

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

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

HP22-001

SURREBUTTAL TESTIMONY OF

JON A. SCHMIDT, PH.D.

ON BEHALF OF

SCS CARBON TRANSPORT LLC

SCS EXHIBIT #

August 31, 2023

1 **Q. Please state your name.**

2 A. Jon Schmidt.

3 **Q. Have you previously provided prefiled testimony in this docket?**

4 A. Yes. I filed Direct Testimony on January 8, 2022, Supplemental Testimony on November
5 2, 2022, and Rebuttal Testimony on July 7, 2023, on behalf of SCS Carbon Transport LLC
6 (“SCS”) in support of the South Dakota portion of the Midwest Carbon Express Project
7 (the “Project”).

8 **Q. What is the purpose of your Surrebuttal Testimony?**

9 A. The purpose of my Surrebuttal Testimony is to provide: updated tables, figures, and
10 appendices to the Supplement to the Application; the Agricultural Impact Mitigation Plan
11 (“AIMP”); the Noxious Weed Management Plan; and updated responses to data requests
12 (“DRs”) sent by the South Dakota Public Utilities Commission (“Commission”) Staff.

13 **Q. What exhibits are attached to your Surrebuttal Testimony?**

14 A. The following exhibits are attached to my Surrebuttal Testimony:

- 15 • Exhibit 1: Updated Tables, Figures, and Appendices to the Supplement to the
16 Application.
- 17 • Exhibit 1(a): Updated Tables.
- 18 • Exhibit 1(b): Updated Figures.
- 19 • Exhibit 1(c): Updated Appendices.
- 20 • Exhibit 2: Agricultural Impact Mitigation Plan.
- 21 • Exhibit 3: Noxious Weed Management Plan.
- 22 • Exhibit 4: Updated Response to Staff DR 1-13.
- 23 • Exhibit 5: Updated Response to Staff DR 3-23.

- 1 • Exhibit 6: Updated Response to Staff DR 7-5, with updated attachments 7-5a and
2 7-5b.

3 **Q. Since the Supplement of the Application to the South Dakota Public Utilities**
4 **Commission for a Permit for the SCS Carbon Transport LLC (SCS) Pipeline Under**
5 **the Energy Conversion and Transmission Facility Act (“Supplement to the**
6 **Application”) was filed on October 13, 2022, have there been updates to the Project?**

7 A. Yes. As reflected in SCS’s filings in this docket, there have been updates to the Project
8 since the Supplement to the Application was filed.

9 **Q. Have there been changes to the route depicted on the versions of Appendices 6A, 6B,**
10 **and 6C filed on June 21, 2023?**

11 A. Yes. As discussed in more detail in Erik Schovanec’s Surrebuttal Testimony, there have
12 been only minor route changes or realignments to the route since the June 21, 2023 filing
13 of Appendices 6A, 6B, and 6C.

14 The Project’s current layout is depicted on the updated figures (Exhibit 1(b)) and updated
15 Appendices 6A, 6B, and 6C (Exhibit 1(c)) included in Exhibit 1 to my Surrebuttal
16 Testimony. The updated Appendices 6A, 6B, and 6C (Exhibit 1(c)) include the current
17 route and the route filed on June 21, 2023.¹ SCS will provide a zip file containing updated
18 GIS shapefiles of the Project to Commission Staff.

19 **Q. Has SCS updated certain tables, figures, and appendices to the Supplement to the**
20 **Application to reflect these changes and the current route?**

¹ The previous route labeled “May 3, 2023 Filed Route” on updated Appendices 6A, 6B, and 6C (Exhibit 1(c)) refers to the route filed in the docket on June 21, 2023.

1 A. Yes. SCS has updated a number of tables, figures, and appendices to the Supplement to
2 the Application, including resource impact estimates. These updated materials are
3 provided in Exhibit 1 to my Surrebuttal Testimony, with the updated tables included in
4 Exhibit 1(a), updated figures in Exhibit 1(b), and updated appendices in Exhibit 1(c). SCS
5 has updated these materials to provide the most current and accurate information reflecting
6 the current route.

7 I am providing these updated materials with my Surrebuttal Testimony, but other SCS
8 witnesses may also utilize these exhibits where appropriate.

9 **Q. In prefiled testimony submitted by landowners as well as by Commission Staff**
10 **witnesses, questions and concerns have been raised regarding potential impacts to**
11 **and restoration of agricultural land. Are you familiar with these concerns?**

12 A. Yes.

13 **Q. Has SCS prepared an AIMP?**

14 A. Yes. SCS has prepared an AIMP, which is included as Exhibit 2 to my Surrebuttal
15 Testimony. As requested by Commission Staff witnesses and committed to by SCS (see
16 Mr. Schovanec's Rebuttal Testimony), SCS is providing its AIMP prior to the evidentiary
17 hearing.

18 **Q. Please describe your role in preparing the AIMP.**

19 A. I was involved in the preparation of the AIMP for this Project, consistent with plans used
20 in other states for this Project.

21 **Q. What is the purpose of the AIMP?**

22 A. The AIMP describes proposed measures SCS will implement to minimize impacts to and
23 restore agricultural lands during and after construction of the Project. The AIMP details

1 methods to preserve topsoil, prevent erosion, avoid and/or minimize impacts to drain tile,
2 restore agricultural land following construction, and establish appropriate vegetation cover
3 that will help to ensure the Project is designed, constructed, and operated in a manner
4 allowing the land to be returned to its pre-construction condition.

5 **Q. In prefiled testimony, Commission Staff witnesses have requested additional**
6 **information regarding SCS's plan regarding the control of noxious weeds. Are you**
7 **familiar with these comments?**

8 A. Yes.

9 **Q. Has SCS prepared a Noxious Weed Management Plan?**

10 A. Yes. SCS has prepared a Noxious Weed Management Plan, which is included as Exhibit
11 3 to my Surrebuttal Testimony.

12 **Q. Please describe your role in preparing the Noxious Weed Management Plan.**

13 A. Staff at EXP under my direction and review prepared this Noxious Weed Management
14 Plan consistent with plans used in other states for this Project.

15 **Q. What is the purpose of the Noxious Weed Management Plan?**

16 A. The Noxious Weed Management Plan outlines strategies and practices SCS will utilize to
17 prevent and/or control the spread of noxious weeds during and following construction of
18 the Project.

19 **Q. Commission Staff has sent seven sets of DRs to SCS as part of this proceeding. Have**
20 **you been involved in reviewing and responding to certain DRs from Staff?**

21 A. Yes.

22 **Q. Is it your understanding that SCS has an obligation to provide updated responses, as**
23 **needed?**

1 A. Yes.

2 **Q. Did you respond to Staff DR 1-13, which is included in Staff Exhibit S1a?**

3 A. Yes.

4 **Q. Do you have an updated response to Staff DR 1-13?**

5 A. Yes. My updated response to Staff DR 1-13 is included as Exhibit 4. This response updates
6 the list of parcels crossed where landowners have entered into easements with NRCS as
7 well as the list of counties where aboveground facilities will require conditional use
8 permits.

9 **Q. Did you respond to Staff DR 3-23, which is included in Staff Exhibit S1a?**

10 A. Yes.

11 **Q. Do you have an updated response to Staff DR 3-23?**

12 A. Yes. My updated response to Staff DR 3-23 is included as Exhibit 5. This response
13 provides an update for wetland and cultural surveys that have been completed on
14 approximately 95 percent of the Project route in South Dakota based on centerline mileage.

15 **Q. Did you respond to Staff DR 7-5, which is included in Staff Exhibits S2 and S2b?**

16 A. Yes.

17 **Q. Do you have an updated response to Staff DR 7-5?**

18 A. Yes. My updated response to Staff DR 7-5, including updated attachments 7-5a and 7-5b
19 reflecting the current route, are included as Exhibit 6. This response notes that the relevant
20 map books have been updated to reflect the current route.

21 **Q. Does this conclude your Surrebuttal Testimony?**

22 A. Yes.

1 Dated this 31st day of August, 2023.

2

3 */s/ Dr. Jon Schmidt, PhD.*

4 _____

5 Jon Schmidt, PhD