

IN THE MATTER OF THE APPLICATION
OF SCS CARBON TRANSPORT LLC FOR
A CERTIFICATE OF CORRIDOR
COMPATIBILITY AND ROUTE PERMIT
FOR THE MIDWEST CARBON EXPRESS
PROJECT IN BURLEIGH, CASS, DICKEY,
EMMONS, LOGAN, MCINTOSH,
MORTON, OLIVER, RICHLAND AND
SARGENT COUNTIES, NORTH DAKOTA.

OAH FILE NO. 20230002

[illegible]

1. I am the Senior Environmental Program Manager at Summit Carbon Solutions, LLC, and in that capacity, I have personal knowledge of the facts set forth herein.

2. Summit Carbon Solutions, LLC is the parent company of the applicant in the above-captioned matter, SCS Carbon Transport LLC (“Summit”).

3. On October 17, 2022, Summit filed with the North Dakota Public Service Commission (“Commission”) its Consolidated Application for a Certificate of Corridor Compatibility and Route Permit (“Application”) for that portion of its carbon dioxide transmission pipeline project located in the state of North Dakota (the “Project”).

4. On October 3, 2022, Summit submitted its Class III Cultural Resources Inventory Report for the Project (“Class III Report”) to the State Historic Preservation Office (“SHPO”) of the State Historical Society of North Dakota (“SHSND”).

5. By letter dated March 1, 2023, SHPO informed the Commission that it was unable to assess the Project's effect on historic and archaeological sites because Summit's Class III Report did not meet SHPO standards.

6. On March 27, 2023, I and representatives of EXP, Summit's environmental and cultural resource consultant, met with SHPO representatives, including Director Bill Peterson, to discuss the concerns raised by SHPO in its March 1, 2023 letter to the Commission.

7. On May 25, 2023, Summit submitted its revised Class III Report to SHPO for review.

8. On June 20, 2023, Erin Salisbury, Cultural Resources Program Manager at EXP, indicated to me via e-mail that SHPO would like to meet and discuss Summit's revised Class III Report. A copy of Erin Salisbury's June 20, 2023 e-mail and the related correspondence from SHPO is attached hereto and marked as **Exhibit 1**.

9. As indicated in the June 20, 2023 e-mail from Lorna Meidinger, Lead Historic Preservationist at SHSND, the revised Class III Report was a "great improvement" from the original draft. See **Exhibit 1**.

10. On June 23, 2023, I and representatives of EXP met with SHPO to discuss the matters set forth in the June 20, 2023 e-mail from Lorna Meidinger, a copy of which is included in the e-mail chain attached hereto as **Exhibit 1**.

11. At the June 23, 2023 meeting, Summit was instructed to submit a comprehensive, amended Class III Report instead of supplementing its original Class III Report with information obtained subsequent to the submission of the original Class III Report.

12. Subsequent to the June 23, 2023 meeting, Summit and EXP worked diligently to complete the amended Class III Report and said amended report was finalized by EXP on August

7, 2023, three days after the Commission issued its order denying Summit's request for a certificate of corridor compatibility and route permit.

13. It is my understanding that SHPO will not issue a concurrence letter until it has all of the information it needs concerning archeological and cultural resources along the Project route.

14. Summit has been denied access to many tracts along the Project route for the purpose of conducting cultural resource surveys.

15. Summit is, and will be, unable to provide SHPO with all of the information it needs until such time as Summit is able gain access, whether voluntarily or by court order, for surveys on the remaining tracts along the Project route.

16. As of the date of this declaration, Summit has conducted surveys on 849 of 929 tracts along the proposed route, as adjusted, or approximately 91% of the tracts.

I declare, under penalty of perjury under the laws of the State of North Dakota, that the foregoing is true and correct.

Dated this 18th day of August, 2023.



Jason Zoller
Summit Carbon Solutions, LLC

From: Erin Salisbury <Erin.Salisbury@exp.com>
Sent: Tuesday, June 20, 2023 10:15 AM
To: Jason Zoller
Cc: Zonna Barnes
Subject: Fwd: Midwest Carbon Express Project: ND Report and Site form Discussion

Jason, see below. Would you like to participate in the meeting? And if so, what's your availability Friday morning?

From: Meidinger, Lorna B. <lbmeidinger@nd.gov>
Sent: Tuesday, June 20, 2023 7:41 AM
To: Zonna Barnes <Zonna.Barnes@exp.com>; Erin Salisbury <Erin.Salisbury@exp.com>; Robinson, Andrew J. <andrewrobinson@nd.gov>
Cc: Clark, Andrew <andrewclark@nd.gov>
Subject: Midwest Carbon Express Project: ND Report and Site form Discussion



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Good morning,

We would like to setup a call this week to discuss the site forms that were recently submitted and the ND Revised Report.

The report is a great improvement from the original draft and we appreciate the additional information for historic sites and inclusion of site leads/isolated finds. We would like to discuss the inclusion of those resources into the current report vs a separate addendum report.

We also have a few questions about the new forms, in particular about mentions of cultural heritage sites that we do not have records for in our database.

Please let us know a date and time that works for you. As of now, Friday morning is our best option, but we maybe be able to work an hour or so on Wednesday mid-day.

Respectfully,

Lorna Meidinger
Lead Historic Preservationist
State Historical Society of North Dakota
612 E Boulevard Ave
Bismarck, ND 58505
701.328.2089

----- This communication may contain confidential and proprietary information. DO NOT DISCLOSE. -----
