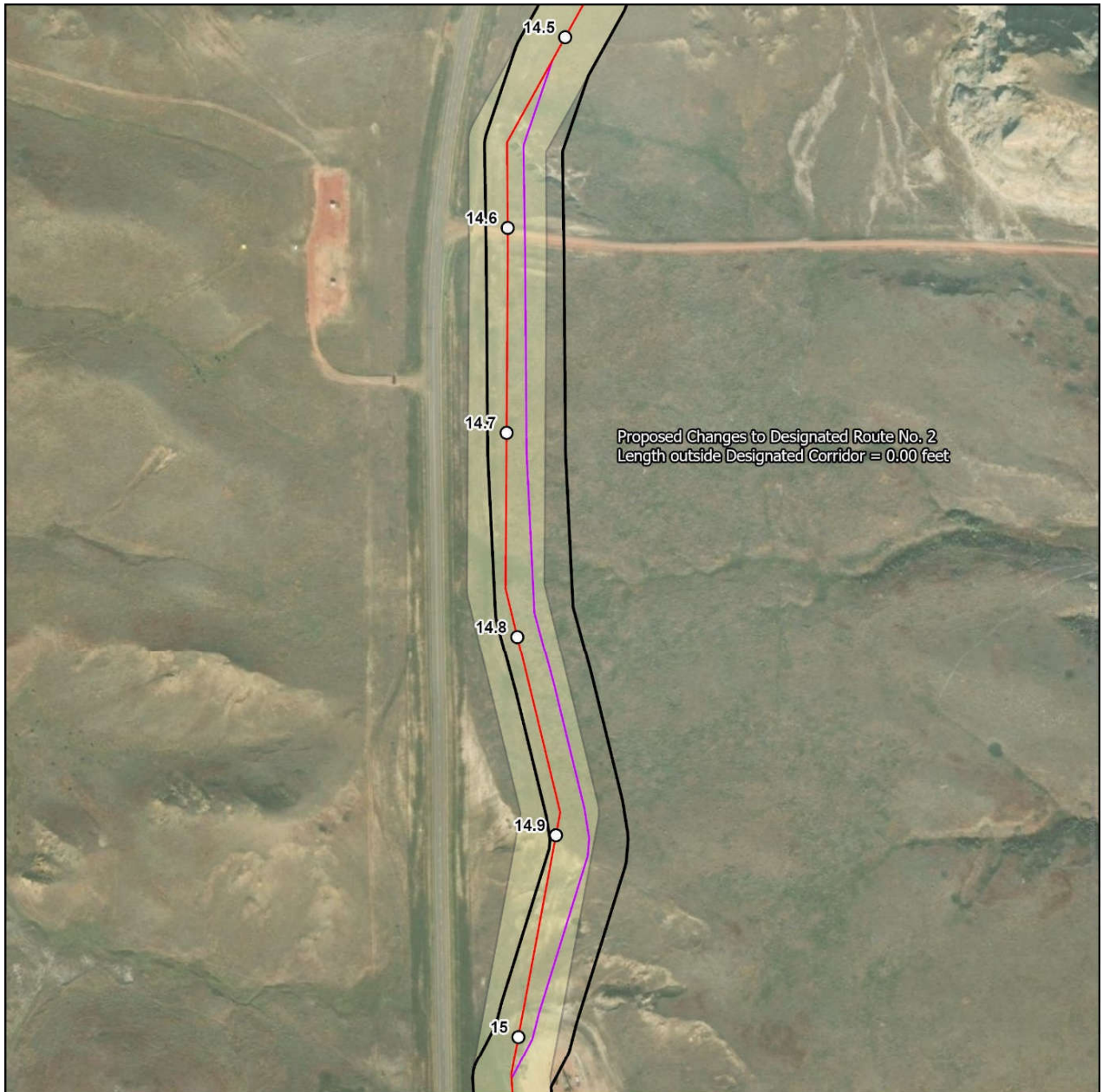
**ROUTE ADJUSTMENT
AND
PROPOSED CORRIDOR ADDITION LOCATION MAPS**

Proposed Change to Designated Route No.1



<p>CHSU Lateral Pipeline Proposed Reroute</p> <ul style="list-style-type: none"> — Designated Route — New Route ○ Mile Posts Designated Corridor New Corridor 		<p style="text-align: center;">Denbury </p> <p style="text-align: center;">Cedar Hills South Unit Lateral Project Proposed Project Change: Reroute</p> <p style="text-align: center;">Page 1 of 1</p> <p>Coordinate System: Name: UTM83-13F Datum: North American 1983 Projection: Transverse Mercator Page units: Foot US Imagery Source: USA NAIP (USDA)</p> <div style="display: flex; justify-content: space-between;"> <div style="text-align: center;"> <p>Meters</p> </div> <div style="text-align: center;"> <p>Feet</p> </div> <div style="text-align: center;"> <p>1:2,400</p> </div> </div> <p style="text-align: right;">Date: 10/1/2021</p>
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Proposed Change to Designated Route No.2



CHSU Lateral Pipeline Proposed Reroute

- Designated Route
- New Route
- Mile Posts
- Designated Corridor
- New Corridor



Cedar Hills South Unit Lateral Project

Proposed Project Change: Reroute

Page 1 of 1

Coordinate System:
 Name: UTM83-13F
 Datum: North American 1983
 Projection: Transverse Mercator
 Page units: Foot US
 Imagery Source: USA NAIP (USDA)



0 35 70 140 Meters

1:4,500

0 112.5 225 450 Feet

Date: 10/1/2021

Proposed Addition to Designated Corridor No. 1, No. 2, No. 3, and No. 4



<p>CHSU - Additional Workspace</p> <ul style="list-style-type: none"> — Designated Route ○ Mile Posts ▭ Designated Corridor ▨ Proposed Additions to Designated Corridor 		<div style="text-align: right;"> </div> <p>Cedar Hills South Unit Lateral Project</p> <p>Proposed Project Change: Additional Workspace</p> <p>Page 1 of 1</p> <p>Coordinate System: Name: UTM83-13F Datum: North American 1983 Projection: Transverse Mercator Page units: Foot US Imagery Source: USA NAIP (USDA)</p> <div style="display: flex; justify-content: space-between;"> <div style="text-align: center;"> <p>Meters</p> </div> <div style="text-align: center;"> <p>Feet</p> </div> <div style="text-align: center;"> <p>1:8,000</p> </div> </div> <p style="text-align: right;">Date: 9/28/2021</p>
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Proposed Addition to Designated Corridor No. 5



<p>CHSU - Additional Workspace</p> <ul style="list-style-type: none"> — Designated Route ○ Mile Posts ▭ Designated Corridor ▨ Proposed Additions to Designated Corridor 		<p style="text-align: right;">Denbury </p> <p style="text-align: center;">Cedar Hills South Unit Lateral Project Proposed Project Change: Additional Workspace</p> <p style="text-align: center;">Page 1 of 1</p> <p>Coordinate System: Name: UTM83-13F Datum: North American 1983 Projection: Transverse Mercator Page units: Foot US Imagery Source: USA NAIP (USDA)</p> <div style="display: flex; justify-content: space-between;"> <div style="text-align: center;"> <p>Meters</p> </div> <div style="text-align: center;"> <p>Feet</p> </div> <div style="text-align: center;"> <p>1:3,500</p> </div> </div> <p style="text-align: right;">Date: 9/28/2021</p>
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Attachment 1
Natural Resources Letter Report



ENVIRONMENTAL CONSULTANTS

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October 1, 2021

Rusty Shaw
Denbury Green Pipeline – Montana, LLC
5851 Legacy Circle, Suite 1200
Plano, Texas 75024

**Re: Natural Resource Review of Reroutes and Additional Temporary Workspace Areas
CHSU Lateral CO₂ Pipeline, Bowman County, North Dakota**

Dear Mr. Shaw:

SWCA Environmental Consultants (SWCA) previously conducted natural resources analyses of existing data (i.e., desktop analysis) and field surveys for the proposed Denbury Green Pipeline – Montana, LLC's (Denbury's) Cedar Hills South Unit (CHSU) Lateral Carbon Dioxide (CO₂) Pipeline Project (Project) in Slope and Bowman Counties, North Dakota (Figure 1). The natural resources studies were documented in the Natural Resources and Wetland Delineation Report, included as Appendix D to the Consolidated Application for a Certificate of Corridor Compatibility and Route Permit, and Waiver Application, dated August 7, 2019, that was submitted to the North Dakota Public Service Commission (NDPSC). The NDPSC issued Certificate of Corridor Compatibility Number 215 and Route Permit Number 225 (i.e., Designated Corridor and Designated Route, respectively) on April 1, 2020 (NDPSC Case Number PU-19-204), per the requirements of the North Dakota Energy Conversion and Transmission Facility Siting Act (North Dakota Century Code [NDCC] §49-22.1).

Since the start of Project construction, Denbury identified two locations where the pipeline route will have to be moved to avoid two previously unknown underground utilities (Route Adjustment No. 1) and for constructability concerns (Route Adjustment No. 2), plus five additional temporary workspace areas (i.e., proposed additions to the Designated Corridor) in Bowman County that are necessary to facilitate pipeline construction. As summarized in Table 1 and illustrated in the attached figures, the pipeline reroute for Route Adjustment No. 1 (Figure 2) is partly outside the Designated Corridor, while the pipeline location for Route Adjustment No. 2 (Figure 3) is within the Designated Corridor, but the associated construction easement for this reroute is partly outside the Designated Corridor. Proposed additions to the Designated Corridor No. 1, No. 2, No. 3, and No. 4 (Figure 4), and proposed addition to the Designated Corridor No. 5 (Figure 5) are portions of temporary work areas required for pipeline construction that extend outside the Designated Corridor. Because the pipeline reroutes, construction right-of-way (ROW), and proposed corridor additions are partly outside of the Designated Corridor, notification of these required changes to the Designated Corridor and Designated Route must be filed with the NDPSC per NDCC §49-22.1-15.3 for Route Adjustment No.1, NDCC §49-22.1-15.1 for Route Adjustment No. 2, and NDCC §49-22.1-06.4 for the proposed additions to the Designated Corridor.

Table 1. Route Adjustment and Proposed Corridor Additions Information

Permit Area ID*	Length		Area	Landowner	Location			
	Total (feet)	Outside of Corridor (feet)	Addition to Corridor (acres)		Township	Range	Section	QtrQtr†
Route Adjustment No. 1	964	363	N/A†	Hadley Brothers LLP	132N	107W	1	SESE
Route Adjustment No. 2	2,689	0	N/A	Fischer	132N	106W	16	SWNW, NWSW, SWSW
Proposed Addition No. 1	200	50	0.22	Duffield	132N	106W	7	NWNW
Proposed Addition No. 2	200	50	0.22	Duffield	132N	106W	7	NENW
Proposed Addition No. 3	100	50	0.11	Duffield	132N	106W	7	SWNE
Proposed Addition No. 4	100	50	0.11	Duffield	132N	106W	8	NWSW
Proposed Addition No. 5	200	52	0.24	Miller	132N	106W	33	SENW, NESW

* See Figures 2 through 5 for locations

‡ QtrQtr = QuarterQuarter

† N/A = Not Applicable

NDCC §49-22.1-15.3 addresses route adjustments before or during construction for gas or liquid transmission lines and states that a utility (Denbury), without any action by the NDPSC, may adjust the route of a gas or liquid transmission line outside the Designated Corridor if, before conducting any construction activities associated with the adjustment, the utility:

1. Files with the NDPSC certification and supporting documentation that:
 - a. The construction activities will not affect any known exclusion or avoidance areas.
 - b. The route outside the corridor is no longer than one and one-half miles.
 - c. The utility will comply with the NDPSC's order, laws, and rules designating the corridor and designating the route.
 - d. Each owner of real property on which the adjustment is to be located and any applicable governmental entity with an interest in the same adjustment area do not oppose the adjustment.
2. Files detailed field studies indicating exclusion and avoidance areas for an area encompassing the route outside the designated corridor equal to the length of the adjustment of the proposed corridor.

SWCA previously completed desktop analyses and field surveys of a 200-foot-wide survey corridor for the CHSU Lateral CO₂ Pipeline Project, as documented in Appendix D of the Consolidated Application for a Certificate of Corridor Compatibility and Route Permit, and Waiver Application (Consolidated Application), dated August 7, 2019, and included, in part, the following findings:

1. Five wetlands, totaling approximately 0.42 acres, were identified within the 200-foot-wide survey corridor; 0.41 acres of those wetlands will be temporarily impacted by project construction.
2. One waterbody, classified as a small lake or pond, was identified within the survey corridor, but this feature is outside of the proposed construction ROW and will not be impacted by the project.
3. Each of the wetland crossings is a single, and complete project as defined by the U.S. Army Corps of Engineers (USACE) and can be constructed under NWP 12, which authorizes utility line construction projects in non-tidal waters of the U.S., provided the activity does not result in the permanent loss of greater than 0.5-acre of waters of the U.S.
4. A tree and shrub survey recorded 161 tree, sapling, and shrub individuals that may be impacted by construction activities.
5. No threatened or endangered species or habitat were observed during the field survey.
6. Listed threatened and endangered species in Bowman County are the gray wolf, whooping crane, and northern long-eared bat; however, these species are not likely to be impacted by construction of the proposed project.
7. Migratory birds and suitable nesting habitat were observed throughout the survey corridor and mitigation measures to avoid an unauthorized take of migratory birds and active nests were recommended.
8. No active raptor nests were observed within 0.5-mile of the survey corridor and no bald or golden eagle nests were observed.
9. The project lies within the greater sage-grouse primary range in Bowman County and recommendations to minimize impacts to greater sage-grouse and their habitats were included.

Transmission facility corridor and route criteria are defined in North Dakota Administrative Code (NDAC) §69-06-08-02. Compliance with these criteria for the proposed pipeline route (i.e., the permanent and temporary construction easements and the proposed corridor additions), was demonstrated in the Consolidated Application, which culminated in issuance of permits for the Designated Corridor and Designated Route. The NDCC §49-22.1-15.3, NDCC §49-22.1-15.1, and NDCC §49-22.1-06.4 certification and documentation requirements for natural resources are discussed below:

- Route Adjustment No. 1 – the route adjustment is completely within the one-mile-wide project study area for the desktop analysis and approximately 363 feet of the reroute lies outside of the Designated Corridor (Figure 2). No transmission facility corridor and route exclusion and avoidance areas were identified during the desktop analysis and field surveys for the proposed pipeline route and aerial photographic interpretation of the route adjustment indicates that a pedestrian survey of the reroute is not warranted.
- Route Adjustment No. 2 – required for constructibility concerns; the route adjustment is completely within the one-mile-wide project study area for the desktop analysis and, while the rerouted pipeline itself lies within the Designated Corridor, approximately 2,689 feet of the associated temporary construction easement lies outside of the Designated

Corridor which will have to be relocate as shown in Figure 4. No transmission facility corridor and route exclusion and avoidance areas were identified during the desktop analysis and field surveys for the proposed pipeline route and aerial photographic interpretation of the route adjustment indicates that a pedestrian survey of the reroute is not warranted.

- Proposed Corridor Addition No. 1 – this proposed addition is for expansion of a temporary workspace area from approximately 100 x 100 feet to 100 x 200 feet, with an area that measures approximately 50 x 200 feet (0.22-acre) outside of the Designated Corridor (Figure 3). No transmission facility corridor and route exclusion and avoidance areas were identified during the desktop analysis and field surveys for the proposed pipeline route and aerial photographic interpretation of this proposed corridor addition indicates that a pedestrian survey of the area is not warranted.
- Proposed Corridor Addition No. 2 – this proposed addition is for expansion of a temporary workspace area from approximately 100 x 100 feet to 100 x 200 feet, with an area that measures approximately 50 x 200 feet (0.22-acre) outside of the Designated Corridor (Figure 3). No transmission facility corridor and route exclusion and avoidance areas were identified during the desktop analysis and field surveys for the proposed pipeline route and aerial photographic interpretation of this proposed corridor addition indicates that a pedestrian survey of the area is not warranted.
- Proposed Corridor Addition No. 3– this proposed addition is for a temporary workspace area that measures approximately 100 x 100 feet, with an area that measures approximately 50 x 100 feet (0.11-acre) outside of the Designated Corridor (Figure 3). No transmission facility corridor and route exclusion and avoidance areas were identified during the desktop analysis and field surveys for the proposed pipeline route and aerial photographic interpretation of this proposed corridor addition indicates that a pedestrian survey of the area is not warranted.
- Proposed Corridor Addition No. 4– this proposed addition is for a temporary workspace area that measures approximately 100 x 100 feet, with an area that measures approximately 50 x 100 feet (0.11-acre) outside of the Designated Corridor (Figure 3). No transmission facility corridor and route exclusion and avoidance areas were identified during the desktop analysis and field surveys for the proposed pipeline route and aerial photographic interpretation of this proposed corridor addition indicates that a pedestrian survey of the area is not warranted.
- Proposed Corridor Addition No. 5 – this proposed addition is for a portion of the Miller Station that measures approximately 52 feet by 200 feet (0.24 acre) that was not included in the previous field survey and Designated Corridor (Figure 3). No transmission facility corridor and route exclusion and avoidance areas were identified during the desktop analysis and field surveys for the proposed pipeline route and aerial photographic interpretation of this proposed corridor addition indicates that a pedestrian survey of the area is not warranted.

If you have any questions or wish to discuss this matter, please do not hesitate to contact me by telephone at (701) 595-2081 or by email at jdawson@swca.com.

Sincerely,



James W. Dawson, PG
Senior Hydrogeologist

Figures

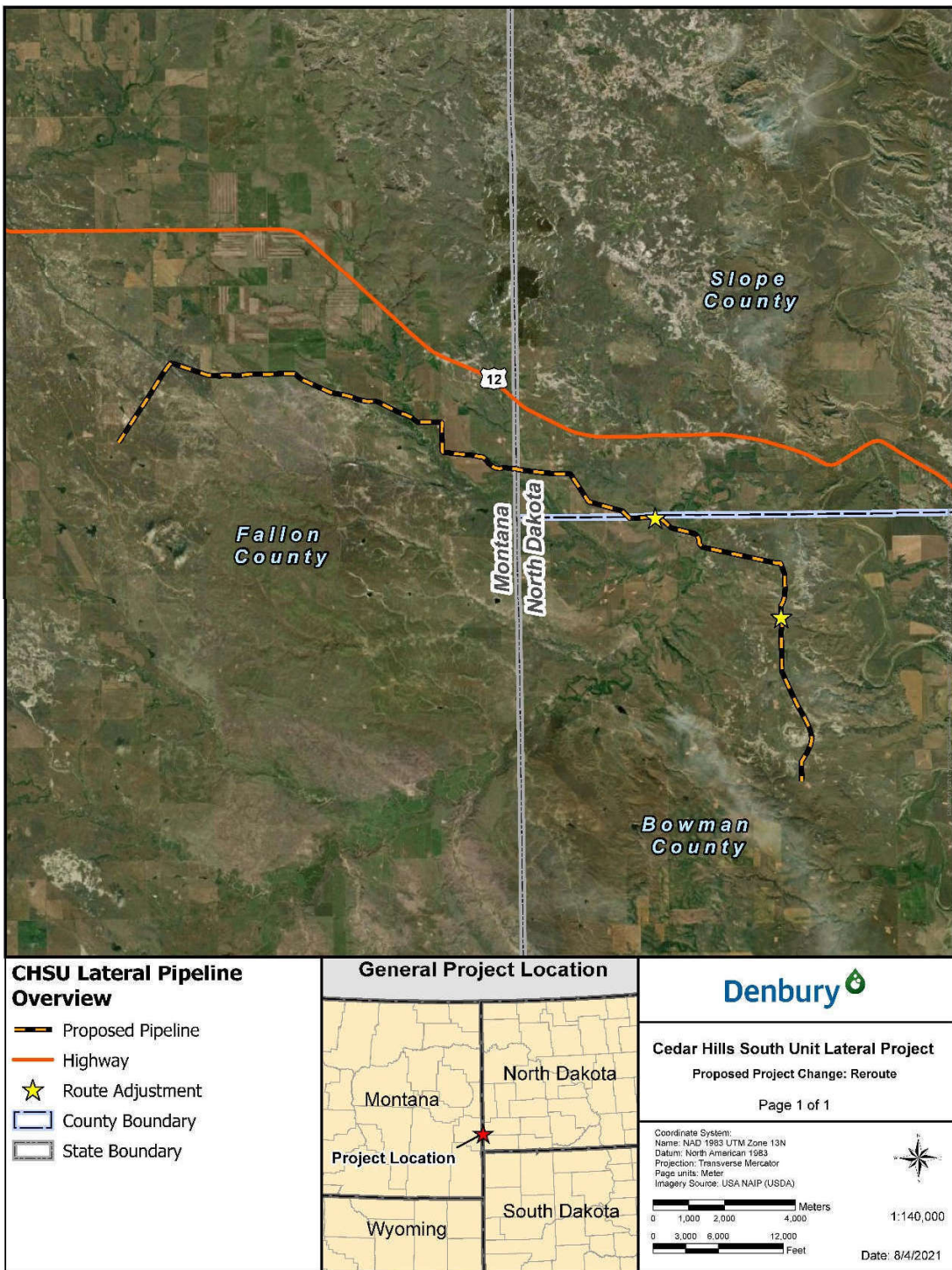


Figure 1. CHSU Lateral CO₂ Pipeline location map.

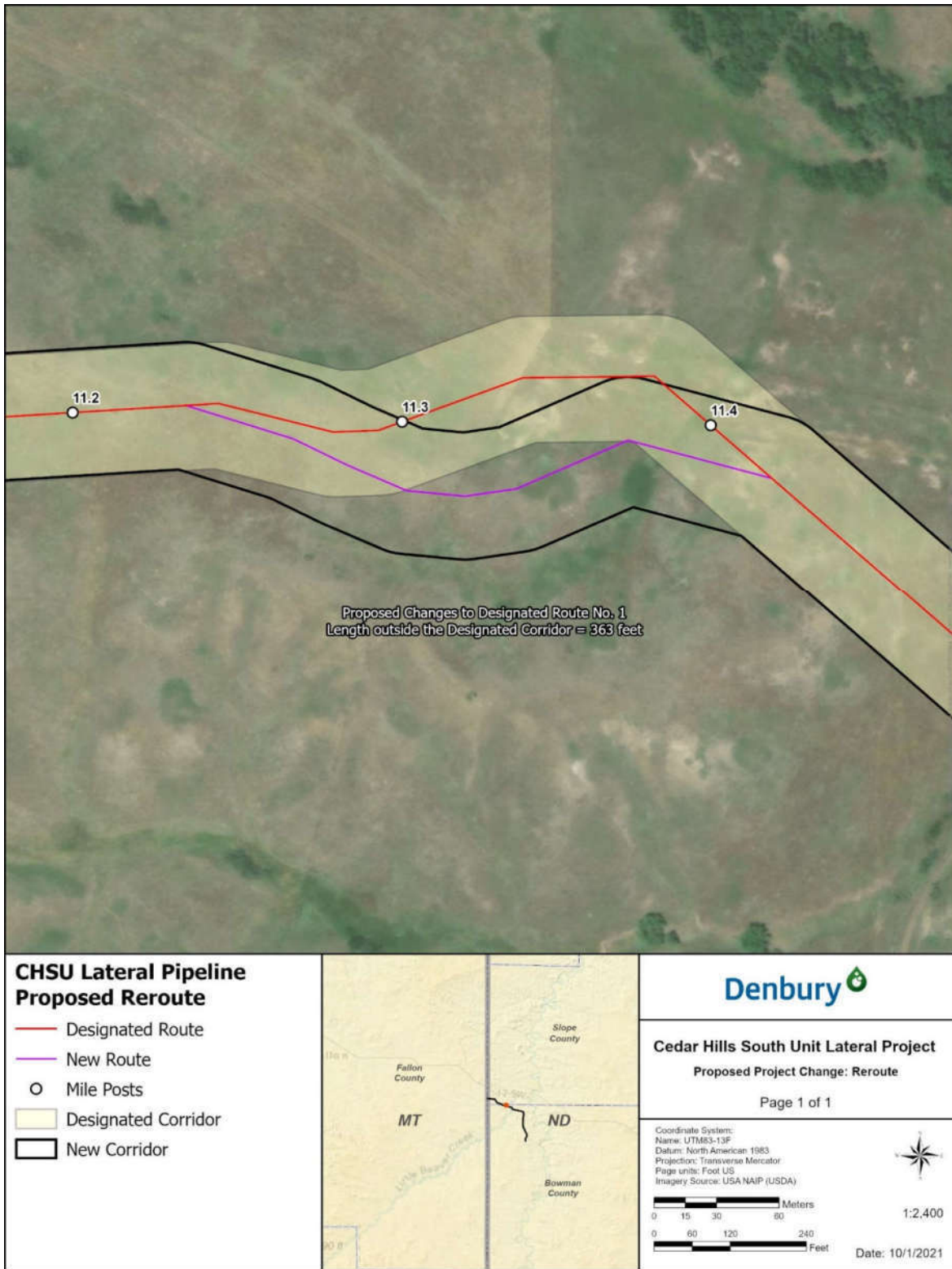


Figure 2. Route Adjustment No. 1 location map.

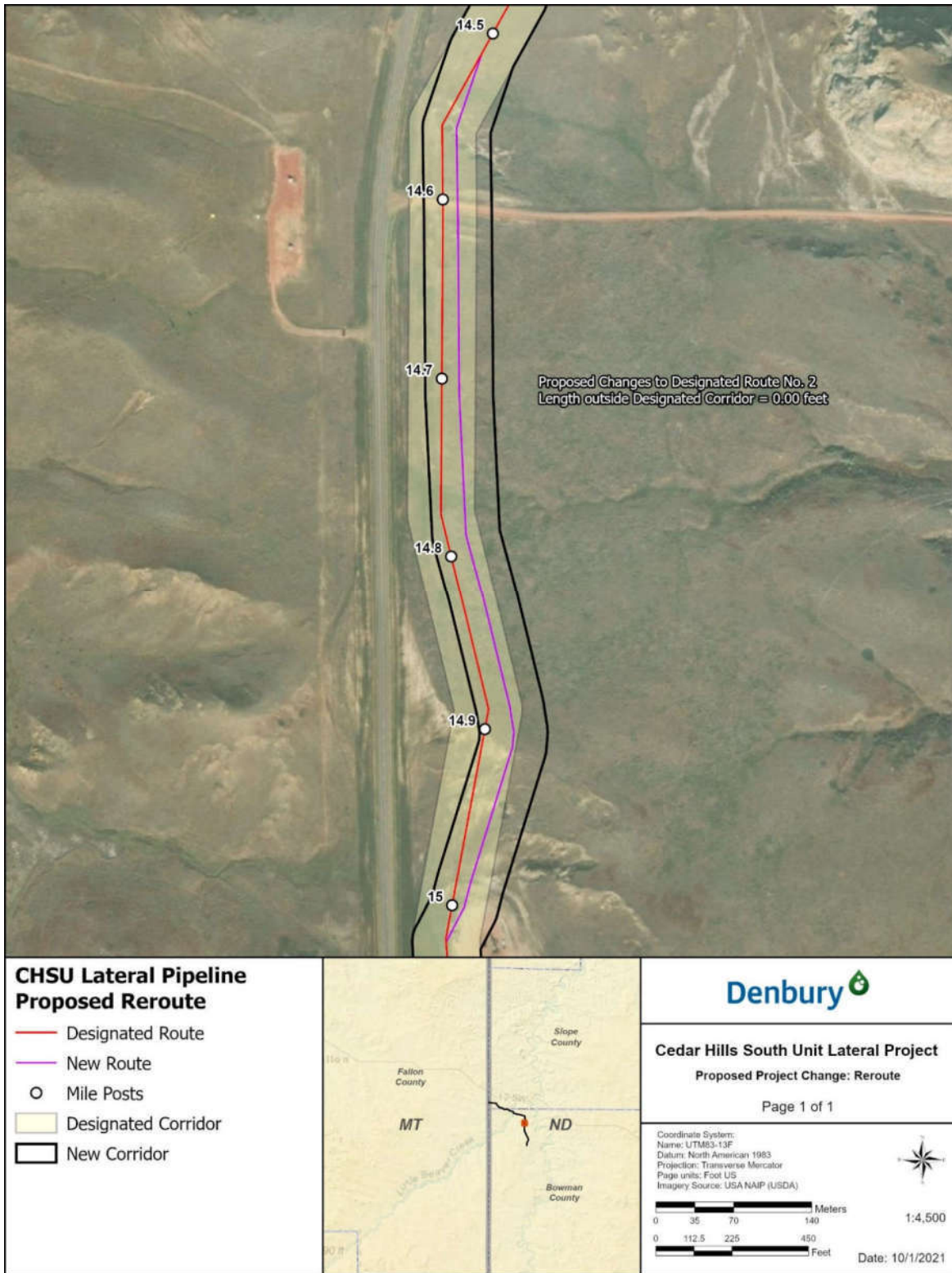


Figure 3. Route Adjustment No. 2 location map.

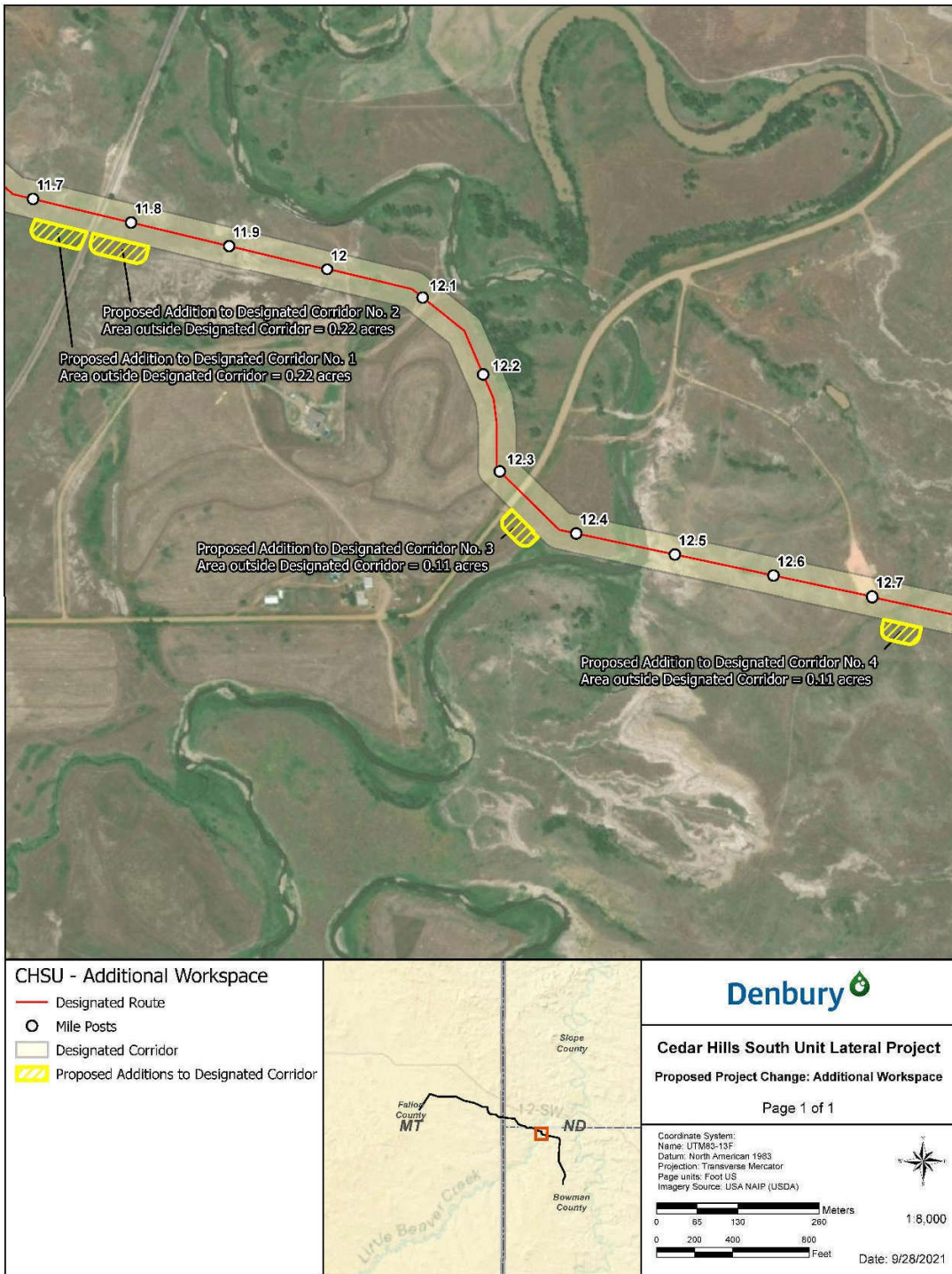


Figure 4. Proposed Corridor Additions 1, 2, 3, and 4 location map.

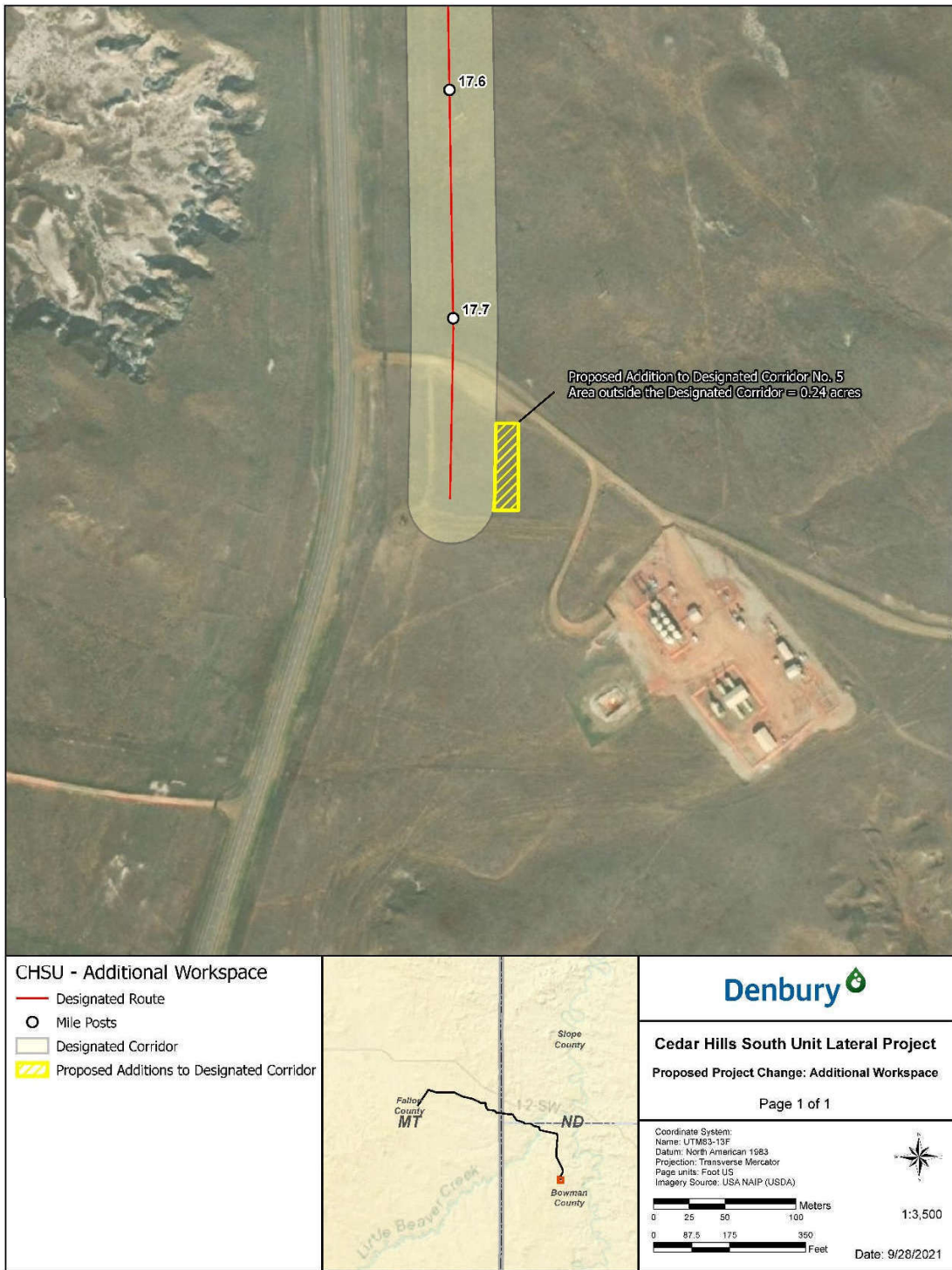


Figure 5. Proposed Corridor Addition No. 5 location map.

Attachment 2
Paleontological Resources Letter Report



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Tel 307.673.4303 Fax 307.673.4505
www.swca.com

October 1, 2021

Rusty Shaw, REM
Environmental Compliance Manager
Denbury, Inc.
5851 Legacy Circle, Suite 1200
Plano, Texas 75024

Re: Paleontological Resource Review of Two Route Adjustments and Five Proposed Additions to the Designated Corridor along Denbury's Cedar Hills South Unit CO₂ Lateral Pipeline, Bowman County, North Dakota

Dear Mr. Shaw:

SWCA Environmental Consultants (SWCA) conducted a paleontological resource analysis of existing data (i.e., desktop analysis) for proposed route adjustments and additions to the designated corridor for the Cedar Hills South Unit (CHSU) Lateral Carbon Dioxide (CO₂) Pipeline Project (Project). Denbury Green Pipeline – Montana, LLC (Denbury) is constructing a 17.76-mile-long pipeline through southeast Montana and southwest North Dakota. The Project consists of a 75-foot-wide construction right-of-way (ROW) and 12-inch-diameter pipeline to transmit liquid CO₂ from Denbury facility in the Coral Creek Unit Oilfield in Fallon County, Montana to the Cedar Hills South Unit Oilfield in Bowman County, North Dakota. The North Dakota Public Service Commission issued a Certificate of Corridor Compatibility Number 215 and Route Permit Number 225 on April 1, 2020, under the North Dakota Energy Conversion and Transmission Facility Siting Act. As part of the permitting process, a paleontological resource assessment was conducted for the Project because published geologic mapping indicated that most of the area overlies geologic units with a high potential to contain scientifically important paleontological resources and to assist Denbury in meeting the paleontological resource assessment requirements of the permitting process.

SWCA previously completed a desktop analysis and pedestrian surveys of 9.22 miles of pipeline on privately owned land in Slope and Bowman Counties, North Dakota, as documented in the Paleontological Survey Report (Knauss et al. 2019) submitted as Appendix E of the Consolidated Application for a Certificate of Corridor Compatibility and Route Permit for CHSU Lateral CO₂ Pipeline, dated August 7, 2019 (SWCA 2019). Since the start of Project construction, Denbury identified two route adjustments (or reroutes) and five additions to the designated corridor for additional temporary workspace areas (ATWs) along the pipeline route in Bowman County, North Dakota (Figures 1-3; Table 1). An analysis area comprised of a 100-foot-wide buffer of the two proposed route adjustments and the five proposed corridor additions was reviewed. The reroutes and ATW areas comprise a total of 10.55 acres that are outside of the previously analyzed areas and require paleontological resources assessments of this analysis area to meet corridor and route permit conditions. The analysis area is located on private lands in Township (T) 132 North (N), Range (R) 106 West (W); T132N, R107W; and T133N, R106W, within the Waterhole Creek (1981), Kid Creek (1976), and Marmarth (1980), North Dakota, U.S. Geological Survey (USGS) 7.5-minute quadrangles. Analysis of the reroutes and ATW areas was conducted by SWCA lead paleontologist Georgia E. Knauss.

Paleontological Resource Review of Two Routes Adjustments and Five Additions to the Designated Corridor along Denbury's Cedar Hills South Unit CO2 Lateral Pipeline, Bowman County, North Dakota

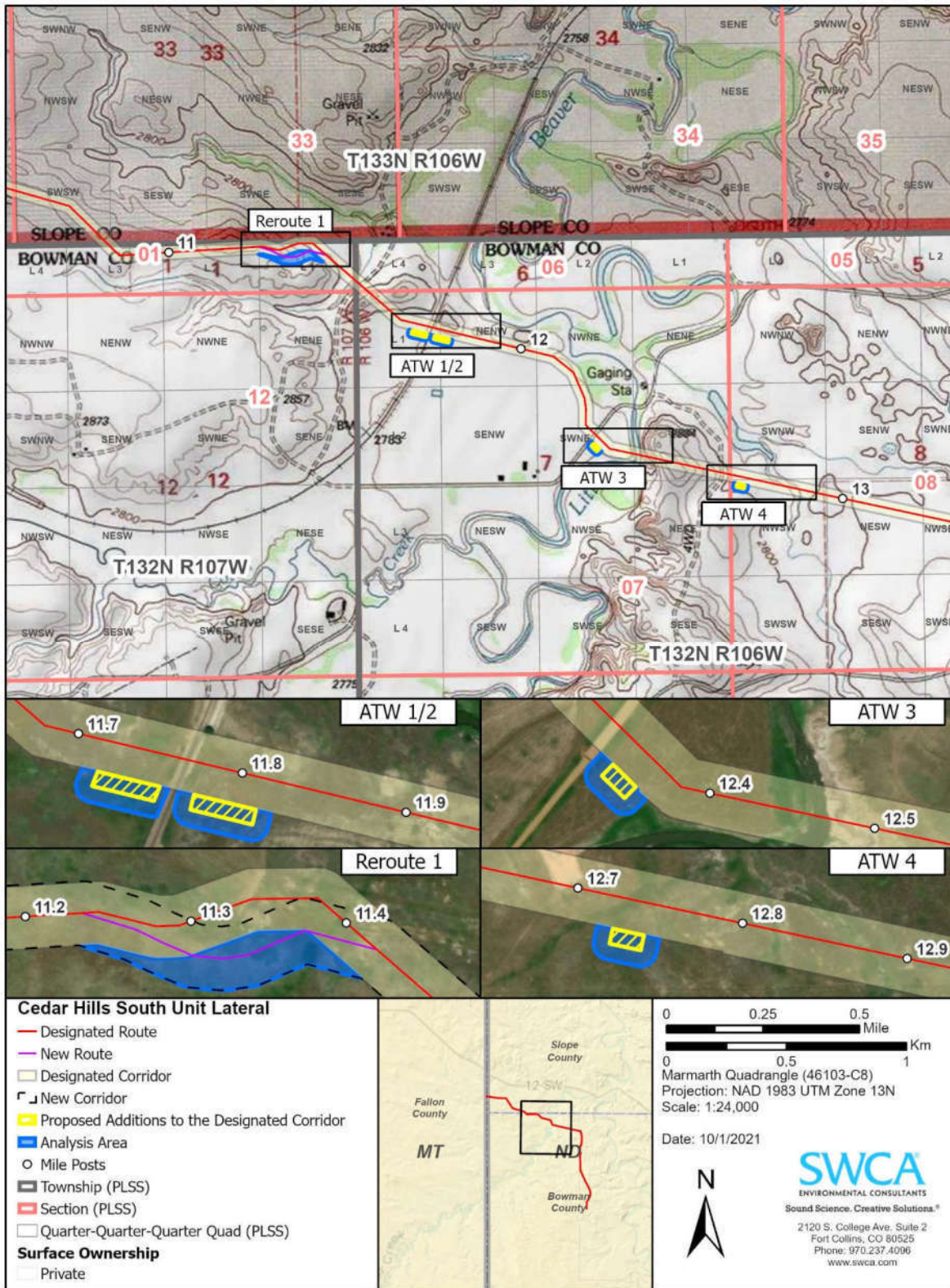


Figure 1. Map with paleontological resource analysis areas for Reroute 1 and ATWs 1 through 4.

Paleontological Resource Review of Two Routes Adjustments and Five Additions to the Designated Corridor along Denbury's Cedar Hills South Unit CO2 Lateral Pipeline, Bowman County, North Dakota

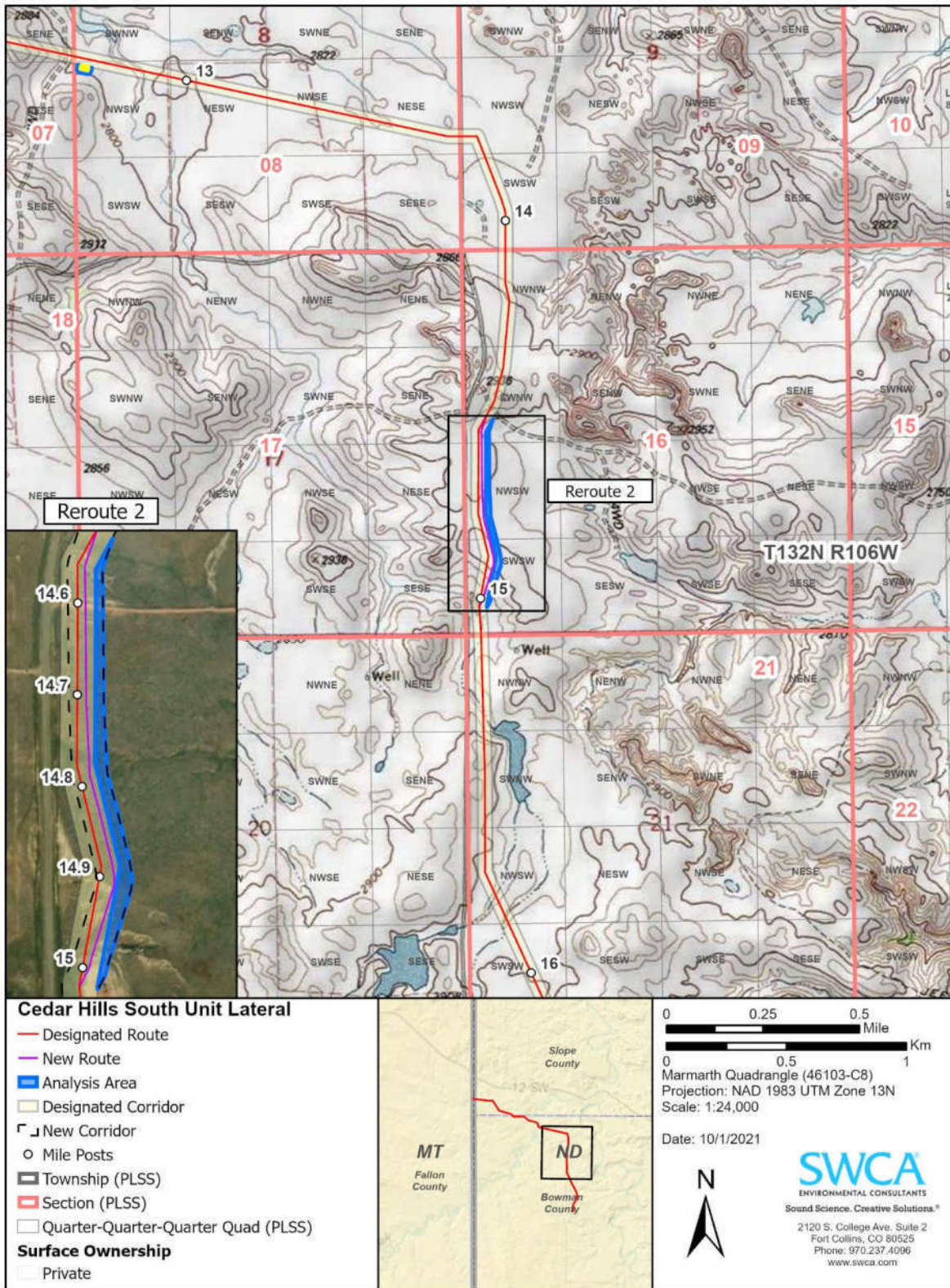


Figure 2. Map with paleontological resource analysis area for Reroute 2.

Paleontological Resource Review of Two Routes Adjustments and Five Additions to the Designated Corridor along Denbury's Cedar Hills South Unit CO2 Lateral Pipeline, Bowman County, North Dakota

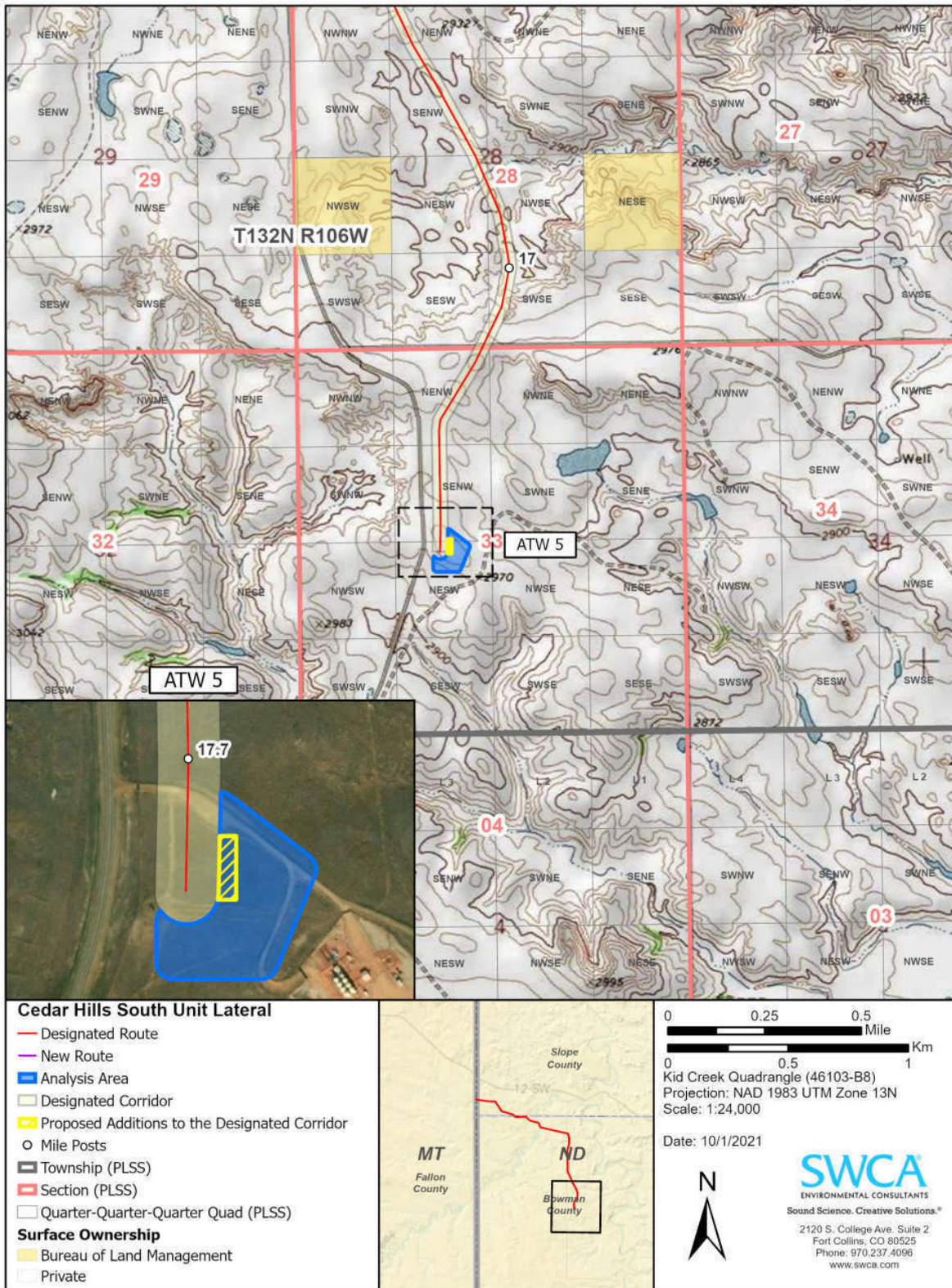


Figure 3. Map with paleontological resource analysis areas for ATW 5.

Table 1. Project Area Legal Descriptions

Infrastructure Name*	Acres Inventoried	Township	Range	Sections
Reroute 1	1.68	132N	107W	1
ATWs 1 and 2	1.01	132N	106W	7
ATW 3	0.65	132N	106W	7
ATW 4	0.42	132N	106W	8
Reroute 2	3.08	132N	106W	16
ATW 5	3.71	52N	93W	33

* See Figures 2 – 4 for locations of route adjustments (or reroutes) and additions to the designated corridor for ATWs.

According to previous geological mapping (Clayton et al. 1980), the two routes and five additional ATWs overlie the Cretaceous-age Pierre Shale Formation, the Fox Hills Formation, and the Hell Creek Formation. SWCA analyzed existing data on the Project to identify known fossil resources therein and nearby in the same geologic formation. SWCA then used that information and the Potential Fossil Yield Classification (PFYC) ranking of the underlying geologic unit to evaluate the paleontological sensitivity of the Project and to assess the potential for construction to disturb known and unknown paleontological resources. SWCA’s pre-field research included a review of geologic maps and current literature. In addition, SWCA compiled locality data from the Pioneer Trails Regional Museum and the North Dakota State Fossil Collection. No previously documented localities are within the two routes and five additional ATWs analyzed.

Information about the geology and paleontological potential of each of the route adjustments and ATW areas analyzed is summarized below:

- Reroute 1 (# CHSU-CL-003), from milepost (MP) 11.2 through MP 11.4, is in a portion of the project that was previously cleared for paleontological resources through a review of aerial imagery due to the lack of bedrock exposures. The route adjustment to the south is completely within the property of Hadley Brothers LLP and the length of segment is 0.18 miles. Terrian, and the potential for bedrock exposures of mapped Fox Hills Formation, is the same as observed in the previously analyzed area along this portion of the pipeline. The area is mostly vegetated, sloping, with some cobble-armored slopes and ridges near MP 11.3, possibly representative of unmapped Quaternary or Tertiary gravels. No pedestrian survey was conducted. Exposed paleontological resources are not expected within the route adjustment.
- ATW 1 and ATW 2, near MP 11.7 and MP 11.8, respectfully, are in a portion of the project that was previously cleared for paleontological resources through a review of aerial imagery due to lack of exposures of the mapped Pierre Shale Formation. The area is mostly vegetated with minor weathered areas (or blow outs) within the ATW 2 analysis area. Exposed paleontological resources are not expected within the ATWs.
- ATW 3, northwest of MP 12.4, is in a portion of the project that was previously cleared for paleontological resources through an aerial image review due to lack of bedrock exposures. In addition, while conducting initial pedestrian surveys nearby, a paleontologist walked through the area to access the next survey area (i.e., bedrock exposure). The area is vegetated with no exposures of the mapped Fox Hills Formation. Exposed paleontological resources are not expected within the ATW.

Paleontological Resource Review of Two Routes Adjustments and Five Additions to the Designated Corridor along Denbury's Cedar Hills South Unit CO2 Lateral Pipeline, Bowman County, North Dakota

- ATW 4, southeast of MP 12.7, is in a portion of the project that was previously cleared for paleontological resources through a visual review while conducting nearby pedestrian surveys due to a lack of bedrock exposures. The area is vegetated with no exposures of the mapped Hell Creek Formation. Exposed paleontological resources are not expected within the ATW.
- Reroute 2 (# CHSU-CL-004), from milepost MP 14.5 through MP 15, is adjacent to a portion of the project analysis area that was previously surveyed for paleontological resources. No paleontological resources were observed during initial paleontological project surveys near this reroute (Knauss et al., 2019) and no pedestrian survey was conducted for this reroute. The route adjustment is to the east within the Fischer property and the length of the segment is 0.5 miles. While there is a sandstone exposure, possibly of the mapped Hell Creek Formation within the analysis area at MP 14.9, the route shift (e.g., no more than 30 feet east) keeps most of the proposed disturbance area within the previously surveyed area and/or mostly vegetated areas. In addition, as is typical with standard paleontological survey methodology, pedestrian surveys of small exposures of this type would be unlikely to detect any significant paleontological resource. Exposed paleontological resources are not expected within the route adjustment.
- ATW 5, south of MP 17.7, is in a portion of the project that was previously cleared through an aerial image review and a visual review conducted during pedestrian paleontological surveys in the area due to lack of bedrock exposures. The area is vegetated with no exposures of the mapped Hell Creek Formation. Exposed paleontological resources are not expected within the ATW.

Sincerely,



Georgia Knauss
SWCA Paleontology Lead

REFERENCES CITED

Clayton, L., S.R. Moran, and J.P. Bluemile. 1980. Geologic Map of North Dakota. U.S. Geological Survey, Scale 1:500,000.

Knauss, G.E, V. Meyers, and A. Gerwitz. 2019. Paleontological Survey Report for the Cedar Hills South Unit CO2 Lateral Pipeline, Slope and Bowman Counties, North Dakota. SWCA Paleontological Report No. ND18-28464-01. Sheridan, Wyoming: SWCA Environmental Consultants.

Attachment 3
Class I and Class III Cultural Resource Inventory
and
SHSND Concurrence Letter



Sheridan Office
1892 South Sheridan Avenue
Sheridan, Wyoming
Tel 307.673.4303 Fax 307.673.4505
www.swca.com

October 1, 2021

Rusty Shaw
Denbury Green Pipeline – Montana, LLC
5851 Legacy Circle, Suite 1200
Plano, Texas 75024

Subject: Re-Submittal of *A Class I and Class III Cultural Resource Inventory for Two Route Adjustments and Five Proposed Corridor Additions Along Denbury's Cedar Hills South Unit CO2 Lateral Pipeline, Bowman County, North Dakota*

Dear Mr. Shaw,

SWCA Environmental Consultants (SWCA) previously conducted cultural resources inventory for the proposed Denbury Green Pipeline – Montana, LLC's (Denbury's) Cedar Hills South Unit (CHSU) Lateral Carbon Dioxide (CO₂) Pipeline Project (Project) in Slope and Bowman Counties, North Dakota. SWCA submitted a report entitled: *A Class I and Class III Cultural Resource Inventory for Two Reroutes and Five Additional Temporary Workspaces Along Denbury's Cedar Hills South Unit CO₂ Lateral Pipeline, Bowman County, North Dakota* and associated site form to the North Dakota State Historic Preservation Office (SHPO) on August 10th to assist Denbury in meeting the cultural resource requirements within the North Dakota Public Service Commission's Certificate of Corridor Compatibility and Route Permit application for the proposed project.

Since concurrence, the North Dakota Public Service Commission (NDPSC) requested updates to the application from reroute to route adjustments and additional temporary workspaces to proposed corridor additions. Attached is the report with the updated language.

The total Class III inventory consists of 10.58 acres for the areas along the proposed pipeline route adjustments and proposed corridor additions that fall outside previously surveyed areas. During the inventory, SWCA personnel recorded one isolated find (32BOX612). Isolated finds are considered to lack the historic integrity necessary to be considered eligible for the National Register of Historic Places. Based on these results, SWCA recommended a finding of No Historic Properties Affected for the CHSU pipeline reroutes and five ATWS project. SWCA received SHPO's concurrence on this report on August 16th, 2021.

Thank you for your review of this project and please let me know if you need anything further.

Sincerely,

A handwritten signature in black ink, appearing to read "Christine Varah", is written over a light blue circular stamp. The signature is fluid and cursive.

Christine Varah
Project Manager
cvarah@swca.com
307.204.3271



August 16, 2021

Project Manager Christine Varah
SWCA - Sheridan Office
1892 South Sheridan Avenue
Sheridan, WY 82801-6104

ND SHPO Ref: 19-0233 Denbury's Cedar Hills South Unit CO₂ Lateral Pipeline in portions of [T132N R106W Sections 6-9, 16, 21, 28, 33, T132N R107W Section 1, and T133N R106W Sections 31-33] Bowman and Slope Counties, North Dakota

Dear Project Manager Varah,

We received ND SHPO Ref: 19-0233 "A Class I and Class III Cultural Resource Inventory for Two Reroutes and Five Additional Temporary Workspaces Along Denbury's Cedar Hills South Unit CO₂ Lateral Pipeline, Bowman County, North Dakota" in portions of [T132N R106W Sections 7, 8, 16, 33, and T132N R107W Section 1] and find this SWCA Environmental Consultants report by Laci L. Paul and Christine Varah acceptable. We will add it to our Manuscript Collection. We also concur with no significant sites affected.

If you have any questions, please contact either Andrew Clark, Chief Archeologist at (701) 328-3574 or andrewclark@nd.gov or Lorna Meidinger, Historic Preservation Specialist at (701) 328-2089 or lbmeidinger@nd.gov.

Sincerely,

for William D. Peterson PhD
State Historic Preservation Officer
(North Dakota)

19-0233

TRACT NUMBER: CH.ND.BO.0011.000

AMENDMENT TO EASEMENT AND RIGHT OF WAY AGREEMENT

STATE OF NORTH DAKOTA §
 §
COUNTY OF BOWMAN §

This AMENDMENT TO EASEMENT AND RIGHT-OF-WAY AGREEMENT (“Amendment”), dated July 14, 2021, is by and between HADLEY BROTHERS, LLP (“Grantor,” **whether one or more**) whose address is 3515 Elk River Road, Billings, Montana 59101 and DENBURY GREEN PIPELINE-NORTH DAKOTA, LLC (“Grantee”) a Delaware limited liability company whose address is 5851 Legacy Circle, Suite 1200, Plano, Texas 75024.

WHEREAS, Grantor and Grantee entered into that certain Easement and Right-of-Way Agreement dated October 1, 2018 (the “Effective Date”) recorded as Document Number 184475 of the Official Public Records of Bowman County, North Dakota (the “Agreement”); and

WHEREAS, due to engineering and construction factors, Grantee needs to move a portion of the pipeline route that crosses Grantor’s land by more than fifty (50) feet from the pipeline route described in the Agreement and depicted on the Exhibit “A” attached thereto; and

WHEREAS, the Agreement will need to be amended to show these changes to the Easement Area (as defined in the Agreement), the Exhibit “A”, and the temporary work spaces along the pipeline route; and

WHEREAS, pursuant to paragraph 1.8 of the Agreement, Grantee is to notify Grantor and obtain approval for any changes to the Easement Area and the corresponding temporary work spaces that are moved more than fifty (50) feet in any direction from the original route; and

WHEREAS, this Amendment is intended clarify the changes to the Easement Area and the temporary work spaces, to confirm Grantor’s approval of these changes, and to amend the Agreement to specifically include the new portions of the Easement Area, the temporary work spaces, and the Exhibit “A”.

NOW, THEREFORE, in consideration of TEN and NO/100 (\$10.00) DOLLARS in hand paid and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor and Grantee agree and approve as follows:

- 1. The Easement Area, the corresponding temporary work spaces, and the Exhibit “A” of the Agreement are hereby amended to reflect and include the new portions of the pipeline route, which are more specifically described and depicted on the attached Exhibit “A” to this Amendment. The unchanged portions of the Easement Area and the temporary work spaces described in the Agreement shall remain in full force and effect.

2. Grantor hereby approves and ratifies these changes and additions to the pipeline route, the Easement Area, the temporary work spaces, and the Exhibit A of the Agreement and described herein.

3. The Agreement, and any and all other agreements, documents or instruments now or hereafter executed and delivered are hereby amended so that any reference to the Agreement shall mean a reference to the Agreement as amended by this Amendment.

4. Except as described herein, all other terms and conditions of the Agreement, including the portions of the Easement Area and the corresponding temporary work spaces that did not change, shall remain in full force and effect and Grantor and Grantee hereby ratify, confirm, and approve same.

5. Grantor and Grantee agree that the Agreement, as hereby amended, shall continue to be legal, binding, valid and enforceable in accordance with its terms. The parties further agree that the Agreement shall not be further amended except as provided and permitted under the Agreement.

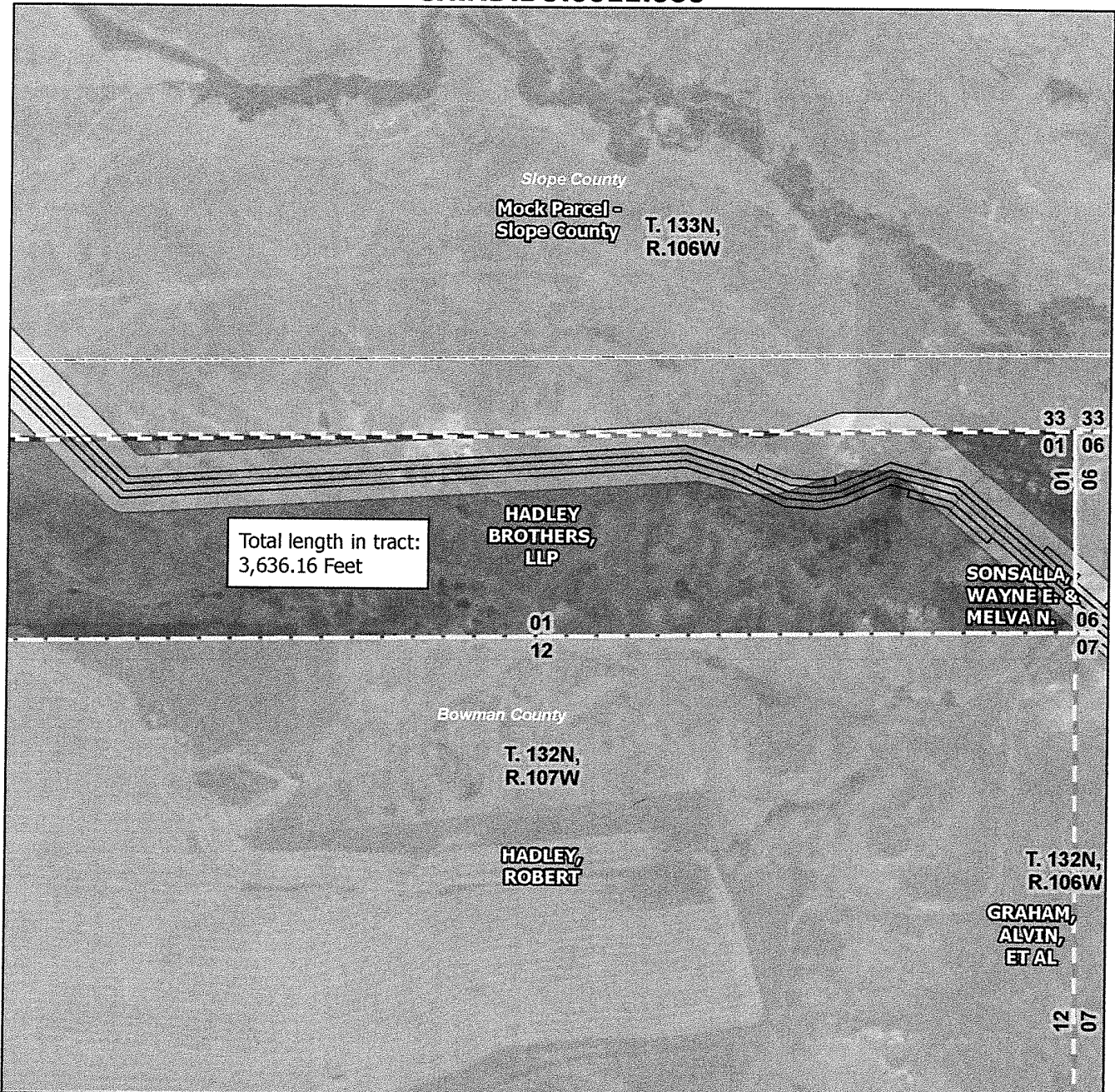
6. THE AGREEMENT, AS AMENDED HEREBY, REPRESENTS THE ENTIRE EXPRESSION OF THE PARTIES WITH RESPECT TO THE SUBJECT MATTER HEREOF ON THE DATE THIS AMENDMENT IS EXECUTED. THE AGREEMENT, AS AMENDED HEREBY, MAY NOT BE CONTRADICTED BY EVIDENCE OF PRIOR, CONTEMPORANEOUS OR SUBSEQUENT ORAL AGREEMENTS OF THE PARTIES. THERE ARE NO UNWRITTEN ORAL AGREEMENTS BETWEEN THE PARTIES.

7. All the terms, provisions, covenants, obligations, indemnities, representations, warranties and conditions of this Amendment shall be covenants running with the land and shall inure to the benefit of and be binding upon, and shall be enforceable by, the parties hereto and their respective successors and assigns.

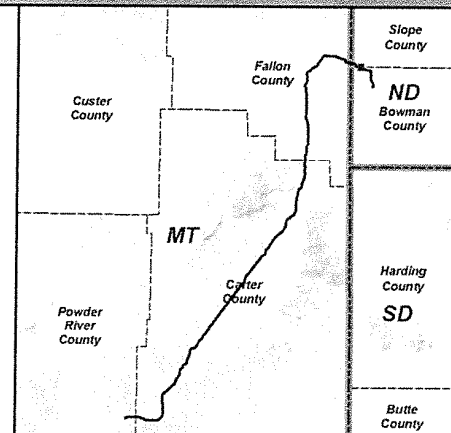
8. This Amendment may be executed in multiple counterparts with each separate counterpart consisting of a valid and binding agreement. Each of the undersigned agree that their respective signature pages and acknowledgements may be removed from their respective counterpart and attached to a single original of this Amendment. For purposes of this Amendment, facsimile or .pdf copies of signature pages shall be deemed originals.

*[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK
SIGNATURE PAGES FOLLOW]*

Exhibit "A"
CH.ND.BO.0011.000



- CHSU - Proposed Reroute**
- Project Centerline
 - Construction ROW
 - Current Survey Corridor
 - Tract Boundary
 - County Boundary
 - Township Boundary (PLSS)
 - Section Boundary (PLSS)



Cedar Hills South Unit Lateral Project
Proposed Project Change:
Hadley Property Reroute
Page 1 of 1

Coordinate System:
Name: UTM83-13F
Datum: North American 1983
Projection: Transverse Mercator
Page units: Foot US
Imagery Source: USA NAIP (USDA)

0 45 90 180
Meters

0 150 300 600
Feet

1:6,000

Date: 7/12/2021

TRACT NUMBER: CH.ND.BO.0019.000

SECOND AMENDMENT TO EASEMENT AND RIGHT OF WAY AGREEMENT

STATE OF NORTH DAKOTA §
 §
COUNTY OF BOWMAN §

This SECOND AMENDMENT TO EASEMENT AND RIGHT-OF-WAY AGREEMENT (“Second Amendment”), dated July 15, 2021, is by and between DANIEL J. FISCHER AND JOANNE I. FISCHER, husband and wife, (“Grantor,” **whether one or more**) whose address is P.O. Box 59, Marmarth, North Dakota 58643 and DENBURY GREEN PIPELINE-NORTH DAKOTA, LLC, a Delaware limited liability company (“Grantee”) whose address is 5851 Legacy Circle, Suite 1200, Plano, Texas 75024.

WHEREAS, Grantor and Grantee entered into that certain Easement and Right-of-Way Agreement dated October 1, 2018 (the “Effective Date”) recorded as Document Number 184477 of the Official Public Records of Bowman County, North Dakota (**the “Agreement”**); and into that certain Amendment to Easement and Right-of-Way Agreement dated October 1, 2018 (the “Effective Date”) recorded as Document Number 184969 of the Official Public Records of Bowman County, North Dakota (**the “Amendment”**); and

WHEREAS, due to engineering and construction factors, Grantee needs to move a portion of the pipeline route that crosses Grantor’s land by more than fifty (50) feet from the pipeline route described in the Agreement and depicted on the Exhibit “A” attached thereto; and

WHEREAS, the Agreement will need to be amended to show these changes to the Easement Area (as defined in the Agreement), the Exhibit “A”, and the temporary work spaces along the pipeline route; and

WHEREAS, pursuant to paragraph 1.8 of the Agreement, Grantee is to notify Grantor and obtain approval for any changes to the Easement Area and the corresponding temporary work spaces that are moved more than fifty (50) feet in any direction from the original route; and

WHEREAS, this Second Amendment is intended clarify the changes to the Easement Area and the temporary work spaces, to confirm Grantor’s approval of these changes, and to amend the Agreement to specifically include the new portions of the Easement Area, the temporary work spaces, and the Exhibit “A”.

NOW, THEREFORE, in consideration of TEN and NO/100 (\$10.00) DOLLARS in hand paid and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor and Grantee agree and approve as follows:

1. The Easement Area, the corresponding temporary work spaces, and the Exhibit “A” of the Agreement are hereby amended to reflect and include the new portions of the pipeline route, which are

more specifically described and depicted on the attached Exhibit "A" to this Second Amendment. The unchanged portions of the Easement Area and the temporary work spaces described in the Agreement shall remain in full force and effect.

2. Grantor hereby approves and ratifies these changes and additions to the pipeline route, the Easement Area, the temporary work spaces, and the Exhibit A of the Agreement and described herein.

3. The Agreement, and any and all other agreements, documents or instruments now or hereafter executed and delivered are hereby amended so that any reference to the Agreement shall mean a reference to the Agreement as amended by this Second Amendment.

4. Except as described herein, all other terms and conditions of the Agreement, including the portions of the Easement Area and the corresponding temporary work spaces that did not change, shall remain in full force and effect and Grantor and Grantee hereby ratify, confirm, and approve same.

5. Grantor and Grantee agree that the Agreement, as hereby amended, shall continue to be legal, binding, valid and enforceable in accordance with its terms. The parties further agree that the Agreement shall not be further amended except as provided and permitted under the Agreement.

6. THE AGREEMENT, AS AMENDED HEREBY, REPRESENTS THE ENTIRE EXPRESSION OF THE PARTIES WITH RESPECT TO THE SUBJECT MATTER HEREOF ON THE DATE THIS SECOND AMENDMENT IS EXECUTED. THE AGREEMENT, AS AMENDED HEREBY, MAY NOT BE CONTRADICTED BY EVIDENCE OF PRIOR, CONTEMPORANEOUS OR SUBSEQUENT ORAL AGREEMENTS OF THE PARTIES. THERE ARE NO UNWRITTEN ORAL AGREEMENTS BETWEEN THE PARTIES.

7. All the terms, provisions, covenants, obligations, indemnities, representations, warranties and conditions of this Second Amendment shall be covenants running with the land and shall inure to the benefit of and be binding upon, and shall be enforceable by, the parties hereto and their respective successors and assigns.

8. This Second Amendment may be executed in multiple counterparts with each separate counterpart consisting of a valid and binding agreement. Each of the undersigned agree that their respective signature pages and acknowledgements may be removed from their respective counterpart and attached to a single original of this Second Amendment. For purposes of this Second Amendment, facsimile or .pdf copies of signature pages shall be deemed originals.

*[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK
SIGNATURE PAGES FOLLOW]*

IN WITNESS WHEREOF, the undersigned have executed this instrument on the dates of the respective acknowledgments annexed hereto, but effective as of the Effective Date described herein.

GRANTOR:

Print: DANIEL J. FISCHER

Sign: *Daniel Fischer*

ACKNOWLEDGEMENT

ND
STATE OF ~~MONTANA~~ §

COUNTY OF St. Joseph §

This instrument was acknowledged before me on this 15 day of July, 2021, by **Daniel J. Fischer**.

Margaret Sonsalla
Notary Public

(SEAL)



My Commission Expires: 5-21-2022

IN WITNESS WHEREOF, the undersigned have executed this instrument on the dates of the respective acknowledgments annexed hereto, but effective as of the Effective Date described herein.

GRANTOR:

Print: JOANNE I. FISCHER

Sign: Joanne I Fischer

ACKNOWLEDGEMENT

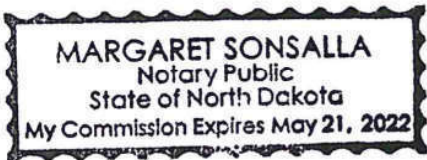
STATE OF MONTANA §

COUNTY OF Slope §

This instrument was acknowledged before me on this 15 day of July, 2021, by **Joanne I. Fischer.**

Margaret Sonsalla
Notary Public

(SEAL)



My Commission Expires: 5-21-2022

IN WITNESS WHEREOF, the undersigned has executed this instrument on the dates of the respective acknowledgments annexed hereto, but effective as of the Effective Date described herein.

GRANTEE:

DENBURY GREEN PIPELINE-NORTH DAKOTA, LLC

Print: James S. Matthews

Sign: [Signature]

Its: EVP + General Counsel

ACKNOWLEDGEMENT

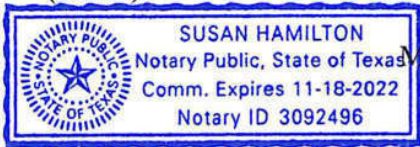
STATE OF TEXAS §
 §
COUNTY OF COLLIN §

This instrument was acknowledged before me on this the 5th day of August, 2021, by James S. Matthews, EVP & General Counsel of Denbury Green Pipeline-North Dakota, LLC, a Delaware limited liability company, on behalf of said company.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

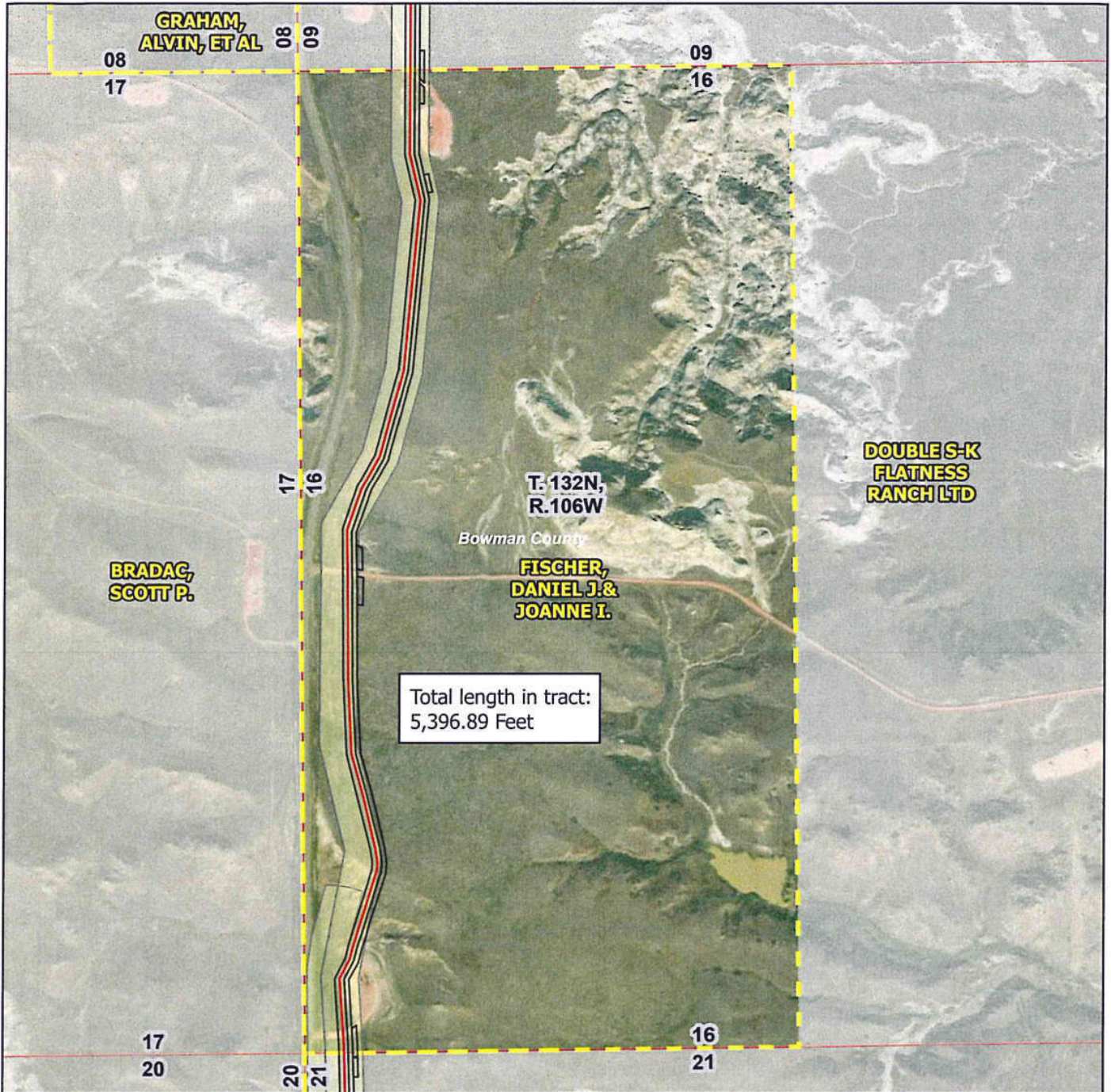
[Signature]
Notary Public

(SEAL)










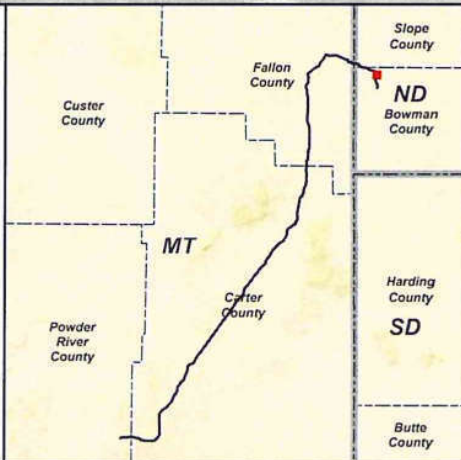
My Commission Expires: 11-18-2022

CH.ND.BO.0019.000



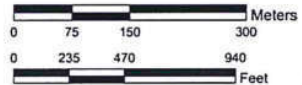
CHSU - Proposed Reroute

-  Project Centerline
-  Construction ROW
-  Current Survey Corridor
-  Tract Boundary
-  County Boundary
-  Township Boundary (PLSS)
-  Section Boundary (PLSS)



Cedar Hills South Unit Lateral Project
Proposed Project Change:
Fischer Property Reroute
 Page 1 of 1

Coordinate System:
 Name: UTM83-13F
 Datum: North American 1983
 Projection: Transverse Mercator
 Page units: Foot US
 Imagery Source: USA NAIP (USDA)



1:9,375

Date: 7/12/2021