

September 5, 2024

VIA U.S. MAIL

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

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

Dear Mr. Kahl:

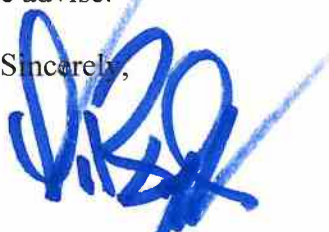
Enclosed herewith, please find the following documents for filing with the North Dakota Public Service Commission ("Commission") in the above-referenced case:

1. Redacted Cultural Resource Report (Appendix 5); and
2. Certificate of Service.

An original and seven (7) copies of this letter and the above-referenced documents 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
#83684010v1

cc: SCS Carbon Transport LLC

Appendix 5 - Cultural Resource Reports



SUMMIT
CARBON
SOLUTIONS

Class III Cultural Resources Inventory of the
Midwest Carbon Express Project: Burleigh, Cass,
Dickey, Emmons, Logan, McIntosh, Morton, Oliver,
Richland, and Sargent Counties, North Dakota

Summit Carbon Solutions, LLC

Type of Document:

Class III Cultural Resources Survey Report Draft

Document Number:

SCS-0700-ENV-02-RPT-010

Project Number:

TAL-2105451-00

Prepared By:

Jennifer Cochran and Zachary Stanyard, Principal Investigator
Perennial Environmental Services, LLC
5424 W US Hwy 290, Suite 208
Austin, Texas 78735
t: +1.512.358.0330

Reviewed By:

Abby Peyton, Perennial Environmental Services, LLC
Erin Salisbury, EXP Energy Services

Date + Time Submitted:

2022-10-03

REVISION HISTORY

DATE	REVISION	REVISION DESCRIPTION	PREPARED BY:	REVIEWED BY:	APPROVED BY:
10/06/2022	0	Report	Perennial	JB	ES

Manuscript Number: [SHPO assigns]

Author(s): Zachary Stanyard, Jennifer Cochran, Wyatt Ellison, Abby Peyton, Colene Knaub

Report Date: September 2022

I=Inventory; T=Formal Testing; E=Excavation; O=Other

List formally tested or excavated sites (not probes): None

Study Units: _____

<u>County</u>	<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Study Unit</u>
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED] [REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED] [REDACTED] [REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED] [REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED] [REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED] [REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED] [REDACTED]	[REDACTED]

[illegible]

[illegible]

[illegible]

<u>County</u>	<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Study Unit</u>
██████	████	██	██████████ ██████████ ██	██████████
██	████	██	██████████ ██████████	██████████
██	████	██	██████████	██████████
██	████	██	██████████ ██████████	██████████
██	████	██	██████████ ██████████ ██	██████████
██	████	██	██████████	██████████

DRAFT

Abstract

Summit Carbon Solutions, LLC (SCS) intends to construct a carbon dioxide (CO₂) capture, pipeline, and sequestration project identified as Midwest Carbon Express Project (MCE Project) located in North Dakota, South Dakota, Nebraska, Minnesota, and Iowa. SCS plans to construct, own, operate, and maintain the MCE Project. The MCE Project will capture carbon dioxide (CO₂) from 32 ethanol plants across five states (i.e., Iowa, Minnesota, Nebraska, South Dakota, and North Dakota). The captured CO₂ will be compressed, dehydrated, and cooled into a dense phase for transportation via pipeline to North Dakota to be permanently sequestered within deep underground geologic formations. SCS aims to reduce the carbon intensity of biofuels produced from ethanol facilities and work towards achieving the Nation's climate goals while creating jobs and other economic benefits across the MCE Project footprint. The planned pipeline is approximately 2,000 mi (3,218.6 km) long, with diameters ranging from 4 to 24 inches and an operating pressure of 2,100 pounds per square inch.

Specifically, the portion of the MCE Project in North Dakota (Project) includes approximately 320 mi (513.1 km) of mainline and laterals that will cross portions of Burleigh, Cass, Dickey, Emmons, Logan, McIntosh, Morton, Oliver, Richland, and Sargent counties under the jurisdiction of the North Dakota Public Service Commission (NDPSC). The Project will require a U.S. Army Corps of Engineers (USACE) permit pursuant to Section 10 of the Rivers and Harbors Act, and Section 404 of the Clean Water Act, and may also require consultation and/or permitting with the U.S. Fish and Wildlife Service (USFWS) once those crossings are identified. Additionally, the North Dakota portion of the Project excluding the sequestration facilities is subject to the statutory authority of the North Dakota Public Service Commission (PSC). The sequestration facilities will be permitted through the North Dakota Industrial Commission.

At the request of SCS, Perennial Environmental Services, LLC (Perennial), conducted Class III survey investigations for the Project in compliance with Section 106 of the NHPA of 1966 (Public Law [PL] 89-665), as amended; its implementing regulations, "Protection of Historic and Cultural Properties" (36 CFR 800); the National Environmental Policy Act of 1969 (NEPA) (PL 91-190, 83 Stat. 852), and the guidelines set forth by the State Historical Society of North Dakota (SHSND). Additionally, survey efforts were conducted under Cultural Resource Investigation 2021 and 2022 Annual Permit # 239 and in accordance with a scope of work approved by the SHSND on October 11, 2021.

Consistent with the USACE application requirements, the statutory authority of the PSC, and in accordance with Section 106 of the NHPA of 1966, as amended (36 Code of Federal Regulations [CFR] 800), the proposed Project must make a reasonable and good faith effort to identify historic properties within the Area of Potential Effect (APE) and to take into account any direct or indirect effects the proposed undertaking could have on properties listed or considered eligible for listing in the National Register of Historic Places (NRHP).

The Project APE is defined as any direct and/or visual effect on historic properties listed or considered eligible for listing in the NRHP (36 CFR 800.5). The APE for direct effects is limited to

the ground disturbance footprint or any portion thereof, which could be physically altered or destroyed by the Project. This includes proposed permanent easements, temporary construction workspaces, aboveground facility footprints, and additional temporary workspace (ATWS) areas. The APE for direct effects also includes temporary and permanent access roads. The majority of the access roads were routed along existing pipeline corridors and existing gravel and paved roads to the extent practicable. As the Project footprint was not finalized at the time of field investigations, survey efforts were expanded to cover a broader Environmental Survey Area (ESA) consisting of a [REDACTED]

[REDACTED] wide corridor for access roads, and the total footprint of offline facilities, and temporary workspace areas. In instances where archaeological sites were deemed highly probable to occur, an expanded ESA was implemented to accommodate this. The expanded ESAs are not uniform in size and are subjective to the needs of the immediate area. Mapping exhibits demonstrating the full survey coverage of the 2021/2022 field seasons can be found in **Appendix L**. The overall APE for direct effects for the Project components measured 4,842.5 acres (ac) (1,959.7 hectares [ha]), while the overall ESA measured approximately 13,969.4 ac (5,653.2 ha). Of the 13,969.4 ac (5,653.2 ha) of the Project ESA, approximately 10,535.3 ac (4,263.5 ha) was surveyed during the 2021 and 2022 field season.

The anticipated depths of impact for the Project range from 4.0 to 6.0 ft (1.2 to 2.0 m) along the pipeline centerlines, with limited deeper impacts at the new tie-in facility, horizontal directional drill (HDD), and bore locations. The anticipated depths of impact for temporary workspace areas should not exceed 0.6 to 1.0 ft (0.1 to 0.3 m).

The APE for indirect effects was considered to be the geographic area from which any permanent infrastructure has the potential to visually diminish or alter the setting of an NRHP-listed or NRHP eligible property (36 CFR 800.16[d]). At this time, the locations of aboveground facilities have not been finalized. As such, no formal viewshed analysis was conducted for the Project during the 2021/2022 field season.

The archival and background literature review for the Project revealed that there are 202 previously identified archaeological sites, 15 cemeteries (does not include cemeteries with a site trinomial), 76 site leads, 35 isolates, and 26 Cultural Heritage Sites have been documented within [REDACTED] of the Project ESA. Of the 354 cultural resources identified, [REDACTED]

[REDACTED] and one Cultural Heritage Site [REDACTED] were previously recorded within the Project ESA. No cemeteries are located within or immediately adjacent to the Project ESA.

The Class III survey investigations for the Project, as presented herein, were conducted from September 28, 2021, through July 2, 2022, under the direction of Principal Investigators Jennifer L. Cochran and Zachary W. Stanyard across two field seasons (2021 and 2022). In all, the Class III

survey included the revisit of 3 previously recorded sites [REDACTED]

Due to land access or time/weather constraints, previously recorded sites [REDACTED]

[REDACTED] were not revisited during the 2021/2022 field season. Additionally, site [REDACTED] was partially revisited during the 2021 field season; however, this site is no longer impacted by the Project due to implement route variance since the initial site visit. There is no plan to revisit site [REDACTED] at this time.

Twenty-seven newly recorded sites and one previously recorded site were found to consist of [REDACTED]. These sites do possess sufficient data yield, integrity, or research value to meet NRHP eligibility criteria, and are recommended as eligible for listing in the NRHP. These sites have all been or will be avoided via reroutes and will not be impacted by the Project. No further work is recommended for any of these sites.

Sites [REDACTED]

[REDACTED] are newly recorded sites that consist of [REDACTED], while sites [REDACTED] consist of historic farmsteads. [REDACTED] is an historic marker. These sites do not possess sufficient data yield, integrity, or research value to meet any of the NRHP eligibility criteria and are recommended as not eligible for listing in the NRHP. No further work is recommended for any of these sites.

Sites [REDACTED] consist of a [REDACTED], respectively. Based on an assessment by a qualified Architectural Historian, these sites do possess sufficient data yield, integrity, or research value to meet NRHP eligibility criteria, and are recommended as eligible for listing in the NRHP. All contributing features have been avoided via reroutes. As such, no further work is recommended on either site.

[REDACTED] located within the Project APE. Currently, the site is considered to have an undetermined NRHP eligibility status. Due to constraints of the 2021/2022 field season, additional research is needed at the State Archives to determine eligibility. SCS has implemented avoidance measures for this site via reroute.

[REDACTED] were recorded, three of which are recommended eligible to the NRHP [REDACTED], and three of which are recommended not eligible [REDACTED]. [REDACTED] were recorded, all of which are recommended as not eligible for listing in the NRHP [REDACTED] [REDACTED] [REDACTED] was recorded and recommended as not eligible for listing on the NRHP.

Previously recorded sites [REDACTED] are [REDACTED] considered not eligible for inclusion in the NRHP, and no further work is being recommended in conjunction with the Project.

The 69 isolated finds are resources that do not possess sufficient data yield, integrity, or research value to meet any of the NRHP eligibility criteria and are recommended as not eligible for listing in the NRHP. No further work is recommended for any of these sites.

There are select locations along the Project where route variances are warranted to avoid eligible resources, however those variances were not finalized at the time of this report. SCS is committed to avoiding all impacts to eligible cultural resources, and as such route variances will be implemented and assessed for these areas during future field survey efforts.

**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 forwarding documents for filing; and
2. Redacted Cultural Resource Report (Appendix 5).

were, on September 5, 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

David Phillips
dphillips@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

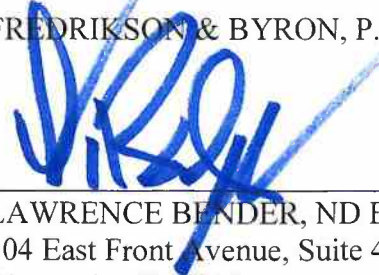
Derrick Braaten
derrick@braatenlawfirm.com

Julie Lawyer
bc08@nd.gov

Patrick Zomer
Pat.Zomer@lawmoss.com

Dated this 5th day of September, 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

#83694318v1