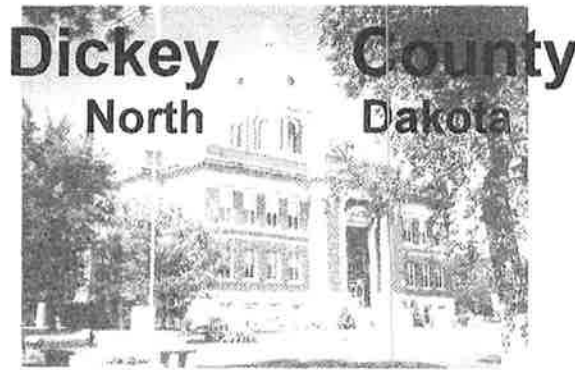


County Officers

Wanda Sheppard.....Auditor
Nada Lematta.....Treasurer
Kelly Schmidt.....Recorder
Andi Schimke.....Clerk of District Court
Kim Radermacher.....States Attorney
Chris Estes.....Sheriff
Perry Hoven.....Coroner
Daniel D. Narum.....District Judge
Don Flaherty.....Director of Tax Equalization
Dickey County Leader.....Official Newspaper



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ELLENDALE, NORTH DAKOTA 58436
PHONE: 349-3249

County Commissioners

First District
Kacey Holm.....Ellendale
Second District
Jerry Walsh.....Ellendale
Third District
Brandon Carlson.....Fullerton
Fourth District
Marke Roberts.....Oakes
Fifth District
John Hokana.....Oakes

TDD: 349-2680
FAX: 349-4639

March 7, 2023

North Dakota Public Service Commission
State Capitol – Department 408
600 East Boulevard Avenue
Bismarck, ND 58505-0480

RE: Case No. PU-22-391: SCS Carbon Transport LLC
Midwest Carbon Express CO2 Pipeline Project – Siting Application

Dear Commissioners:

The Board of County Commissioners for the County of Dickey, North Dakota, (hereinafter “Dickey County”) is in receipt of the Notice of Filings and Public Hearings filed in this matter and hereby submits this response thereto. In the notice, the Public Service Commission (hereinafter “the Commission”) sets forth several things that it must consider. First, the Commission indicates the issues to be considered in the application for waiver of procedures and time schedules are as follows: 1.) Are the proposed facilities of such length, design, location, or purpose that they will produce minimal adverse effects and that adherence to applicable procedures, requirements, and time schedules may be waived? And 2.) Is it appropriate for the Commission to waive any procedures, requirements, and time schedules as requested in the application?

Dickey County does not support the waiver of any procedures or requirements or the abbreviation of any time schedules provided under the law relative to these matters. Dickey County holds at least two meetings per month and at every meeting for the past several months there has been a group of citizens that come to voice their concerns about the proposed pipeline. Dickey County does not feel it can adequately address some of the concerns raised and that the Commission is better positioned to do that. Given the nature of the project and the number of miles, citizens, cities and counties that the project will potentially affect, Dickey County is asking that the Commission due its due diligence and take the time it is allowed by law to determine whether to grant the relief requested by SCS Carbon Transport. This is a decision that should not be taken lightly or expedited, as doing so could be detrimental to the rights of North Dakota residents.

This project consists of approximately 2,000 miles of pipeline in a footprint consisting of five different states. The proposed facilities set to be sited in North Dakota include approximately 320 miles of lateral, trunkline and mainline carbon dioxide pipeline, which traverses approximately 10 counties. In Dickey County alone there are anywhere from 45-60 landowners affected, which does not include neighbors adjacent to said landowners who

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Comments from Dickey County Board of County Commissioners
Dickey County Board of County Commissioners
John Hokana, Chairman

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PU-22-391

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JW Exhibit W119 - Bd. of County Commissioners – Dickey Cty. letter dated 03-07-23
John H. Warford, as Trustee (Intervenor)

will not materially benefit from the project. Given the enormity and nature of the project, it would be difficult to believe that there will be minimal adverse effects permitting the waiver of applicable procedures, requirements and time schedules.

Second, the notice states that the issues to be considered in the applications for a certificate of corridor compatibility and a route permit are: 1.) Will construction, operation, and maintenance of the facility at the proposed location produce minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota? 2.) Is the proposed facility compatible with environmental preservation and the efficient use of resources? 3.) Will construction, operation, and maintenance of the facility at the proposed location minimize adverse human and environmental impact while ensuring continuing system reliability and integrity and ensuring that energy needs are met and fulfilled in an orderly and timely fashion?

One of the main concerns that has been raised by Dickey County citizens is the siting of the pipeline in close proximity to residences and animal feeding operations. While a landowner that is part of the project may waive the setback requirements of siting close to their residence, adjacent landowners who are not part of the project cannot. As such, Dickey County would like to see this accounted for by the Commission when implementing any conditions as part of the permit. While some regulations only require 500 foot setbacks from residences, the residents of Dickey County would like to see a setback of at least 440 yards from both residences and animal feeding operations.

Furthermore, Dickey County would like to ensure that SCS Carbon Transport LLC and its associated companies, agents, etc. are properly bonded and insured for the entire life of the project. Again, given the enormity and nature of the project it is unknown what type of geographical or environmental impacts the pipeline will have or cause during the lifetime of the project and North Dakota residents and governments should have some peace of mind that any damages or negative impacts that may be proximately caused by the pipeline can be adequately compensated for.

Lastly, Dickey County has passed a resolution opposing the use of eminent domain by SCS Carbon Transport LLC and associated companies for acquiring property rights or easements in Dickey County. We believe that the use of eminent domain will have an adverse impact on the welfare of the citizens of North Dakota, which is a factor this Commission must consider in granting the permits requested.

This letter is not intended to be exhaustive, nor may it cover all of the concerns that have been raised by the residents of Dickey County. We believe that the public hearings that are set will be well attended and likely very insightful as to the issues we have been confronted with at the county level. We hope that you take into consideration the concerns we have raised herein, as well as the concerns that will be raised at the public hearings, in making a well-informed decision that will be beneficial to all involved.

Sincerely,

A handwritten signature in black ink, appearing to read "John Hokana". The signature is fluid and cursive, with the first name "John" and last name "Hokana" clearly distinguishable.

John Hokana
Chairman, Dickey County Board of County Commissioners