

# MAY ADAM

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Public Utilities Commission  
Attn: Patricia Van Gerpen, Executive Director  
VIA E-MAIL ONLY: [patty.vangerpen@state.sd.us](mailto:patty.vangerpen@state.sd.us)

**RE: In the Matter of the Application by SCS Carbon Transport, LLC for a Permit to Construct a Carbon Dioxide Pipeline**  
**PUC Docket: HP22-001**  
MAGT File: 0515

Dear Ms. Van Gerpen:

The pipeline route meets the objectives of the Project while minimizing risks and impacts to public safety and the environment. All that said, additional route modifications are expected throughout permitting and right-of-way (ROW) acquisition. Common considerations driving the need to modify the pipeline route include:

- Stakeholder input, requirements, and expectations;
- Local ordinances requirements regarding road crossings;
- Identification of sensitive environmental or cultural resources;
- Identification of utility easements; and
- Topographic features affecting pipeline constructability and operations.

## **Types of Route Modifications**

All route modifications have been, and will continue to be, administered utilizing a rigorous and cross-disciplinary management-of-change process. Once a route modification has been internally approved, it is subsequently communicated to the Commission and potentially impacted stakeholders.

As described in Mr. Powell's pre-filed testimony, there are three primary categories of route modifications: Realignments, Minor Reroutes, and Major Reroutes.

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**Realignments** are small modifications in the pipeline route resulting in centerline location changes of 150 feet or less. Realignments are typically on the same landowner and fully within the 300-foot environmental and cultural survey corridor. Therefore, Realignments do not require additional survey efforts.

**Minor Reroutes** are changes in the pipeline route of greater than 150 feet from the original centerline and may require additional environmental and cultural survey. For instance, if a cultural resource or wetland is identified along the route, avoidance may require a centerline shift outside of the 300-foot survey corridor. Minor Reroutes typically do not impact new landowners relative to the pipeline centerline; however, the shift may impact those within the ½-mile corridor requiring notice under the Commission's rules.

**Major reroutes** are more extensive and may extend miles laterally from the centerline and impact multiple new landowners including those within the ½-mile notice corridor. Major Reroutes require additional environmental and cultural survey. We do not anticipate any major reroutes coming.

### **Notice to the Commission**

We will advise of Major Reroutes while under consideration. None are currently under consideration. We will advise of Minor Reroutes in July. We will consider and make Realignments through permitting. It only makes sense to consider landowner input, and associated requirements, and incorporate them where we can do so. The Commission has displayed an open disposition in the past toward making projects work better for stakeholders and we intend to follow suit in that regard.

### **Stakeholder Notice**

We have taken note of the focus on notices by stakeholders and the Commission in this docket. As acknowledged by the Commission, the Project has provided substantial notice pursuant to law. Thousands of letters have been sent and many public notices have been published. Significant participation in public meetings and comments to the docket are evidence that communication has been effective.

Route modifications of any kind, small as they may be, move the 1/2-mile notice corridor boundary by a corresponding amount. In some cases, those modifications, if in place at the time of filing, would have required notice be sent to other people and not sent to some who were notified. As such:

- We do not consider that Realignments require new notice be sent to anyone.

- Generally, we do not consider Minor Reroutes will require new notice be sent to anyone, but it's possible that they could. We will provide notice to those who those added to the ½-mile corridor.
- We do consider that Major Reroutes or additional laterals on the route will require new notices, new public meetings, and even new dockets, depending on timing and other circumstances.

At present, we intend to provide updated overview and appendix 6 maps in July. Subsequently, the Project will prepare and submit a full supplemental application filing based on the mapped routes in September. Much has been made about that submission. I suspect that it will be less exciting than supposed. Many aspects of the application will not change, and all parties can continue preparing for evidentiary hearings on the application in the meantime.

Very truly yours,

MAY, ADAM, GERDES & THOMPSON LLP

A handwritten signature in black ink, reading "Brett Koenecke". The signature is written in a cursive, flowing style.

BRETT KOENECKE  
BK | jrw

CC: HP22-001 Service List