

**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA**

**IN THE MATTER OF THE APPLICATION BY SCS CARBON TRANSPORT LLC FOR  
A PERMIT TO CONSTRUCT A CARBON DIOXIDE TRANSMISSION PIPELINE**

**SD PUC DOCKET NO. \_\_\_\_\_**

PRE-FILED DIRECT TESTIMONY OF TROY A. EID,  
Principal Shareholder, Greenberg Traurig, LLP  
ON BEHALF OF SCS CARBON TRANSPORT LLC

November 19, 2024

1 **Q. Please state your name, employer, and business address.**

2 A. My name is Troy A. Eid. My employer is Greenberg Traurig, LLP., located at 1144 15th  
3 Street, Suite 3300 | Denver, Colorado 80202.

4 **Q. Briefly describe your educational and professional background.**

5 A. A.B., Stanford University (1986); J.D., The University of Chicago Law School (1991).  
6 Principal Shareholder and Co-Chair, American Indian Law Practice Group, Greenberg Traurig,  
7 LLP (2003-2006 and 2009-present). United States Attorney for the District of Colorado (2005-  
8 2009), appointed by President George W. Bush. Chair of the National Indian Law and Order  
9 Commission (2010-2014), appointed by the United States Senate. Adjunct Professor of Native  
10 American Nations & Federal Law, University of Denver-Sturm College of Law, 2007-present. A  
11 short biography is attached as Exhibit 1.

12 **Q. What is your role with respect to the Project?**

13 A. Legal counsel to the Project team for Federal Indian Law and Native American Tribal  
14 Law.

15 **Q. What is the purpose of your Direct Testimony?**

16 A. The purpose of my direct testimony is to provide information about the Project's Tribal  
17 Outreach Program and its implementation by the Project team.

18 **Q. What exhibits are attached to your Direct Testimony?**

19 A. The following exhibit is attached to my Direct Testimony:  
20 Exhibit 1: Biography.

21 **Q. Please identify the sections of the Application that you are sponsoring for the**  
22 **record.**

23 A. I am sponsoring the following portions of the Application:

- 24
  - Section 7.1 Tribal Outreach

25 **Q. Has SCS consulted with area Tribes in connection with the Project?**

26 A. SCS has identified and reached out to all 62 Tribes with current and historic ties to the  
27 MCE Project area, including the nine federally recognized Native American Tribes and Nations  
28 in South Dakota. Initial outreach occurred at the inception of the MCE Project in August 2021

29 with Project information and an invitation to participate in field studies and cultural resource  
30 surveys. Annual informational webinars hosted by SCS are put on every year to inform the  
31 Tribes of MCE Project activities. Nine tribes agreed to participate in the archaeological field  
32 studies; in the state of South Dakota, that included citizens of the Rosebud Sioux Tribe;  
33 Northern Cheyenne Tribe; Three Affiliated Tribes of the Fort Berthold Reservation; and Sisseton  
34 Wahpeton Oyate of the Lake Traverse Reservation. SCS's Tribal Outreach Program has  
35 specifically included an invitation for Tribes to participate in cultural resources surveys where  
36 landowner access has been granted.

37 **Q. Have Tribal Cultural Specialists participated in cultural resource field**  
38 **investigations conducted to-date?**

39 A. Yes. Additionally, Tribal Cultural Specialists (TCSs) from the Sisseton-Wahpeton-Oyate  
40 Tribe have completed field surveys where access to private property has been granted. All  
41 cultural resources identified by TCSs are treated confidentially and the Project will avoid these  
42 resources entirely.

43 **Q. What steps will SCS take to avoid minimize and/or mitigate impacts to tribal**  
44 **resources?**

45 A. SCS will continue to coordinate with Tribes, including with TCS, to identify cultural and  
46 Tribal resources. SCS will work with SD State Historical Society (SHS)/State Historic  
47 Preservation Office (SHPO) to avoid, minimize, and/or mitigate impacts to identified cultural  
48 resources. As noted above, the Project will avoid Tribal resources identified by Tribes and TCSs  
49 during field surveys.

50 **Q. Has SCS provided Tribes with the opportunity to conduct Traditional Cultural**  
51 **Properties studies?**

52 A. Tribes have been invited to conduct their own Traditional Cultural Properties (TCP)  
53 studies since 2021. SCS offered to compensate Tribes for conducting studies that seek to  
54 identify possible TCP/historic properties that could be located within the Project corridor. To  
55 date, no Tribe has requested to conduct a TCP study. If any TCP studies are completed by  
56 Tribes, they will be provided to the SD SHPO and U.S. Army Corps of Engineers as privileged  
57 and confidential information and not available to the public.

58 **Q. Has SCS has engaged Tribes, Tribal Communities, and Native American-Owned**  
59 **businesses in the South Dakota and across the larger MCE Project:**

60 A. The following are some additional examples of how SCS has engaged Tribes, Tribal  
61 Communities, and Native American-Owned businesses in South Dakota and across the larger  
62 MCE Project

- 63 • In January 2024, SCS met with South Dakota legislators at the state capitol building in  
64 Pierre, SD to discuss the Project, Tribal outreach, and involvement on the Project to date,  
65 and the Coalition of Large Tribes' (COLTs') support letter on carbon footprint reduction  
66 which discusses opportunities for Tribal nations to pursue similar projects of their own.
- 67 • In October 2021, an invitation was sent out to Tribes to join SCS's SharePoint site to  
68 review maps, shapefiles, route kmz's, and cultural resources reports.
- 69 • In December 2021, an invitation was sent out to all 62 Tribes to attend an MCE Tribal  
70 webinar concerning the Project. SCS has conducted live webinars in a "town hall" format  
71 in which Tribal representatives are invited to learn more specifics about the Project and  
72 ask questions of the Project's cultural resources and Tribal outreach teams. SCS has  
73 hosted a series of webinars in 2022, 2023, and 2024, and plans to host another series of  
74 webinars in 2025.
- 75 • In February 2022, SCS and EXP reached out to Tribally owned and operated enterprises  
76 and Native American-owned businesses to explore job opportunities. This outreach  
77 includes working with Tribal Employment Rights Offices (TERO) to maximize potential job  
78 opportunities related to the Project.
- 79 • In March 2022, SCS met with the Standing Rock Sioux Tribal Council at its invitation to  
80 discuss the Project at Tribal Headquarters in Fort Yates, North Dakota.
- 81 • In May 2022, SCS sponsored a week-long Tribal Cultural Specialist training for the Mille  
82 Lacs Band of Ojibwe.
- 83 • SCS has sponsored and presented at a number of Tribal Coalition meetings including  
84 COLT, the Midwest Alliance of Sovereign Tribes, the Great Plains Tribal Chairmans  
85 Association, the Northern Plains TERO Coalition, the Great Lakes TERO Association, the  
86 Great Lakes Tribal Economic Summit, and the National TERO Conference.
- 87 • SCS has attended and hosted a booth at RES, the largest and longest running American  
88 Indian business development event in the nation convened by the National Center for  
89 American Indian Enterprise Development.

- 90 • In Spring of 2023, SCS made donations to the Oglala Sioux Tribe and Rosebud Sioux  
91 Tribe to help aid in a winter storm relief effort.
- 92 • SCS is committed to workforce development in Indian Country and partnered with Five  
93 Skies Training and Consulting to host a Career Readiness Enhancement Training for  
94 Native Communities in May 2023 in Sioux City, Iowa. All 62 Tribes in the Project Area  
95 were invited to participate in the training.
- 96 • In October 2023, SCS sponsored and helped develop a law enforcement training hosted  
97 by COLT in Billings, Montana focused on the Missing and Murdered Indigenous Persons  
98 crisis. Several Tribes from across the nation were represented, law enforcement from  
99 Tribal nations participated, and law enforcement from “border towns” or those towns that  
100 border reservations were also present.

101 SCS recognizes that violence against Indigenous peoples is a crisis that has been  
102 underfunded in communities throughout Indian Country and that murders and missing persons  
103 cases go unsolved and unaddressed. SCS is fully committed to partnering with Tribes and Tribal  
104 communities to achieve justice and healing for families around the Project by investing in  
105 programs and services that: foster awareness of the issues related to Missing and Murdered  
106 Indigenous Women/ Missing and Murdered Indigenous Girls; address issues of human trafficking;  
107 domestic violence; honor Indigenous cultural values; educate on the prevention of sexual  
108 violence; support community self-defense training; and invest in the empowerment of Native  
109 women and girls. Furthermore, SCS supports the programs and services of agencies responsible  
110 for investigating and resolving these cases. Safe communities are SCS’s priority and violence  
111 against Native people has no place in the communities in which SCS serves and operates. SCS  
112 will require that all its employees and contractors complete a Human Trafficking Prevention  
113 Training prior to construction work.

114 **Q. Does this conclude your direct testimony?**

115 A. Yes.

116

117 Dated this 19<sup>th</sup> of November, 2024.

118     /s/ Troy A. Eid

119 Troy A. Eid