

March 28, 2023

HAND DELIVERED

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

**RE: SCS Carbon Transport LLC
Midwest Carbon Express Project
Case No. PU-22-391**

Dear Mr. Kahl:

In response to certain requests made at the March 14, 2023 hearing in the above-captioned matter, please find enclosed herewith for filing with the North Dakota Public Service Commission, an original and five (5) copies of the following:

1. Easement acquisition update, current as of March 27, 2023; and
2. Copy of Setback Waiver.

Also enclosed herewith, please find a Compact Disc (CD) containing this letter and the above-referenced documents in PDF format.

In addition to the foregoing, a question was posed concerning the route crossing lands subject to active coal mine permits. Upon further review and consultation with the North Dakota Public Service Commission, the project route crosses the Northeast Quarter (NE¹/₄) of Section 9, Township 141 North, Range 83 West, Oliver County, North Dakota. At this time, these are the only lands identified as being subject to an active mining permit; however, SCS Carbon Transport LLC will continue to evaluate and provide additional updates should it be necessary.

Should you have any questions, please advise.

Sincerely,

/s/ Lawrence Bender

LAWRENCE BENDER

LB/tjg
Enclosures
78729047 v1

SCS ROW Progress as of March 27th, 2023

North Dakota	Parcels	ROW Miles	ROW Miles Executed	ROW Miles Executed %	Parcels Executed	Parcels Executed %
Burleigh	121	41.75	24.95	59.77%	67	55.37%
Cass	63	21.75	16.02	73.68%	46	73.02%
Dickey	91	36.76	23.63	64.29%	57	62.64%
Emmons	102	37.10	21.90	59.04%	58	56.86%
Logan	6	1.83	1.83	100.00%	5	83.33%
McIntosh	110	34.24	26.55	77.52%	84	76.36%
Morton	56	23.45	19.96	85.10%	47	83.93%
Oliver	51	18.46	16.29	88.22%	45	88.24%
Richland	172	65.11	33.83	51.96%	95	55.23%
Sargent	98	39.53	31.94	80.80%	74	75.51%
Grand Total	870	319.99	216.91	67.79%	578	66.44%

SETBACK WAIVER

Summit Carbon Solutions, LLC, an Iowa limited liability company, is proposing to install a pipeline in an area where the pipeline falls within five hundred (500) feet of an inhabited residence located on your property, described below:

Sargent County, North Dakota
Township 131 North, Range 54 West of the 5th P.M.
Section 5: SE4

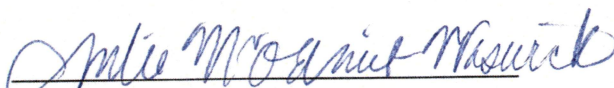
(the "Property").

Under North Dakota law (North Dakota Century Code § 49-22.1-05 and North Dakota Administrative Code § 69-06-08-02), certain geographical areas are designated as "avoidance areas" that shall not be considered in the routing of a transmission facility unless there is no reasonable alternative. One such geographical avoidance area is the area within five hundred (500) feet of a residence.

By signing this Waiver Agreement, you, as owner of the inhabited residence on the Property, acknowledge that you do not object to the placement of one of Summit Carbon Solutions, LLC's pipelines within five hundred (500) feet of said inhabited residence.

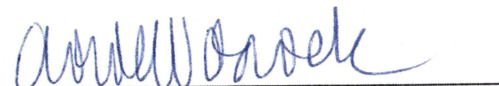
Dated this 26 day of July, 2022.

LANDOWNER:


JULIE MCDANIEL-WASWICK

P.O. Box 486
Gwinner, ND 58040

Date: 7-26-2022



OLIVIA WASWICK
P.O. Box 486
Gwinner, ND 58040

Date: 7-26-2022

~~Name: _____
P.O. Box 486
Gwinner, ND 58040~~

Date: _____

Geneva Waswick

GENEVA WASWICK
216 South Main Street
Gwinner, ND 58040

Date: 7-26-22

Cheryl E. Waswick

CHERYL E. WASWICK
3522 44th Avenue South
Fargo, ND 58104

Date: 7-26-2022

~~Name: _____
3522 44th Avenue South
Fargo, ND 58104~~

Date: _____
Gerald M. Waswick

GERALD M. WASWICK
P.O. Box 147
Gwinner, ND 58040

Date: 7-26-2022

Theresa Waswick
Theresa Waswick

Name: Theresa Waswick
P.O. Box 147
Gwinner, ND 58040

Date: 7/27/2022

James H. Waswick
JAMES H. WASWICK
8290 Leonard Street
Coopersville, MI 49404

Date: 7-26-2022
James H. Waswick

Robin Waswick
Name: Robin Waswick
8290 Leonard Street
Coopersville, MI 49404

Date: 7-26-2022