

Appendix 20 - Correspondence with SDSHPO



August 24, 2022

Patrick Trader
Gray & Pape, Inc.
1318 Main Street
Cincinnati, OH 45103

PRELIMINARY PROJECT CONSULTATION

Project: 220210007S – Midwest Carbon Express Project

Location: Multiple Counties

Dear Mr. Trader:

Thank you for the opportunity to comment on the above-referenced project. The South Dakota Office of the State Historic Preservation Officer (SHPO) would like to provide the following comments.

On August 1, 2022, SHPO received your letter, the three-volume report titled “Level III Intensive Cultural Resources Survey of the Midwest Carbon Express Project: Beadle, Brown, Clark, Codington, Edmunds, Hamlin, Hand, Hyde, Kingsbury, Lake, Lincoln, McCook, McPherson, Miner, Minnehaha, Spink, Sully, and Turner Counties, South Dakota” dated July 29, 2022, and a comment matrix addressing SHPO’s comments on previous drafts of the report. In letters dated February 25, 2022, and June 2, 2022, SHPO provided comments on two previous drafts of the report.

Based upon the information provided in the revised report draft received on August 1, 2022, SHPO has the following additional comments:

- 39MP0015 was revisited and the boundary was expanded to incorporate additional stone features identified during the survey efforts. **39MP0015** should be considered **Eligible** for listing in the National Register of Historic Places under Criteria A and D.
- 39MP0017 was revisited during the survey efforts. Until the entirety of 39MP0017 can be revisited during the 2022 field season to evaluate the entire site, **39MP0017** should be considered **Unevaluated** for listing in the National Register of Historic Places.
- Previously recorded sites **39MP0019** and **39MP0021** were evaluated and should be considered **Eligible** for listing in the National Register of Historic Places under Criteria A and D.

- 39MP0022 was revisited and the boundary was expanded to incorporate additional features identified during the survey efforts. **39MP0022** should be considered **Eligible** for listing in the National Register of Historic Places under Criteria A and D.
- 39MP0023 was revisited during the survey efforts, and no evidence of the site was found within the APE. Although **39MP0023** remains **Unevaluated** for listing in the National Register of Historic Places until the entire site can be fully evaluated, the site will not be adversely affected if no trenching occurs within the site boundary and if equipment usage within the workspace identified on page 113 of the report is limited to dry or frozen ground conditions.
- 39SL0125 was revisited during the 2021 survey efforts and again in April of 2022. An August 24, 2022, email reply from Patrick Trader confirms that the entirety of the site was revisited, and no evidence of the site remains inside or outside of the APE. **39SL0125** should be considered **Not Eligible** for listing in the National Register of Historic Places.
- The following nine sites were newly recorded during the survey efforts and should be considered **Eligible** for listing in the National Register of Historic Places under Criteria A and D: **39BE0189 39HD0129 39MP0103 39MP0105 39MP0106**
39MP0107 39MP0108 39MP0110 39MP0111
- **39MP0104** was newly recorded and evaluated and should be considered **Not Eligible** for listing in the National Register of Historic Places.

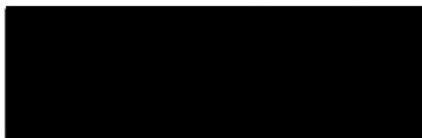
The report received indicates that Tribal Monitors from the Rosebud Sioux Tribe, Northern Cheyenne Tribe, Three Affiliated Tribes, and Sisseton Wahpeton Oyate participated in some of the survey efforts and that Tribes will be afforded the opportunity to conduct their own survey on lands inventoried without Tribal Monitors present during the 2021 season. SHPO recommends that Summit Carbon Solutions continue to engage with our Tribal Partners in identifying historic properties and in developing appropriate measures to avoid adversely affecting properties which are of religious and cultural significance. Summit Carbon Solution's engagement with Tribal Partners in no way relieves the U.S. Army Corps of Engineers (USACE) of the government-to-government consultation required under Section 106 of the National Historic Preservation Act of 1966 for the portions of the Midwest Carbon Express which meet the definition of a federal undertaking at 36 C.F.R. § 800.16(y).

As the project area(s) for the Midwest Carbon Express are further defined and additional efforts are made to identify historic properties and cultural resources and to assess the project's impacts on those resources, please submit the results of the additional analyses to SHPO for comment. Any federal agencies involved in the project will remain responsible for submitting the appropriate information, including determinations and findings, to SHPO for consultation under Section 106 of the National Historic Preservation Act.

Should you require additional information, please contact Jenna Carlson Dietmeier at Jenna.CarlsonDietmeier@state.sd.us or at (605)773-8370.

Sincerely,

Ted M. Spencer
State Historic Preservation Officer



Jenna Carlson Dietmeier, PhD
Review & Compliance Coordinator

CC: Abby Peyton - Perennial Environmental Services, LLC
Megan Cochran - Perennial Environmental Services, LLC
Christopher Hill - Summit Carbon Solutions
Erin Salisbury - exp Energy Services
Jennifer Winter - USACE
Jon Thurber - South Dakota Public Utilities Commission
Darren Kearny - South Dakota Public Utilities Commission
Kristen Edwards - South Dakota Public Utilities Commission
Ione Quigley - Rosebud Sioux Tribal Historic Preservation Officer
Allen Demaray - Three Affiliated Tribes Tribal Historic Preservation Office Director
Dianne Desrosiers - Sisseton-Wahpeton Oyate Tribal Historic Preservation Officer
Teanna Limpy - Northern Cheyenne Tribal Historic Preservation Officer
Lynn Griffin - Archaeological Research Center, Rapid City
Cassie Vogt - Archaeological Research Center, Rapid City



November 21, 2022

Patrick Trader
Gray & Pape, Inc.
1318 Main Street
Cincinnati, OH 45103

PRELIMINARY PROJECT CONSULTATION

Project: 220210007S – Midwest Carbon Express Project, Addendum Report

Location: Multiple Counties

Dear Mr. Trader:

Thank you for the opportunity to comment on the above-referenced project. The South Dakota Office of the State Historic Preservation Officer (SHPO) would like to provide the following comments.

On October 25, 2022, SHPO received your letter and the three-volume report titled “ADDENDUM REPORT: Level III Intensive Cultural Resources Survey of the Midwest Carbon Express Project: Beadle, Brown, Clark, Codington, Edmunds, Hamlin, Hand, Hyde, Kingsbury, Lake, Lincoln, McCook, McPherson, Miner, Minnehaha, Spink, Sully, and Turner Counties, South Dakota.” This addendum report includes the results of additional survey in areas for the Midwest Carbon Express project where land permissions were obtained and covers an additional 5,895 acres of land.

The addendum report and previous correspondence indicate that portions of the proposed project will require permits from the U.S. Army Corps of Engineers (USACE), making those permitted areas federal undertakings subject to the requirements of 54 U.S.C. 306108, also known as Section 106 of the National Historic Preservation Act of 1966, as amended. The remaining portions of the project which have no federal nexus will be subject to the permitting requirements of the South Dakota Public Utilities Commission and to South Dakota Codified Law 1-19A-11.1.

At this time, it is unclear which portion(s) of the proposed project will meet the definition of an undertaking at 36 C.F.R. § 800.16(y) of the implementing regulations for Section 106 of the National Historic Preservation Act of 1966 and which portion(s) will not be federalized. As such, SHPO can only issue preliminary comments at this time regarding the information provided in the addendum report. These comments in no way relieve USACE or any other federal agency of its responsibilities under Section 106, including all relevant findings and determinations.

Based upon the information provided, SHPO has the following comments:

- 39CK2007, 39CK2013, 39ED2007, 39KB2013, 39LK2013, and 39MH2014 were updated to include newly recorded segments. 39CK2007, 39CK2013, 39ED2007, 39KB2013, 39LK2013, and 39MH2014 remain Eligible for listing in the National Register of Historic Places. SHPO has no concerns with plans to bore the pipeline under these properties.
- 39CD0058 was revisited during the survey efforts. SHPO had agreed that 39CD0058 was Not Eligible for listing in the National Register of Historic Places in letters 010830003F and 070508001F. 39CD0058 remains Not Eligible for listing in the National Register of Historic Places.
- Previously recorded site 39CK0021 was evaluated during the survey efforts and should be considered **Not Eligible** for listing in the National Register of Historic Places.
- Previously recorded site 39HD0017 was evaluated, and the boundary of the site was expanded. 39HD0017 should be considered **Not Eligible** for listing in the National Register of Historic Places.
- The mapped location of previously recorded site 39LN0043 was revisited, but the site could not be relocated. 39LN0043 remains **Unevaluated** for listing in the National Register of Historic Places, and the project right-of-way has been routed south to avoid the mapped site boundary and its buffer. SHPO recommends that Summit Carbon Solutions ensures that all contractors remain within the rerouted project right-of-way during all project activities to avoid inadvertently affecting any subsurface deposits of the site.
- Previously recorded site 39MP0015 was revisited and updated to include additional features, and its boundary was expanded. 39MP0015 remains Eligible for listing in the National Register of Historic Places, and a reroute is proposed to avoid the site. Summit Carbon Solutions should ensure that any proposed reroutes in the vicinity of 39MP0015 are thoroughly surveyed for archaeological properties and properties of religious and cultural significance.
- Previously recorded site 39MP0021 was revisited and updated to include additional features, and its boundary was expanded. 39MP0021 remains Eligible for listing in the National Register of Historic Places, and the project has been rerouted to avoid the property in its entirety.
- The following 28 sites were newly recorded and evaluated during the survey efforts. Unless additional information on the significance of the properties is provided, the following 28 sites should be considered **Eligible** for listing in the National Register of Historic Places under Criteria A and D:

39BN0144	39HD0134	39HD0135	39HD0136	39HE0027
39HE0096	39HE0097	39HE0099	39KB0056	39LK0090
39MP0112	39MP0113	39MP0114	39MP0115	39MP0116

39MP0117	39MP0118	39MP0119	39MP0120	39MP0121
39MP0125	39MP0130	39MP0132	39MP0133	39MP0134
39SL0491	39SL0492	39SL0493		

- 39MP0122, 39MP0123, 39MP0124, 39MP0127, 39MP0128, 39MP0129, and 39MP0131 were all newly recorded during the survey efforts. The time devoted to the recordation of these properties was limited by the landowner, so site boundaries were drawn to encompass additional possible features. Unless additional information on the significance of the properties is provided, 39MP0122, 39MP0123, 39MP0124, 39MP0127, 39MP0128, 39MP0129, and 39MP0131 should be considered **Eligible** for listing in the National Register of Historic Places under Criteria A and D. The report indicates that the project has been rerouted to avoid these properties; as the recordation of the properties was somewhat limited, SHPO recommends that Summit Carbon Solutions survey all proposed reroutes and continue to engage with our Tribal Partners to ensure that the proposed reroute avoids the properties.
- 39MP0126 was newly recorded during the survey efforts. The site form in Appendix H of the addendum report does not include a site form for 39MP0126 but includes a site form for 39MP0136. SHPO assumes this to be an error as the table cross-referencing field site numbers with Smithsonian site numbers indicates that field site number CS2007MP055 was assigned Smithsonian Trinomial 39MP0126. Unless additional information on the significance of the property is provided, 39MP0126 should be considered **Eligible** for listing in the National Register of Historic Places under Criteria A and D.
- The following 9 sites were newly recorded and evaluated during the survey efforts and should be considered **Not Eligible** for listing in the National Register of Historic Places:

39CD0162	39CK0214	39HE0095	39KB0054	39KB0055
39LK0058	39LN0068	39MH0192	39MN0036	

- 39CK0212 was newly recorded during the survey efforts. Very little information on the nature of 39CK0212 and any possible significance or associations of 39CK0212 was included in the report. Until additional information on the site and additional justification regarding the recommended ineligibility of the site is provided, SHPO recommends that 39CK0212 be considered **Unevaluated** for listing in the National Register of Historic Places and avoided by all project activities.

The addendum report indicates that additional intensive pedestrian survey efforts are ongoing and forthcoming. Upon completion of additional fieldwork, please submit the results to SHPO for additional comments.

SHPO recommends that Summit Carbon Solutions continue to engage with our Tribal Partners in the identification of properties which could be affected by the proposed project. Summit Carbon Solutions also should engage with our Tribal Partners in developing adequate means to avoid physical, visual, or other impacts to properties which may be of religious and cultural significance to them.

USACE and any other federal agencies involved in the project remain responsible for compliance with Section 106 of the National Historic Preservation Act, including government-to-government consultation with Indian Tribes, and submitting the appropriate information, including all determinations and findings, to SHPO for consultation.

Should you require additional information, please contact Jenna Carlson Dietmeier at Jenna.CarlsonDietmeier@state.sd.us or at (605)773-8370.

Sincerely,

Ted M. Spencer
State Historic Preservation Officer



Jenna Carlson Dietmeier, PhD
Review & Compliance Coordinator

CC: Abby Peyton - Perennial Environmental Services, LLC
Megan Cochran - Perennial Environmental Services, LLC
Christopher Hill - Summit Carbon Solutions
Erin Salisbury - exp Energy Services
Jennifer Winter - USACE
Jon Thurber - South Dakota Public Utilities Commission
Darren Kearney - South Dakota Public Utilities Commission
Kristen Edwards - South Dakota Public Utilities Commission
Ione Quigley - Rosebud Sioux Tribal Historic Preservation Officer
Allen Demaray - Three Affiliated Tribes Tribal Historic Preservation Office Director
Dianne Desrosiers - Sisseton-Wahpeton Oyate Tribal Historic Preservation Officer
Teanna Limpy - Northern Cheyenne Tribal Historic Preservation Officer
Megan Ostrenga - Archaeological Research Center, Rapid City
Lynn Griffin - Archaeological Research Center, Rapid City
Cassie Vogt - Archaeological Research Center, Rapid City



May 22, 2023

Patrick Trader
Gray & Pape, Inc.
1318 Main Street
Cincinnati, OH 45103

PRELIMINARY PROJECT CONSULTATION

Project: 220210007S – Midwest Carbon Express Project, Second Addendum Report
Location: Multiple Counties

Dear Mr. Trader:

Thank you for the opportunity to comment on the above-referenced project. The South Dakota Office of the State Historic Preservation Officer (SHPO) would like to provide the following comments.

On May 9, 2023, SHPO received your letter, a CD with spatial data, and your report titled “SECOND ADDENDUM REPORT: Level III Intensive Cultural Resources Survey of the Midwest Carbon Express Project: Beadle, Brown, Clark, Codington, Edmunds, Hamlin, Hand, Hyde, Kingsbury, Lake, Lincoln, McCook, McPherson, Miner, Minnehaha, Spink, Sully, and Turner Counties, South Dakota.” The second addendum report includes the results of additional survey, including geoarchaeological investigations, conducted between July 3, 2022, and November 18, 2022. Your report indicates that an additional 1,312.2 acres of land were subject to intensive field survey efforts for the proposed Midwest Carbon Express.

At this time, it is still unclear which portion(s) of the Midwest Carbon Express will require permits from the U.S. Army Corps of Engineers (USACE), thereby meeting the definition of an undertaking at 36 C.F.R. § 800.16(y) of the implementing regulations for Section 106 of the National Historic Preservation Act of 1966, and which portion(s) will not be federalized but still subject to the permitting requirements of the South Dakota Public Utilities Commission and to South Dakota Codified Law 1-19A-11.1. The preliminary comments in this letter and in previous letters regarding survey efforts for the Midwest Carbon Express in no way relieve USACE or any other federal agency of its responsibilities under Section 106, including all relevant findings and determinations and government-to-government consultation with American Indian Tribes.

Based upon the information provided, SHPO has the following comments:

- New segments of previously recorded sites 39KB2003 and 39MP2051 were recorded during the survey efforts. SHPO does not have concerns with the plans to bore under the newly recorded segments of these National Register eligible properties.

- SHPO agrees with the recommendations in the report that newly recorded sites 39MP0136, 39MP0137, 39MP0138, 39MP0139, 39MP0140, and 39MP0141 be considered **Eligible** for listing in the National Register of Historic Places under Criteria A and D.
- SHPO agrees that additional efforts are necessary to define the vertical and horizontal limits of newly recorded site 39SP0288. Although additional testing is necessary, at this time, SHPO agrees that 39SP0288 should be considered **Eligible** for listing in the National Register of Historic Places under Criterion D. SHPO recommends that Summit Carbon Solutions engage with our Tribal Partners in delineating the full boundary of the site, evaluating the site in its full extent, and defining appropriate measures to avoid adversely impacting the property.
- SHPO agrees with the recommendations in the report that newly recorded sites 39BN0154, 39ED0041, 39LN0124, 39LN0138, and 39MP0135 be considered **Not Eligible** for listing in the National Register of Historic Places.

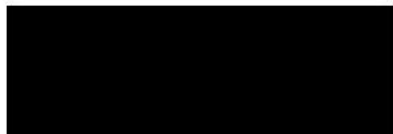
The second addendum report indicates that additional survey work is necessary throughout the proposed project area. As additional fieldwork is completed, Summit Carbon Solutions should ensure that the results are submitted to SHPO for additional comments. Additionally, SHPO recommends that Summit Carbon Solutions continue to engage with our Tribal Partners in the identification of properties which could be affected by the proposed project. Summit Carbon Solutions also should engage with our Tribal Partners in developing adequate means to avoid physical, visual, or other impacts to properties throughout the project area which may be of religious and cultural significance to them.

USACE and any other federal agencies involved in the project remain responsible for compliance with Section 106 of the National Historic Preservation Act, including government-to-government consultation with Indian Tribes, and submitting the appropriate information, including all determinations and findings, to SHPO for consultation.

Should you require additional information, please contact Jenna Carlson Dietmeier at Jenna.CarlsonDietmeier@state.sd.us or at (605)773-8370.

Sincerely,

Ted M. Spencer
State Historic Preservation Officer



Jenna Carlson Dietmeier, PhD
Review & Compliance Coordinator

CC: Christopher Hill - Summit Carbon Solutions
Erin Salisbury - exp Energy Services
Jennifer Winter - USACE
Jon Thurber - South Dakota Public Utilities Commission
Darren Kearney - South Dakota Public Utilities Commission
Kristen Edwards - South Dakota Public Utilities Commission
Ione Quigley - Rosebud Sioux Tribal Historic Preservation Officer
Allen Demaray - Three Affiliated Tribes Tribal Historic Preservation Office Director
Dianne Desrosiers - Sisseton-Wahpeton Oyate Tribal Historic Preservation Officer
Teanna Limpy - Northern Cheyenne Tribal Historic Preservation Officer
Megan Ostrenga - Archaeological Research Center, Rapid City
Lynn Griffin - Archaeological Research Center, Rapid City
Cassie Vogt - Archaeological Research Center, Rapid City

October 10, 2024

Katie Wasley
Review and Compliance Coordinator
Northern Region Historic Preservation Specialist
South Dakota State Historical Society
900 Governors Dr.
Pierre, SD 57501

RE: Summit Carbon Solutions, LLC
Midwest Express Pipeline Project
Beadle, Brown, Clark, Codington, Edmunds, Hamlin, Hand, Hyde, Kingsbury, Lake, Lincoln, McCook,
McPherson, Miner, Minnehaha, Spink, Sully, and Turner counties, South Dakota – Addendum 3

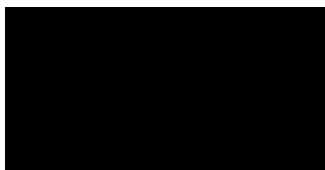
Dear Ms. Wasley:

Summit Carbon Solutions, LLC (SCS) intends to construct a carbon dioxide (CO₂) capture, pipeline, and sequestration project identified as the Midwest Carbon Express Project (Project) located in North Dakota, South Dakota, Nebraska, Minnesota and Iowa. Specifically, the portion of the current proposed Project route in South Dakota, includes approximately 495.91 mi (798.08 km) of mainline trunk lines and laterals (as of August 31, 2023), which will cross portions of Beadle, Brown, Clark, Codington, Edmunds, Hamlin, Hand, Hyde, Kingsbury, Lake, Lincoln, McCook, McPherson, Miner, Minnehaha, Spink, Sully, and Turner counties. The Project will require a United States Army Corps of Engineers (USACE) permit pursuant to Section 10 of the Rivers and Harbors Act, 33 U.S.C. (Section 408), and Section 404 of the Clean Water Act, as well as clearance from the United States Fish and Wildlife Services (USFWS).

The enclosed report is the third addendum prepared for the Project and includes the results of the Level III inventory and geoarchaeological deep testing completed during the 2023 field season. The 2023 fieldwork was completed by Perennial Environmental Services, LLC, Gray and Pape, Inc., Terracon, and SEARCH, Inc. EXP staff oversaw the Level III intensive cultural resources survey and field investigations were conducted under the direction of Zonna Barnes of EXP and Patrick Trader of Gray & Pape (Principal Investigators). In all, the Level III survey included the revisit of ten previously recorded resources. Of these, eight sites were relocated within the Project 300-foot Environmental Survey Area (ESA). In addition to the previously recorded resources, 24 newly recorded archaeological sites and seven newly recorded isolated finds were documented within the ESA. Geoarchaeological investigations included eight deep testing locations with a total of 25 trenches and 8 augers. Of the 25 trenches excavated, 10 were positive at DTL 39 (Spink County).

We appreciate your assistance with the review of this Project. Should you have any questions, concerns, or require additional information, please contact Erin Salisbury at 970.946.8698 or erin.salisbury@exp.com.

Sincerely,



Jason Zoller
DCN: SCS-0700-ENV-06-LT-797

Senior Environmental Program Manager
Summit Carbon Solutions, LLC