

May 23, 2024

HAND DELIVERED

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

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

Dear Mr. Kahl:

On May 23, 2024, counsel for Landowner Intervenor filed twenty-two (22) exhibits to be offered at the public hearing in Wahpeton on May 24, 2023. Several of those exhibits include letters written by counsel for the Landowner Intervenor, Mr. Jorde, which are addressed to the undersigned. SCS Carbon Transport LLC ("Summit") has responded to each of those letters, however, Mr. Jorde did not include Summit's responses in his proposed exhibits. In an effort to provide the North Dakota Public Service Commission ("Commission") with a complete picture of the correspondence between Mr. Jorde and the undersigned, Summit submits the response letters attached hereto as **Exhibit A**, which include copies of the original letter(s) submitted by Mr. Jorde.

Seven (7) copies of this letter and **Exhibit A** are enclosed herewith. This letter and the above-described documents have been electronically filed with the Commission by e-mailing copies of the same to ndpsc@nd.gov.

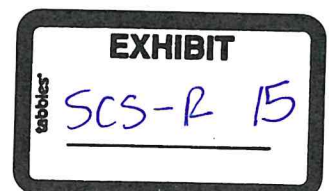
Should you have any questions, please advise.

Sincerely,



LAWRENCE BENDER

LB/tjg
Enclosures
#82586471v1



623 PU-22-391 Filed: 6/7/2024 Pages: 58
SCS Exhibit SCS R-15 - Summit Response Letters

SCS Carbon Transport LLC

576 PU-22-391 Filed: 5/23/2024 Pages: 58
Response to Prefiled Landowner Intervenor's
Hearing Exhibits

SCS Carbon Transport LLC

Lawrence Bender, Fredrikson&Byron, P.A.



Exhibit A

Fredrikson & Byron, P.A.
Attorneys and Advisors

304 East Front Avenue, Suite 400
Bismarck, ND 58504-5639
Main: 701.221.8700
fredlaw.com

May 21, 2024

VIA E-MAIL

Mr. Brian E. Jorde
Domina Law Group
2425 S. 144th Street
Omaha, NE 68144
bjorde@dominalaw.com

**RE: CO2 Pipeline – Kertzman Farm Trust
(Mitch Kertzman and Julie Streamer)
SCS Proposed Route Description:
Township 135 North, Range 76 West
Section 26:
Emmons County, North Dakota**

Dear Mr. Jorde:


I am in receipt of your letter dated April 23, 2024, a copy of which is enclosed herewith, regarding the above-captioned matter. Contrary to the allegations set forth in your letter, Summit has, or attempted to, communicate with your client on approximately 11 occasions. However, subsequent to your client's engagement with your law firm, it became clear to Summit that you had instructed your client not to engage with any Summit representatives. Furthermore, you claim that you have been trying to have a dialogue with Summit and I regarding your client's concerns, but your April 23, 2024 letter is the first time that I have received any indication from you or your client that your client is willing to work with Summit regarding the proposed route across your client's property. Also, I do not believe it is a coincidence that we are learning of this willingness on the midst of the public hearings scheduled on Summit's petition for reconsideration. Your letter is disingenuous at best.

By way of example, in your April 23, 2024 letter you attach a letter from your client which is purported to be representative of your client's "ongoing attempts" to reach a resolution with Summit. However, your client's letter was also addressed to Governor Burgum and was, much like your letter, written for an audience beyond that of Summit. One can only assume that this was the first time you allowed your client to communicate its willingness to work with Summit and for the specific purpose of supporting the untrue allegations against Summit in your letter.

Mr. Brian E. Jorde
May 21, 2024
Page 2

Despite your efforts and claims to the contrary, Summit welcomes the opportunity to engage with your client regarding the proposed re-routes set forth in your letter. Summit has reviewed the proposals and believes that accommodations can be made; however, the areas of the proposed re-routes will need to be surveyed prior to Summit committing to such routes. Accordingly, please confirm in writing that Summit has permission to survey your client's property in order to determine whether the proposed re-routes are feasible.

Should you have any questions, please advise.

Sincerely,

LAWRENCE BENDER

LB/tjg
#82357020v1
Enclosure(s)

cc: SCS Carbon Transport LLC

April 23, 2024

Lawrence Bender
Frederikson & Byron, P.A.
1133 College Drive, Ste. 1000
Bismarck, Nd 58501-1215

RE: C02 Pipeline – Kertzman Farm Trust (Mitch Kertzman and Julie Streamer)
SCS Proposed Route Description: Township 135 North, Range 76 West
Section 26:
Emmons County, North Dakota


Mr. Bender:

I have been trying to have a dialogue with you and your client for many months now and your client, Summit, has failed to engage in any meaningful way. Additionally, we have not heard from you – ever – as to working on re-routes around our client's land nor have you addressed their opposition to your proposed hazardous pipeline. Given you have had over a year to do this and you have not contacted us at all in this regard, we are at a loss how to proceed other than vigorously opposing your client's applications.

In any event, enclosed with this letter you will find our client's ongoing attempts to reach a palpable resolution to this controversy. However, if we continue to not hear from you and your client continues to refuse to engage on this matter, we will have to proceed to request denial of your client's Application for Certificate of Corridor Compatibility and its Application for Route Permit.

We are providing this information to you in the hope that Summit will start to show at least a minimum good-faith effort to engage with us to address the adverse effects upon landowners who do not want any part of this proposed hazardous pipeline. We respectfully request we hear from you soon.

Respectfully,


Brian E. Jorde
bjorde@dominalaw.com

Enclosures

Trial Practice. Not Just Talk.™

This document prepared exclusively in the USA

KERTZMAN FARM TRUST
-and-
DWIGHT EDWIN KERTZMAN AND WANDA LEE KERTZMAN REVOCABLE LIVING TRUST

To:
Executive Vice President, Summit Carbon Solutions
Wade Boeshans
2321 North Loop Drive #221
Ames, IA 50010
701-400-8911
info@summitcarbon.com

CC:
Office of Governor, State of North Dakota
Douglas Burgum
600 East Boulevard Avenue
Bismarck ND, 58505-0001
701-328-2200
www.governor.nd.gov/contact

Brian Jorde
Domina Law Group pc llo
2425 S 144th St.
Omaha, NE 68144-3267
402-493-4100
BJorde@dominalaw.com

Dear Wade,

A few items of note:

If the SCS pipeline project were for the purpose of distributing power, comm, water, or other utilities that benefit the public, there would be an entirely different response to your project. However, your proposed project is a for-profit tax grab at the landowner's expense.

The Landowners along your proposed route have been treated as a nuisance to a money grab under the auspices of the 'Green Agenda', with the goal of banking millions in Federal Tax Credits, at the expense of the Landowners. Consider the millions already spent by private landowners to defend against your non-beneficial project.

It is clear, that while the SCS project claims to be pro-agriculture, the construction and operation of the project is counter to this claim. It destroys prime Ag land, and puts the people that care for it in peril when there is a rupture. A release of Carbon Dioxide is not the same as a release of petrochemical.

Since SCS began the planning of this project, landowners have been bullied, lied to, insulted with offers of pittance level 'compensation', and treated as fodder in the way of the SCS money grab. Indeed, if the purpose of the project is to make trainloads of money, then the very land you need to construct it through should be compensated as a fair percentage of the profits. This is the only way that a semblance of equity can be established. Or, alternately, a lump sum on the order of millions per parcel might be considered.

KERTZMAN FARM TRUST
-and-
DWIGHT EDWIN KERTZMAN AND WANDA LEE KERTZMAN REVOCABLE LIVING TRUST

You now concede that the CO2 you propose to capture and pipe north will likely be re-sold to the oil extraction industry. It is not known by the affected landowners as to what other transmission lines will be added to the easements, once secured.

Subject Matter:

We provided a suggested route that does not bisect/ruin prime farm ground (copy of the exhibit attached), along sections lines. This was ignored.

You have publicly stated (December 20, 2023 <https://www.bek.news/programs/2023-12-20/>) that if a landowner wanted the route adjusted, that you would do so. This was also stated by Governor Burgum at the same event.

We, at a bare minimum, hereby request that you honor your promise to adjust your proposed pipeline route, as suggested on the attached exhibit, first presented to SCS in 2023, and provide an updated route graphic including the route adjustment.

Sincerely,

Kertzman Farm Trust -and- Dwight Edwin Kertzman and Wanda Lee Kertzman Revocable Living Trust
Mitchell B. Kertzman

Township 135 North, Range 76 West, Section 26: E2E2
Kertzman Farm Trust
22318 Lucky Lane, Rapid City, SD 57701
Mitchell B. Kertzman, Trustee
-and-
Township 135 North, Range 76 West, Section 26: W2E2
Dwight Edwin Kertzman and Wanda Lee Kertzman Revocable Living Trust

Attachments:

Pipeline Route Exhibit

Cc:

Governor Burgum
Attorney Brian Jorde
Trustors, Kertzman Farm Trust

Proposed Route Revision

Legend

Kertzman Farm Trust
(less original farmsite)

Dwight and Wanda
Kertzman Revocable Trust

Summit Wants

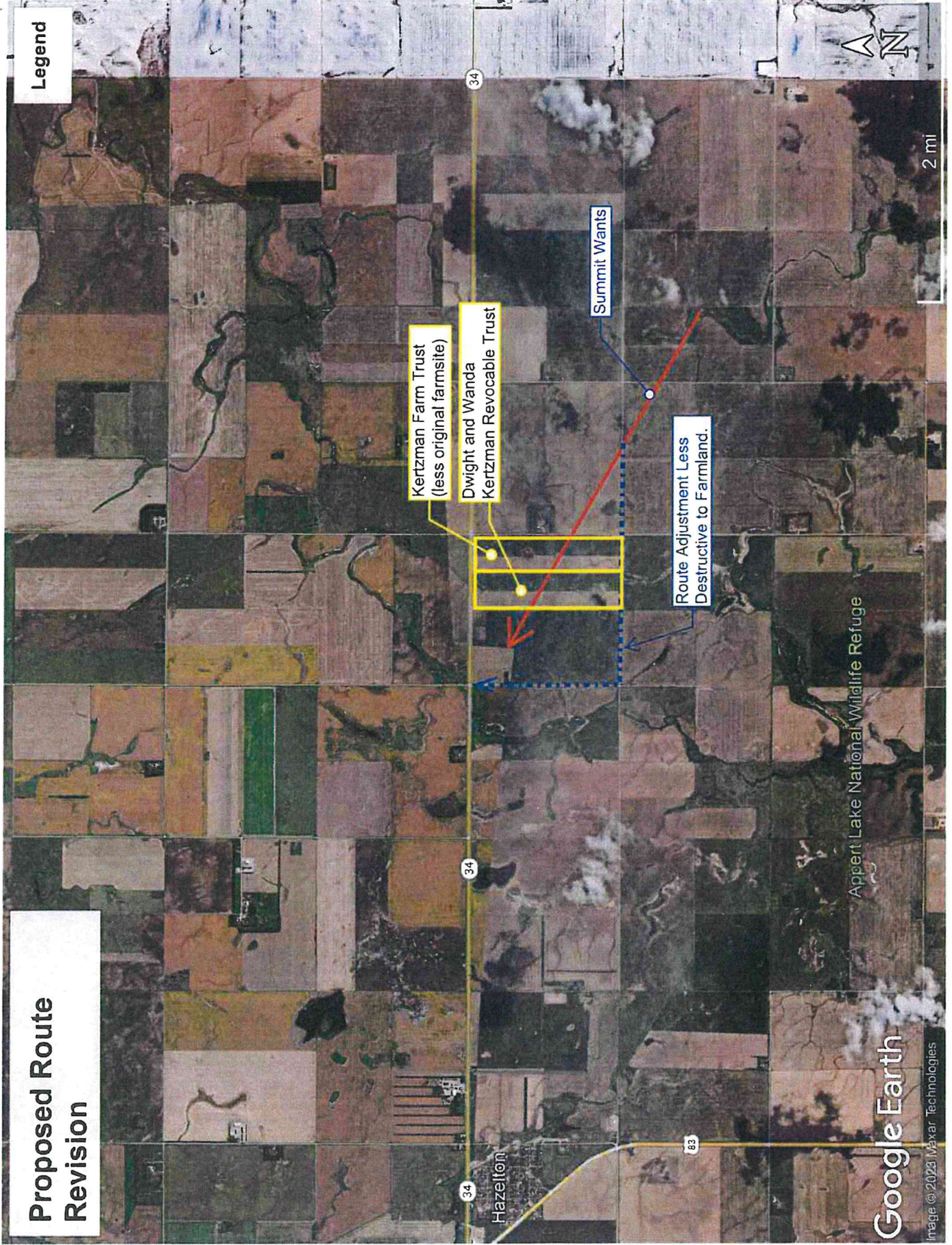
Route Adjustment Less
Destructive to Farmland.

Appert Lake National Wildlife Refuge

Google Earth

Image © 2023 Maxar Technologies

2 mi



May 21, 2024

VIA E-MAIL

Mr. Brian E. Jorde
Domina Law Group
2425 S. 144th Street
Omaha, NE 68144
bjorde@dominalaw.com

**RE: CO2 Pipeline – Valera Hayen
SCS Proposed Route Description:
Township 130 North Range 58 West
Sections: 11, 14, and 15**

Dear Mr. Jorde:

I am in receipt of your letters dated April 16, 2024 and May 17, 2024, copies of which are enclosed herewith, regarding the above-captioned matter. Contrary to the allegations set forth in your letters, Summit has attempted, on many occasions (approximately 41 attempted communications via phone or e-mail) over the past year, to work with your client regarding the proposed easement and the location of the pipeline. It became clear, however, that you had (until now) instructed your client not to engage with any Summit representatives. Furthermore, you claim that you have been trying to have a dialogue with Summit and I regarding your client's concerns, but your April 16, 2024 letter is the first time that either I or Summit have received any indication from you or your client that your client is willing to work with Summit regarding the proposed route across your client's property. Also, I do not believe it is a coincidence that we learned of this willingness on the eve of the public hearings scheduled on Summit's petition for reconsideration. Your letter is disingenuous at best.

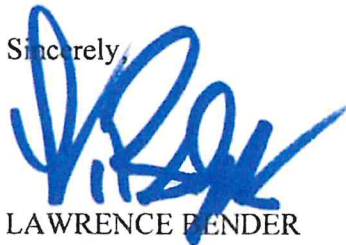
By way of example, in your April 16, 2024 letter you attach maps depicting your client's proposed re-routes which you purport to be representative of your client's "ongoing attempts" to reach a resolution with Summit. However, as explained above, this is the first time your client has expressed a willingness to work with Summit. One can only assume that the proposed re-routes have been submitted for the specific purpose of supporting the untrue allegations against Summit in your letters.

Mr. Brian E. Jorde
May 21, 2024
Page 2

Despite your efforts and claims to the contrary, Summit welcomes the opportunity to engage with your client regarding the proposed re-routes set forth in your letters. Summit has reviewed the proposals and believes that accommodations can be made; however, the areas of the proposed re-routes will need to be surveyed prior to Summit committing to such routes. Accordingly, please confirm in writing that Summit has permission to survey your client's property in order to determine whether the proposed re-routes are feasible.

Should you have any questions, please advise.

Sincerely,



LAWRENCE BENDER

LB/tjg
#82225535v1
Enclosure(s)

cc: SCS Carbon Transport LLC

April 16, 2024

Lawrence Bender
Frederikson & Byron, P.A.
1133 College Drive, Ste. 1000
Bismarck, Nd 58501-1215

COPY

RE: CO₂ Pipeline – Valera Hayen
SCS Proposed Route Descript.: Township 130 North Range 58 West
Sections: 11, 14, and 15


Mr. Bender:

I have been trying to have a dialogue with you and your client for many months now and your client, Summit, has failed to engage in any meaningful way. Additionally, we have not heard from you – ever – as to working on re-routes around our client's land nor have you addressed her opposition to your proposed hazardous pipeline or the many concerns she raised during testimony last year. Given you have had over a year to do this and you have not contacted us at all in this regard, we are at a loss how to proceed other than vigorously opposing your client's applications.

In any event, enclosed with this letter you two color maps of show Valera Hayen's re-route proposals for Sections 11 and 15. Ms. Hayen is proposing that you follow the parcel boundaries lines in both Sections 11 and 15. This is our client's ongoing attempts to reach a palpable resolution to this controversy. However, if we continue to not hear from you and your client continues to refuse to engage on this matter, we will have to proceed to request denial of your client's Application for Certificate of Corridor Compatibility and its Application for Route Permit.

We are providing this information to you in the hope that Summit will start to show at least a minimum good-faith effort to engage with us to address the adverse effects upon landowners who do not want any part of this proposed hazardous pipeline. We respectfully request we hear from you soon.

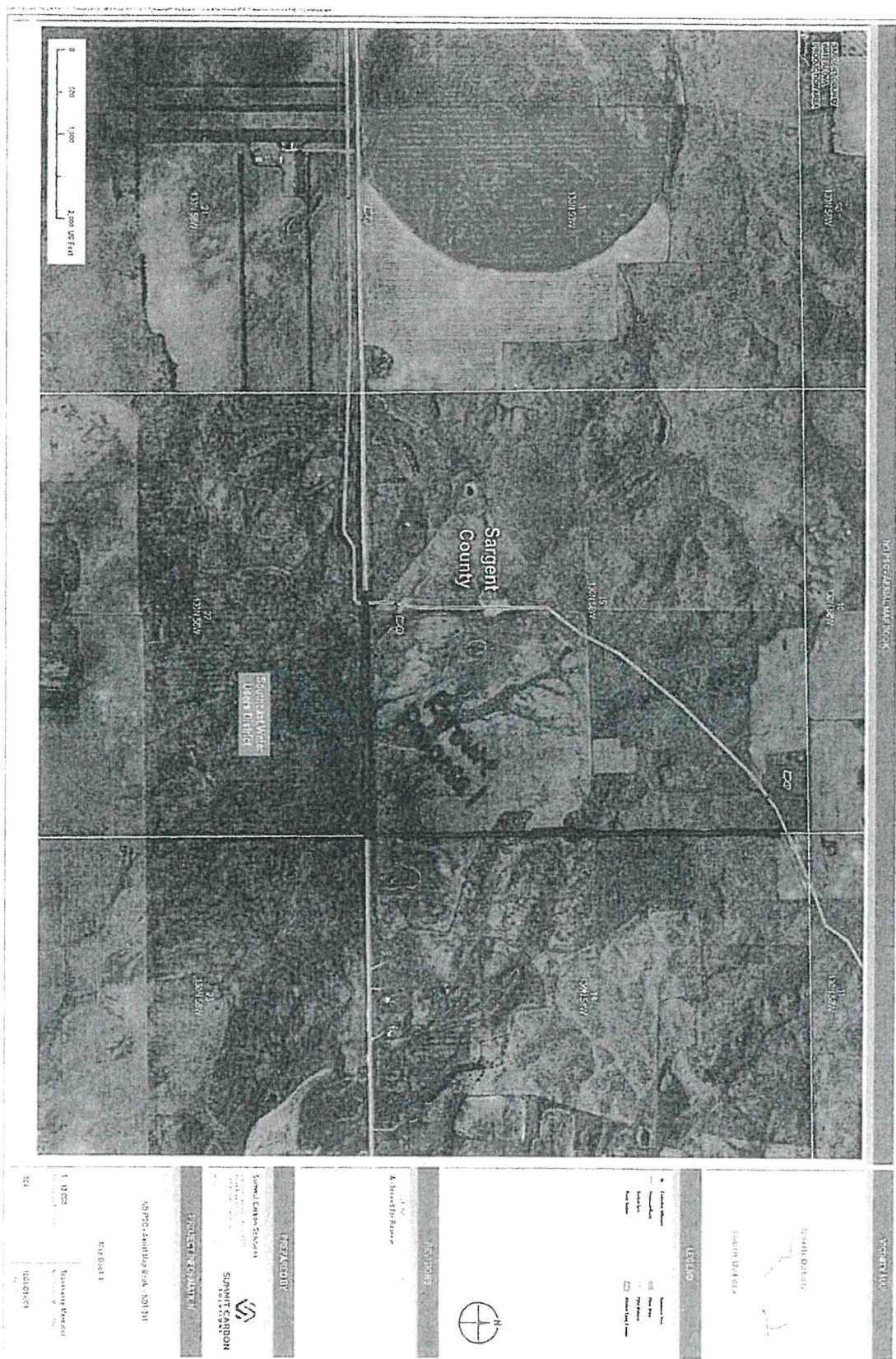
Respectfully,

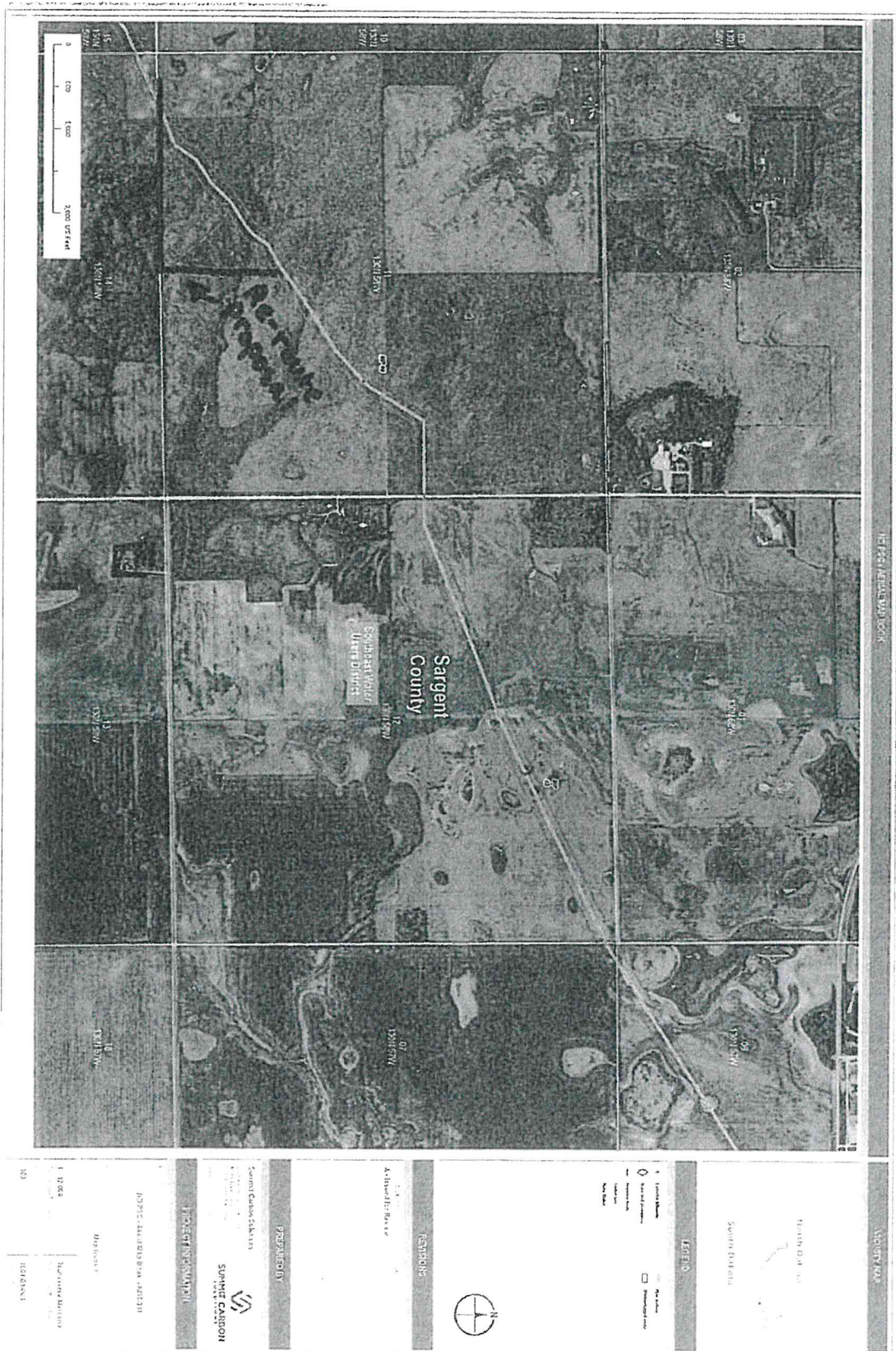

Brian E. Jorde
bjorde@dominalaw.com

Enclosures

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This document prepared exclusively in the USA





May 17, 2024

Lawrence Bender
Frederikson & Byron, P.A.
1133 College Drive, Ste. 1000
Bismarck, Nd 58501-1215

COPY

RE: CO₂ Pipeline – Valera Hayen
SCS Proposed Route Descript.: Township 130 North Range 58 West
Sections: 11, 14, and 15
Sargent County

Mr. Bender:

We have not heard from your client, Summit, regarding Valera Hayen's April 16, 2024 re-route proposal for Sections 11 and 15. In fact we have not heard from you for over a year related to any efforts to re-route around Ms. Hayen's property. You have been on notice of her opposition since before she became a formal intervenor in these proceedings.

Because we did not hear from you, our client has decided to propose a new re-route for the pipeline. Valera Hayen is opposed to the hazardous pipeline on her property and proposes Summit move the pipeline entirely off her property. This proposal would follow the Zoning Regulation for Jackson Township in Sargent County, North Dakota.

Enclosed with the letter is a map that shows Valera Hayen's new re-route proposal. This is our client's ongoing attempts to reach a palpable resolution to this controversy. However, if we continue to not hear from you and your client continues to refuse to engage on this matter, we will have to proceed to request denial of your client's Application for Certificate of Corridor Compatibility and its Application for Route Permit.

We are providing this information to you in the hope that Summit will start to engage with us to address the adverse effects upon landowners who do not want any part of this proposed hazardous pipeline. We respectfully request we hear from you soon.

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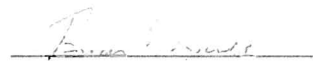
This document prepared exclusively in the USA

Lawrence Bender

May 17, 2024

Page 2 of 2

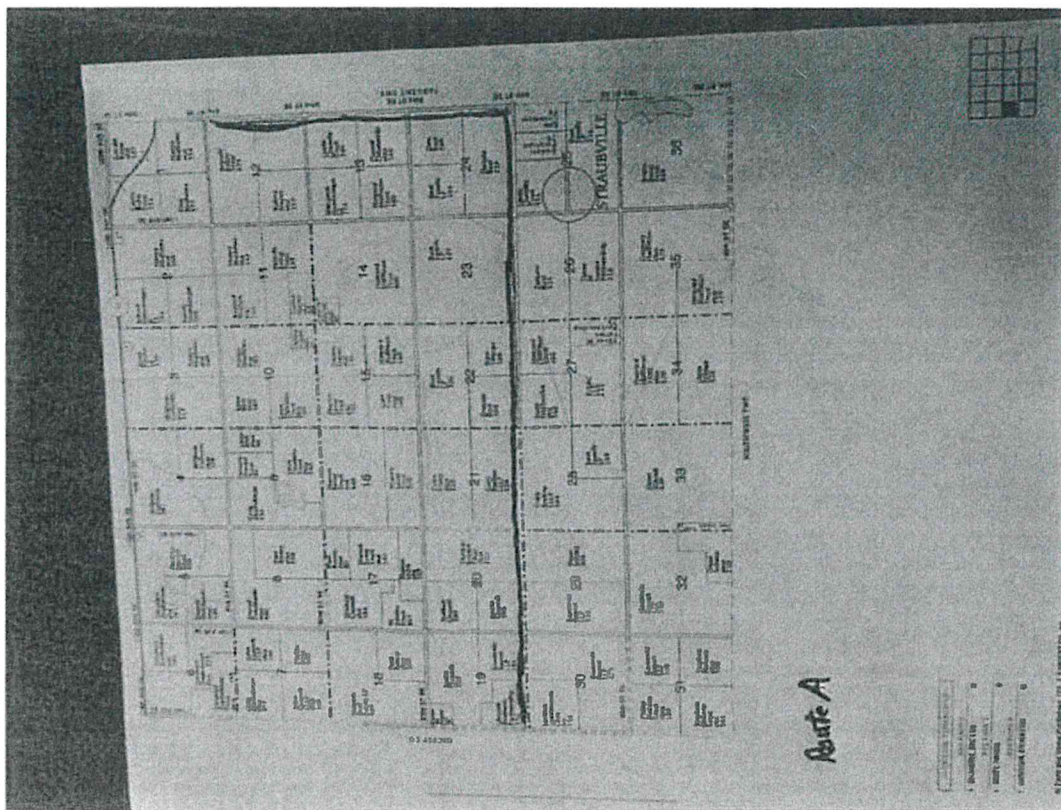
Respectfully,



Brian E. Jorde

bjorde@dominalaw.com

Enclosures



May 21, 2024

VIA E-MAIL

Mr. Brian E. Jorde
Domina Law Group
2425 S. 144th Street
Omaha, NE 68144
bjorde@dominalaw.com

**RE: CO2 Pipeline – Loren and Diane Staroba
SCS Proposed Route Descript.:
Township 132 North, Range 51 West
Section: 35
Township 131 North, Range 51 West
Section: 2
Richland County, North Dakota**

Dear Mr. Jorde:

I am in receipt of your letter dated April 23, 2024, a copy of which is enclosed herewith, regarding the above-captioned matter. Summit welcomes the opportunity to engage with your client regarding the proposed re-routes set forth in your letter. Summit has reviewed the proposals and believes that accommodations can be made; however, the areas of the proposed re-routes will need to be surveyed prior to Summit committing to such routes. Accordingly, please confirm in writing that Summit has permission to survey your client's property in order to determine whether the proposed re-routes are feasible.

Should you have any questions, please advise.

Sincerely,


LAWRENCE BENDER

LB/tjg
#82358370v1
Enclosure(s)

cc: SCS Carbon Transport LLC

April 23, 2024

Lawrence Bender
Frederikson & Byron, P.A.
1133 College Drive, Ste. 1000
Bismarck, ND 58501-1215

RE: CO₂ Pipeline – Loren and Diane Staroba
SCS Proposed Route Descript.: Township 132 North, Range 51 West
Section: 35
Township 131 North, Range 51 West
Section: 2
Richland County, North Dakota

Dear Mr. Bender,

On April 11, 2023, our client, Loren Staroba, testified about his and Diane Staroba's concerns of having the pipeline across their land. They already have 45-year-old Dome LP pipeline and a 25-year-old natural gas pipeline on Section 35 of their land. There have been many problems caused by the pipelines currently on their property, such as crop yield loss, loss of soil quality, and drainage issues. These problems are continuing 45+ years after the pipeline's construction. Another concern is the safety of a CO₂ pipeline. The Starobas are further concerned about the establishment of another corridor across their land, which may allow for additional pipelines to be easier to permit. The Starobas' worry about the loss of property value which will result from the addition of this CO₂ pipeline making three pipelines on this tract, along with the loss in crop yields, soil quality and safety concerns of a CO₂ pipeline. Mr. Staroba's testimony regarding Section 35 was not addressed.

Township 131 North, Range 51 West – Section 2

After considerable effort, conversations, and personal expense, the Starobas, offered to have the pipeline run diagonally through the County Road 30 intersection moving it from their property. Terry Goerger, the neighbor to the North, agreed and Marvin and Jeannie Lugert, the neighbors to the Northwest, also agreed. The Richland County Engineer has indicated that he would approve the diagonal crossing of the County road. Through Attorney David Piper, the Starobas requested Summit to make this change. David Piper has had conversations with Julie Dimeo (SCS ND

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This document prepared exclusively in the USA

Lawrence Bender

April 23, 2024

Page 2 of 2

ROW Manager) concerning this tract of land. Currently, the third map book filed with the Public Service Commission indicates that Summit has agreed to this change (Doc. No. 435-20). Starobas are willing to accept the current map route on Section 2 but cannot agree unless they have something in writing allowing for further negotiations. Enclosed is a map showing Starobas' acceptance of the current map route in Section 2.

Township 132 North, Range 51 West – Section 35

As the pipeline approaches the Starobas' property from the East, the Starobas request that Summit turn the pipeline South so it runs parallel to the road across from their tract. This reroute would still allow for approximately 800 feet between the pipeline and the farmstead to the East. The pipeline would then cross the road, from East to West, near the South edge of the quarter. The pipeline would then travel on the tract parallel with and as close as possible to the township road before it follows and crosses the railroad tracks. It is our understanding that Terry Goerger, who owns the land to the West of the railroad tracks, has already agreed with Summit to run the pipeline closer to the South township road, after it crosses under the tracks and heads West between his tile lines. The third map book filed with the Public Service Commission (Doc. No. 435-20) shows the pipeline moved somewhat South on the Starobas' property due to the change on Goerger's land. Yet, it still runs at an angle across their tract of land. Staroba's request that Summit re-route the pipeline on their property to the south edge of the quarter as described above. Enclosed is a map showing Starobas' suggested alternative route for Section 35.

We are providing this information to you in the hope that Summit will engage with us to minimize the adverse effects upon landowners who do not want any part of this proposed hazardous pipeline. We respectfully request that we hear from you soon with acceptance of the proposed re-route included herein.

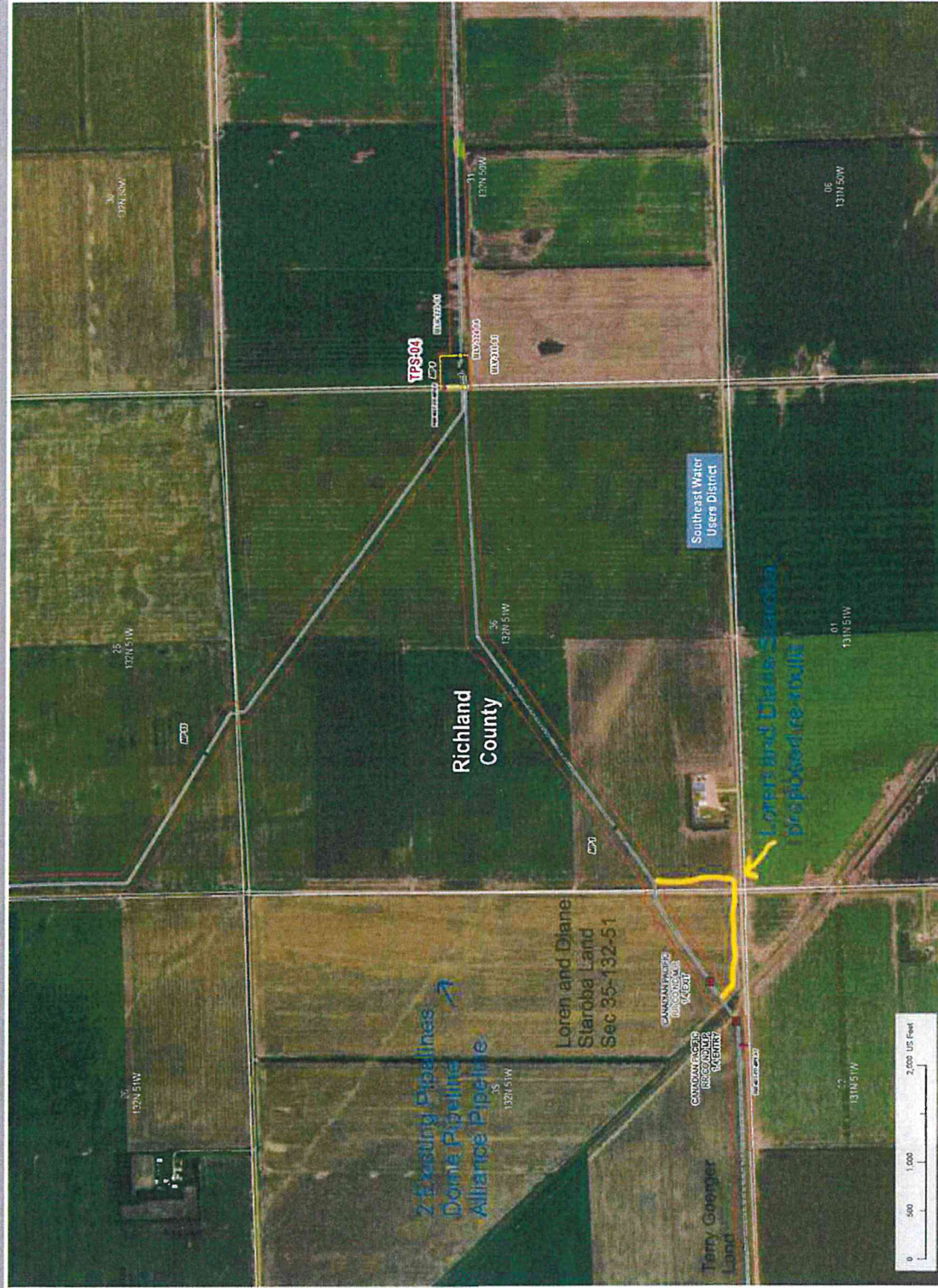
Respectfully,



Brian E. Jorde

bjorde@dominalaw.com

Enclosures



LEGEND

- 401 Road #4
- Local Roads
- State Road
- Proposed Pipeline
- Existing Pipeline
- Water Body
- Other



REVISIONS

Rev	Date	Description
1	10/1/2020	Initial Issue
2	10/1/2020	Revised for Review

PREPARED BY

Summit Carbon Solutions
1000 1st St SW
Fargo, ND 58103
701.785.1234



PROJECT INFORMATION

ND PSC - Aerial Map Book - ND 323, ND 321, ND 324

Map Book 1

Scale: 1" = 12,000'
Projection: Transverse Mercator
Datum: NAD 83
Zone: 14N
Units: Feet

May 21, 2024

VIA E-MAIL

Mr. Brian E. Jorde
Domina Law Group
2425 S. 144th Street
Omaha, NE 68144
bjorde@dominalaw.com

**RE: CO2 Pipeline – Jeanne and Marvin Lugert
SCS Proposed Route Descript.:
Township 131 North, Range 51 West
Sections 3 and 5:
Richland County, North Dakota**

Dear Mr. Jorde:

I am in receipt of your letter dated April 23, 2024, a copy of which is enclosed herewith, regarding the above-captioned matter. In your letter you attach maps depicting your client's proposed re-routes which you purport to be representative of your client's "ongoing attempts" to reach a resolution with Summit. However, your April 23, 2024 letter is the first time that either I or Summit have received any indication from you or your client that your client is willing to work with Summit regarding the proposed route across your client's property.

Nevertheless, Summit welcomes the opportunity to engage with your clients regarding the proposed re-route set forth in your letter. Summit has reviewed the proposals and believes that accommodations can be made; however, the areas of the proposed re-routes will need to be surveyed prior to Summit committing to such routes. Accordingly, please confirm in writing that Summit has permission to survey your client's property in order to determine whether the proposed re-routes are feasible.

Should you have any questions, please advise.

Sincerely,


LAWRENCE BENDER

LB/tjg
#82358935v1
Enclosure(s)

cc: SCS Carbon Transport LLC

April 23, 2024

Lawrence Bender
Frederikson & Byron, P.A.
1133 College Drive, Ste. 1000
Bismarck, Nd 58501-1215

RE: CO₂ Pipeline – Jeanne and Marvin Lugert
SCS Proposed Route Descript.: Township 131North, Range 51 West
Sections 3 and 5:
Richland County, North Dakota


Mr. Bender:

Enclosed with this letter you will find our client's ongoing attempts to reach a resolution to this controversy. The reroute proposal moves the pipeline to split the distance between the inhabited farmsteads so no one family accepts the risk of a rupture. The farmstead north of the road is occupied by an older couple, the one east of the road is occupied by a young couple with three small children, and the farmstead in the southwest corner of 34 is occupied by a disabled gentlemen. The Lugerts are very concerned about their neighbors, which is why they are not suggesting that your hazardous pipeline—which they very much oppose—be removed entirely from their property.

We are providing this information to you in the hope that Summit will start to show a good-faith effort to engage with us to address the adverse effects upon landowners who do not want any part of this proposed hazardous pipeline. If you wish to engage with respect to the Lugerts property, please reach out to me.

We respectfully request we hear from you soon.

Respectfully,


Brian E. Jorde
bjorde@dominalaw.com

Enclosures



(continued)

- | | | | |
|--|----------------------------|--|--------------------|
| | 400 English | | Mathematics |
| | Vocabulary Words | | APC Math |
| | Don't Write/Write | | Notes |
| | Personal Note | | Lit/Art Story Comp |
| | Maths test | | |
| | Notes Book | | |
| | Language Language Learning | | |



REFERENCES

Case	Author	Year	Journal	Volume	Page
1	Smith	1985	Journal of Management Studies	22	101-115
2	Johnson	1987	Journal of Management Studies	24	121-135
3	Williams	1989	Journal of Management Studies	26	141-155
4	Brown	1991	Journal of Management Studies	28	161-175
5	Green	1993	Journal of Management Studies	30	181-195
6	White	1995	Journal of Management Studies	32	191-205
7	Black	1997	Journal of Management Studies	34	201-215
8	Grey	1999	Journal of Management Studies	36	211-225
9	Wong	2001	Journal of Management Studies	38	221-235
10	Yip	2003	Journal of Management Studies	40	231-245

100

Summit Carbon Solutions
2011 State College Drive, Suite 100
Atlanta, GA 30328
www.summitcarbon.com

PROJECT INFORMATION

[illegible]

May 21, 2024

VIA E-MAIL

Mr. Brian E. Jorde
Domina Law Group
2425 S. 144th Street
Omaha, NE 68144
bjorde@dominalaw.com

**RE: CO2 Pipeline – APH Farms
SCS Proposed Route Descript.:
Township 140 North, Range 83 West
Sections 10 and 11
Morton County, North Dakota**

Dear Mr. Jorde:

I am in receipt of your letter dated April 23, 2024, a copy of which is enclosed herewith, regarding the above-captioned matter. In your letter, you claim that you have been trying to have a dialogue with Summit and I regarding your client's concerns, but your April 23, 2024 letter is the first time that either I or Summit have received any indication from you or your client that your client is willing to work with Summit regarding the proposed route across your client's property. I do not believe it is a coincidence that we are learning of this willingness in the midst of the public hearings scheduled on Summit's petition for reconsideration. Your letter is disingenuous at best.

By way of example, in your April 23, 2024 letter you attach maps depicting your client's proposed re-routes which you purport to be representative of your client's "ongoing attempts" to reach a resolution with Summit. However, as early as 2022, your client posted a sign on their property stating: "ACCESS DENIED FOR ANY REASON TO ANYONE WORKING WITH OR FOR SUMMIT CARBON SOLUTIONS." One can only assume that your letter and the proposed re-routes have been submitted for the specific purpose of supporting the untrue allegations against Summit regarding its efforts to engage with your client.

Despite your efforts and claims to the contrary, Summit welcomes the opportunity to engage with your client regarding the proposed re-routes set forth in your letter. Summit has reviewed the proposals and believes that accommodations can be made; however, the areas of the proposed re-routes will need to be surveyed prior to Summit committing to such routes. Accordingly, please confirm in writing that Summit has permission to survey your client's property in order to determine whether the proposed re-routes are feasible.

Mr. Brian E. Jorde
May 21, 2024
Page 2

Should you have any questions, please advise.

Sincerely,

A handwritten signature in blue ink, appearing to read 'L. Bender', with a long, sweeping horizontal stroke extending to the right.

LAWRENCE BENDER

LB/tjg
#82358813v1
Enclosure(s)

cc: SCS Carbon Transport LLC

April 23, 2024

Lawrence Bender
Frederikson & Byron, P.A.
1133 College Drive, Ste. 1000
Bismarck, Nd 58501-1215

RE: CO₂ Pipeline – APH Farms
SCS Proposed Route Descript.: Township 140 North, Range 83 West
Sections 10 and 11
Morton County, North Dakota


Mr. Bender:

I have been trying to have a dialogue with you and your client for many months now and your client, Summit, has failed to engage in any meaningful way. Additionally, we have not heard from you – ever – as to working on re-routes around our client's land nor have you addressed their opposition to your proposed hazardous pipeline. Given you have had over a year to do this and you have not contacted us at all in this regard, we are at a loss how to proceed other than vigorously opposing your client's applications.

In any event, enclosed with this letter you will find our client's ongoing attempts to reach a palpable resolution to this controversy. The enclosed maps reroute the pipeline to avoid APH Farms ("APH") farmland and reroutes the pipeline to avoid the farmland adjacent to APH, which is rented by APH. However, if we continue to not hear from you and your client continues to refuse to engage on this matter, we will have to proceed to request denial of your client's Application for Certificate of Corridor Compatibility and its Application for Route Permit.

We are providing this information to you in the hope that Summit will start to show at least a minimum good-faith effort to engage with us to address the adverse effects upon landowners who do not want any part of this proposed hazardous pipeline. We respectfully request we hear from you soon.

Respectfully,


Brian E. Jorde
bjorde@dominalaw.com

Enclosures



LEGEND

- Proposed Project
- Proposed Right-of-Way
- Proposed Access
- Proposed Easement
- Proposed Right-of-Way
- Proposed Access
- Proposed Easement



REVISIONS

No.	Description	Date
1	Initial	10/1/2024
2	Revised for Review	10/1/2024

PREPARED BY

Summit Carbon Solutions
1000 1st Avenue SW
Grand Forks, ND 58201
Phone: (701) 775-1000
Email: info@summitcarbon.com

PROJECT INFORMATION

ND 75C - Aerial Map Book - 100N-10E

Map Book 1

TRANSMISSION

1 12,000

Map Book 1

61

May 21, 2024

VIA E-MAIL

Mr. Brian E. Jorde
Domina Law Group
2425 S. 144th Street
Omaha, NE 68144
bjorde@dominalaw.com

**RE: CO2 Pipeline – James Rockstad
SCS Proposed Route Description:
Township 135 North Range 51 West
Section 3:
Section 14:
Township 136 North Range 51 West
Section 34
Richland County, ND**

Dear Mr. Jorde:

I am in receipt of your letter dated April 16, 2024, a copy of which is enclosed herewith, regarding the above-captioned matter. Contrary to the allegations set forth in your letter, Summit has spoken with Mr. Rockstad on approximately 12 occasions via phone in an attempt to work with your client regarding the proposed easement and the location of the pipeline. It became clear, however, that you had (until now) instructed your client not to engage with any Summit representatives. Furthermore, you claim that you have been trying to have a dialogue with Summit and I regarding your client's concerns, but your April 16, 2024 letter is the first time that either I or Summit have received any indication from you or your client that your client is willing to work with Summit regarding the proposed route across your client's property. Also, I do not believe it is a coincidence that we are learning of this willingness on the eve of the public hearings scheduled on Summit's petition for reconsideration. Your letter is disingenuous at best.

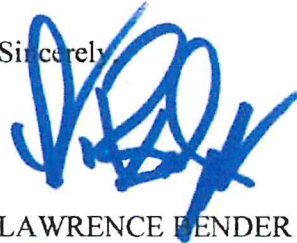
By way of example, in your April 16, 2024 letter you attach a letter from your client which is purported to be representative of your client's "ongoing attempts" to reach a resolution with Summit. However, your client's letter is dated April 15, 2024, one (1) day prior to the date of your letter. One can only assume that this was the first time you allowed your client to communicate its willingness to work with Summit and for the specific purpose of supporting the untrue allegations against Summit in your letter.

Mr. Brian E. Jorde
May 21, 2024
Page 2

Despite your efforts and claims to the contrary, Summit welcomes the opportunity to engage with your client regarding the proposed re-routes set forth in your letter. Summit has reviewed the proposals and believes that accommodations can be made; however, the areas of the proposed re-routes will need to be surveyed prior to Summit committing to such routes. Accordingly, please confirm in writing that Summit has permission to survey your client's property in order to determine whether the proposed re-routes are feasible.

Should you have any questions, please advise.

Sincerely,



LAWRENCE BENDER

LB/tjg
#82221807v1
Enclosure(s)

cc: SCS Carbon Transport LLC

April 16, 2024

Lawrence Bender
Frederikson & Byron, P.A.
1133 College Drive, Ste. 1000
Bismarck, Nd 58501-1215

COPY

RE: C02 Pipeline – James Rockstad
SCS Proposed Route Description: Township 135 North Range 51 West
Section 3:
Section 14:
Township 136 North Range 51 West
Section 34:
Richland County, ND

Mr. Bender:

I have been trying to have a dialogue with you and your client for many months now and your client, Summit, has failed to engage in any meaningful way. Additionally, we have not heard from you – ever – as to working on re-routes around our client's land nor have you addressed their opposition to your proposed hazardous pipeline. Given you have had over a year to do this and you have not contacted us at all in this regard, we are at a loss how to proceed other than vigorously opposing your client's applications.

In any event, enclosed with this letter you will find our client's ongoing attempts to reach a palpable resolution to this controversy. However, if we continue to not hear from you and your client continues to refuse to engage on this matter, we will have to proceed to request denial of your client's Application for Certificate of Corridor Compatibility and its Application for Route Permit.

We are providing this information to you in the hope that Summit will start to show at least a minimum good-faith effort to engage with us to address the adverse effects upon landowners who do not want any part of this proposed hazardous pipeline. We respectfully request we hear from you soon.

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Lawrence Bender

April 16, 2024

Page 2 of 2

Respectfully,



Brian E. Jorde

bjorde@dominalaw.com

Enclosures

James O Rockstad
P O Box 7
Fort Ransom, North Dakota 58033
805-610-7623

April 15, 2024

In Re: Carbon Solutions Pipeline Route over
Parcel Number: 07-000-01553-000
Legal Description: SW ¼, Section 14, Township 135N Range 51W

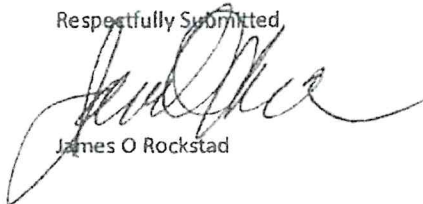
To all concerned parties:

I own or own an interest in over 1,200 acres of farm land in Richland County, all of which is directly or indirectly impacted by the subject pipeline. But of particular concern is the route proposed over a 160 acre parcel at the intersection of County Road 29 and 63rd Street Southeast. This proposed route is totally unacceptable in reference to agriculture, conservation, ecology and hydrology. (See Attachments A & B)

1. The route bisects the parcel making any agricultural crop difficult to prep, plant, tend or harvest. Furthermore, we had intended to tile that field because it holds water the entire year-round due to the fact that the parcel was once a large slough. You can dig down two feet nearly any time of the year and find water!
2. The current route follows the path of the old slough, an unstable, wetlands area. (See Attachment C). It was a water aggregate, an unstable water environment, that caused the CO2 leak in Mississippi, endangering livestock and human lives.

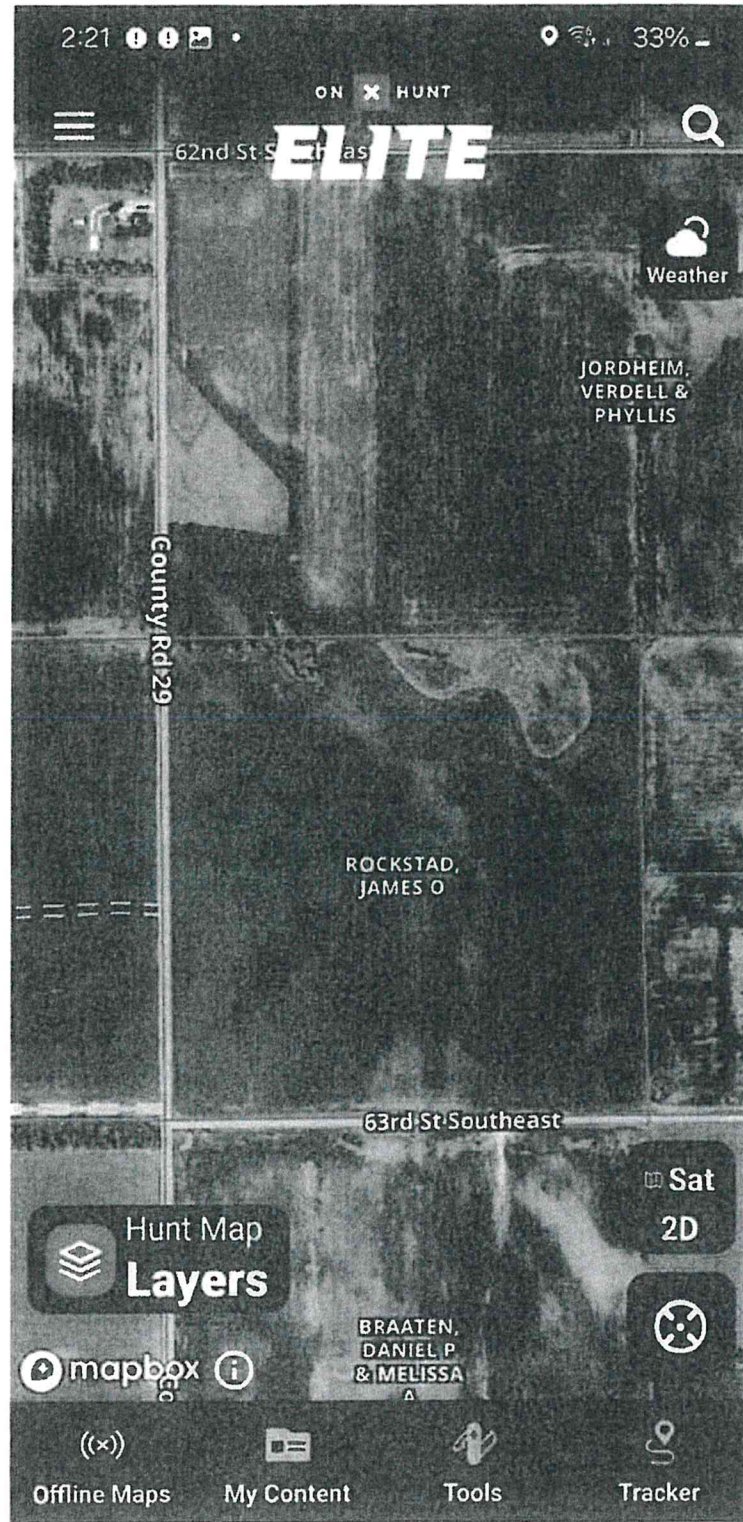
A much more logical route (See Attachment D) would be: turn the pipeline west at the southeast corner of this 160 acre parcel, and continue along the southerly line of this property, parallel to 63rd Street South to the southwest corner of the parcel. Then turn the pipeline north and follow a route along the east side of County Road 29. This route would not destroy the agricultural viability of the parcel, nor would it place a hazardous pipeline in a wetlands environment, including going between two current ponding areas which are utilized by migrating birds and local aquatic species. Furthermore, this route would avoid the "fluffing" and "subsidence" characteristics of a wetlands area which could cause ground movement around a pipeline increasing the probability of a potential leak.

Respectfully Submitted,



James O Rockstad

Attachment "A"



ATTACHMENT "B"



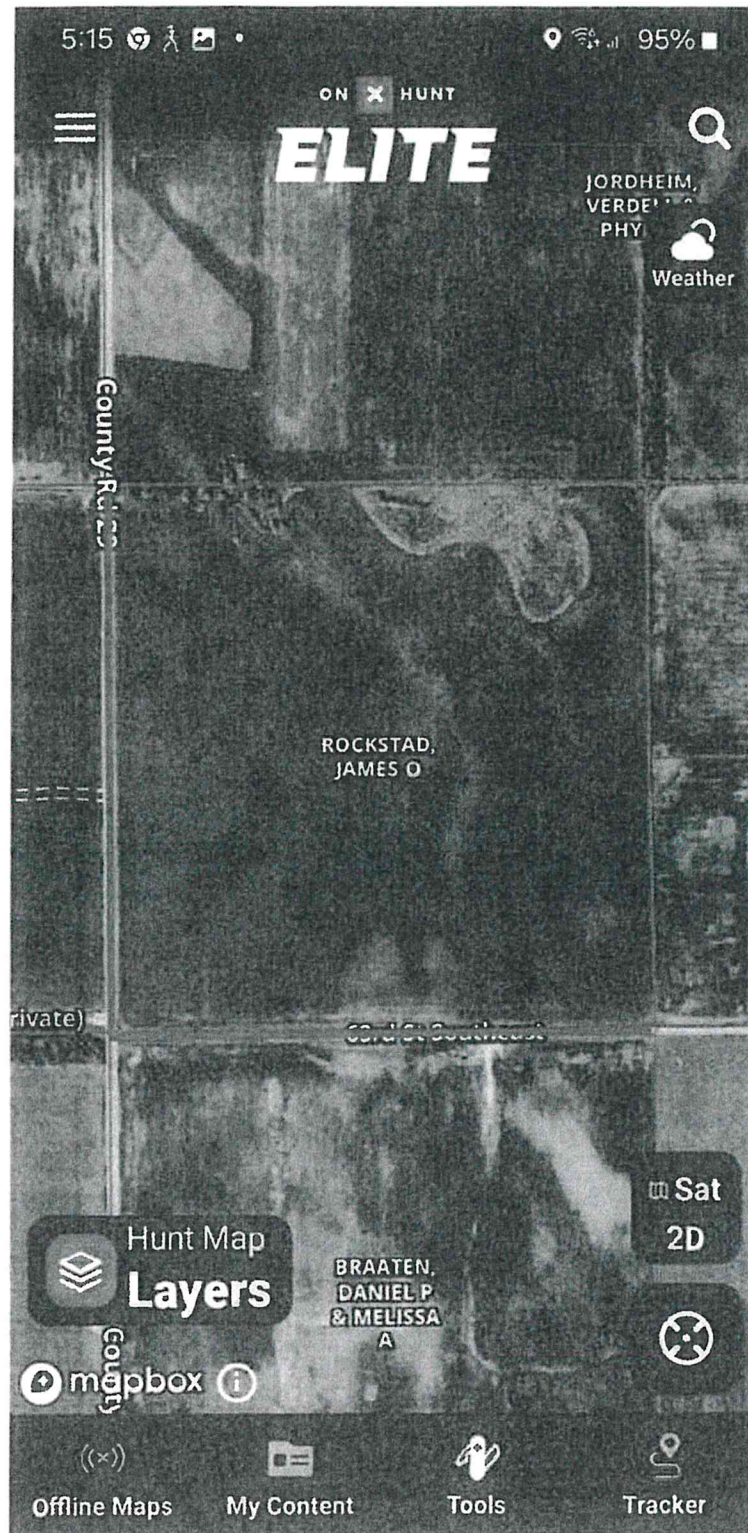
ND PSC -



Apartment "C"



Attachment "A"



May 21, 2024

VIA E-MAIL

Mr. Brian E. Jorde
Domina Law Group
2425 S. 144th Street
Omaha, NE 68144
bjorde@dominalaw.com

**RE: CO2 Pipeline – Harry L. Malloy, Trust
No. 2 – Howard Malloy, Trustee
SCS Proposed Route Descript.:
Township 140 North, Range 81 West
Sections 6 and 7
Morton County, North Dakota**

Dear Mr. Jorde:

I am in receipt of your letters dated April 23, 2024 and April 30, 2024, copies of which are enclosed herewith, regarding the above-captioned matter. In your letters, you indicate that Mr. Malloy intends to develop the property currently traversed by the proposed route. However, Mr. Malloy has not indicated when the property is scheduled to be developed.

North Dakota's Siting Act (N.D.C.C. § 49-22.1-01, et seq.) provides for certain considerations that the North Dakota Public Service Commission ("Commission") is guided by to aid in the evaluation and designation of corridors and routes. Specifically, the Commission may consider, "Existing plans of the state, local government, and private entities for other developments at or in the vicinity of the proposed site, corridor, or route." See N.D.C.C. § 49-22.1-09. The "proposed residential subdivision plat" provided with your letters certainly does amount to an existing plan when such development may not occur until well into the future, if ever.

As you are aware, Summit re-routed the pipeline around the City of Bismarck to increase the distance of the route from existing City limits and the City's 2045 future land use plan. The current route is over 4 miles north of Bismarck's 2045 future land use plan. Mr. Malloy's property and the proposed route is approximately 4 miles north of Mandan's 2030 growth boundary and not even identified as an area for potential residential development in Mandan's comprehensive plan (looking beyond 2030). Indeed, the Commission's siting rules do not contemplate all "potential" developments, especially developments which were concocted and put into place in reaction to a proposed pipeline for the specific purpose of killing the project entirely.

Mr. Brian E. Jorde
May 21, 2024
Page 2

Nevertheless, Summit remains committed to its stated intent to work with all landowners along the route and welcomes the opportunity to engage with your client regarding the proposed re-routes set forth in your letters. Summit has reviewed the proposals and believes that accommodations can be made; however, the areas of the proposed re-routes will need to be surveyed prior to Summit committing to such routes. Accordingly, please confirm in writing that Summit has permission to survey your client's property in order to determine whether the proposed re-routes are feasible.

Should you have any questions, please advise.

Sincerely,

A handwritten signature in blue ink, appearing to read 'L. Bender', with a long horizontal flourish extending to the right.

LAWRENCE BENDER

LB/tjg
#82365222v1
Enclosure(s)

cc: SCS Carbon Transport LLC

April 30, 2024

Lawrence Bender
Frederikson & Byron, P.A.
1133 College Drive, Ste. 1000
Bismarck, Nd 58501-1215

**RE: C02 Pipeline – Harry L. Malloy, Trust No. 2 – Howard Malloy, Trustee
SCS Proposed Route Descript.: Township 140 North, Range 81 West
Sections 6 and 7
Morton County, North Dakota**

Mr. Bender:

Enclosed with this letter you will find our client's ongoing attempts to reach a palpable resolution to this controversy. Mr. Malloy's land is prime development property located on scenic Highway 1806, nestled along Square Butte Creek below buttes on the North and South. This land is also the only land lying below Harmon Dam that is outside the current dam breach inundation zone. The rest of this valley is currently under a building moratorium due to the existence of the Harmon Dam. This beautiful property along the Missouri River North of Mandan will be known to residents of Burleigh County and Morton County.

Mr. Malloy intends to develop this property. Enclosed is a proposed residential subdivision plat of Mr. Malloy's property. Mr. Malloy discussed this property with Bismarck developer Robb Sattler. Mr. Sattler estimated the current market value as residential development would generate profits to the Harry L. Malloy Trust No. 2 in excess of \$5 million. Mr. Malloy shared this information with Jimmy Powell during a phone conversation. As you may be aware, Summit's representatives testified at the hearing of April 22, 2024 that there were no proposed residential developments within the path of this pipeline. This testimony was not true.

Mr. Malloy offered Summit to settle for the \$5 million, as the pipeline would likely eliminate the residential development on his property. Summit declined. If Summit intends to force this pipeline onto Mr. Malloy's property, and in an effort to minimize the prejudice to his property, Mr. Malloy would prefer that Summit discuss with his neighbors to the North placing the pipeline across their property so the

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Lawrence Bender

April 30, 2024

Page 2 of 2

pipeline is completely off his property. Mr. Malloy alternative reroute proposal is indicated in green on the enclosed parcel map. Mr. Malloy's alternative reroute would place the pipeline on the south boundary line of his property. This reroute would limit the effects of the pipeline on this property.

We respectfully request we hear from you soon.

Respectfully,



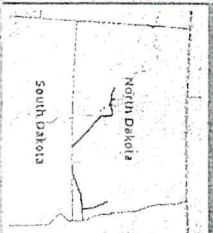
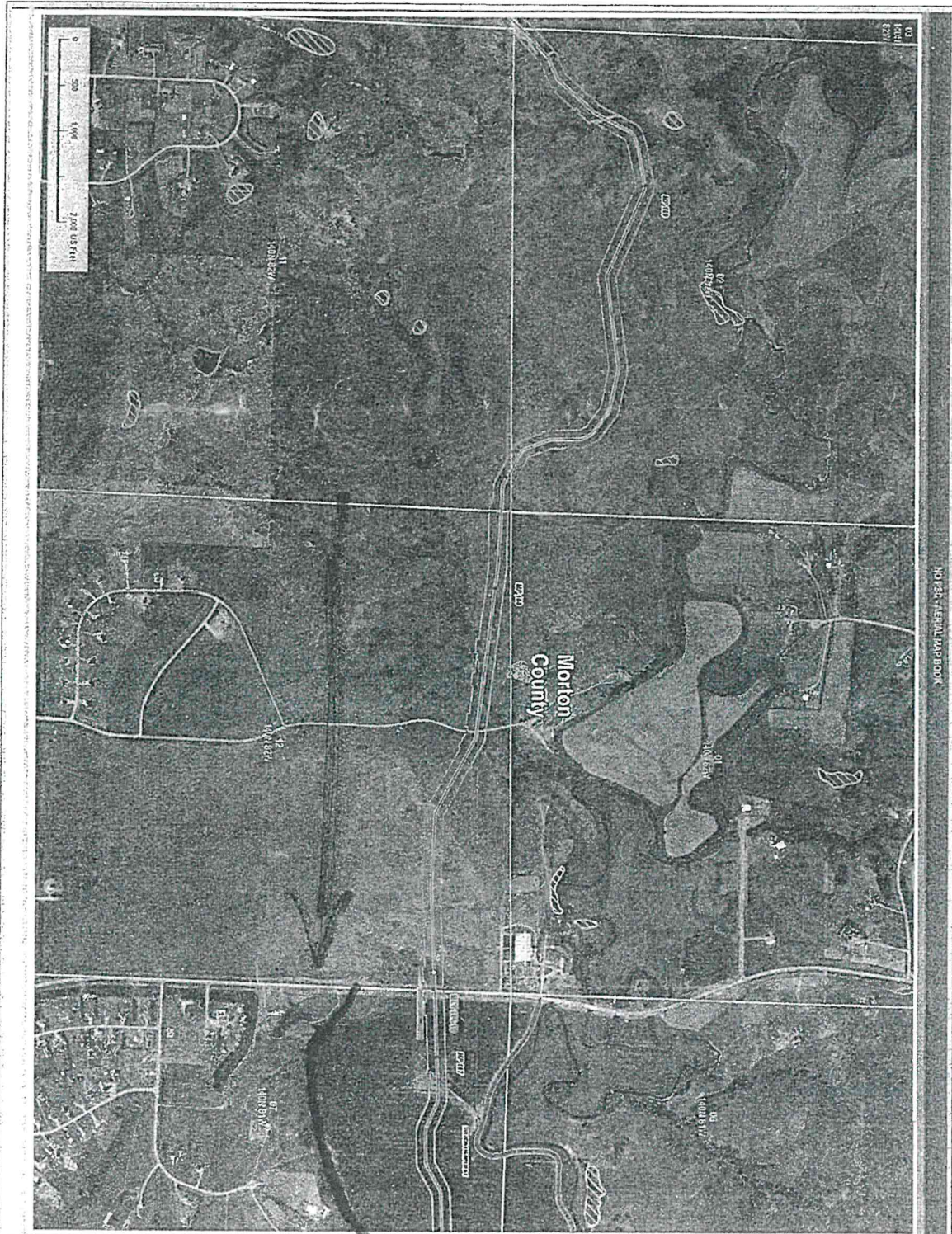
Brian E. Jorde

bjorde@dominalaw.com

Enclosures



[illegible]



LEGEND

- ☐ State Highway
- ☐ County Road
- ☐ Township Road
- ☐ Section Road
- ☐ Private Road
- ☐ Water
- ☐ Wetland
- ☐ Forest
- ☐ Agriculture
- ☐ Urban
- ☐ Rural
- ☐ Other



REVISIONS

Rev.	Date	By	For
1	10/1/2000	J. Smith	Initial Map
2	10/1/2000	J. Smith	Final Map

PREPARED BY

Summit Canyon
 Environmental Services
 1000 1st Street, NW
 Grand Rapids, MN 55743
 (218) 838-1000

PROJECT INFORMATION

Project Title:
 NO PSD - Aerial Map Book - ND01-151

Project No.:
 Map Book 1

Map Scale: 1:12,000	Map Date: 10/1/2000
Map Author: J. Smith	Map Reviewer: J. Smith
Map Date: 10/1/2000	Map Reviewer: J. Smith

April 23, 2024

Lawrence Bender
Frederikson & Byron, P.A.
1133 College Drive, Ste. 1000
Bismarck, Nd 58501-1215

**RE: CO₂ Pipeline – Harry L. Malloy, Trust No. 2 – Howard Malloy, Trustee
SCS Proposed Route Descript.: Township 140 North, Range 81 West
Sections 6 and 7
Morton County, North Dakota**

Mr. Bender:

Enclosed with this letter you will find our client's ongoing attempts to reach a palpable resolution to this controversy. Mr. Malloy's land is prime development property located on scenic Highway 1806, nestled along Square Butte Creek below buttes on the North and South. This land is also the only land lying below Harmon Dam that is outside the current dam breach inundation zone. The rest of this valley is currently under a building moratorium due to the existence of the Harmon Dam. This beautiful property along the Missouri River North of Mandan will be known to residents of Burleigh County and Morton County.

Mr. Malloy intends to develop this property. Enclosed is a proposed residential subdivision plat of Mr. Malloy's property. Mr. Malloy discussed this property with Bismarck developer Robb Sattler. Mr. Sattler estimated the current market value as residential development would generate profits to the Harry L. Malloy Trust No. 2 in excess of \$5 million. Mr. Malloy shared this information with Jimmy Powell during a phone conversation. As you may be aware, Summit's representatives testified at the hearing of April 22, 2024 that there were no proposed residential developments within the path of this pipeline. This testimony was not true.

Mr. Malloy offered Summit to settle for the \$5 million, as the pipeline would likely eliminate the residential development on his property. Summit declined. If Summit intends to force this pipeline onto Mr. Malloy's property, and in an effort to minimize the prejudice to his property, Mr. Malloy would prefer that Summit discuss with his neighbors to the North placing the pipeline across their property so the

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Lawrence Bender

April 23, 2024

Page 2 of 2

pipeline is completely off his property. Mr. Malloy alternative reroute proposal is indicated in green on the enclosed parcel map. Mr. Malloy's alternative reroute would place the pipeline on the south boundary line of his property. This reroute would limit the effects of the pipeline on this property.

We respectfully request we hear from you soon.

Respectfully,



Brian E. Jorde

bjorde@dominalaw.com

Enclosures

-100.963 46.968 Degrees

file:///C:/Users/rogden/Bismarck Attorneys Public - General/CLIENT FILES/Litigation (L)/Domina Law Group/1.0 Master/001 Proposed ReRoutes (Landowners)/Malloy, Howard/How ... 1/1



May 21, 2024

VIA E-MAIL

Mr. Brian E. Jorde
Domina Law Group
2425 S. 144th Street
Omaha, NE 68144
bjorde@dominalaw.com

**RE: CO2 Pipeline – Randall and Karla
Waloch and Shirley Waloch
SCS Proposed Route Descript.:
Township 131 North, Range 56 West
Sections 12, 13, and 14:
Sargent County, North Dakota**

Dear Mr. Jorde:

I am in receipt of your letter dated March 28, 2024, a copy of which is enclosed herewith, regarding the above-captioned matter. Contrary to the allegations set forth in your letter, Summit has attempted, on many occasions, to work with your clients regarding proposed easements and the location of the pipeline. Specifically, Summit representatives left at least 12 voicemails and visited the Woloch's residence at least 9 times during the past couple of years, all without a response or answer. It became clear that you had (until now) instructed your clients not to engage with any Summit representatives. Furthermore, you claim that you have been trying to have a dialogue with Summit and I regarding your clients' concerns. However, your March 28, 2024 letter is the first time that either I or Summit have received any indication from you or your clients that your clients are willing to work with Summit regarding the proposed route across their property. Also, I do not believe it is a coincidence that we learned of this willingness on the eve of the public hearings scheduled on Summit's petition for reconsideration. Nor is it a coincidence that you have sent similar letters on behalf of your other clients around the same time. Your letter is disingenuous at best.

By way of example, in your March 28, 2024 letter you attach maps depicting your client's proposed re-routes which are "suitable" to your clients. However, as explained above, this is the first time your clients have expressed a willingness to work with Summit. Furthermore, your clients first proposal is to re-route the pipeline onto the properties of others, one of which is NOT currently impacted by the project. One can only assume that the proposed re-routes have been submitted for the specific purpose of supporting the untrue allegations against Summit in your letter.

Mr. Brian E. Jorde
May 21, 2024
Page 2

Despite your efforts and claims to the contrary, Summit welcomes the opportunity to engage with your clients regarding the proposed re-routes set forth in your letter. Summit has reviewed the proposals and believes that accommodations can be made; however, the areas of the proposed re-routes will need to be surveyed prior to Summit committing to such routes. Accordingly, please confirm in writing that Summit has permission to survey your client's property in order to determine whether the proposed re-routes are feasible.

Should you have any questions, please advise.

Sincerely,

A handwritten signature in blue ink, appearing to read 'L. Bender', with a large, stylized flourish extending from the end.

LAWRENCE BENDER

LB/tjg
#82276892v1
Enclosure(s)

cc: SCS Carbon Transport LLC

March 28, 2024

Lawrence Bender
Frederikson & Byron, P.A.
1133 College Drive, Ste. 1000
Bismarck, Nd 58501-1215

RE: C0₂ Pipeline – Randall and Karla Waloch and Shirley Waloch
SCS Proposed Route Descript.: Township 131 North, Range 56 West
Sections 12, 13, and 14:
Sargent County, North Dakota

Mr. Bender:

I have been trying to have a dialogue with you or your client for many months now related to certain landowners and your client has been largely non-responsive especially in the past 4 of so months. This is not conducive to solving some of the issues facing your client in its Application before the PSC.

In any event, enclosed with this letter is some information related to Randall and Karla Waloch, as well as Randall's mother, Shirley Waloch. The alternative route on the enclosed maps would be suitable to the Walochs. The re-route includes a minor change by locating the hazardous pipeline through Sections 12, 13, 23, 24 as indicated in the below table.

T131N R56W:

Section 12	SE1/4	Josh Hanson
Section 13	N1/2	Colin Sundquist
Section 13	SW1/4	Joel Anderson
Section 24	NW1/4	Joel Anderson
Section 23	NE1/4	Joel Anderson
Section 23	N1/2 of NW1/4	Patricia Brown (Anderson)- Joel Anderson's sister

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Lawrence Bender
March 28, 2024
Page 2 of 2

It is our understanding that the above landowners have already signed an easement with Summit and have been willing to have the pipeline on their property.

The second alternative route is marked in blue and proposes the pipeline follow the parcel boundary limits around Section 14. These routes will not avoid adverse impacts but will at least minimize some of the many negative impacts of your client's proposed pipeline.

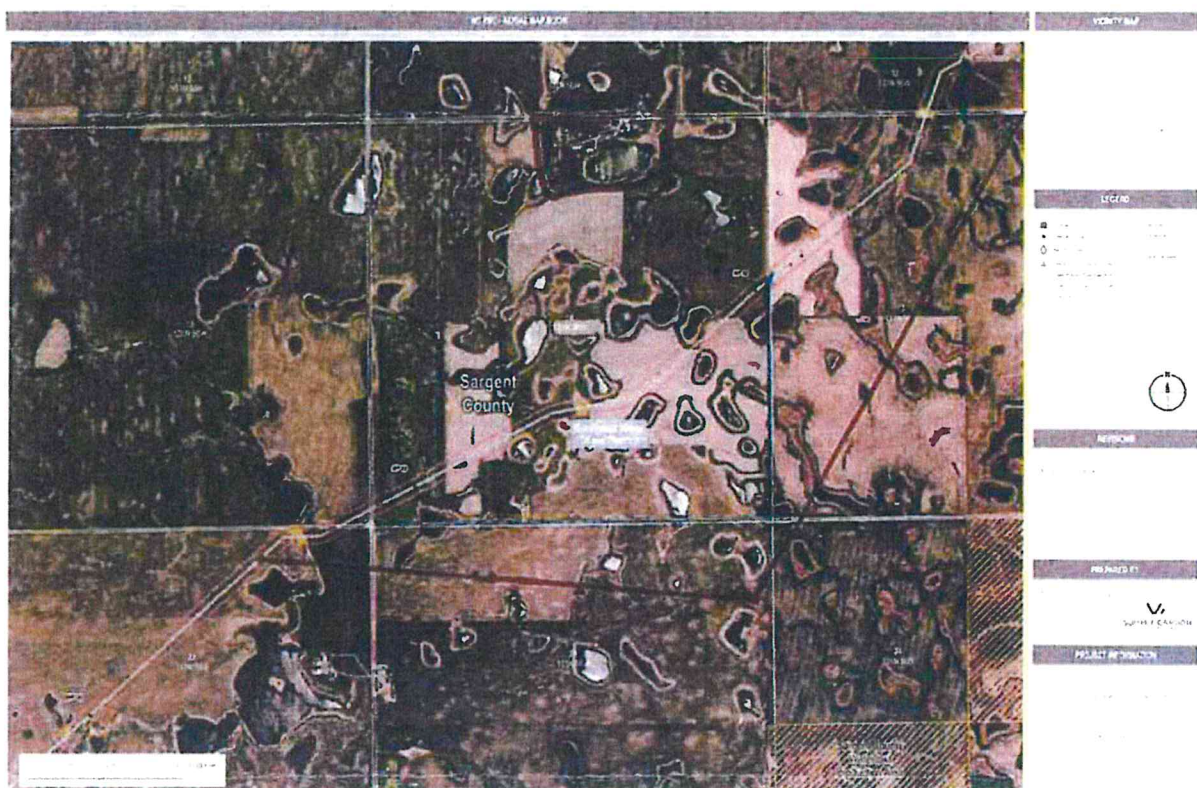
We are providing this information to you in the hope that Summit will start to actually engage with us to minimize the adverse effects upon landowners who do not want any part of this proposed hazardous pipeline. We respectfully request that we hear from you soon with acceptance of the proposed re-route included herein.

Respectfully,



Brian E. Jorde
bjorde@dominalaw.com

Enclosures







**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.

was, on May 23, 2024, filed with the North Dakota Public Service Commission and served electronically to the following:

Hope L. Hogan
hlhogan@nd.gov

John Schuh
jschuh@nd.gov

Zachary Pelham
zep@pearce-durick.com

Randall J. Bakke
rbakke@bgwattorneys.com

Bradley N. Wiederholt
bwiederholt@bgwattorneys.com

Steven Leibel
steve@bismarck-attorneys.com

David Knoll
david@bismarck-attorneys.com

Brian E. Jorde
bjorde@dominalaw.com

Kevin Pranis
kpranis@liunagroc.com

Derrick Braaten
derrick@braatenlawfirm.com

Julie Lawyer
bc08@nd.gov

Patrick Zomer
Pat.Zomer@lawmoss.com

Dated this 23rd day of May, 2024.

FREDRIKSON & BYRON, P.A.



By: _____

LAWRENCE BENDER, ND Bar #03908
304 East Front Avenue, Suite 400
Bismarck, ND 58504
(701) 221-8700
lbender@fredlaw.com

#82588819v1