

**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, DICKY,  
EMMONS, LOGAN, MCINTOSH,  
MORTON, OLIVER, RICHLAND AND  
SARGENT COUNTIES, NORTH DAKOTA

CASE NO. PU-22-391

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**REBUTTAL TESTIMONY OF WADE BOESHANS**

**ON BEHALF OF**

**SCS CARBON TRANSPORT LLC**

**June 2, 2024**

1 **Q. Are you the same Wade Boeshans who filed direct written testimony with the North**  
2 **Dakota Public Service Commission (“Commission”) on April 18, 2024 at Docket No**  
3 **529?**

4 A. I am.

5 **Q. Have your employer, employment address, job title or duties with respect to the**  
6 **project changed since that testimony?**

7 A. No, they have not.

8 **Q. What is the purpose of your rebuttal testimony?**

9 A. The purpose of my rebuttal testimony is to respond to, and clarify, certain of the testimony  
10 presented by witnesses for the Intervenors – Burleigh County and the landowners  
11 represented by Mr. Jorde.

12 **Q. What testimony needs to be clarified?**

13 A. On May 30, 2024, there was a question presented to Mr. Wachter regarding the distance  
14 from the current project route to Mr. Wachter’s Silver Ranch development on the east side  
15 of the City of Bismarck. Mr. Wachter testified that the distance from Silver Ranch to the  
16 current project route was approximately two miles.

17 **Q. Was Mr. Wachter’s response inaccurate?**

18 A. Yes, but only because it was based on an inaccurate map created by Burleigh County. As  
19 you may recall, Mr. Flanagan provided testimony that the map submitted as Burleigh  
20 County Exhibit 101 was created using a very preliminary map of the re-route around  
21 Bismarck as opposed to utilizing the route depicted in the updated mapbook filed with the  
22 Commission on January 30, 2024.

1 **Q. Has Summit reviewed the current route as set forth in the most current mapbook and**  
2 **determined the correct distance to Mr. Wachter's Silver Ranch development?**

3 A. Yes. As depicted on **Exhibit A** attached hereto, the closest distance from the centerline of  
4 the pipeline to 80<sup>th</sup> Street NE, the eastern edge of all future Silver Ranch development, is  
5 approximately 4 miles.

6 **Q. Did the Burleigh County map admitted as BC 101 also depict the route moving**  
7 **further to the west near the area where the route crosses Interstate 94 to the east of**  
8 **Bismarck?**

9 A. It did, but again the depiction on the map submitted by Burleigh County is inaccurate for  
10 the reason I previously stated. Attached hereto as **Exhibit B** is an accurate map depicting  
11 the original route submitted to the Commission in October of 2022 (depicted in blue) and  
12 the route filed with the Commission in January of 2024 (depicted in yellow/black).  
13 Although a portion of the route moved closer to the city of Bismarck, that portion has not  
14 moved any closer to the City of Bismarck than that portion of the existing north-south line  
15 that the re-route reconnects with.

16 **Q. What was the reason for the route change depicted on Exhibit B?**

17 A. This change was made at the request of the landowner, Mr. Dale Pahlke.

18 **Q. In contrast to the original route submitted to the Commission in October of 2022, has**  
19 **the nearest distance from the pipeline to Silver Ranch development or the City of**  
20 **Bismarck decreased on the current route?**

21 A. No, in both cases the route has either stayed the same or moved further away from those  
22 locations.

23 **Q. Several landowners testified that they have submitted, through their attorney Mr.**  
24 **Jorde, proposed re-routes on or around their respective properties. Is Summit able**  
25 **to accommodate any of the re-routes proposed by these landowners?**

26 A. Subject to survey access and the survey findings at the proposed re-route locations, I will  
27 commit to personally working with landowners to reach an agreement on a voluntary

1 easement to implement the re-routes (depicted in red) requested by the Kertzman Farm  
2 Trust; Valera Hayen; Loren and Diane Staroba; Jeanne and Marvin Lugert; APH Farms;  
3 James and Lianne Rockstad; Harry L. Malloy Trust No. 2; and Randall, Karla and Shirley  
4 Waloch, each as depicted on **Exhibit C** attached hereto. I will note that certain of the re-  
5 routes set forth on **Exhibit C** do not align exactly with the re-routes proposed by the  
6 requesting landowner, but Summit will make a good faith effort to adopt the re-route  
7 requested by each landowner to the extent possible.

8 **Q. Can you briefly explain why, in certain situations, it is not possible to implement every**  
9 **route adjustment requested by landowners?**

10 A. As Jimmy Powell has previously explained in his testimony, pipelines are routed to account  
11 for a number of important factors, including the impact on landowners, environmental and  
12 cultural constraints, minimizing construction risk, minimizing maintenance and integrity  
13 risk, minimizing the impact to native American tribes, and complying with regulatory  
14 requirements (state and federal). In many cases, a re-route around a parcel owned by a  
15 single landowner will result in the pipeline crossing parcels owned by multiple owners,  
16 some or all of which may be opposed to the pipeline. In other cases, a re-route is not  
17 possible due to the aforementioned factors and constraints involved in routing a linear  
18 pipeline. The further along in the process and the more parcels with signed easements, the  
19 more constrained changes are because the connection points on adjoining parcels are set.  
20 Where we do not believe we can accommodate a landowner's requested re-route, I am  
21 willing to personally meet with the affected landowner to explain why and to discuss  
22 potential alternatives.

23 **Q. Do you recall the testimony provided by Ben and Rose Dotzenrod at the May 24, 2024**  
24 **public hearing in Wahpeton?**

25 A. Yes, I do.

1 **Q. Is Summit willing to bore underneath the drainage easement owned by the**  
2 **Dotzenrod's to the south of their property?**

3 A. Yes, absent any unforeseen constructability issues, Summit commits that it will bore  
4 underneath the drainage area easement so as not to alter the elevation of the existing  
5 drainage facilities located therein. Furthermore, Summit is drafting and will propose an  
6 agreement to the Dotzenrod's in which Summit agrees to repair, or pay to repair, any  
7 damage to such facilities as a result of Summit exercising its rights under its pipeline  
8 easement and will indemnify the Dotzenrod's against any claims or losses arising out of  
9 Summit's repair of such facilities.

10 **Q. There has been some discussion concerning Summit's request for a deviation buffer.**  
11 **Could you please clarify what a "deviation buffer" is and why Summit is requesting**  
12 **one?**

13 A. Yes. As the Commission is aware, Summit has agreed to reduce the width of its corridor  
14 from 300 feet to 200 feet. Summit understands that the route is generally centered within  
15 the designated corridor approved by the Commission and that Summit is required to  
16 construct the pipeline exactly on the centerline of the route approved by the Commission.  
17 A deviation buffer, which is commonly granted by the Commission when issuing pipeline  
18 route permits, allows for minor deviations of the centerline of the route during construction.  
19 The deviation buffer that Summit is requesting would allow Summit to deviate from the  
20 designated route a certain number of feet on either side of the exact centerline of the  
21 designated route without having to notify the Commission pursuant to the Commission's  
22 route adjustment rules. Summit understands that in no event would Summit be allowed to  
23 construct any portion of the pipeline outside of the designated corridor without notification  
24 to, and approval by, the Commission.

1 **Q. Why would Summit have to deviate from the designated route?**

2 A. First, considering the equipment used to construct the pipeline, it is impossible to construct  
3 the pipeline exactly on the centerline of the designated route. Second, Summit may  
4 encounter unanticipated archeological, cultural or historical resources during construction,  
5 or may want to move the route at a landowner's request.

6 **Q. What is the width of the deviation buffer Summit is requesting.**

7 A. Consistent with Summit's easement terms, Summit respectfully requests a deviation buffer  
8 of 50 feet, that being 25 feet on either side of the designated route, or such other buffer that  
9 the Commission deems reasonable.

10 **Q. Is the 50-foot deviation buffer request different than Summit's prior requests for a**  
11 **deviation buffer?**

12 A. Summit had previously requested a 100-foot wide deviation buffer. However, after  
13 reducing the width of the corridor, and having completed additional surveys and acquiring  
14 additional easements, Summit believes that a 50-foot wide deviation buffer will provide  
15 adequate flexibility during construction.

16 **Q. If the Commission grants Summit a deviation buffer, does this allow Summit to**  
17 **construct the pipeline outside of the areas agreed to between Summit and each**  
18 **individual landowner who have signed easements with Summit?**

19 A. Absolutely not. Summit will remain cognizant of the terms and limits set forth in each of  
20 its easement agreements. Should Summit have to deviate from the agreed upon location of  
21 the pipeline in an easement agreement, Summit and the landowner will have to agree to  
22 such deviation in accordance with the terms of the easement agreement.

1    **Q.     Does this conclude your prepared rebuttal testimony?**

2    A.     Yes, it does.

3    **Dated this 2nd day of June 2024.**

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6    \_\_\_\_\_/s/ *Wade Boeshans*

7    **Wade Boeshans**

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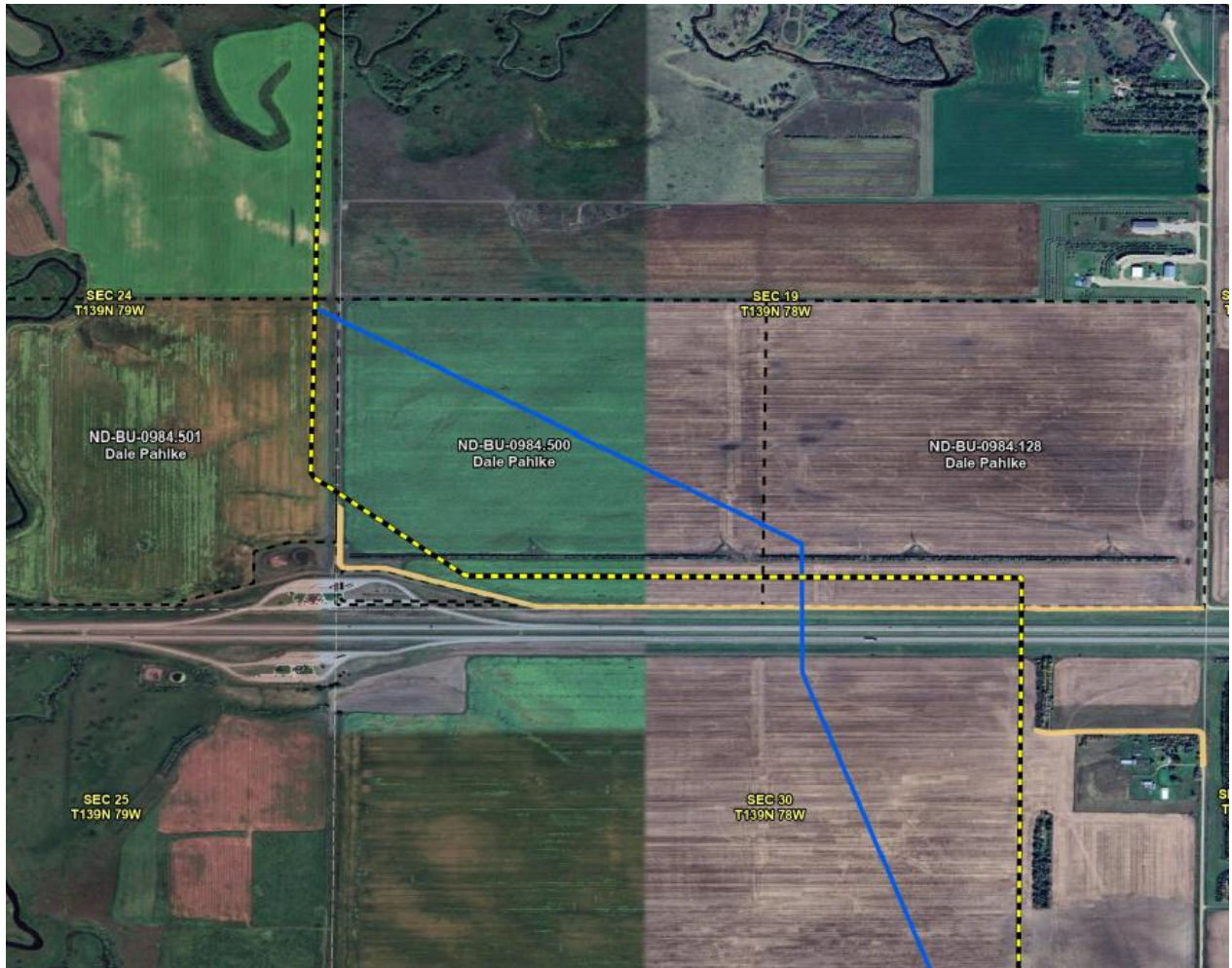
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## EXHIBIT A





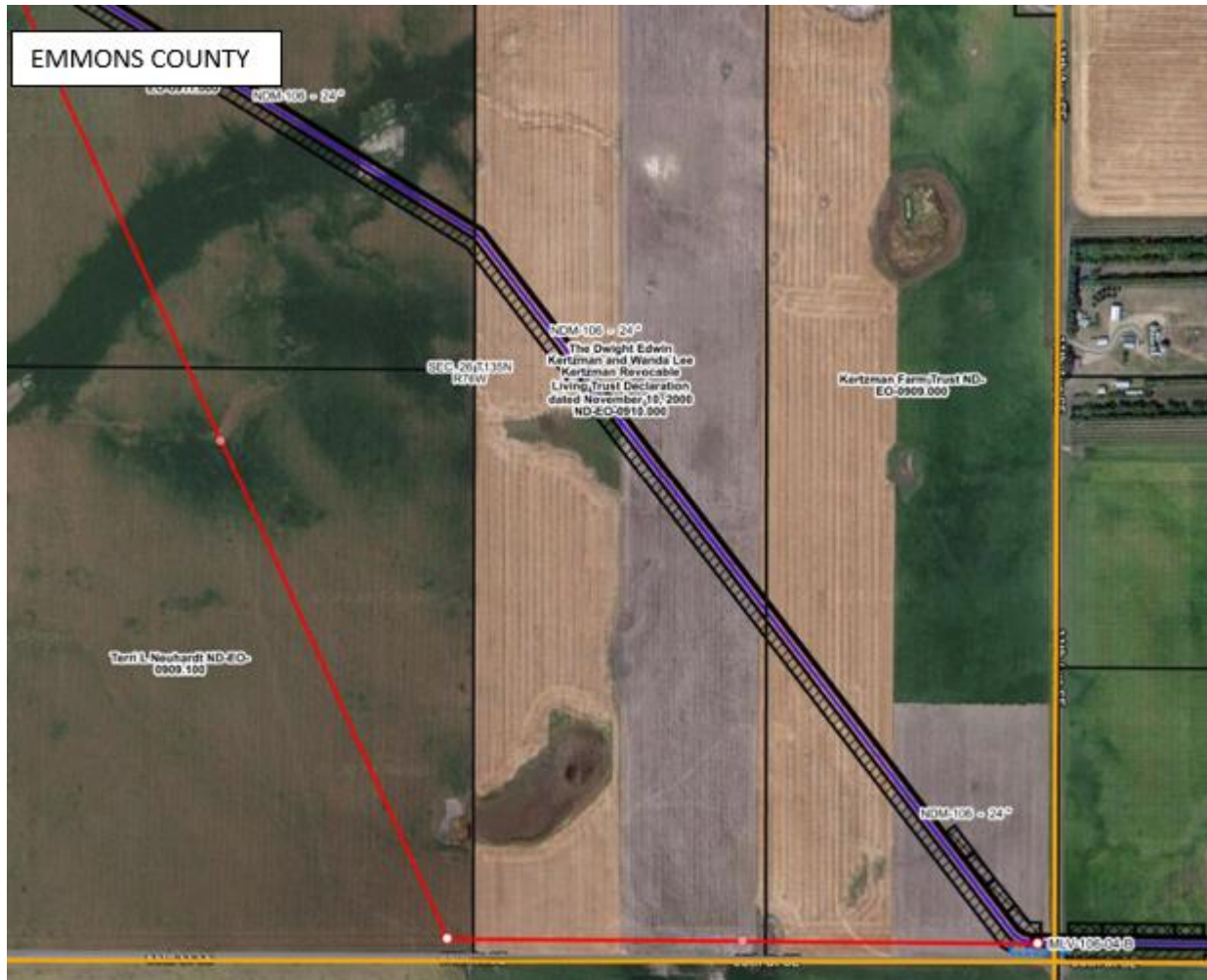
## EXHIBIT B



**EXHIBIT C**

Kertzman Farm Trust

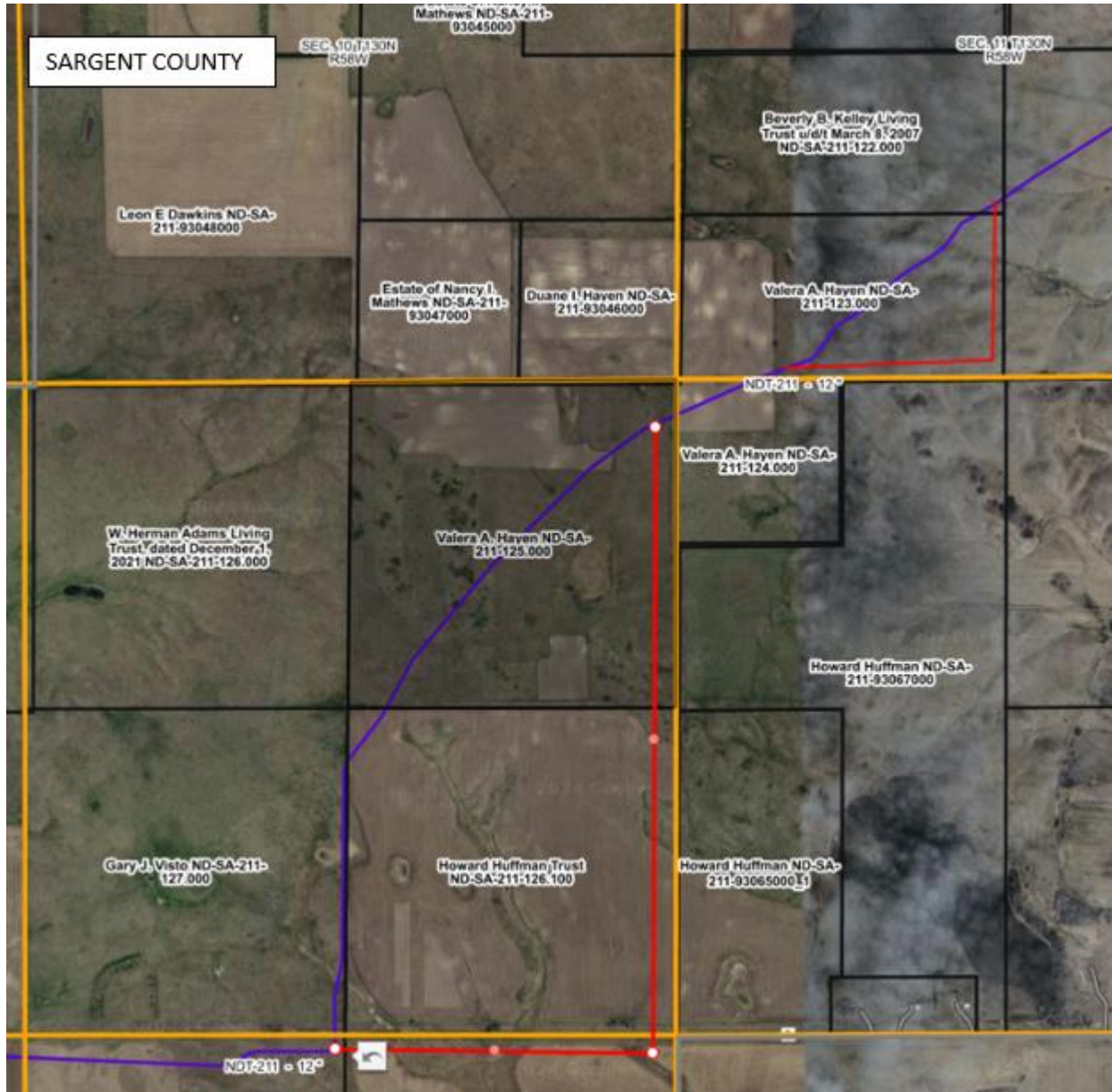
Section 26-T135N-R76W



**EXHIBIT C**  
(cont'd)

Valera Hayen

Section 11-T130N-R58W, Section 15-T130N-R58W, and Section 22-T130N-R58W





**EXHIBIT C**  
(cont'd)

Loren and Diane Staroba:

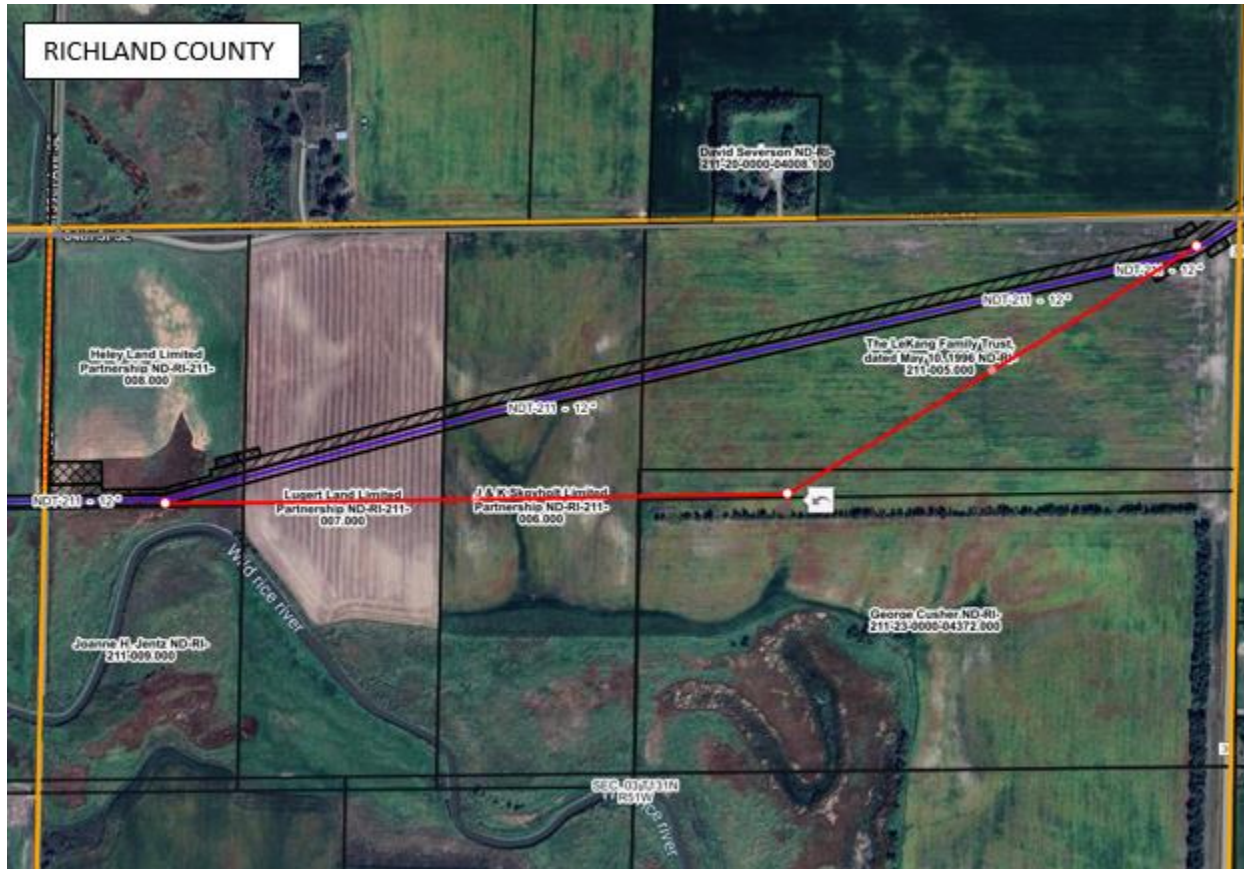
Section 35-T132N-R51W and Section 3-T131N-R51W



**EXHIBIT C**  
(cont'd)

Jeanne and Marvin Lugert

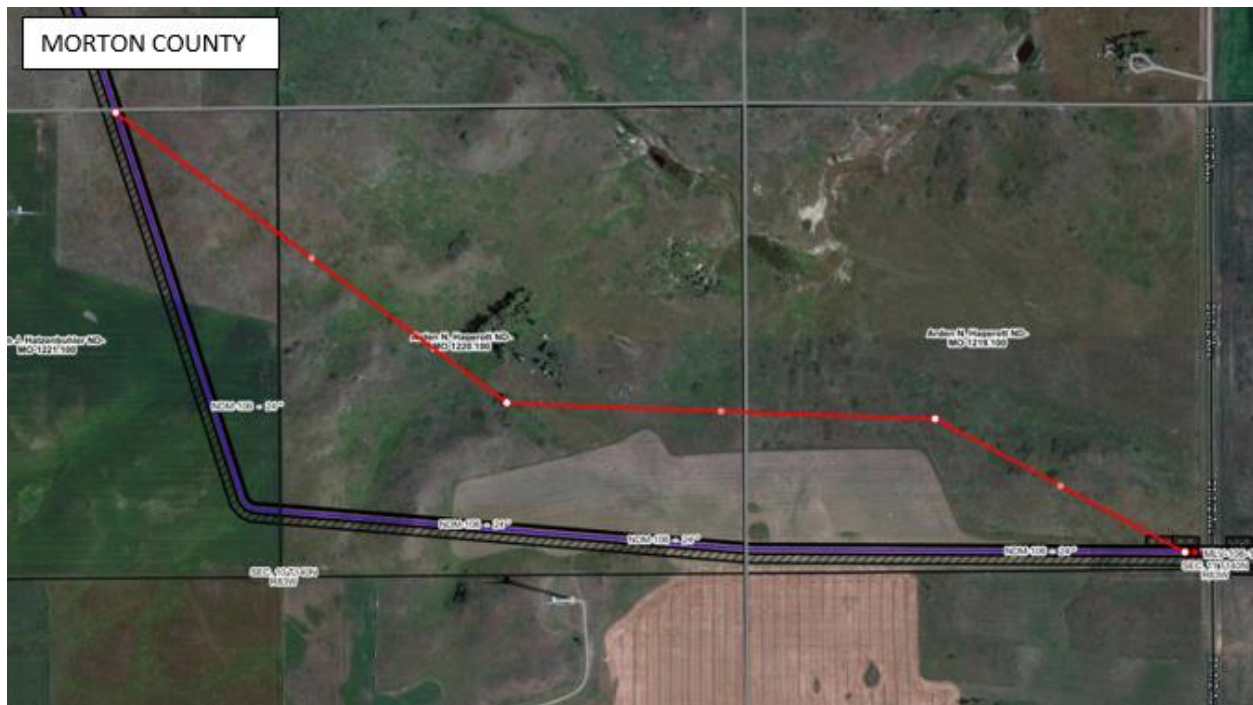
Section 3-T131N-R51W



**EXHIBIT C**  
(cont'd)

APH Farms

Section 10-T140N-R83W

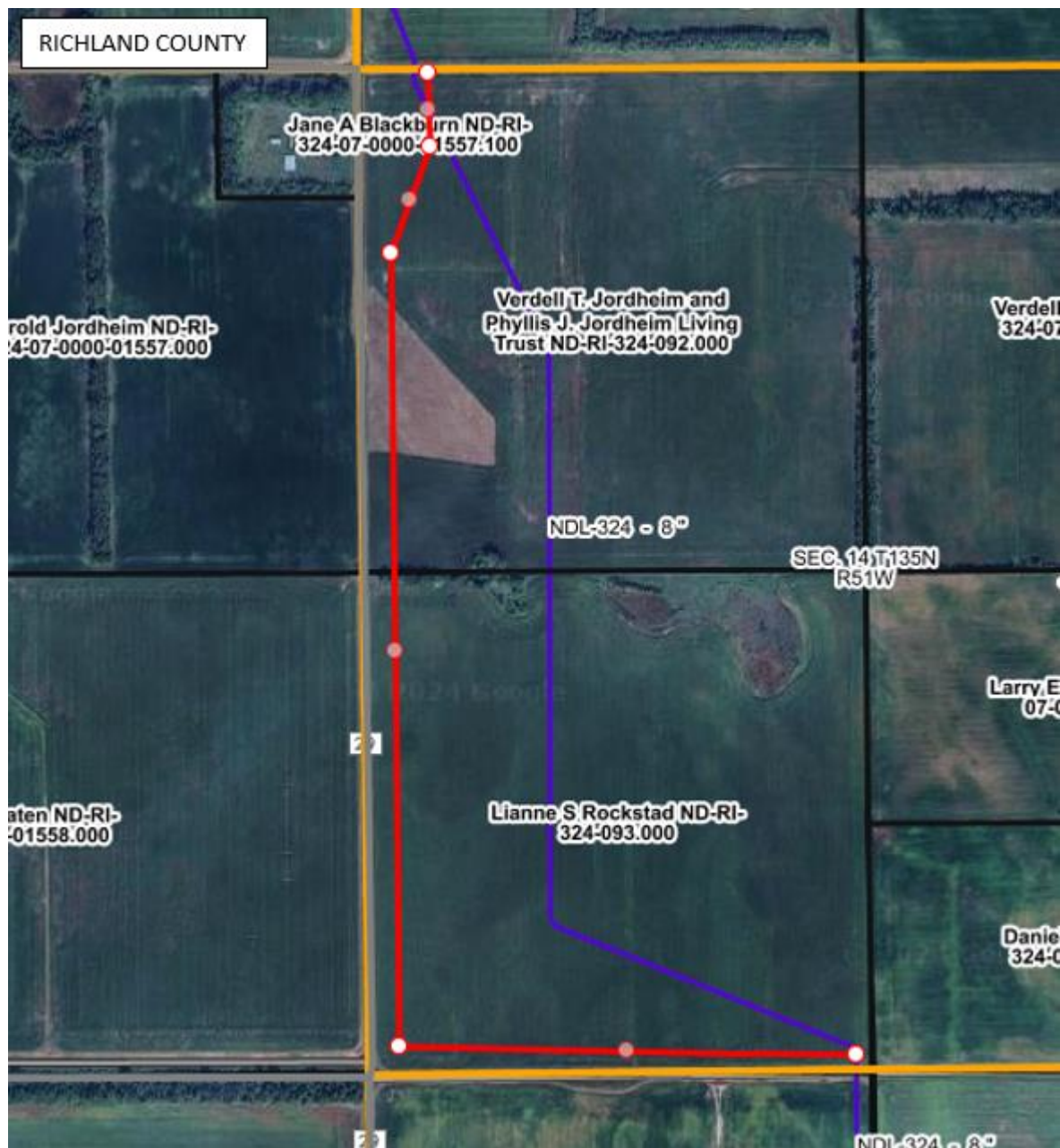




**EXHIBIT C**  
(cont'd)

James and Lianne Rockstad

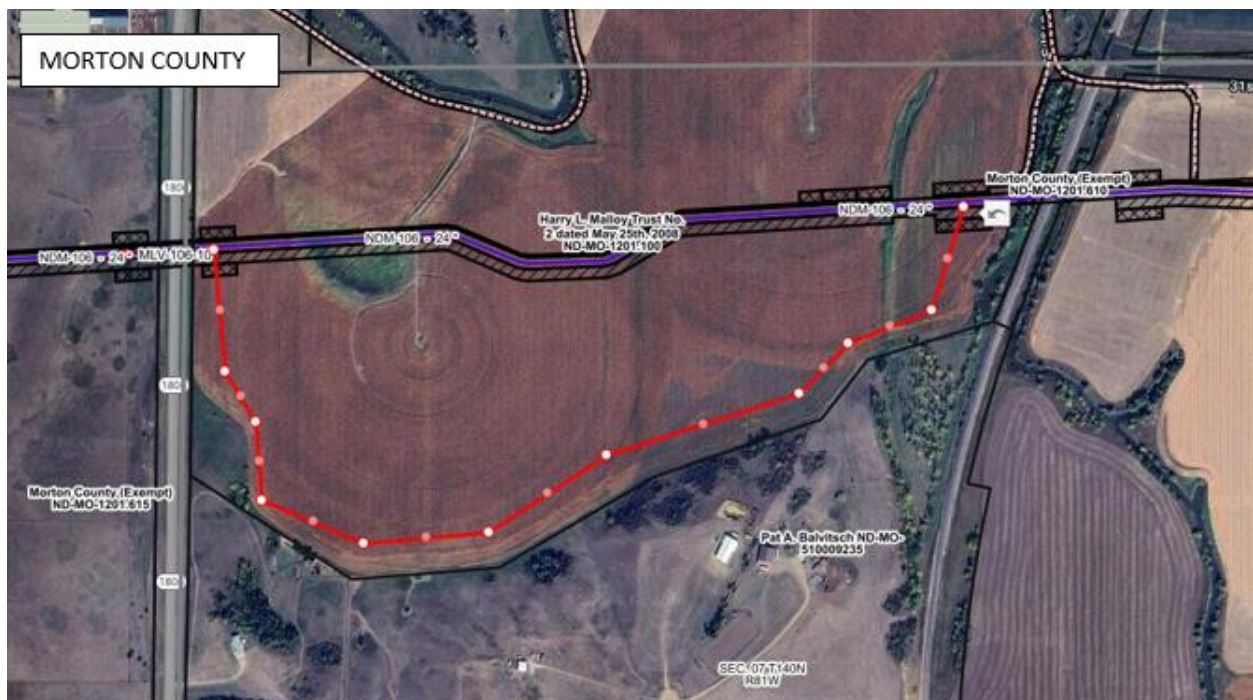
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**EXHIBIT C**  
(cont'd)

Harry L. Malloy Trust No. 2

Section 7-T140N-R81W

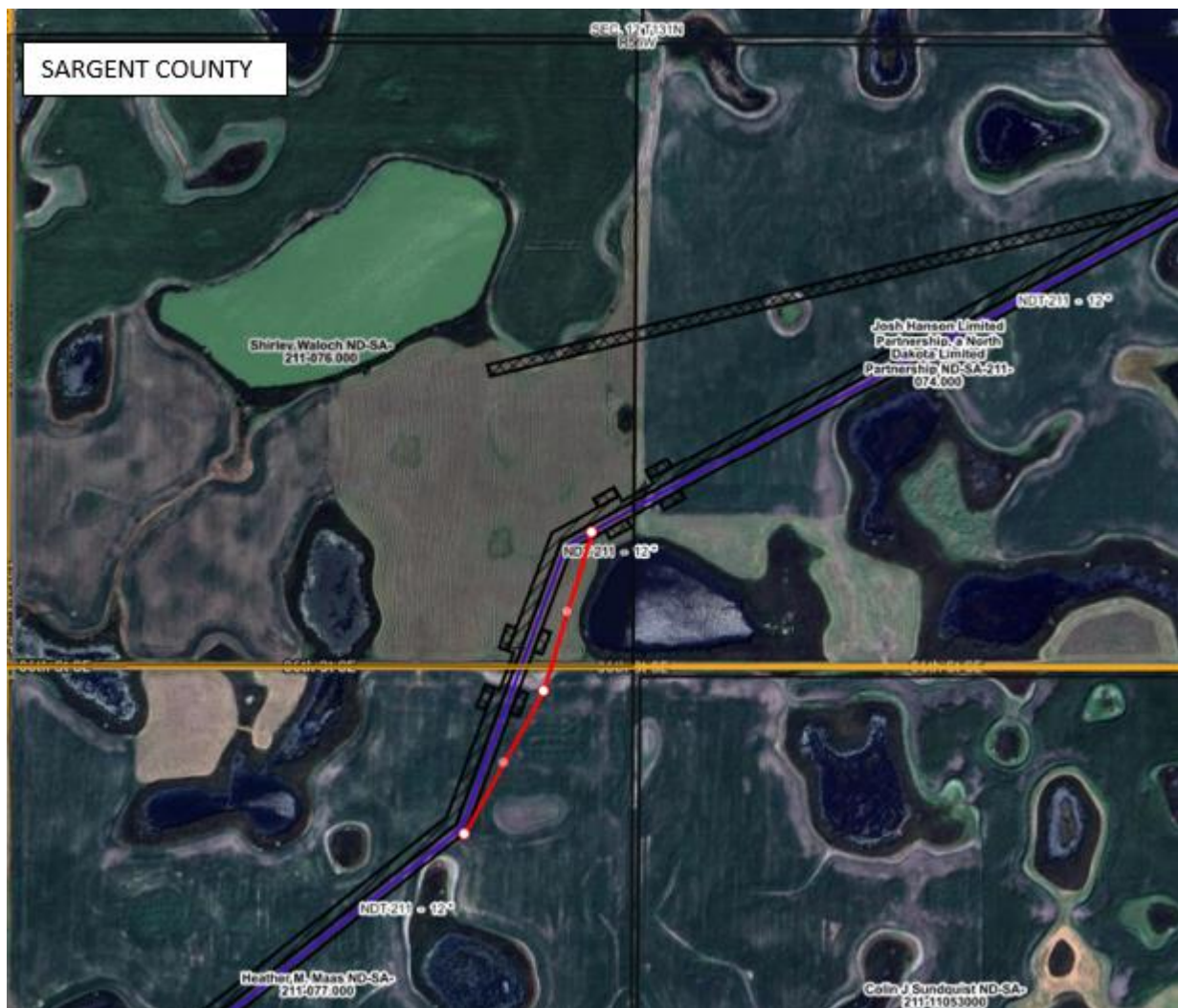




**EXHIBIT C**  
(cont'd)

Randall, Karla and Shirley Waloch

Section 12-T131N-R56W



**EXHIBIT C**  
(cont'd)

Randall, Karla and Shirley Waloch

Section 14-T131N-R56W

