BEFORE THE PUBLIC SERVICE COMMISSION
STATE OF NORTH DAKOTA

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	CASE NO. PU-22-391

DIRECT TESTIMONY OF JAMES POWELL

ON BEHALF OF

SCS CARBON TRANSPORT LLC

April 22, 2024

530 PU-22-391 Filed 04/18/2024 Pages: 20
Prefiled Direct Testimony of James Powell
SCS Carbon Transport LLC
Lawrence Bender, Fredrikson&Byron, P.A.

Q. Please state your name, present position and business address for the record.

A. My name is James Powell. I am the Chief Operating Officer for Summit Carbon Solutions, LLC ("Summit"). My business address is 2321 N. Loop Drive, Suite 221, Ames, IA 50010.

Q. Have you testified in this matter previously?

A. Yes.

Q. Have you described for the North Dakota Public Service Commission ("Commission") your educational background and work experience?

A. Yes.

Q. Have you described your duties with respect to this project for the Commission?

A. Yes.

Q. **What did your prior testimony before the Commission concern?**

A. My prior testimony was expansive and covered topics such as project location, design, operation, purpose and need.

Q. Have there been any changes to the project location, design, operation, purpose or need since you last testified before the Commission?

A. Yes, the pipeline corridor was reduced from 300 feet to 200 feet and several re-routes were implemented including a large re-route on the north and east sides of the City of Bismarck. The re-route around Bismarck is addressed in the testimony of Mr. Wade Boeshans, and the remaining re-routes will be addressed in my testimony.

Q. What is the purpose of your additional testimony?

A. The purpose of my testimony is to provide the Commission with additional information concerning what the Commission determined were deficiencies in the Commission's Finding of Facts, Conclusions of Law, and Order issued on August 4, 2023, in this case (Docket No. 375).

Q. As determined by the Commission, which deficiencies will you address in your testimony?

A. I will address certain route adjustments made to accommodate landowners who testified at the prior hearings, the reduction in width of the proposed corridor, the areas of geologic instability and coordination with the North Dakota Geological Survey, the southern route analysis conducted by Summit, and emergency response coordination with local first responders. I will also provide an update with respect to Summit's easement acquisition progress and reaffirm Summit's request for a route deviation buffer.

Q. Has Summit previously addressed the deficiencies as determined by the Commission in its response to the supplemental filing and data requests from the Commission?

A. Yes.

Q. Did Summit respond to all of the commission's filing and data requests?

A. Yes.

Q. Are you prepared to answer questions from the Commission, Commission staff, and counsel for the Intervenors regarding the information submitted by Summit in response to these requests?

A. Yes.

Q. In your opinion, what was the primary issue underlying the deficiencies identified by the Commission in its August 4, 2023 Order?

A. The location of the project at specific areas along the route.

Q. Has Summit implemented route adjustments to address these deficiencies?

A. Yes. Specifically, Summit has implemented a major re-route to the east and north of the City of Bismarck, and other smaller re-routes that, in total, avoid approximately 42 landowners that were previously impacted. As stated above, my testimony will address the route adjustments made to address specific landowner concerns, and Mr. Wade Boeshans will address the re-route around Bismarck.

Q. Did Summit identify and address specific landowner concerns in its response to the Commission's supplemental filing requests?

A. Yes. In response to supplemental filing 3.1.3, Summit summarized the concerns raised by landowners at the public hearings and identified the measures taken to address all landowners who testified regarding concerns at the hearing. As noted in our response, the primary measure taken to address these concerns was to implement route adjustments both on and off certain landowners' properties. Summit also mailed the letter attached hereto as **Exhibit A** to each landowner who testified at the public hearings, including those landowners identified in Mr. Leibel's March 20, 2024 letter to the Commission. Summit also notified each affected landowner that the proposed pipeline was no longer on their respective property. An example of the notification letter is attached hereto as **Exhibit B**. In addition, Summit continues to address landowners' concerns during its safety tour meetings, discussions with county emergency managers, first responders, county commissioners, and landowners along the pipeline route.

Q. Has Summit addressed the specific deficiencies identified by the Commission regarding the properties owned by Vculek, Doolittle, Bernhardt and Dotzenrod?

A. Yes. Summit has re-routed the project such that it no longer crosses the properties owned by Doolittle, Bernhardt, Dotzenrod, and the Vculeks. Maps of the re-routes around these properties were filed with the Commission in response to the Commission's data requests and each of these landowners have been notified that the pipeline no longer crosses their property.

Q. Is it possible to re-route the project off of every property whose owner does not want it?

A. No. Pipelines are linear infrastructure and routing the pipeline off of or around a specific parcel of property results in locating the pipeline onto an adjacent or nearby parcel of

property. Generally, pipelines are routed to account for a number of important factors, including the impact on landowners, environmental and cultural constraints, minimizing construction risk, minimizing maintenance and integrity risk, minimizing the impact to native American tribes, and complying with regulatory requirements (state and federal). In many cases, a re-route around a parcel owned by a single landowner will result in the pipeline crossing parcels owned by multiple owners. In other cases, a re-route is not possible due to the aforementioned factors and constraints involved in routing a linear pipeline.

Q. What other measures has Summit has taken to accommodate landowners along the proposed route of the project?

A. As I have previously testified to, Summit's goal is to reach voluntary agreements with 100% of the landowners along the Project route. In order to do so, Summit has been working with hundreds of landowners to accommodate these owners for the location of the route. Most landowner requests, such as fencing, rock removal, drain tile repair, seed mixture, etc., are addressed in each easement agreement and are specific to each landowner. Regarding drain tile, Summit has engaged one of the most reputable drain tile contractors in the region to identify and repair all drain tile affected by construction of the Project. Summit will continue to engage with landowners along the Project route in an attempt to reach its goal of 100% voluntary easements.

Q. Is it possible that Summit may have to make additional minor route adjustments?

A. Yes. As stated above, Summit continues to receive input from landowners and other stakeholders regarding the preferred route for the project. Furthermore, it is possible that Summit may have to make minor route adjustments to avoid certain cultural or

environmentally sensitive areas which may be discovered as the remaining field survey work is completed or during construction operations.

Q. Will Summit follow the procedures set forth in the Siting Act regarding route adjustments?

A. Yes, however, Summit is requesting that the Commission grant a deviation buffer of up to 100 feet directly adjacent to each side of the new project route in order to provide some level of flexibility during construction.

Q. Did Summit request a wider deviation buffer in its original application?

A. Yes, Summit originally requested a deviation buffer of up to 150 feet directly adjacent to each side of the proposed route.

Q. Has Summit reduced the width of the corridor along the entirety of the new project route?

A. Yes, however, there are limited areas identified in the new mapbooks on file with the Commission where Summit will need additional temporary workspace in order to construct certain portions of the project. To be clear, the pipeline will be constructed entirely within the 200-foot-wide corridor and Summit will have obtained easements for the temporary workspace.

Q. Why did Summit decide to reduce the width of the corridor for the project?

A. During multiple public hearings held last year, Summit heard the concerns raised by the Commission regarding the proposed 300-foot-wide corridor. In response to said concerns, Summit reviewed the project route, the extensive field survey work completed to date, and the details regarding constructability, and determined that a 200-foot-wide corridor is feasible.

Q. You testified that certain sensitive areas may require additional minor route adjustments. Has Summit taken measures to address the Commission's concerns regarding the areas of geological instability identified by the North Dakota Geological Survey?

A. Yes. Summit has addressed these concerns with the North Dakota Department of Mineral Resources - Geological Survey ("NDGS") and in its response to the Commission's supplemental filing request 3.1.4. In its supplemental filing, Summit included a Phase I Geohazards Assessment and the following supporting reports (i) Phase I Hydrotechnical Assessment Report, (ii) Bois de Sioux River HDD Hydrotechnical Assessment Memo, (iii) James River HDD Hydrotechnical Assessment Memo, (iv) Missouri River HDD Hydrotechnical Assessment Memo, and (v) Sheyenne River HDD Hydrotechnical Assessment Memo. Table A-3 of the *Phase I Geohazards Assessment* provides a detailed summary of the landslide locations that were evaluated. Table A-4 of the *Phase I Geohazards Assessment* provides a detailed description of the landslide sites and the mitigation strategy for each of said sites.

Summit has met with representatives of the NDGS on multiple occasions over the past year and discussed each of the possible landslide locations along the route, including all re-routes, for the project. Summit and NDGS representatives identified all possible landslide locations along the new route and Summit's plans to either avoid or mitigate risk at such locations. As detailed in the letter from Mr. Edward C. Murphy, State Geologist, attached hereto as **Exhibit C**, the NDGS is satisfied that "between the meetings, reports, and the pipeline route maps, [Summit] has demonstrated to us that they have investigated those potential problem sites and have taken steps to address them, including re-routing the pipeline to avoid some of those areas."

Summit is committed to working directly with the NDGS throughout the entirety of the project and will submit to the NDGS and the Commission any new information pertaining to areas of geologic instability along the project route.

Q. Are areas of geologic instability one of many sensitive areas Summit considered when deciding where to locate its pipeline?

A. Yes. As explained above, there are many factors and siting criteria considerations that go into the routing of any long transmission line. Examples of other sensitive areas include federal grass lands, threatened and endangered species, wildlife management areas, wetlands, cultural sites, etc.

Q. Did Summit consider routing the pipeline to the south of the City of Bismarck?

A. Yes, a southern route was an option, albeit not a viable one, when Summit was first considering potential routes for the project.

Q. Why did Summit ultimately choose to route the pipeline to the north of Bismarck?

A. As detailed in the Southern Route Analysis filed by Summit in response to the Commission's supplemental filing request 3.1.5, many factors contributed to the decision to route the project to the north of Bismarck, in lieu of a southern route, including environmental and cultural constraints, constructability risks, maintenance and integrity risks, and Tribal impacts. Summit's evaluation of a potential route south of Bismarck is discussed in Section 4 of the Southern Route Analysis. A detailed description of a southern route, as well as a discussion of the relative adverse effects of a southern route versus the northern route is contained within Section 5.

Summit's analysis of siting a pipeline to the south of Bismarck includes significant risks which, in total, would be more impactful than Summit's preferred route on the north side of Bismarck. These risks include potential impacts to resources that cannot be

mitigated, including the impact to Tribal lands in the area south of Bismarck. Moreover, the detailed comparison set forth in the Southern Route Analysis shows that the southern alternative would directly cross the Bismarck ETA boundary which is in direct conflict with the concerns expressed by the Commission, Intervenors, and landowners during the public hearings for the project.

Last, the southern alternative is in close proximity to a higher number of Avoidance Areas, such as residences, places of business, and schools, when compared to the northern route. In fact, Summit would be required to secure approximately 26 waivers for the southern alternative. The siting of the route within 500 feet of these Avoidance Areas would affect new landowners whose impact would be directly attributable to a mandated change in location of the pipeline.

Q. What efforts has Summit made to coordinate with local first responders regarding emergency response?

A. Since the start of this project, over two and half years ago, we have been meeting with local emergency manager and emergency responders. Recently we met with county emergency managers and emergency responders in Burleigh, Dickey, Emmons, Mercer, Morton, Oliver, Richland and Sargent counties, as well as the City of Bismarck.

Q. When did these meetings take place?

A. The meetings took place and were attended as follows:

- Dickey County 1st meeting: 11/07/23 @ 2:00 pm – 11 attendees.
- Burleigh County: 11/27/23 @ 5:00 pm – 16 attendees.
- Morton County: 11/30/23 @ 4:00 pm – 7 attendees.
- Oliver & Mercer Counties: 12/01/23 @ 12:00 pm – 9 attendees.
- Dickey County 2nd meeting: 01/09/24 @ 5:30 pm – 14 attendees.

- Emmons County: 01/24/24 @ 5:30 pm – ~20 attendees.
- Richland County: 03/03/24 @ 6:30 pm – 22 attendees.
- Sargent County: 03/28/24 @ 5:30 pm – 16 attendees.

Q. Who attended these meetings?

A. Primarily first responders, including Sheriffs, Sheriff Deputies and members of the Sheriffs' departments, Police Chiefs and members of the police departments, Fire Chiefs and members of city and rural fire departments, Emergency Managers, and representatives of city and county ambulance services.

Q. Were these meetings open to the general public?

A. No.

Q. Why not?

A. Because of the topics to be covered at the meetings necessitated the sharing of information that would be protected from disclosure to the general public under the Freedom of Information Act ("FOIA") and could be considered Sensitive Security Information ("SSI") under Transportation Security Administration ("TSA") regulations, which is ordinarily prohibited to be disclosed to the general public.

Q. What topics were covered at these meetings?

A. We shared Summit's dispersion modeling methodology, generic model outputs, Pipeline and Hazardous Materials Safety Administration ("PHMSA") requirements, relative toxicity, potential CO_2 release scenarios, shelter in-place studies, emergency response plan guidelines, and discussed specific training and equipment needs. We also invited emergency managers to CO_2 emergency responder training at Texas A & M University.

Q. Isn't Summit's dispersion modeling and outputs protected information?

A. It is, however, disclosing this information to emergency responders and others charged with potentially having to respond to a failure of the pipeline does not affect their protection. PHMSA's regulations, including at 49 CFR 195.402(e), "recommend" or "direct" that coordination with emergency responders be made as appropriate, including if the sensitive information is necessary for the personnel to properly respond to a release. Moreover, these persons have a "need to know" under 49 CFR 1520.11 and are thus covered persons to review such information which may constitute SSI. Specifically, emergency responders qualify as persons who "require access to specific SSI to carry out transportation security activities" under 49 CFR 1520.11(a)(1). If emergency responders receive SSI under this scope, they are prohibited from disclosing such information to other persons without permission from TSA or PHMSA.

Q. Did Summit inform all attendees of the confidential nature of the information shared?

A. Yes, verbally and with written warnings on the presentations.

Q. What is the current status of Summit's easement acquisition?

A. As of April 8, 2024 Summit has acquired voluntary easements for 80.83% of the total project mileage in North Dakota. A county by county breakdown of Summit's easement acquisition progress is attached hereto as **Exhibit D**.

Q. Was additional mileage added to the project as a result of the re-routes implemented by Summit in response to the deficiencies raised in the Commission's August 4, 2024 Order?

A. Yes. In total, the re-routes add approximately 11.9 miles of pipeline mileage in North Dakota.

Q. Does Exhibit D to your testimony include easement acquisition for this additional mileage?

A. Yes. Exhibit D accounts for easement acquisition along the entirety of the new project route in North Dakota. Specifically, re-routes impacted 67 landowners and approximately 55% of the total re-route mileage has been acquired as of April 8, 2024.

Q. Based on the new project route and the other measures Summit has taken to address the deficiencies identified in the Commission's August 4, 2023 Order:

1. Is it your opinion that the construction, operation, and maintenance of the project at the proposed location will produce minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota?

A. Yes.

2. Is it your opinion that the project is compatible with environmental preservation and the efficient use of resources?

A. Yes.

3. Is it your opinion that the construction, operation, and maintenance of the project at the proposed location will minimize adverse human and environmental impact?

A. Yes.

Q. Does this conclude your testimony?

A. Yes.

Dated this 16th day of April 2024.

James Powell

James Powell
Chief Operating Officer
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March 1, 2024

Dear Sir / Madam:

After witnessing testimony from landowners and concerned citizens during the North Dakota Public Service Commission (ND PSC) hearings across the footprint of the proposed Summit Carbon Solutions (SCS) pipeline, we feel it is important to provide clarification around key topics. Much of this information has been conveyed via Safety Tour meetings, discussions with Emergency Managers and first responders, meetings with County Commissioners, and conversations with landowners along the pipeline route. Broadly, concerns were specific to the following areas:

- Why carbon capture and sequestration (CCS)
- Pipeline Proximity to Bismarck
- Safety / Emergency Response / Public Awareness
- Environmental and Cultural Impacts
- New PHMSA Regulations
- Property Values
- Easement Acquisition, Survey Access, and Insurance
- Land Restoration and Tile Repair
- Carbon Dioxide (CO_2) Sequestration

Information provided below is tailored to address these topics.

Why Carbon Capture and Sequestration (CCS)

SCS has partnered with 57 ethanol plants across Iowa, Minnesota, North Dakota, South Dakota, and Nebraska. This investment in the future of agriculture will capture CO_2 from the fermentation process of biorefineries, such as ethanol plants, compress the captured CO_2, and transport it via pipeline to North Dakota where it will be permanently and safely stored underground. Doing so will drastically reduce the carbon footprint of ethanol production, reducing each facility's Carbon Intensity (CI) score. Lowering the CI score allows ethanol producers to produce a lower carbon fuel and sell product into more profitable, low carbon fuel markets. This is a game changer for ethanol producers by providing a path to sustainability and potentially expansion. A stable demand for ethanol helps buoy corn prices which benefits the farmer and enhances the long-term economic viability of the ethanol and agriculture industries.

Exhibit A

As one of the largest investments in the region, SCS's project will generate thousands of jobs during construction and hundreds of full-time jobs once operational.

The Pipeline Proximity to Bismarck

The Pipeline and Hazardous Material Safety Administration (PHMSA) regulates pipelines, including CO_2, and have coexisted in municipalities across the United States for decades. Bismarck is not unique in that it has multiple high-pressure hazardous liquid pipelines bisecting the city. There are approximately 14,000 homes, businesses, schools and churches within 1 mile of existing PHMSA regulated pipelines in Burleigh County, the vast majority of which are within the city limits.

That said, SCS heard concerns expressed during the hearings and rerouted the pipeline approximately nine miles further north of Bismarck and the updated route is now under consideration by the ND PSC.

Safety / Emergency Response / Public Awareness

Ensuring the safety of landowners, their communities, and our employees and contractors is essential to maintain a license to operate. There are approximately 3.3 million miles of pipelines in the United States including more than 5,300 miles of CO_2 pipelines, all of which are regulated by PHMSA. PHMSA data shows that pipelines are the safest mode of transportation (99.999% safe), and CO_2 pipelines have the best record of all pipelines, regardless of what they are transporting. There have been zero fatalities and only a single injury associated with CO_2 pipelines in the last 25 years. See referenced data at: https://www.phmsa.dot.gov/hazmat-program-management-data-and-statistics/data-operations/incident-statistics.

For security reasons, we cannot share the dispersion analysis with the general public, but we are committed to sharing the analysis with Emergency Managers and first responders along the route. SCS has met with Emergency Managers and first responders in all 10 counties crossed by the project and, to date, SCS has reviewed the dispersion analysis in 6 counties. SCS will review the dispersion analysis with Emergency Managers and first responders in the remaining four counties during the first half of 2024.

Regarding Emergency Response (ER), SCS has drafted an ER plan that meets PHMSA requirements and will provide the basis for training first responder personnel; all training will be complete prior to the pipeline becoming operational. In fact, hands-on training has already begun across the project footprint as individuals have been invited and attended training at Texas A&M's TEEX facility.

As required by PHMSA, each pipeline operator must develop and implement a written continuing public education program that follows the guidance provided in the American Petroleum Institute's

(API) Recommended Practice (RP) 1162. This program must specifically include provisions to educate the public, appropriate government organizations, and persons engaged in excavation-related activities. Program elements include:

- Use of the one-call (811) notification system prior to excavation;
- Possible hazards associated with unintended releases from hazardous liquid or CO_2 pipelines;
- Physical indications that such a release may have occurred;
- Steps that should be taken for public safety in the event of a hazardous liquid or CO_2 pipeline release; and
- Procedures to report such an event.

Environmental and Cultural Impacts

SCS will perform environmental surveys and cultural resource surveys on 100% of the Project footprint. Environmental studies include wetland and waterbody delineation, raptor nest surveys, and threatened and endangered species surveys. Cultural resource surveys incorporate Tribal monitors to identify Tribally-sensitive areas. Survey results have been used to modify both the route and workspace configuration, as well as our construction approach to minimize impacts.

SCS will comply with all federal, state, and/or local agency environmental regulations, authorizations, and associated permit conditions. SCS is working in cooperation, through on-going consultation, with federal, state, and local, agencies, including the US Army Corps of Engineers (USACE), the US Fish and Wildlife Service (USFWS), and the State Historical Society of North Dakota.

Regarding restoration, SCS has committed to replacing trees removed during construction in North Dakota at a 2:1 ratio. SCS has also submitted a North Dakota Noxious Weed Management Plan that outlines specific actions to prevent and/or control the spread of noxious weeds prior, during, and after construction.

New PHMSA Regulations

PHMSA and its predecessors have been regulating liquid pipeline safety since 1979. In 1994, Congress enacted the Pipeline Safety Act (PSA) to provide uniformity to the federal laws governing the construction of several types of pipelines, including CO_2 pipelines. Regulations are not static and are always evolving, but transportation does not stop. Operators have to comply with new and revised regulations, as well as any bulletins issued to address immediate safety issues. Neither PHMSA nor Congress are currently contemplating changes that would affect actual construction of SCS's pipeline system.

Property Values

Historically, the installation of pipelines has not materially impacted property values. Today, there are approximately 26,000 houses, businesses, schools, and churches located in proximity to the existing 5,300 miles of CO_2 pipelines in the United States, the majority of which were built after the pipelines were installed. Impact to value is minimal because the presence of pipelines does not significantly alter the use or aesthetics of the land, and they are subject to rigorous safety and environmental regulations. Boulder Appraisal evaluated multiple development areas in the Bismarck area concluding that potential buyers of residential property exhibited little or no preference in choosing between properties, whether or not they were in proximity to pipelines. A national study[1] evaluating property values in different areas of the country generated similar results.

Easement Acquisition, Survey Access, and Insurance

SCS has participated in thousands of one-on-one meetings with landowners and hundreds of public meetings to interface with stakeholders, hear their concerns, and answer questions about our project. SCS has extended above-market offers for easements that still afford the landowner use of the right-of-way surface. As of January 2024, SCS has already secured mutually beneficial agreements with more than 80% of North Dakota landowners along the proposed route.

SCS has not filed eminent domain suits on any North Dakota landowners, and we remain committed to pursuing good faith negotiations with landowners in an attempt to reach agreements.

While landowners have voluntarily granted permission to survey the vast majority (>90%) of the pipeline route in North Dakota, there have been a limited number of instances where state law has been invoked to allow this critical work to continue. Our team is committed to delivering on our commitment to meet or exceed all regulatory, environmental, and safety requirements, and survey information is a critical piece of data that underpins that commitment.

Regarding liability insurance, there is no need for a landowner to secure insurance due to the pipeline's presence. Like any other pipeline in North Dakota, SCS, as the operator, is responsible for any and all liability associated with pipeline construction and operation. Each easement agreement includes a clause that indemnifies a landowner from this responsibility.

[1] Natural Gas Pipeline Impact Study. Conducted by Allen, Williford & Seale of Houston, Texas, for the INGAA Foundation. 2001. http://www.ingaa.org/File.aspx?id=5597

Land Restoration, Tile Repair, and Washouts

SCS will restore the right-of-way equal to or better than the pre-construction condition. Restoration includes returning contours to maintain the hydrology and stabilize areas as needed until final revegetation occurs.

While in operation, SCS will monitor the right-of-way using aerial patrols and walking surveys to identify washouts, erosion, or other restoration issues that may require deployment of a pipeline contractor to address.

SCS understands the importance of drain tile, and experts testified how drain tile would be repaired or replaced. Ultimately, the risk is on SCS as we warranty drain tile for the life of the pipeline operation.

CO2 Sequestration

The US Geological Survey estimates the potential for Geologic Storage in North Dakota at over 150 billion tons. This is the capacity to store all the CO_2 currently emitted in North Dakota for over 4,000 years. North Dakotans have the opportunity to utilize this geologic storage resource, monetize its value, expand North Dakota's two largest industries, agriculture and energy, and thrive in a low carbon economy.

North Dakota has ideal geology for geologic storage in one of the most geologically stable areas of North America. The Williston Basin geology is well understood from decades of oil and gas drilling and production. Additionally, the Williston Basin has been highly researched, studied and field tested through the US Department of Energy's Carbon Safe Program and Plains CO_2 Reduction Partnership to verify its ability to store CO_2 permanently and safely. North Dakota's geology is ideal for CO_2 storage and differs greatly from other areas with seismic activity. A deep porous rock layer thousands of feet below freshwater formations will hold the CO_2 and overlying cap rock layers will seal the CO_2 in the storage zone. The oil industry has safely injected salt water in these formations without induced seismicity since the 1930's. Subsurface exploration conducted on SCS's sequestration area by two North Dakota organizations, the Energy and Environmental Research Center and Nesset Consulting in 2022, identified three porous rock layers with good cap rocks above and below the targeted zones. Injection of CO_2 is also highly regulated by the North Dakota Industrial Commission (NDIC) which is responsible for review and evaluation of SCS's development plan to ensure compliance.

Very truly yours,

James Powell

SUMMIT CARBON SOLUTIONS

February 15th, 2024

[redacted]

Dear [redacted]

This letter is to notify you that Summit Carbon Solutions has modified the route of the proposed Midwest Carbon Express pipeline in Richland County and the proposed route of the pipeline does not cross your property previously cited as parcel ND-[redacted] Please reach out should you have any questions associated with this notification.

Sincerely,

Julie Dimeo
Summit Carbon Solutions

NORTH Dakota | Mineral Resources
Be Legendary.™

March 7, 2024

Victor Schock
Director, Public Utilities Division
North Dakota Public Service Commission
600 E Boulevard Ave, Dept 408
Bismarck, ND 58505-0480

RE: PSC Case No. PU-22-391

Dear Mr. Schock:

On March 3, 2023, I sent you a letter that included a listing of 14 possible landslides that we had identified that appeared to intercept the Summit Carbon Solutions' pipeline corridor in North Dakota, along with three landslides that were adjacent to it. We felt that these 17 localities should be evaluated to determine if they posed a potential risk to the proposed pipeline.

Over the last 12 months, we have met with representatives of Summit Carbon Solutions on several occasions to go over their plans to address those 17 localities. Additionally, we have reviewed three drafts of their Phase I geohazards assessment report. Between the meetings, reports, and pipeline route maps, Summit Carbon Solutions has demonstrated to us that they have investigated those potential problem sites and have taken steps to address them, including rerouting the pipeline to avoid some of those areas.

Please contact me if you have any questions.

Sincerely,

Edward C. Murphy
State Geologist

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Agency Correspondence
North Dakota Mineral Resources - Geological Survey
Edward Murphy

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Exhibit C

SUMMIT CARBON SOLUTIONS

SCS ROW Progress as of April 8th, 2024						
North Dakota	Parcels	ROW Miles	ROW Miles Executed	ROW Miles Executed %	Parcels Executed	Parcels Executed %
Burleigh	143	50.53	31.82	62.98%	82	57.34%
Cass	63	22.41	19.92	88.86%	56	88.89%
Dickey	96	37.23	29.86	80.22%	73	76.04%
Emmons	102	38.47	30.96	80.46%	76	74.51%
Logan	5	1.83	1.83	100.00%	5	100.00%
McIntosh	110	34.44	32.39	94.05%	100	90.91%
Morton	56	23.55	21.31	90.45%	50	89.29%
Oliver	51	18.39	16.97	92.26%	47	92.16%
Richland	172	65.73	51.15	77.82%	132	76.74%
Sargent	98	39.70	32.38	81.55%	74	75.51%
Grand Total	**896**	**332.29**	**268.58**	**80.83%**	**695**	**77.57%**

Exhibit D