

October 31, 2023

HAND DELIVERED

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

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

Dear Mr. Kahl:

On October 17, 2023, the North Dakota Public Service Commission ("Commission") submitted certain supplemental filings ("Supplemental Filings") and data requests ("Data Requests") to SCS Carbon Transport LLC ("Summit") in the above-referenced case. *See* Docket No. 409. The Commission requested Summit to provide the Supplemental Filings "at such time that it believes it has sufficient data and supporting documentation to adequately address the requested filings." *Id.* The Commission requested that Summit provide answers to the Data Requests "within 14 days of receipt." *Id.* Summit is in the process of gathering the information it needs to adequately address the requested Supplemental Filings.

Executive Summary

Summit has made significant progress in addressing deficiencies referenced in the Commission's Findings of Fact, Conclusions of Law and Order ("Order") issued on August 4, 2023 (Docket No. 375) since filing its Petition for Reconsideration on August 18, 2023 (Docket No. 371). Specifically, Summit has:

- Reduced the Project Corridor width from 300 feet to 200 feet.
- Rerouted the pipeline to extend approximately 9.5 miles further north of the City of Bismarck, avoiding known development areas. *See Exhibit A* attached hereto.
- Rerouted the pipeline to completely avoid properties owned by Kevin Bernhardt, Bruce Doolittle, Rose Dotzenrod, as well as Julie and Cole Vculek.
- Rerouted the pipeline or utilized horizontal direction drills to eliminate the surface impacts on Game Management Areas (specifically Waterfowl Production Areas, as identified in the August 4, 2023 Order).

To date, Summit has conducted initial field surveys on approximately 78% of the parcels crossed by the reroutes and is actively negotiating to acquire rights-of-way. The revised pipeline route is approximately 333 miles in length. Additional detail, including maps depicting the reroutes, are included with this response. *See Exhibit A* and *Exhibit B* attached hereto.

Summit has confirmed the revised pipeline route complies with the 500-foot setback requirement at all locations except for the same location previously identified by Summit in prior filings and for which Summit has obtain a setback waiver. Summit has also confirmed with BNI Coal, Ltd. (“BNI”) that Summit’s revised route will be located outside of BNI’s disturbance plans and will not impact BNI’s mining permit. Documentation supporting this progress will be provided prior to or at the rehearing on Summit’s Petition for Reconsideration.

The requested Supplemental Filings will be submitted when sufficient data and documentation is available and prior to a hearing. Summit responds to the Commission’s Data Requests as follows:

3.2 Please Identify by county any landowners and parcels crossed by the proposed corridor that were not crossed by the originally proposed corridor.

RESPONSE:

Table DR 3.2-1 identifies all new parcels and corresponding landowners crossed by the updated project corridor since the Commission’s August 4, 2023 Order. The new parcels in Table DR 3.2-1 are a result of the Bismarck reroute, reroutes to completely avoid properties owned by Kevin Bernhardt, the Doolittles, the Dotzenrods, as well as Julie and Cole Vculek; and reroutes or installation of horizontal direction drills to eliminate the surface impacts on Game Management Areas.

Table DR 3.2-2 identifies the new parcels and corresponding landowners that are crossed by the project corridor as a result of reroutes that were implemented after Summit filed its Consolidated Application for a Certificate of Corridor Compatibility and Route Permit on October 17, 2022 (“Application”), but before the Commission’s August 4, 2023 Order.

All individual landowners in Tables DR 3.2-1 and DR 3.2-2 have been notified for survey access.

Table DR 3.2-1 – New Parcels and Corresponding Landowners Crossed by the Current Proposed Project Corridor as a Result of Reroutes Implemented Since the Commission’s August 4, 2023 Order

County	Parcel Number	Landowner	Section
Burleigh	ND-BU-0986.100	McCormick Ranch, Inc.	Sec 31/ 140N 78W
Burleigh	ND-BU-0986.102	McCormick Ranch, Inc.	Sec 30/ 140N 78W
Burleigh	ND-BU-0986.104	McCormick Ranch, Inc.	Sec 30/ 140N 78W
Burleigh	ND-BU-0986.105	Marvin Sherman	Sec 19/ 140N 78W
Burleigh	ND-BU-0986.107	Marvin Sherman	Sec 19/ 140N 78W

County	Parcel Number	Landowner	Section
Burleigh	ND-BU-0986.109	Randall R Ryberg	Sec 18/ 140N 78W
Burleigh	ND-BU-0986.111	Randall R Ryberg	Sec 18/ 140N 78W
Burleigh	ND-BU-0986.113	Randall R Ryberg	Sec 07/ 140N 78W
Burleigh	ND-BU-0986.115	Randall R Ryberg	Sec 07/ 140N 78W
Burleigh	ND-BU-0986.117	Randall R Ryberg	Sec 06/ 140N 78W
Burleigh	ND-BU-0986.119	Randall R Ryberg	Sec 06/ 140N 78W
Burleigh	ND-BU-0986.121	Alfred Ryberg	Sec 33/ 141N 78W
Burleigh	ND-BU-0986.123	Alfred Ryberg	Sec 33/ 141N 78W
Burleigh	ND-BU-0986.125	Matthew S. Fricke	Sec 32/ 141N 78W
Burleigh	ND-BU-0986.127	Matthew S. Fricke	Sec 29/ 141N 78W
Burleigh	ND-BU-0986.129	Matthew S. Fricke	Sec 29/ 141N 78W
Burleigh	ND-BU-0986.133	Matthew S. Fricke	Sec 29/ 141N 78W
Burleigh	ND-BU-0986.184	David D Andahl	Sec 34/ 141N 80W
Burleigh	ND-BU-0986.186	Roxanne M Dallmann	Sec 33/ 141N 80W
Burleigh	ND-BU-0986.188	Mark P McDermott	Sec 33/ 141N 80W
Burleigh	ND-BU-0986.190	Jay T. Pahlke	Sec 32/ 141N 80W
Burleigh	ND-BU-0986.191	Jay T. Pahlke	Sec 01/ 140N 81W
Burleigh	ND-BU-0986.192	Jay T. Pahlke	Sec 32/ 141N 80W
Burleigh	ND-BU-0986.193	Bradley A. Sether	Sec 02/ 140N 81W
Burleigh	ND-BU-0986.196	Larry D Wall	Sec 02/ 140N 81W
Burleigh	ND-BU-0986.197	Joshua Seil	Sec 02/ 140N 81W
Burleigh	ND-BU-0986.335 ¹	Baldwin Cemetery	Sec 19/ 141N 79W
Burleigh	ND-BU-0986.502	Clark E. Coleman	Sec 30/ 141N 78W
Burleigh	ND-BU-0986.503	Scott Hirning	Sec 30/ 141N 78W
Burleigh	ND-BU-0986.504	Clark E. Coleman	Sec 30/ 141N 78W
Burleigh	ND-BU-0986.511	Clark E. Coleman	Sec 25/ 141N 79W
Burleigh	ND-BU-0986.513	Ray Wald	Sec 25/ 141N 79W
Burleigh	ND-BU-0986.516 ¹	Sherri A. Landsiedel	Sec 23/ 141N 79W
Burleigh	ND-BU-0986.518 ¹	Sherri A. Landsiedel	Sec 23/ 141N 79W
Burleigh	ND-BU-0986.521	Gerald S Waltos	Sec 22/ 141N 79W
Burleigh	ND-BU-0986.522	Estate of Beverly Coleman	Sec 26/ 141N 79W
Burleigh	ND-BU-0986.523	Gerald S Waltos	Sec 22/ 141N 79W
Burleigh	ND-BU-0986.524	Estate of Beverly Coleman	Sec 27/ 141N 79W
Burleigh	ND-BU-0986.525	Gerald S Waltos	Sec 27/ 141N 79W
Burleigh	ND-BU-0986.526	Gerald S Waltos	Sec 21/ 141N 79W
Burleigh	ND-BU-0986.527	Gerald S Waltos	Sec 21/ 141N 79W
Burleigh	ND-BU-0986.529	Randall L. Fricke	Sec 21/ 141N 79W

County	Parcel Number	Landowner	Section
Burleigh	ND-BU-0986.531	Randall L. Fricke	Sec 20/ 141N 79W
Burleigh	ND-BU-0986.532	Randall L. Fricke	Sec 20/ 141N 79W
Burleigh	ND-BU-0986.533	Randall L. Fricke	Sec 20/ 141N 79W
Burleigh	ND-BU-0986.534	Scott M Coleman	Sec 19/ 141N 79W
Burleigh	ND-BU-0986.535 ¹	Scott M Coleman	Sec 19/ 141N 79W
Burleigh	ND-BU-0986.536	Scott M Coleman	Sec 19/ 141N 79W
Burleigh	ND-BU-0986.538	Betty L. Lenihan	Sec 24/ 141N 80W
Burleigh	ND-BU-0986.546	Clarence A Hein and Rachel B Hein Revocable Living Trust under Agreement dated November 21, 2022	Sec 23/ 141N 80W
Burleigh	ND-BU-0986.547	Brent Earsley	Sec 26/ 141N 80W
Burleigh	ND-BU-0986.549	Beverly Schonert	Sec 27/ 141N 80W
Burleigh	ND-BU-0986.551	James P. Bourgois	Sec 27/ 141N 80W
Burleigh	ND-BU-0986.552	James P. Bourgois	Sec 27/ 141N 80W
Burleigh	ND-BU-0986.553	Beverly Schonert	Sec 34/ 141N 80W
Burleigh	ND-BU-0986.557	Beverly Schonert	Sec 34/ 141N 80W
Burleigh	ND-BU-0986.559	Beverly Schonert	Sec 34/ 141N 80W
Burleigh	ND-BU-0987.531	Randall L. Fricke	Sec 20/ 141N 79W
Burleigh	ND-BU-0987.538	Lee Wilson	Sec 24/ 141N 80W
Burleigh	ND-BU-0988.537	Marvin D. Riskevich	Sec 24/ 141N 80W
Burleigh	ND-BU-1079.000	Paul Andahl	Sec 03/ 140N 81W
Burleigh	ND-BU-1080.000	Paul Andahl	Sec 03/ 140N 81W
Burleigh	ND-BU-1082.000	North Dakota Conference Association of Seventh-Day Adventists	Sec 03/ 140N 81W
Burleigh	ND-BU-1085.100 ¹	The North Dakota Conference of Seventh-Day Adventists	Sec 04/ 140N 81W
Burleigh	ND-BU-52-141-79-00-20-410 ¹	Central Power Electric Co-op	Sec 20/ 141N 79W
Dickey	ND-DI-211-01509001	United States of America	Sec 29/ 130N 59W
Dickey	ND-DI-211-01510001	United States of America	Sec 29/ 130N 59W
Dickey	ND-DI-211-143.100	William W Freeland	Sec 28/ 130N 59W

County	Parcel Number	Landowner	Section
Dickey	ND-DI-211-143.120	Kasowski Russet, LLP	Sec 28/ 130N 59W
Dickey	ND-DI-211-146.100	Gary Visto	Sec 29/ 130N 59W
Dickey	ND-DI-211-147.100	Cyndra Hokana	Sec 29/ 130N 59W
Dickey	ND-DI-211-148.100	United States of America	Sec 30/ 130N 59W
Dickey	ND-DI-211-208.000	Zach Hofer	Sec 29/ 129N 62W
Emmons	ND-EO-0872.100	Paul Leier	Sec 09/ 133N 74W
Emmons	ND-EO-0874.100	Paul Leier	Sec 09/ 133N 74W
Emmons	ND-EO-0875.100	Patty Rohrich	Sec 05/ 133N 74W
Emmons	ND-EO-0874.130	Kevin Leier	Sec 05/ 133N 74W
Emmons	ND-EO-0874.132	Kevin Leier	Sec 32/ 134N 74W
Emmons	ND-EO-0874.134	Kevin Leier	Sec 32/ 134N 74W
Emmons	ND-EO-0874.135 ¹	Kevin Leier	Sec 29/ 134N 74W
Emmons	ND-EO-0874.136	Rodney M. Jacob	Sec 29/ 134N 74W
Emmons	ND-EO-0874.137	Bernhardt Family Real Estate LLLP	Sec 30/ 134N 74W
Emmons	ND-EO-0875.137	Bernhardt Family Real Estate LLLP	Sec 30/ 134N 74W
Emmons	ND-EO-0876.137	Bernhardt Family Real Estate LLLP	Sec 30/ 134N 74W
Emmons	ND-EO-0877.137	Kevin Leier	Sec 30/ 134N 74W
Emmons	ND-EO-0883.100	Kevin Leier	Sec 30/ 134N 74W
Emmons	ND-EO-0884.100	Kevin Leier	Sec 19/ 134N 74W
Emmons	ND-EO-0885.110	Bernhardt Family Real Estate LLLP	Sec 24/ 134N 75W
Emmons	ND-EO-0886.110	Larry K & Ramona R. Humann Family Trust	Sec 24/ 134N 75W
Emmons	ND-EO-0891.100	ND Department of Trust Lands	Sec 16/ 134N 75W
Emmons	ND-EO-0899.100	Florence Wagner	Sec 05/ 134N 75W
Emmons	ND-EO-0899.103 ¹	Florence Wagner	Sec 05/ 134N 75W
Emmons	ND-EO-0899.105 ¹	Susan E Bier	Sec 32/ 135N 75W
Emmons	ND-EO-0899.107 ¹	Susan E Bier	Sec 32/ 135N 75W
Emmons	ND-EO-0899.110	Virgie Bundy	Sec 06/ 134N 75W

County	Parcel Number	Landowner	Section
Emmons	ND-EO-0899.120	Bier, Jerome D Living Trust	Sec 31/ 135N 75W
Emmons	ND-EO-0899.130	Philip J. Humann	Sec 31/ 135N 75W
Emmons	ND-EO-0899.140	Philip J. Humann	Sec 31/ 135N 75W
McIntosh	ND-MC-0740.110	DRC Partnership LLLP	Sec 28/ 129N 70W
Richland	ND-RI-321-079.100	Thomas Kubela	Sec 29/ 132N 47W
Notes: ¹ Parcel not crossed by pipeline right-of-way, only temporary access road.			

Table DR 3.2-2 – New Parcels and Corresponding Landowners Crossed by the Current Proposed Project Corridor Which Were Implemented After Summit Filed its Application on October 17, 2022, But Prior to the Commission’s August 4, 2023 Order

County	Parcel Number	Landowner	Section
Burleigh	ND-BU-0984.123	Aberle Land LLP	Sec 29/ 139N 78W
Burleigh	ND-BU-0985.122	Burleigh County	Sec 29/ 139N 78W
McIntosh	ND-MC-0797.100	Sharon Standley Papineau	Sec 25/ 131N 72W
Morton	ND-MO-1201.310 ¹	Tana Trotter	Sec 06/ 140N 81W
Morton	ND-MO-1201.320 ¹	Tana Trotter	Sec 06/ 140N 81W
Oliver	ND-OL-1273.100	Ben B. Gerving	Sec 10/ 141N 86W
Richland	ND-RI-211-011.300	Debra Johnson Irrevocable Trust, Dated July 6 1998	Sec 04/ 131N 51W
Richland	ND-RI-211-012.300	Debra Johnson Irrevocable Trust, Dated July 6 1998	Sec 04/ 131N 51W
Richland	ND-RI-324-071.000	Bruce T. Andvik	Sec 17/ 136N 51W
Richland	ND-RI-324-095.100	Marjean A Currie	Sec 23/ 135N 51W
Richland	ND-RI-324-096.100	Ulven Family Farm LLLP	Sec 26/ 135N 51W
Richland	ND-RI-324-10-0000-02157.025	Richland County, North Dakota	Sec 02/ 134N 51W
Richland	ND-RI-324-122.100	Michael G. Hoffert	Sec 11/ 133N 51W
Richland	ND-RI-324-123.110	Michael G. Hoffert	Sec 11/ 133N 51W

County	Parcel Number	Landowner	Section
Richland	ND-RI-324-123.120	Michael G. Hoffert	Sec 11/ 133N 51W
Richland	ND-RI-324-124.100	Robert J. Hoffert	Sec 14/ 133N 51W

Notes: ¹ Parcel not crossed by pipeline right-of-way, only temporary access road.

3.3 Please identify what percentage of easements have been obtained by county.

RESPONSE: Table DR 3.3, below, identifies the percentage of easements, represented in right-of-way (“ROW”) miles acquired, that have been obtained by county as of October 26, 2023.

Table DR 3.3 identifies the mileage of executed easements for each county secured by Summit based on the October 26, 2023 project corridor which incorporates all reroutes referenced herein.

Table DR 3.3 – Percentage of Easements Executed by County

Summit Right-of-Way (ROW) Progress as of October 26, 2023			
North Dakota	Total ROW Miles	Miles of Easements Executed	% of Miles of ROW Easements Executed
Burleigh	50.89	20.90	41.06% ¹
Cass	22.41	19.92	88.86%
Dickey	37.51	25.18	67.13% ¹
Emmons	37.83	21.08	55.73% ¹
Logan	1.83	1.83	100.00%
McIntosh	34.45	32.40	94.05%
Morton	23.54	21.29	90.44%
Oliver	18.40	16.97	92.22%
Richland	65.73	49.96	76.01%
Sargent	39.70	32.38	81.55%
Grand Total	332.29	241.90	72.80%

Notes:¹ The decrease in the percentage of easements acquired in Burleigh, Dickey, and Emmons County compared to the SCS Right-of-Way Progress table filed to the docket on July 11, 2023 ([355-010.pdf \(nd.gov\)](#)) is predominantly due to the implementation of the Bismarck reroute and reroutes to avoid the Bruce Doolittle, Cole and Julie Vculek, Rose Dotzenrod, and Kevin Bernhardt properties.

3.4 The Petition for Reconsideration noted efforts underway or completed to address the concerns of 4 separate landowners who voiced concerns during the hearing. What is the status of each of the reroutes or efforts to satisfy those landowners?

RESPONSE: Summit will completely avoid the properties owned by Kevin Bernhardt, Bruce Doolittle, Rose Dotzenrod, as well as Cole and Julie Vculek. Summit is in the process of completing the required field surveys and actively negotiating with landowners to secure easement agreements. The maps attached as **Exhibit B** depict the reroutes that have been implemented into the current project route to avoid the four separate landowners. The following is a summary of the implemented reroutes as well as the status of environmental and civil survey.

Bernhardt (Kevin Bernhardt)

- Reroute is approximately 8.3 miles in length.
- Environmental surveys conducted along 90% of the reroute.
- Civil surveys conducted along 50% of the reroute.
- See **Exhibit B** for an overview of the implemented reroute.

Doolittle (Bruce Doolittle)

- Two reroutes have been implemented. One reroute is approximately 3.9 miles in length and the second reroute is approximately 1.1 miles in length.
- Environmental and civil surveys conducted along 78% of the reroutes.
- See **Exhibit B** for an overview of implemented reroute.

Dotzenrod (Rose Dotzenrod)

- Reroute is approximately 2.0 miles in length.
- Environmental and civil surveys conducted along 86% of the of the reroute.
- See **Exhibit B** for an overview of the implemented reroute.

Vculek (Julie and Cole Vculek)

- Two reroutes have been implemented. One reroute is approximately 0.8 miles in length and the second reroute is approximately 4.3 miles in length.
- Environmental and civil surveys conducted along 100% of the of the reroute around Julie Vculek and for the reroute around Cole Vculek, Summit has surveyed one parcel and plans to survey the remaining route during fall 2023 (weather pending).
- See **Exhibit B** for an overview of the implemented reroutes.

3.5 What is the current number of suppliers signed up to utilize the proposed pipeline.

RESPONSE: As of the date of this response, Summit has firm commitments from thirty-three (33) suppliers, broken down by state as follows:

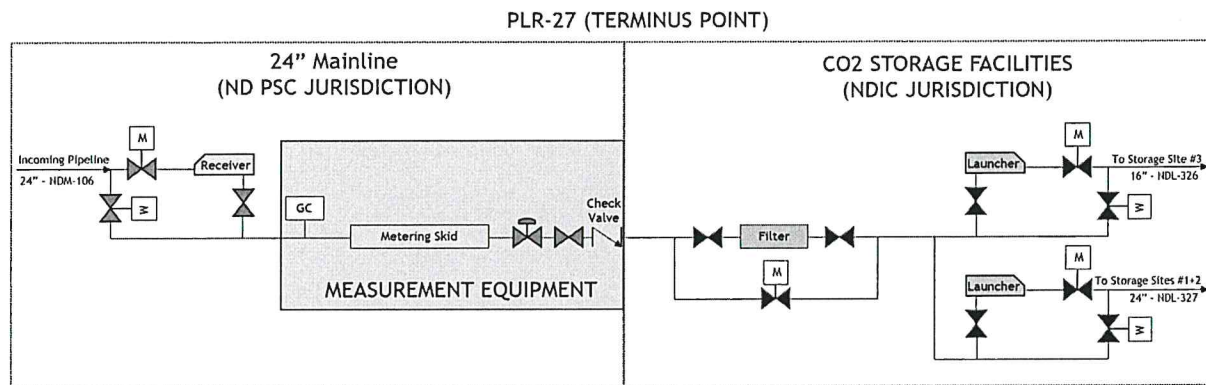
State	Number of Suppliers
Iowa	14
Minnesota	6
Nebraska	3
North Dakota	1
South Dakota	9

3.6 Please provide a description of the pipeline's operations in relation to currently proposed injection fields.

RESPONSE: The following response is provided with the understanding that the storage facilities, wells, flow lines and other facilities discussed herein, including the flow line easements and pore space agreements, each fall under the jurisdiction of the North Dakota Industrial Commission ("NDIC").

The 24-inch mainline (NDM-106) will terminate at a surface facility (PLR-27¹) in Oliver County, North Dakota, ("Terminus Point") near the boundary of the Summit pore space area associated with the sequestration/storage facility under the jurisdiction of the NDIC. Also located at this Terminus Point will be measurement equipment (Coriolis Meters). The demarcation between the 24-inch mainline under the jurisdiction of the Commission and the storage facility under the jurisdiction of the NDIC is the downstream flange of the check valve on the downstream end of the measurement equipment.

¹ In the October 17, 2022 Application, the surface facility as the Terminus Point was pumps station MPS-10. Since the original permit filing, the location of MPS-10 has been moved to the east optimize hydraulics. The new location is at milepost 166.9 on NDM-106. The current surface facility at the Terminus Point is launcher and receiver site PLR-27.



The storage area will consist of three separate carbon dioxide (CO₂) injection locations with two injection wells located at each site. One injection location is located in Mercer County (BK Fischer) and two injection locations will be located in Oliver County (TB Leingang and KJ Hintz). Each injection wellsite will be operated by individual operators: Summit Carbon Storage #1 ("SCS1"); Summit Carbon Storage #2, LLC ("SCS2"); and Summit Carbon Storage #3, LLC ("SCS3"), all subsidiaries of SCS Permanent Carbon Storage ("SCSPCS"). Each proposed injection location surface use area covers approximately 30,000 acres and will include up to two Broom Creek injection wells, a dedicated Broom Creek Formation stratigraphic and reservoir-monitoring well, and a dedicated monitoring well(s) for the lowest underground source of drinking water.

Each site will also have associated surface facility infrastructure that will accept CO₂ transported via a CO₂ flowline. Approximately 19 miles of flowlines will deliver the CO₂ from the terminus point to the individual injection locations, these flowlines range from 16-inch to 24-inch. The transmission pipeline and sequestration area flowlines extending to the individual injection well sites will be operated as one integrated SCADA system with data flowing to a single Operations Control Center (located in Ames, IA). This integration will allow SCS1, SCS2, SCS3, SCSPCS, and Summit to share operational data and controls in real-time and ensure operational parameters (e.g., flowline pressures) are safely maintained. Operating agreements between SCS1, SCS2, SCS3, SCSPCS and Summit will include, but are not limited to, defining financial responsibilities, measurement and custody transfers, data access and data sharing, and general operations including leak detection and reporting, emergency response, monitoring, and maintenance of the flowlines.

The proposed flowlines and associated structures will be designed, constructed, inspected, tested, and operated in accordance with applicable requirements and regulations, including, without limitation, the U.S. Department of Transportation regulations in Title 49 Code of Federal Regulations Part 195, Transportation of Hazardous Liquids by Pipeline, American Society of

Mechanical Engineers Standard B 31.4, and American Petroleum Institute (“API”) Standard 1104 Welding of Pipelines and Related Facilities. The pipeline will be constructed of high-strength carbon steel pipe, exceeding the API 5L Pipe Specification. API 5L is the industry standard specification for seamless and welded steel line pipes used in pipeline transportation systems, including the energy industry.

Summit has secured easements from landowners for all (100%) of the 19-miles of the proposed flowlines. Summit also has agreements with landowners for the proposed injection sites and secured agreements for use of the pore space with 89% of the surface ownership within the storage areas.

3.7 *What is the status of federal and state permits for the proposed Missouri River Crossing?*

RESPONSE: Table DR 3.7 sets forth the status of all state and federal permits required for the Missouri River crossing in the State of North Dakota.

Table DR 3.7 - Status of All State and Federal Permits Required for the Missouri River Crossing in the State of North Dakota.

Permit	Status
Section 408 Review	The Omaha District of the U.S. Army Corps of Engineers (“USACE”) has completed their Section 408 Review and issued a letter on May 24, 2023, that stated: <i>“...project will not result in alterations to, or temporarily or permanently occupy or use, any US Army Corps of Engineers (USACE) federally authorized Civil Works project under 33 USC 408 (Section 408) within the Omaha District. The Missouri River crossings will not require a Section 408 permission.”</i> A copy of the USACE letter is enclosed herewith and marked as Exhibit C.
Section 404 CWA & Section 10 RHA	Summit requested authorization for the Missouri River crossing under Section 404 of the Clean Water Act (“CWA”) and Section 10 of the Rivers and Harbors Act (“RHA”) as part of the Project’s Pre-Construction Notification (“PCN”) for Nationwide Permit 58. The PCN was submitted to the Omaha District of the USACE on October 3, 2023, and Summit continues to work with the USACE regarding authorization for the Missouri River crossing and anticipates such authorization to be granted in the fourth quarter of 2024.

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Permit	Status
ESA & Section 106 NHPA	As part of Nationwide Permit 58 authorization process, the USACE will require all permitted impacts to waters of the U.S. to be compliant with the Endangered Species Act ("ESA") and Section 106 of the National Historic Preservation Act ("NHPA").
Section 401 Water Quality Certification	Section 401 Water Quality Certification will be granted for the crossing automatically as part of the USACE's nationwide permit program.

A compact disc (CD) containing a copy of this letter and a certificate of service is also enclosed herewith. Should you have any questions, please advise.

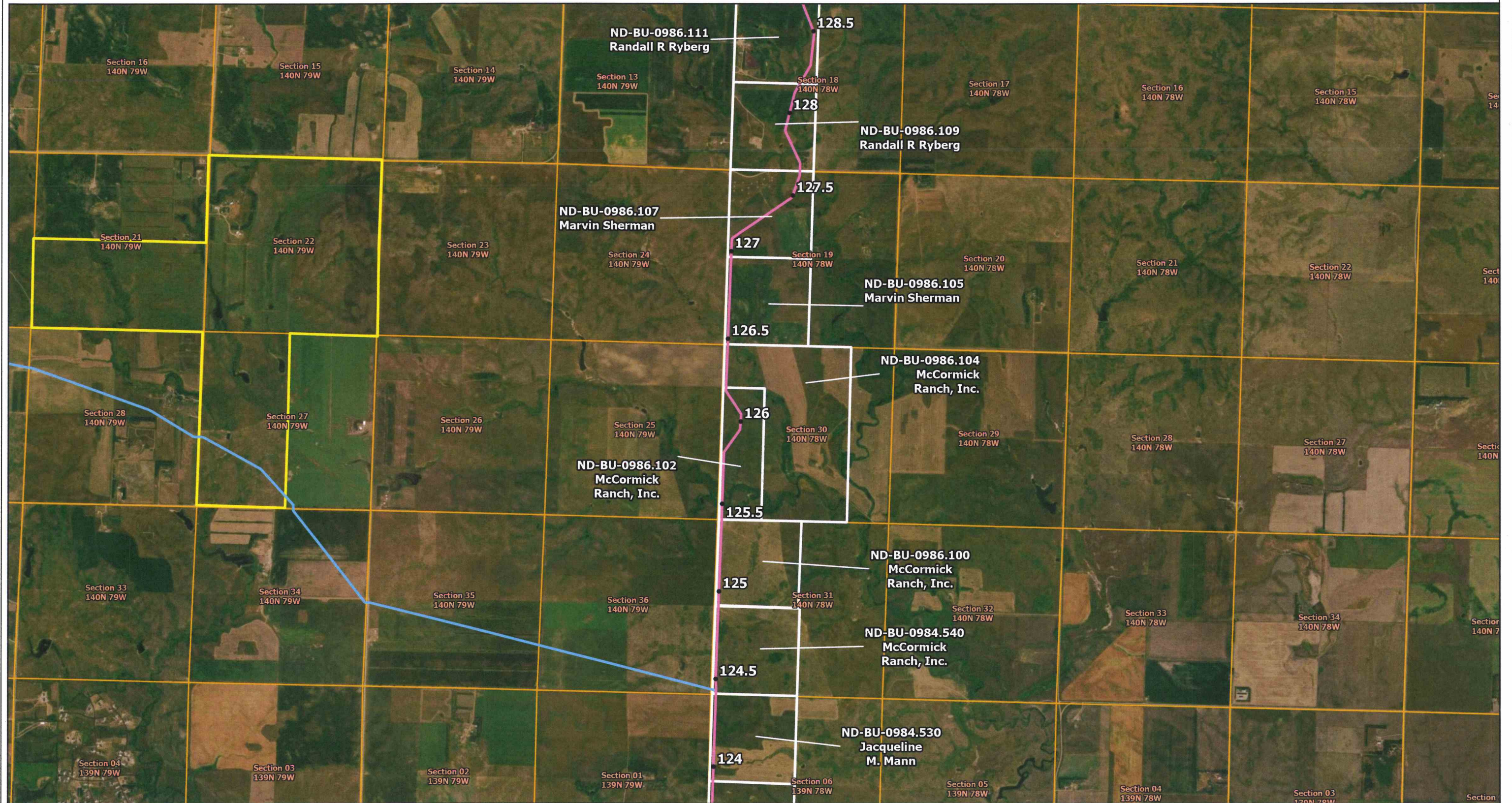
Sincerely,



LAWRENCE BENDER

LB/tjg
Enclosures
80625944 v1

cc: SCS Carbon Transport LLC



BISMARCK ROUTE NORTH DAKOTA

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- Mileposts
- Current Route
- Initial Permit Route
- Online Properties
- Warford Properties
- PLSS Boundaries
- Burleigh County



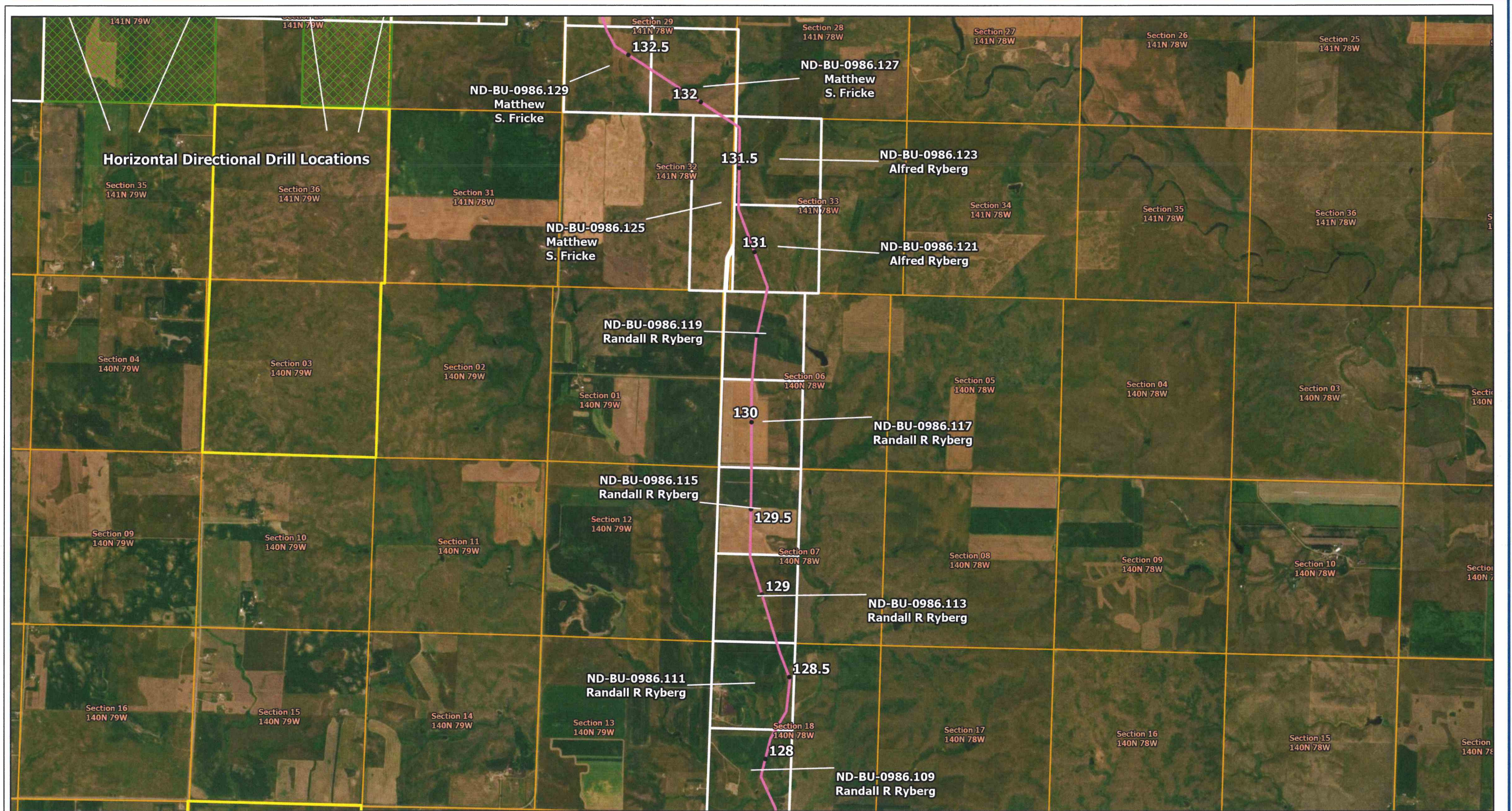
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0 0.47 0.95 1.9 Miles

Exhibit A



BISMARCK ROUTE NORTH DAKOTA

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- Mileposts
- Current Route
- Online Properties
- Waterfowl Production Area
- Warford Properties
- PLSS Boundaries
- Burleigh County

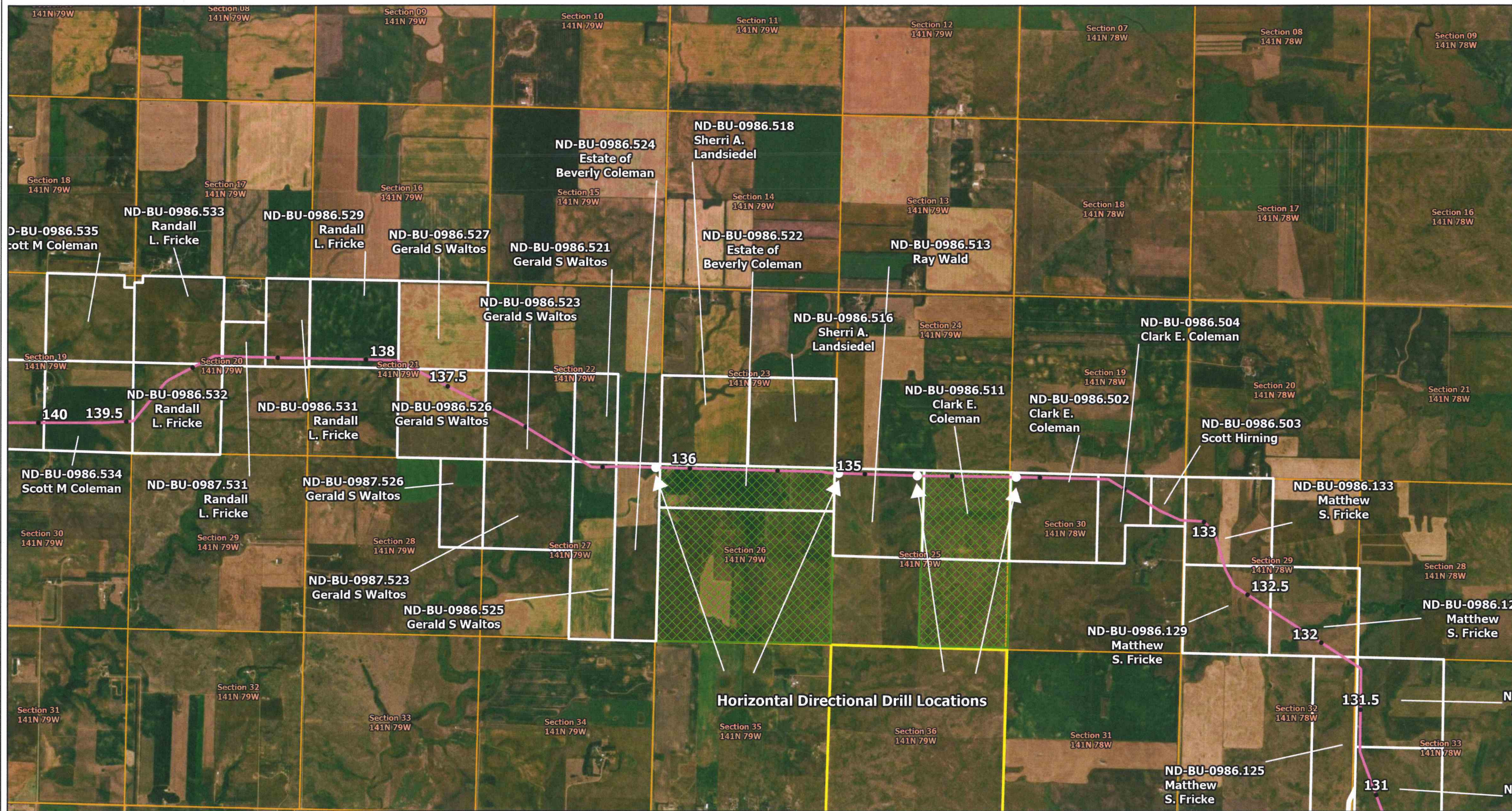


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BISMARCK ROUTE NORTH DAKOTA

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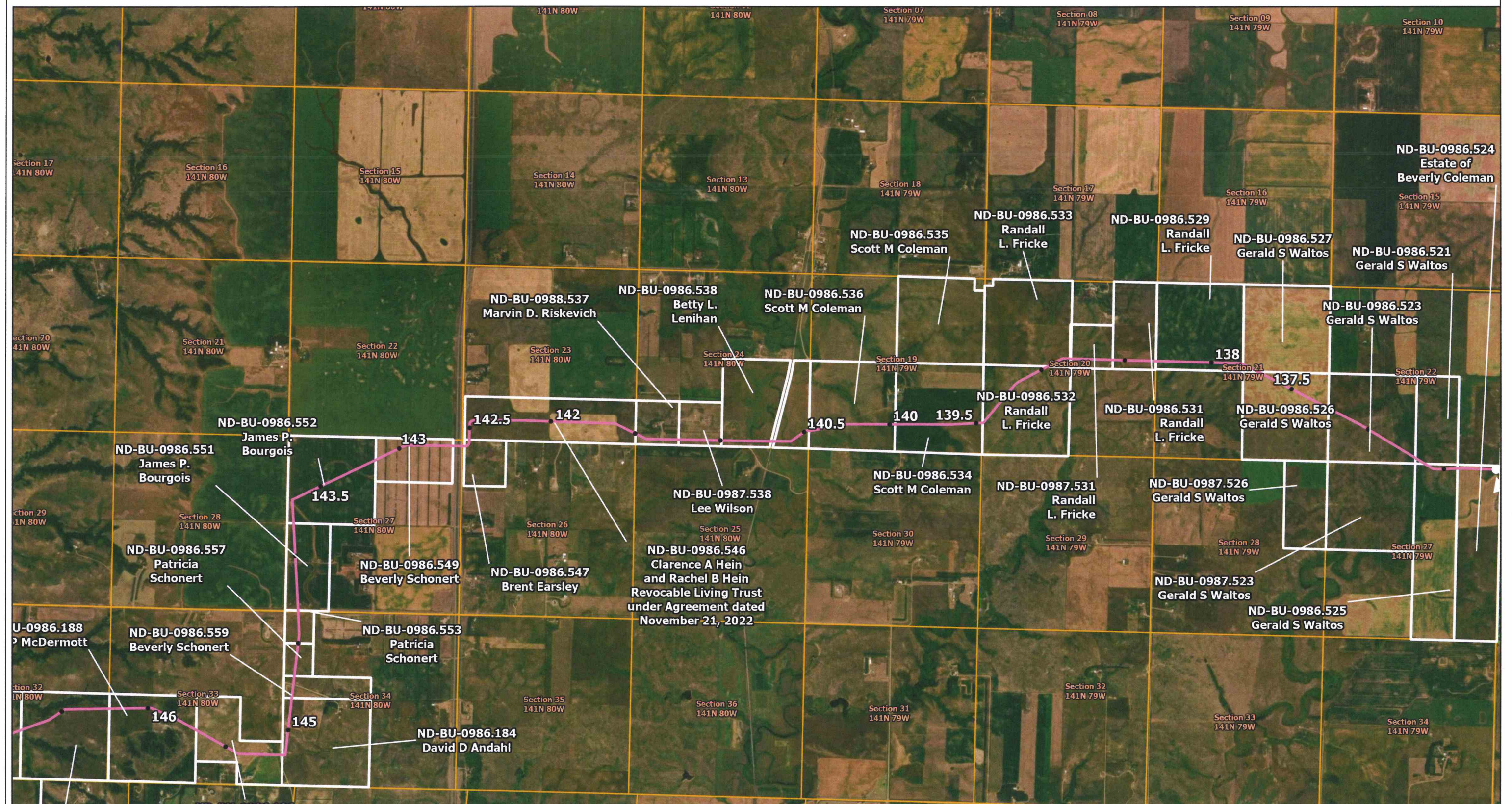
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- HDD Entry/Exit
- Current Route
- Online Properties
- ▨ Waterfowl Production Area
- ▨ Warford Properties
- ▨ PLSS Boundaries
- ▨ Burleigh County



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BISMARCK ROUTE NORTH DAKOTA

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- Mileposts
- HDD Entry/Exit
- Current Route
- Online Properties
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- PLSS Boundaries
- Burleigh County

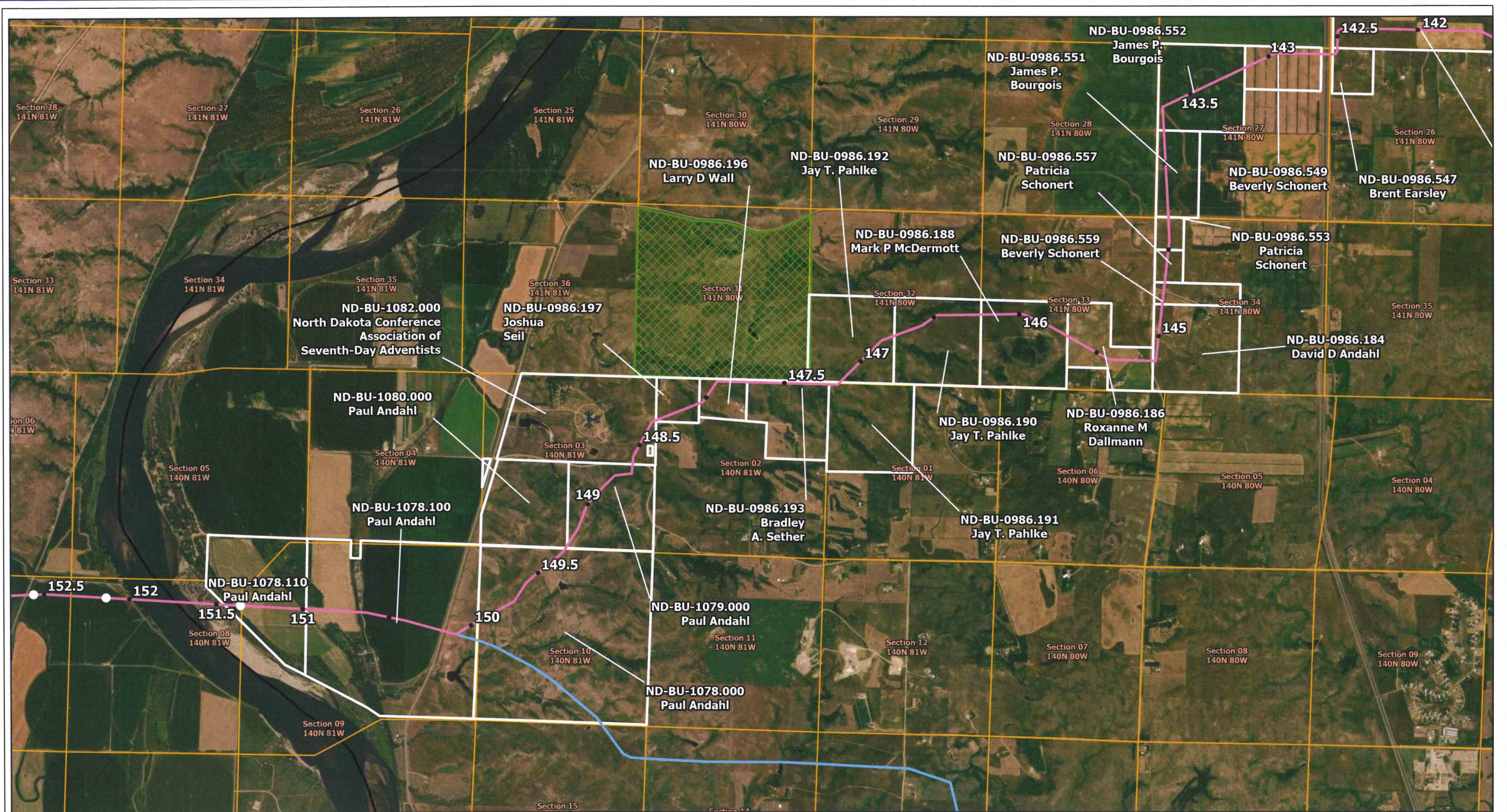


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- Mileposts
- HDD Entry/Exit
- Current Route
- Initial Permit Route
- Online Properties
- ▨ Waterfowl Production Area
- ▨ PLSS Boundaries
- ▨ Burleigh County



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0 0.47 0.95 1.9 Miles

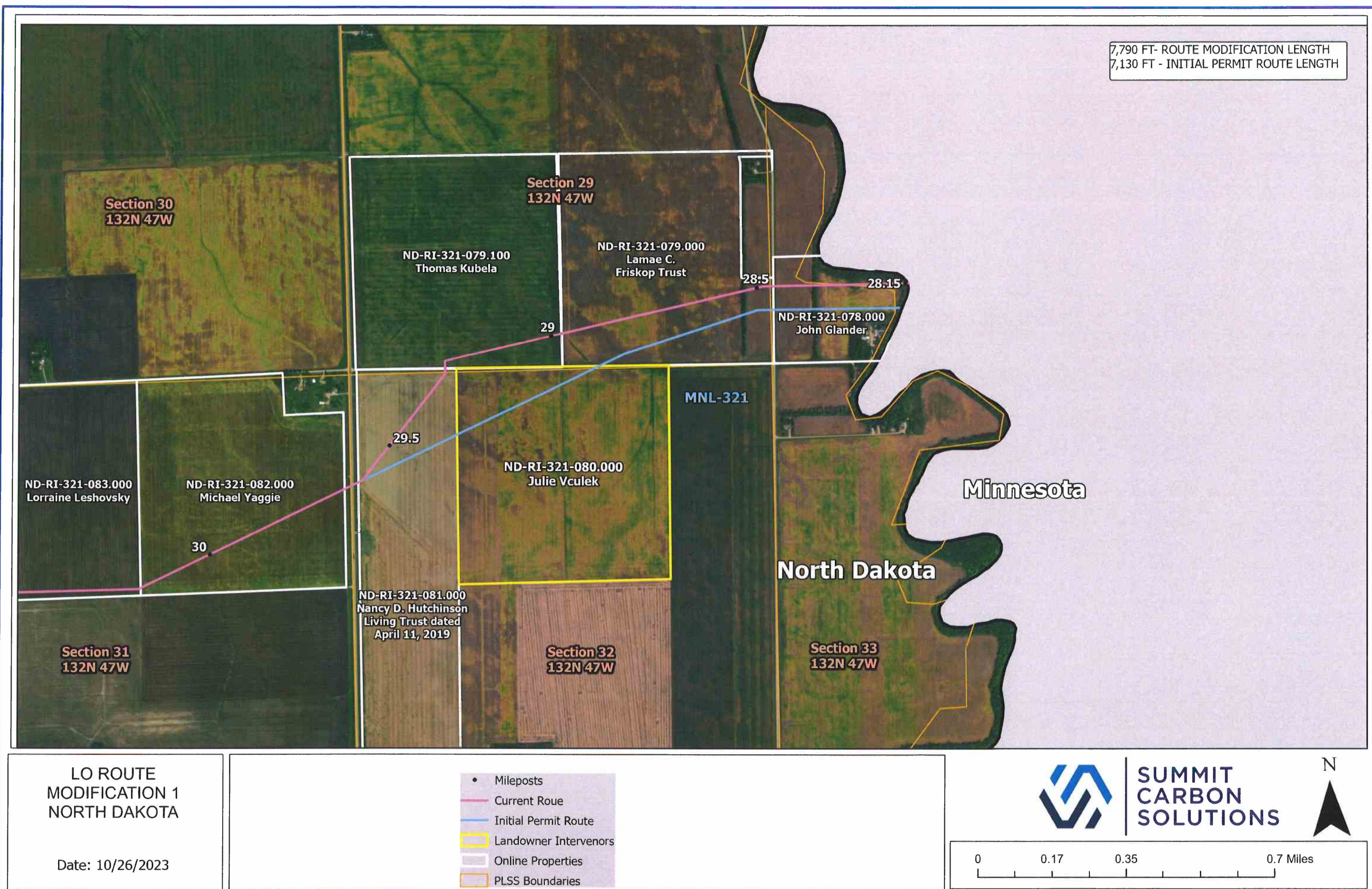
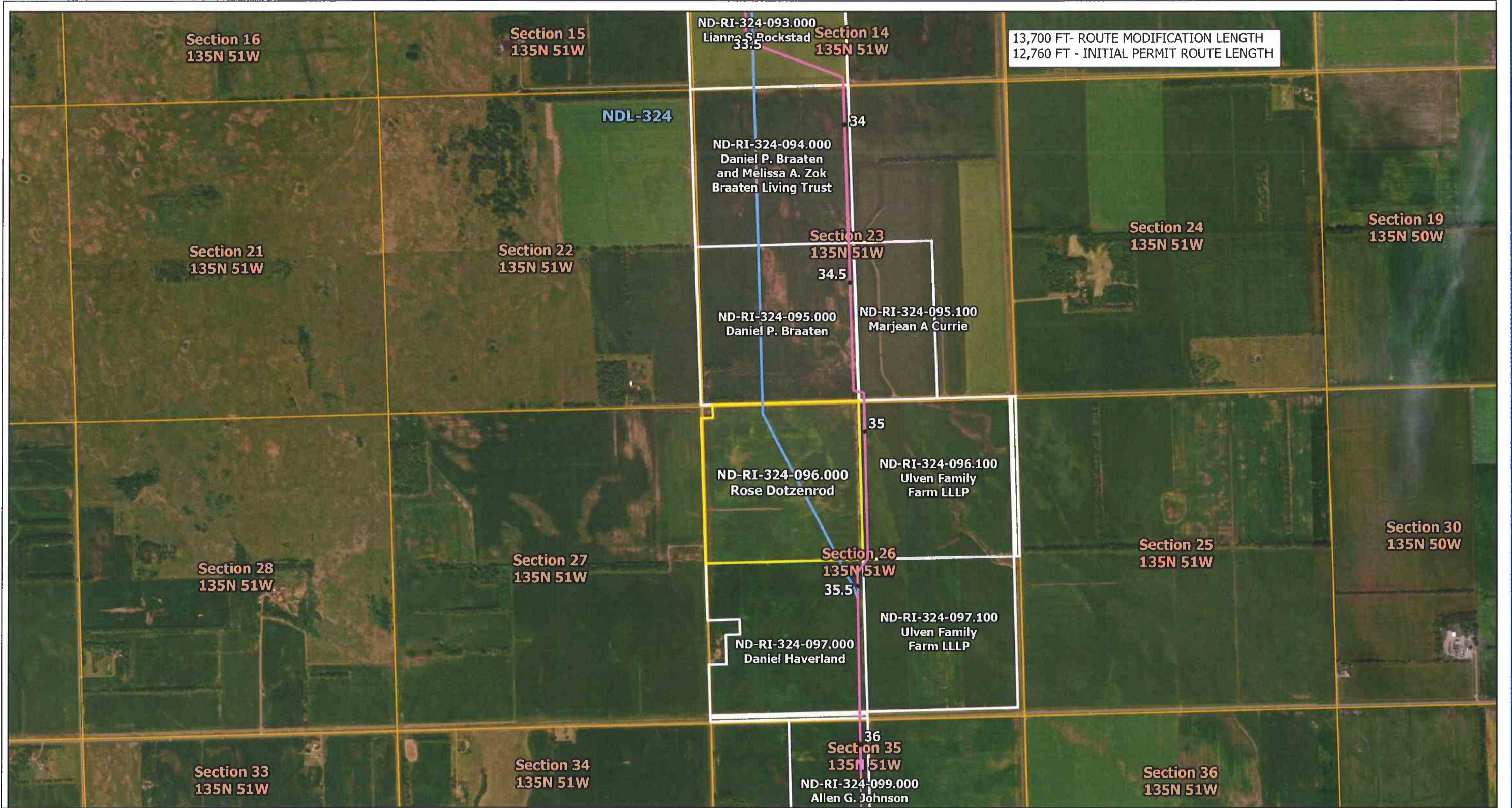


Exhibit B



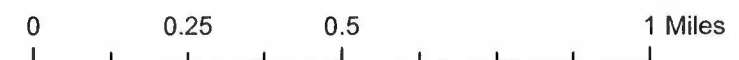
LO ROUTE
MODIFICATION 2
NORTH DAKOTA

Date: 10/26/2023

- Mileposts
- Current Route
- Initial Permit Route
- Landowner Intervenor
- Online Properties
- PLSS Boundaries



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LO ROUTE MODIFICATION 3 NORTH DAKOTA

Date: 10/26/2023

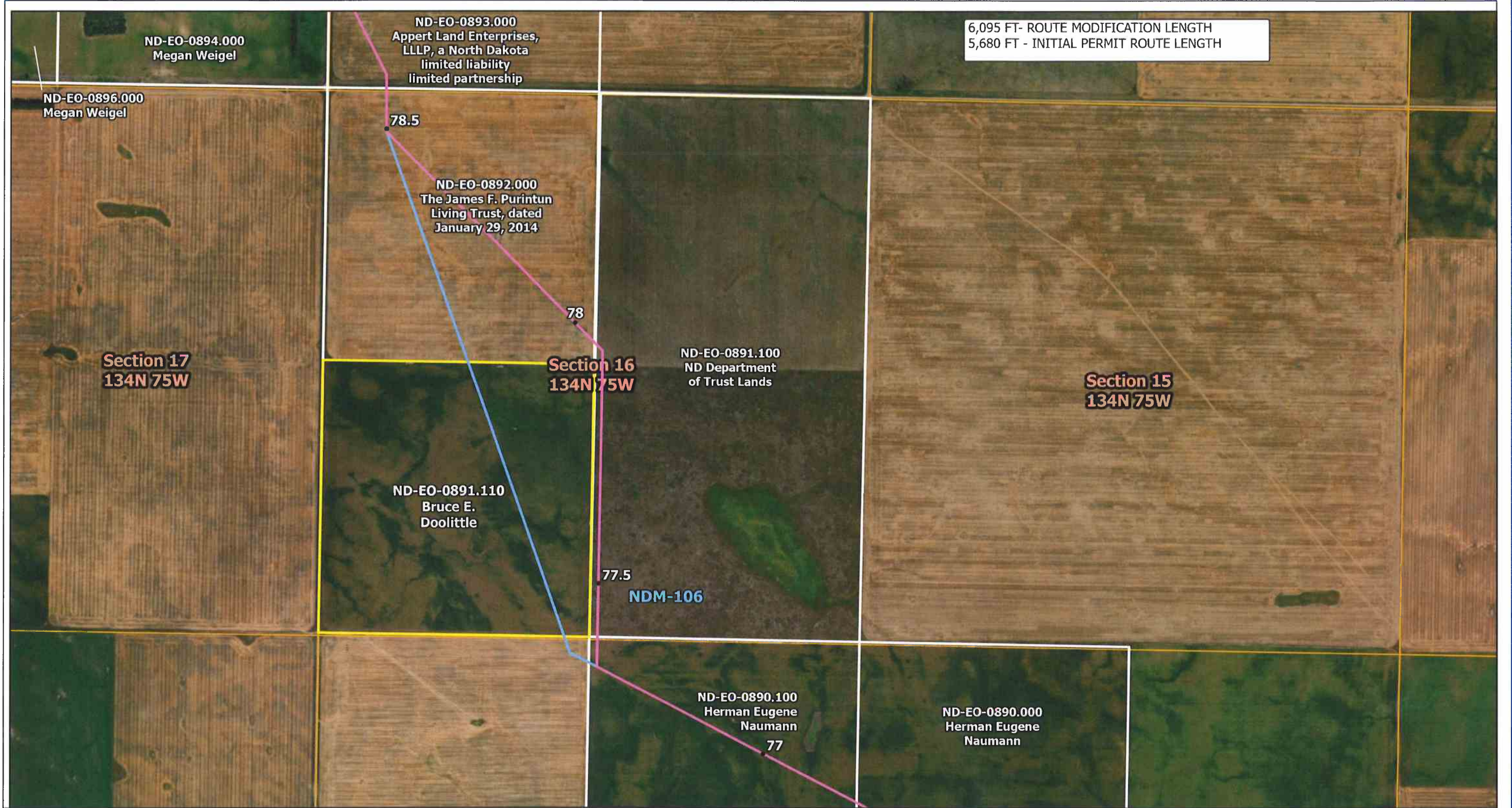
- Mileposts
- Current Route
- Initial Permit Route
- Landowner Intervenor
- Online Properties
- PLSS Boundaries



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0 0.35 0.7 1.4 Miles



LO ROUTE
MODIFICATION 4
NORTH DAKOTA

Date: 10/26/2023

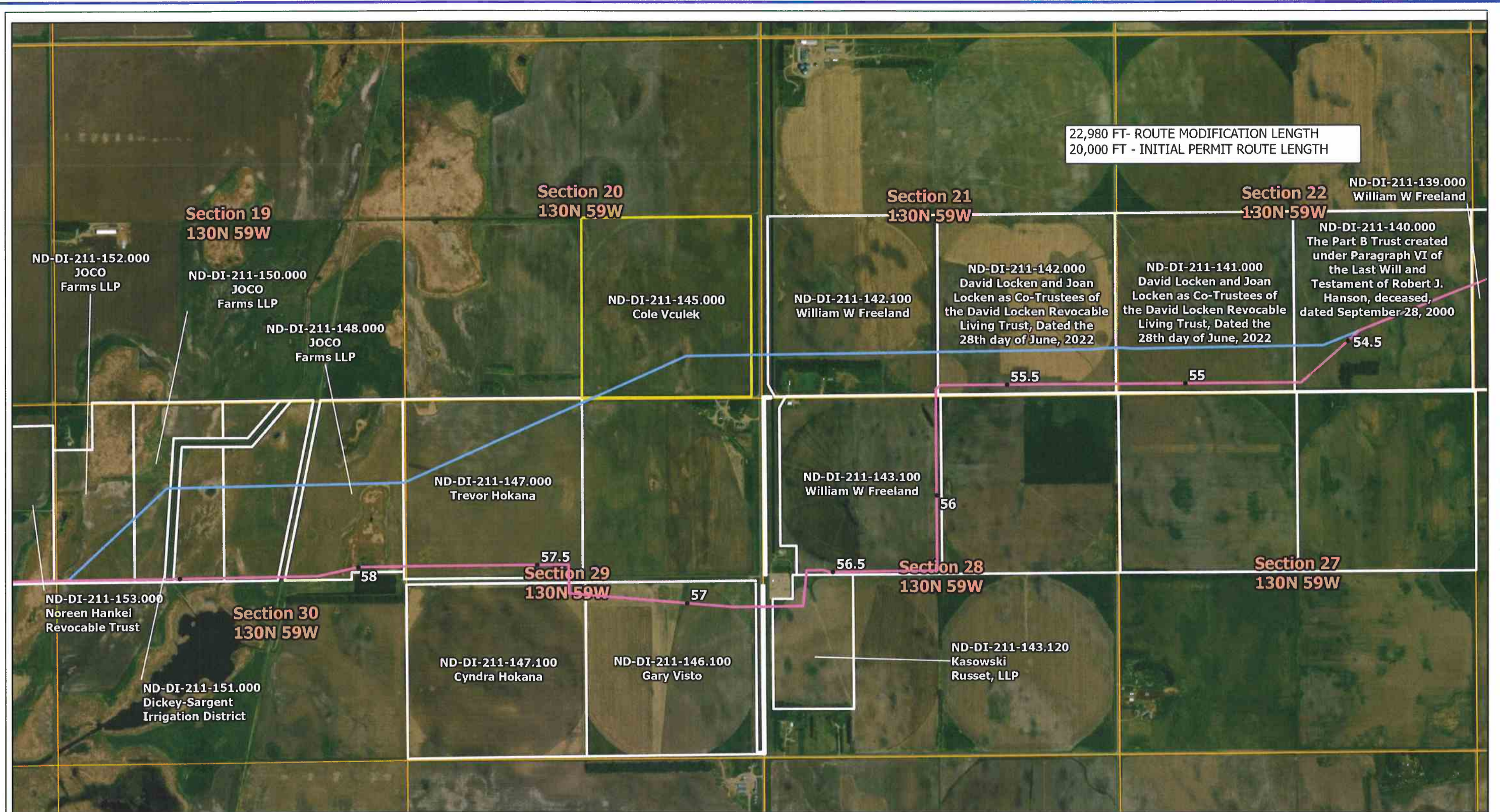
- Mileposts
- Current Route
- Initial Permit Route
- Landowner Intervenor
- Online Properties
- PLSS Boundaries



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0 0.15 0.3 0.6 Miles



22,980 FT - ROUTE MODIFICATION LENGTH
20,000 FT - INITIAL PERMIT ROUTE LENGTH

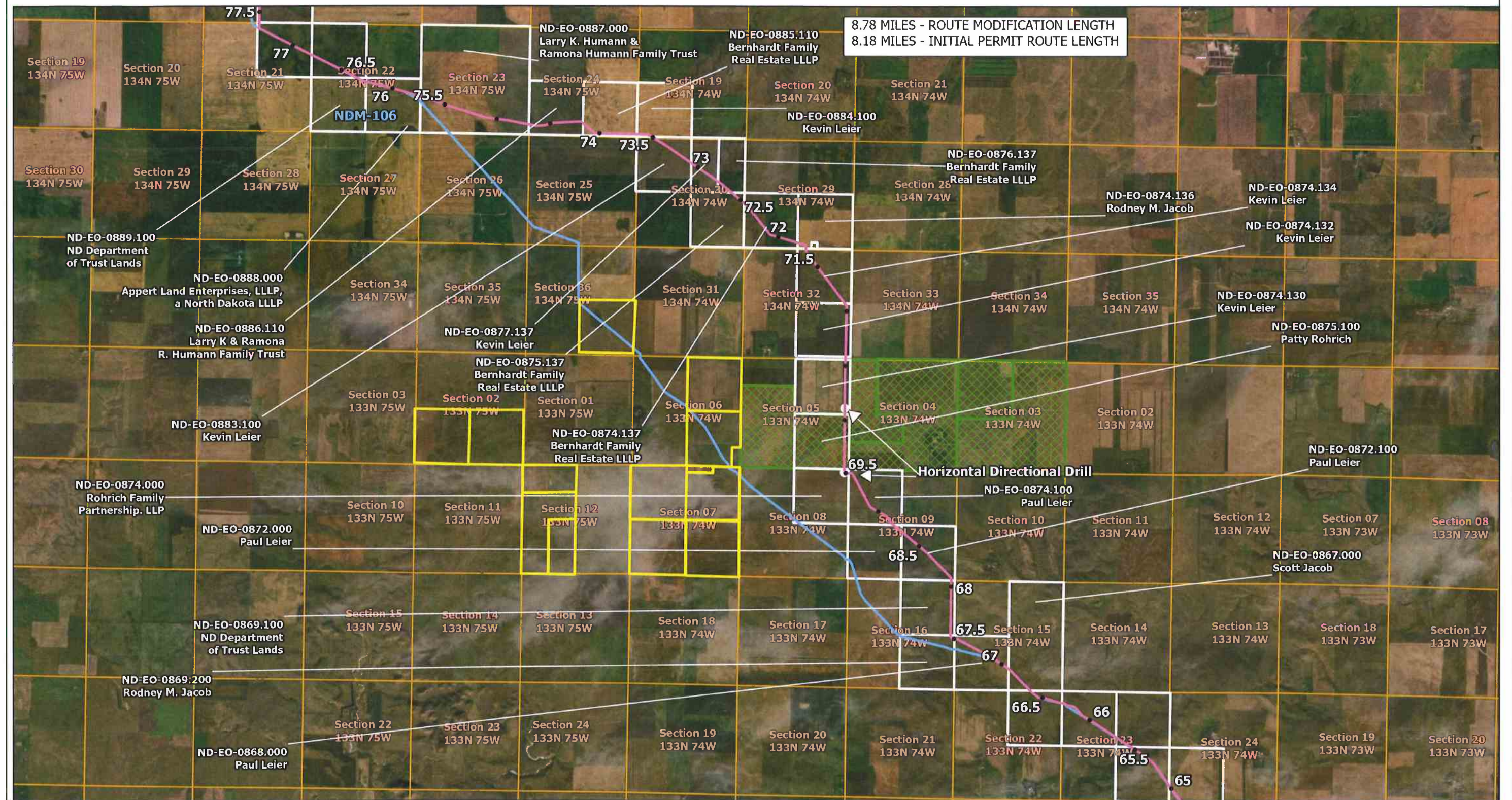
LO ROUTE MODIFICATION 5 NORTH DAKOTA

Date: 10/26/2023



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LO ROUTE MODIFICATION 6 NORTH DAKOTA

Date: 10/26/2023

- Mileposts
- Current Route
- Initial Permit Route
- HDD Entry/Exit
- Kevin Bernhardt Properties
- Online Properties
- Emmons County Waterfowl Production Area
- PLSS Boundaries



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DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
1616 CAPITOL AVENUE
OMAHA NE 68102-4901

May 24, 2023

Operations Division

Section 408 Request Number: (408-NWO-2022-0003)

Mr Christopher Hill, P.E.
Director - Environmental
Summit Carbon Solutions
2321 N. Loop Dr. STE. 221
Ames, IA 50010

Dear Mr Hill,

The Omaha District ("District") of the U.S. Army Corps of Engineers (USACE) has received your request to construct and operate the Midwest Carbon Express (MCE) Project, a pipeline that will capture carbon dioxide from ethanol plants in the Midwest and transport it to a sequestration site. The proposed pipeline includes two Missouri River crossings within the Bank Stabilization and Navigation Project operated and maintained by the Omaha District, USACE under Section 14 of the Rivers and Harbors Act of 1899, 33 USC 408 (Section 408).

The District has reviewed your submittal consistent with Engineer Circular (EC) 1165-2-220, to determine whether the Section 408 request is required. We have determined that, as submitted, the project will not result in alterations to, or temporarily or permanently occupy or use, any US Army Corps of Engineers (USACE) federally authorized Civil Works project under 33 USC 408 (Section 408) within the Omaha District. The Missouri River crossings will not require a Section 408 permission.

If you have questions regarding this determination, or if the project changes in scope or alignment, please contact the undersigned at 402-995-2195 or Section408NWO@usace.army.mil.

Sincerely,

Angel Pletka
Section 408 Coordinator
Omaha District

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**SCS Carbon Transport LLC
Midwest Carbon Express CO2 Project
Sitting Application**

CASE NO. PU-22-391

CERTIFICATE OF SERVICE

I, the undersigned, being of legal age, hereby certify that a true and correct copy of the following:

1. Letter to S. Kahl RE: Response to Data Requests.

was, on October 31, 2023, filed with the North Dakota Public Service Commission and served electronically to the following:

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Dated this 31st day of October, 2023.

FREDRIKSON & BYRON, P.A.

By: 

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