

## Appendix J

### Tribal Government and State Agency Correspondence

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#### Summary of EERA Outreach

Department of Commerce Energy Environmental Review and Analysis (EERA) staff provided a summary of the scoping process to the Minnesota Public Utilities Commission (Commission) and recommended a final scope for the environmental impact statement (EIS) for the Otter Tail to Wilkin Carbon Dioxide (CO<sub>2</sub>) Pipeline Project (project). The Commission concurred with EERA staff recommendations. On September 26, 2023, the Commission issued an *Order Approving Scope of Environmental Review and Denying Stay* (Order) approving the scope of the EIS. In the Order, the Commission requested that EERA staff coordinate with the Minnesota Office of Pipeline Safety (MNOPS), Tribal governments, and state agencies to ensure that their expertise is reflected in the EIS and that the environmental review process benefits from their expertise.

EERA staff compiled a list of Tribal government and state agency contacts. The following summarizes correspondence between EERA staff and those Tribal government and state agency contacts. The Tribal governments and state agencies contacted are listed in **Table 1** below.

#### *EERA Emails to Contacts*

On October 20, 2023, EERA staff emailed the Tribal government contacts a letter to provide an update on the project and request their participation in the preparation of the draft EIS. The letter also provided an estimated timeline, anticipated opportunities for contacts to formally comment on the project, a preliminary EIS table of contents, and a project factsheet.

On October 27, 2023, EERA staff emailed state agency contacts a letter similar to the letter emailed to Tribal governments.

A representative sample of these emails and letters is included in **Attachment A**.

On November 17, 2023, EERA staff sent a follow-up email to the contacts (**Table 1**). EERA staff notified the contacts that preliminary draft EIS chapters would be sent to them in approximately 2 to 3 weeks. This email also asked that the contacts provide EERA staff with their comments within 2 weeks of receiving the preliminary draft EIS chapters. A representative sample of this email is included in **Attachment A**.

#### *EERA Preliminary Draft Submission*

On December 8, 2023, EERA staff emailed the contacts a preliminary draft of the EIS. This included Chapters 1 through 5, Chapters 7 through 9, a detailed mapset, and a comment table. EERA staff requested that responses be provided in the comment table by December 22, 2023. Representative samples of these emails are included in **Attachment A**.

#### *Responses*

On October 25, 2023, EERA staff received an email from the Shakopee Mdewakanton Community stating that they would defer their comments to the White Earth Nation (**Attachment B**).

On December 13, 2023, Mille Lacs Band of Ojibwe, Air Quality Specialist Charles J. Lippert, responded to the email with a few follow-up questions. EERA staff contacted Mr. Lippert to discuss his questions. On December 21, 2023, Mr. Lippert emailed the Mille Lacs Band of Ojibwe’s responses and comments to EERA staff.

On December 15, 2023, EERA staff received an email from the White Earth Nation. Renee Keezer, the Pesticide Coordinator for White Earth Nation, had a few questions about the preliminary draft EIS Chapters 6 and 9.

On December 21, 2023, Paul Hartzheim with the Department of Transportation (MnDOT) emailed comments to EERA staff in the comment table (**Attachment B**). MnDOT had staff from the Office of Environmental Stewardship–Environmental Assessment Unit, Cultural Resources Unit, Scenic Byways, and District 4 provide comments and review of the preliminary draft chapters and detailed mapset.

On December 22, 2023, EERA staff received an email response from MNOPS. Jon Wolfgram, Deputy Director of MNOPS, provided responses in the comment table and included a letter with “comments regarding the MNOPS oversight of intrastate pipelines and the interstate agent agreement with [the Pipeline and Hazardous Materials Safety Administration] PHMSA” (**Attachment B**).

On December 22, 2023, EERA staff received an email response from the Department of Health (MDH). David Bell, a research scientist at MDH, emailed EERA staff a completed comment table that provided EERA staff with feedback on the draft of Chapter 5 of the EIS (**Attachment B**). Comments from MDH focused on environmental justice, noise, public health, air quality, geology, and water.

On December 27, 2023, EERA staff received an email response from the Department of Natural Resources (DNR). Cynthia Warzecha, an Energy Projects Planner, sent DNR’s comment table as an email attachment (**Attachment B**). DNR’s comments focused on natural resources and mitigation recommendations.

## Tribal Government and State Agency Contacts

**Table 1** lists the Tribal government and state agency contacts included in the initial correspondence on October 20, 2023, and their email addresses. The same state contacts were used for the November 17, 2023, and December 8, 2023, follow-up emails from EERA staff.

Some Tribal government contacts were updated after the October and November 2023 emails due to changes in staff and contact information. For the December 8, 2023, EERA staff email to contacts, the EERA comment form was not sent to Alissa Jacobson and Jordan Holcomb at the Prairie Island Indian Community (see \* in **Table 1**), Steve Shier of 1854 Treaty Authority was removed (see \*\* in **Table 1**), and Tyler Kaspar of 1854 Authority was added (see \*\*\* in **Table 1**) based on follow-up responses with contacts.

**Table 1** Contact List of Tribal Governments and State Agencies

Tribe or Agency	Name of Contact	Email of Contact
<b>Tribal Governments</b>		
Lower Sioux	Robert Larsen Cheyanne St. John Deb Dirlam	<a href="mailto:robert.larsen@lowersioux.com">robert.larsen@lowersioux.com</a> <a href="mailto:cheyanne.stjohn@lowersioux.com">cheyanne.stjohn@lowersioux.com</a> <a href="mailto:deb.dirlam@lowersioux.com">deb.dirlam@lowersioux.com</a>
White Earth Nation	Michael Fairbanks Jaime Arsenault Amy Moore Will Bement Ed Snetsinger Renee Keezer Dustin Roy Monica Hedstrom Zachary Paige Wade Jackson	<a href="mailto:michael.fairbanks@whiteearth-nsn.gov">michael.fairbanks@whiteearth-nsn.gov</a> <a href="mailto:Jaime.Arsenault@whiteearth-nsn.gov">Jaime.Arsenault@whiteearth-nsn.gov</a> <a href="mailto:amy.moore@whiteearth-nsn.gov">amy.moore@whiteearth-nsn.gov</a> <a href="mailto:will.bement@whiteearth-nsn.gov">will.bement@whiteearth-nsn.gov</a> <a href="mailto:ed.snetsinger@whiteearth-nsn.gov">ed.snetsinger@whiteearth-nsn.gov</a> <a href="mailto:Renee.Keezer@whiteearth-nsn.gov">Renee.Keezer@whiteearth-nsn.gov</a> <a href="mailto:Dustin.Roy@whiteearth-nsn.gov">Dustin.Roy@whiteearth-nsn.gov</a> <a href="mailto:monica.hedstrom@whiteearth-nsn.gov">monica.hedstrom@whiteearth-nsn.gov</a> <a href="mailto:zachary.paige@whiteearth-nsn.gov">zachary.paige@whiteearth-nsn.gov</a> <a href="mailto:Wade.Jackson@whiteearth-nsn.gov">Wade.Jackson@whiteearth-nsn.gov</a>
Bois Forte Band of Chippewa	Frank Villebrun Cathy Chavers Jaylen Strong	<a href="mailto:fvillebrun@boisforte-nsn.gov">fvillebrun@boisforte-nsn.gov</a> <a href="mailto:cchavers@boisforte-nsn.gov">cchavers@boisforte-nsn.gov</a> <a href="mailto:jaylen.strong@boisforte-nsn.gov">jaylen.strong@boisforte-nsn.gov</a>
Red Lake Nation	John Leblanc Allen Pemberton Kade Ferris Darrell Seki, Sr. Jennifer Malinski Shane Bowe Kayla Bowe Joshua Jones Sharon James Tyler Orgon	<a href="mailto:jleblanc@redlakenation.org">jleblanc@redlakenation.org</a> <a href="mailto:apemberton@redlakenation.org">apemberton@redlakenation.org</a> <a href="mailto:kade.ferris@redlakenation.org">kade.ferris@redlakenation.org</a> <a href="mailto:dseki@redlakenation.org">dseki@redlakenation.org</a> <a href="mailto:jmalinski@redlakenation.org">jmalinski@redlakenation.org</a> <a href="mailto:sbowe@redlakenation.org">sbowe@redlakenation.org</a> <a href="mailto:kayla.bowe@redlakenation.org">kayla.bowe@redlakenation.org</a> <a href="mailto:Joshua.jones@redlakenation.org">Joshua.jones@redlakenation.org</a> <a href="mailto:sjames@4directionsrl.org">sjames@4directionsrl.org</a> <a href="mailto:Tyler.orgon@redlakenation.org">Tyler.orgon@redlakenation.org</a>
Upper Sioux	Daniel Ellenbecker Alena Boklep Samantha Odegard Kevin Jensvold	<a href="mailto:daniele@uppersiouxcommunity-nsn.gov">daniele@uppersiouxcommunity-nsn.gov</a> <a href="mailto:alenab@uppersiouxcommunity-nsn.gov">alenab@uppersiouxcommunity-nsn.gov</a> <a href="mailto:samanthao@uppersiouxcommunity-nsn.gov">samanthao@uppersiouxcommunity-nsn.gov</a> <a href="mailto:kevinj@uppersiouxcommunity-nsn.gov">kevinj@uppersiouxcommunity-nsn.gov</a>
Grand Portage	Robert Deschampe Agatha Armstrong April McCormick	<a href="mailto:robertdeschampe@grandportage.com">robertdeschampe@grandportage.com</a> <a href="mailto:agathaa@grandportage.com">agathaa@grandportage.com</a> <a href="mailto:Aprilm@grandportage.com">Aprilm@grandportage.com</a>
Fond du Lac Band of Lake Superior Chippewa	Kevin Dupuis Evan Schroeder Paige Huhta Anthony Mazzini Nancy Schuldt Richard Gitar Jack Bassett David Smith Phillip Savage Lance Northbird	<a href="mailto:kevindupuis@fdlrez.com">kevindupuis@fdlrez.com</a> <a href="mailto:evanschroeder@fdlrez.com">evanschroeder@fdlrez.com</a> <a href="mailto:paigehuhta@fdlrez.com">paigehuhta@fdlrez.com</a> <a href="mailto:anthonymazzini@fdlrez.com">anthonymazzini@fdlrez.com</a> <a href="mailto:nancyschuldt@fdlrez.com">nancyschuldt@fdlrez.com</a> <a href="mailto:richardgitar@fdlrez.com">richardgitar@fdlrez.com</a> <a href="mailto:jackbassett@fdlrez.com">jackbassett@fdlrez.com</a> <a href="mailto:davidsmith@fdlrez.com">davidsmith@fdlrez.com</a> <a href="mailto:phillipsavage@fdlrez.com">phillipsavage@fdlrez.com</a> <a href="mailto:lancenorthbird@fdlrez.com">lancenorthbird@fdlrez.com</a>

Tribe or Agency	Name of Contact	Email of Contact
Prairie Island Indian Community	*Alissa Jacobson Madeline Hyde Noah White Gabriel Miller Cody Mattison *Jordan Holcomb Franky Jackson	<a href="mailto:alissa.jacobson@piic.org">alissa.jacobson@piic.org</a> <a href="mailto:madeline.hyde@piic.org">madeline.hyde@piic.org</a> <a href="mailto:noah.white@piic.org">noah.white@piic.org</a> <a href="mailto:Gabriel.Miller@piic.org">Gabriel.Miller@piic.org</a> <a href="mailto:Cody.Mattison@piic.org">Cody.Mattison@piic.org</a> <a href="mailto:Jordan.Holcomb@piic.org">Jordan.Holcomb@piic.org</a> <a href="mailto:franky.jackson@piic.org">franky.jackson@piic.org</a>
Mille Lacs Band of Ojibwe	Perry Bunting Susan Klapel Jamie Edwards Kelly Applegate Melanie Benjamin Mike Wilson Charlie Lippert Chad Weiss Andrew Boyd Alexandria Clark Jon Houle	<a href="mailto:perry.bunting@millelacsband.com">perry.bunting@millelacsband.com</a> <a href="mailto:Susan.Klapel@millelacsband.com">Susan.Klapel@millelacsband.com</a> <a href="mailto:Jamie.Edwards@millelacsband.com">Jamie.Edwards@millelacsband.com</a> <a href="mailto:kelly.applegate@millelacsband.com">kelly.applegate@millelacsband.com</a> <a href="mailto:melanie.benjamin@millelacsband.com">melanie.benjamin@millelacsband.com</a> <a href="mailto:Mike.Wilson@millelacsband.com">Mike.Wilson@millelacsband.com</a> <a href="mailto:Charlie.Lippert@millelacsband.com">Charlie.Lippert@millelacsband.com</a> <a href="mailto:chad.weiss@millelacsband.com">chad.weiss@millelacsband.com</a> <a href="mailto:andrew.boyd@millelacsband.com">andrew.boyd@millelacsband.com</a> <a href="mailto:Alexandria.Clark@millelacsband.com">Alexandria.Clark@millelacsband.com</a> <a href="mailto:Jon.Houle@millelacsband.com">Jon.Houle@millelacsband.com</a>
Leech Lake Band of Ojibwe	Brandy Toft Amanda Wold Faron Jackson Amy Burnette Carma Huseby Jakob Sorensen Jeff Harper Jason Helgeson Diane Thompson Eugene Strowbridge Lakota Ironboy	<a href="mailto:brandy.toft@llojibwe.net">brandy.toft@llojibwe.net</a> <a href="mailto:Amanda.wold@llojibwe.net">Amanda.wold@llojibwe.net</a> <a href="mailto:Faron.Jackson@llojibwe.net">Faron.Jackson@llojibwe.net</a> <a href="mailto:amy.burnette@llojibwe.net">amy.burnette@llojibwe.net</a> <a href="mailto:Carma.huseby@llojibwe.net">Carma.huseby@llojibwe.net</a> <a href="mailto:Jakob.sorensen@llojibwe.net">Jakob.sorensen@llojibwe.net</a> <a href="mailto:Jeff.harper@llojibwe.net">Jeff.harper@llojibwe.net</a> <a href="mailto:jason.helgeson@llojibwe.net">jason.helgeson@llojibwe.net</a> <a href="mailto:Diane.thompson@llojibwe.net">Diane.thompson@llojibwe.net</a> <a href="mailto:eugene.strowbridge@llojibwe.net">eugene.strowbridge@llojibwe.net</a> <a href="mailto:Lakota.ironboy@llojibwe.net">Lakota.ironboy@llojibwe.net</a>
MIAC	Shannon Geshick Melissa Cerda	<a href="mailto:shannon.geshick@state.mn.us">shannon.geshick@state.mn.us</a> <a href="mailto:melissa.cerda@state.mn.us">melissa.cerda@state.mn.us</a>
1854 Treaty Authority	Sonny Myers Darren Vogt **Steve Shier ***Tyler Kaspar	<a href="mailto:Smyers@1854treatyauthority.org">Smyers@1854treatyauthority.org</a> <a href="mailto:dvogt@1854treatyauthority.org">dvogt@1854treatyauthority.org</a> <a href="mailto:sshier@1854treatyauthority.org">sshier@1854treatyauthority.org</a> <a href="mailto:tkaspar@1854treatyauthority.org">tkaspar@1854treatyauthority.org</a>
MN Chippewa Tribe, Bois Forte, and Grand Portage	Michael Northbird Beth Drost Cathy Chavers Rob Hull	<a href="mailto:mnorthbird@mnchippewatribe.org">mnorthbird@mnchippewatribe.org</a> <a href="mailto:bdrost@mnchippewatribe.org">bdrost@mnchippewatribe.org</a> <a href="mailto:cchavers@boisforte-nsn.gov">cchavers@boisforte-nsn.gov</a> <a href="mailto:thpo@grandportage.com">thpo@grandportage.com</a>

#### Agencies

Office of the State Archaeologist	Sarah Beimers Amanda Gronhovd Jennifer Tworzyanski Office of State Archaeologist	<a href="mailto:sarah.beimers@state.mn.us">sarah.beimers@state.mn.us</a> <a href="mailto:amanda.gronhovd@state.mn.us">amanda.gronhovd@state.mn.us</a> <a href="mailto:Jennifer.Tworzyanski@state.mn.us">Jennifer.Tworzyanski@state.mn.us</a> <a href="mailto:OSA.Project.Reviews.ADM@state.mn.us">OSA.Project.Reviews.ADM@state.mn.us</a>
Department of Health	David Bell	<a href="mailto:david.bell@state.mn.us">david.bell@state.mn.us</a>
Board of Water and Soil Resources	Annie Felix Gerth Melissa King	<a href="mailto:annie.felix-gerth@state.mn.us">annie.felix-gerth@state.mn.us</a> <a href="mailto:Melissa.King@state.mn.us">Melissa.King@state.mn.us</a>

Tribe or Agency	Name of Contact	Email of Contact
Department of Labor and Industry	Todd Green	<a href="mailto:todd.a.green@state.mn.us">todd.a.green@state.mn.us</a>
Department of Transportation	Stacy Kotch	<a href="mailto:stacy.kotch@state.mn.us">stacy.kotch@state.mn.us</a>
Department of Agriculture	Stephan Roos	<a href="mailto:stephan.roos@state.mn.us">stephan.roos@state.mn.us</a>
Department of Natural Resources	Cynthia Warzecha	<a href="mailto:cynthia.warzecha@state.mn.us">cynthia.warzecha@state.mn.us</a>
Department of Revenue	State Assessed Property	<a href="mailto:sa.property@state.mn.us">sa.property@state.mn.us</a>
Pollution Control Agency	Katrina Hapka	<a href="mailto:Katrina.Hapka@state.mn.us">Katrina.Hapka@state.mn.us</a>
Department of Employment and Economic Development	Chet Bodin	<a href="mailto:chet.bodin@state.mn.us">chet.bodin@state.mn.us</a>
Department of Public Safety	Jonathan Wolfgram	<a href="mailto:jonathan.wolfgram@state.mn.us">jonathan.wolfgram@state.mn.us</a>

## **Attachment A**

**October 20, 2023**  
**Example Email to Tribes**



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**From:** Levi, Andrew (COMM)  
**Sent:** Friday, October 20, 2023 8:40 AM  
**To:** Melanie Benjamin, Chief Executive; kelly.applegate; Perry Bunting, Director, Environmental Programs; Susan.Klapel@millelacsband.com; Jamie.Edwards@millelacsband.com; Mike Wilson, THPO; Charles Lippert, Air Quality Specialist; Chad Weiss, Water Resource Manager; Andrew Boyd, Environmental Compliance Officer; Alexandria Clark, Environmental Programs Coordinator; Jon Houle, Agricultural Coordinator  
**Cc:** Bruce, Charley (PUC)  
**Subject:** State of MN - Otter Tail to Wilkin EIS  
**Attachments:** 2023-10-20-O2W-MilleLacsBandofOjibwe.pdf

Greetings:

Attached is a letter from the Department of Commerce inviting you to help prepare the draft environmental impact statement for the Otter Tail to Wilkin Carbon Dioxide Pipeline Project.

Please don't hesitate to contact me with any questions.

Thank you.

—Andrew

**Andrew Levi**

**Environmental Review Manager**

**Energy Environmental Review and Analysis**

Department of Commerce

85 Seventh Place East, Suite 280 | Saint Paul, MN 55101

P: (651) 539-1840 | F: (651) 539-0109

Schedule: Tuesday – Friday



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VIA EMAIL

October 20, 2023

To: **Mille Lacs Band of Ojibwe**

Melanie Benjamin, Chief Executive [melanie.benjamin@millelacsband.com](mailto:melanie.benjamin@millelacsband.com)  
Kelly Applegate, Commissioner of Natural Resources [kelly.applegate@millelacsband.com](mailto:kelly.applegate@millelacsband.com)  
Perry Bunting, Director, Environmental Programs [perry.bunting@millelacsband.com](mailto:perry.bunting@millelacsband.com)  
Susan Klapel, Executive Director, Department of Natural Resources  
[Susan.Klapel@MilleLacsBand.com](mailto:Susan.Klapel@MilleLacsBand.com)  
Jamie Edwards, Special Advisor of Government Affairs [Jamie.Edwards@millelacsband.com](mailto:Jamie.Edwards@millelacsband.com)  
Mike Wilson, THPO [Mike.Wilson@millelacsband.com](mailto:Mike.Wilson@millelacsband.com)  
Charles Lippert, Air Quality Specialist [charlie.lippert@millelacsband.com](mailto:charlie.lippert@millelacsband.com)  
Chad Weiss, Water Resource Manager [chad.weiss@millelacsband.com](mailto:chad.weiss@millelacsband.com)  
Andrew Boyd, Environmental Compliance Officer [andrew.boyd@millelacsband.com](mailto:andrew.boyd@millelacsband.com)  
Alexandria Clark, Environmental Programs Coordinator [Alexandria.Clark@millelacsband.com](mailto:Alexandria.Clark@millelacsband.com)  
Jon Houle, Agricultural Coordinator [Jon.Houle@millelacsband.com](mailto:Jon.Houle@millelacsband.com)

Re: **Otter Tail to Wilkin Carbon Dioxide Pipeline Project**  
Draft Environmental Impact Statement Preparation

Greetings:

The purpose of this letter is to provide an update on the Otter Tail to Wilkin Carbon Dioxide Pipeline Project (project) and request your participation in the preparation of the draft environmental impact statement (EIS) for the project.

On August 31, 2023, the Minnesota Public Utilities Commission (Commission) determined the scope of the EIS. Staff within the Department of Commerce, Energy Environmental Review and Analysis (EERA) unit are responsible for preparing the EIS. On September 26, 2023, EERA issued a *Notice of Environmental Impact Statement Preparation*. The Commission has 280 days from the notice date to determine the adequacy of the EIS. To meet the 280-day deadline, EERA staff must issue the draft EIS in January 2024.

The Commission requested EERA coordinate with Tribal governments and other state agencies to ensure their expertise is reflected in the EIS. To ensure Tribal government expertise is included, we plan to send you select draft sections of the EIS. It is difficult to say exactly when this will occur, but we anticipate this to be in December 2023. We will provide you additional notice about two weeks before we send the draft sections. We plan to send the following sections, but can send others as requested:

- Archaeological and Historic Resources
- Cultural Resources
- Environmental Justice
- Public Health and Safety
- Tribal Treaty Rights

We ask that you provide comments within two weeks of receipt of the draft sections so that we can incorporate your comments into the draft EIS. Your comments in their entirety will be included as an appendix to the draft EIS along with comments from other Tribal governments and state agencies.

In addition to our request in this letter, there will be multiple opportunities to formally comment on the project. These include:

- Draft EIS comment period (opens with issuance of draft EIS)
- Draft EIS public meetings (February 2024)
- Comment on adequacy of the EIS (May 2024)
- Public Hearings (May 2024)

Should you have any comments at this time, please provide those to me now at the email below. Also, please let me know if you would like to review any draft sections beyond those listed here.

Thank you for your assistance in preparing the draft EIS. If you have any questions or concerns, please don't hesitate to contact me at 651-539-1840 or [andrew.levi@state.mn.us](mailto:andrew.levi@state.mn.us).

Sincerely,

A handwritten signature in blue ink, appearing to read "A. Levi", is positioned above the typed name.

Andrew Levi  
Energy Environmental Review and Analysis

cc: Charley Bruce, Minnesota Public Utilities Commission

Enclosures: Notice of Environmental Impact Statement Preparation  
Preliminary EIS Table of Contents  
Project Factsheet

### **EIS Preparation Notice**

On September 26, 2023, the environmental impact statement preparation notice required by Minn. R. 4410.2100, Subp. 9, was published in the EQB Monitor. Newspaper notification will be documented in a subsequent filing.

A handwritten signature in blue ink, appearing to read 'A. Levi'.

Andrew Levi  
Energy Environmental Review and Analysis

**October 27, 2023**  
**Example Email to State Agencies**

---

**From:** Levi, Andrew (COMM) <andrew.levi@state.mn.us>

**Sent:** Friday, October 27, 2023 9:19 AM

**To:** Beimers, Sarah (ADM) <sarah.beimers@state.mn.us>; Bell, David (MDH) <david.bell@state.mn.us>; Felix-Gerth, Annie (BWSR) <annie.felix-gerth@state.mn.us>; Green, Todd (DLI) <todd.a.green@state.mn.us>; Kotch Egstad, Stacy (DOT) <stacy.kotch@state.mn.us>; Roos, Stephan (MDA) <stephan.roos@state.mn.us>; Warzecha, Cynthia (DNR) <cynthia.warzecha@state.mn.us>; MN\_MDOR\_Sa Property <sa.property@state.mn.us>; King, Melissa (BWSR) <Melissa.King@state.mn.us>; Gronhovd, Amanda (She/Her/Hers) (ADM) <amanda.gronhovd@state.mn.us>; Hapka, Katrina (MPCA) <Katrina.Hapka@state.mn.us>; Bodin, Chet (DEED) <chet.bodin@state.mn.us>

**Cc:** Sedarski, Joe <Joe.Sedarski@hdrinc.com>; Storey, Catherine <catherine.storey@hdrinc.com>

**Subject:** EIS Preparation -- Otter Tail to Wilkin Carbon Dioxide Pipeline Project

**CAUTION: [EXTERNAL]** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning,

Attached is a letter from the Department of Commerce inviting your agency to provide input on the EIS being prepared for the Otter Tail to Wilkin Carbon Dioxide Pipeline Project.

If you are not the appropriate contact, please let me know who is. I have copied HDR, our technical contractor, on this email.

Don't hesitate to contact me with any questions.

Enjoy your weekend!

Thank you.

—Andrew

**Andrew Levi**

**Environmental Review Manager**

**Energy Environmental Review and Analysis**

Department of Commerce

85 Seventh Place East, Suite 280 | Saint Paul, MN 55101

P: (651) 539-1840 | F: (651) 539-0109

Schedule: Tuesday – Friday



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VIA EMAIL

October 27, 2023

To: **State Agency Technical Representatives**

Re: **Otter Tail to Wilkin Carbon Dioxide Pipeline Project**  
Draft Environmental Impact Statement Preparation

Greetings:

The purpose of this letter is to provide an update on the Otter Tail to Wilkin Carbon Dioxide Pipeline Project (project) and request your participation in the preparation of the draft environmental impact statement (EIS) for the project.

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The Commission requested EERA coordinate with Tribal governments and other state agencies to ensure their expertise is reflected in the EIS. To ensure your expertise is included, ***we plan to send you draft section(s) of the EIS that you request*** (see attached Preliminary EIS Table of Contents). It is difficult to say exactly when this will occur, but we anticipate this to be in December 2023. We will provide you additional notice about two weeks before we send the draft section(s).

We ask that you provide comments within two weeks of receipt of the draft section(s) so that we can incorporate your comments into the draft EIS. Your comments in their entirety will be included as an appendix to the draft EIS along with comments from Tribal governments and other state agencies.

In addition to our request in this letter, there will be multiple opportunities to formally comment on the project. These include:

- Draft EIS comment period (opens with issuance of draft EIS)
- Draft EIS public meetings (February 2024)
- Comment on adequacy of the EIS (May 2024)
- Public Hearings (May 2024)

Should you have any comments at this time, please provide those to me now at the email below. As indicated above, please let me know which sections of the draft EIS you would like to review.

Thank you for your assistance in preparing the draft EIS. If you have any questions or concerns, please don't hesitate to contact me at 651-539-1840 or [andrew.levi@state.mn.us](mailto:andrew.levi@state.mn.us).

Sincerely,

A handwritten signature in blue ink, appearing to read 'A. Levi', is positioned above the printed name.

Andrew Levi

Energy Environmental Review and Analysis

Enclosures: Notice of Environmental Impact Statement Preparation

Preliminary EIS Table of Contents

Project Factsheet



**November 17, 2023**  
**Example Email to Tribes**

---

**From:** Levi, Andrew (COMM) <andrew.levi@state.mn.us>

**Sent:** Friday, November 17, 2023 10:09 AM

**To:** Melanie Benjamin, Chief Executive <melanie.benjamin@millelacsband.com>; kelly.applegate <kelly.applegate@millelacsband.com>; Perry Bunting, Director, Environmental Programs <perry.bunting@millelacsband.com>; Susan.Klapel@millelacsband.com; Jamie.Edwards@millelacsband.com; Mike Wilson, THPO <Mike.Wilson@millelacsband.com>; charlie.lippert <Charlie.Lippert@millelacsband.com>; Chad Weiss, Water Resource Manager <chad.weiss@millelacsband.com>; Andrew Boyd, Environmental Compliance Officer <andrew.boyd@millelacsband.com>; Alexandria Clark, Environmental Programs Coordinator <Alexandria.Clark@millelacsband.com>; Jon Houle, Agricultural Coordinator <Jon.Houle@millelacsband.com>

**Cc:** Bruce, Charley (PUC) <charley.bruce@state.mn.us>; Sedarski, Joe <Joe.Sedarski@hdrinc.com>; Storey, Catherine <catherine.storey@hdrinc.com>

**Subject:** State of MN - Otter Tail to Wilkin EIS

**CAUTION: [EXTERNAL]** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Greetings:

As follow up to our October 2023 email, we are providing notice that preliminary draft sections of the draft environmental impact statement (EIS) being prepared for the Otter Tail to Wilkin Carbon Dioxide Pipeline Project will be sent to you in two to three weeks.

We ask that you provide comments within two weeks of receipt of the draft sections so that we have time to incorporate your comments into the draft EIS. We understand this is a short turnaround, but to meet deadlines outlined in rule the draft EIS must be published in January 2024.

To speed our review of the comments we receive, we will also provide a table for your comments. More explanation will be given at that time.

Thank you in advance for your assistance in preparing the draft EIS. If you have any questions or concerns, please don't hesitate to contact me at 651-539-1840 or by email.

Enjoy the weekend!

Thank you.

—Andrew

**Andrew Levi**

**Environmental Review Manager**

**Energy Environmental Review and Analysis**

Department of Commerce

85 Seventh Place East, Suite 280 | Saint Paul, MN 55101

P: (651) 539-1840 | F: (651) 539-0109

Schedule: Tuesday – Friday



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**November 17th, 2023**  
**Example Email to State Agencies**

---

**From:** Levi, Andrew (COMM) <andrew.levi@state.mn.us>

**Sent:** Friday, November 17, 2023 9:26 AM

**To:** Beimers, Sarah (ADM) <sarah.beimers@state.mn.us>; Bell, David (MDH) <david.bell@state.mn.us>; Felix-Gerth, Annie (BWSR) <annie.felix-gerth@state.mn.us>; Green, Todd (DLI) <todd.a.green@state.mn.us>; Kotch Egstad, Stacy (DOT) <stacy.kotch@state.mn.us>; Roos, Stephan (MDA) <stephan.roos@state.mn.us>; Warzecha, Cynthia (DNR) <cynthia.warzecha@state.mn.us>; MN\_MDOR\_Sa Property <sa.property@state.mn.us>; King, Melissa (BWSR) <Melissa.King@state.mn.us>; Gronhovd, Amanda (She/Her/Hers) (ADM) <amanda.gronhovd@state.mn.us>; Hapka, Katrina (MPCA) <Katrina.Hapka@state.mn.us>; Bodin, Chet (DEED) <chet.bodin@state.mn.us>

**Cc:** Sedarski, Joe <Joe.Sedarski@hdrinc.com>; Storey, Catherine <catherine.storey@hdrinc.com>

**Subject:** EIS Preparation -- Otter Tail to Wilkin Carbon Dioxide Pipeline Project

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**December 8, 2023**  
**Example Email to Tribes**

**From:** Levi, Andrew (COMM)

**Sent:** Friday, December 8, 2023 3:43 PM

**To:** perry.bunting@millelacsband.com; Susan.Klapel@millelacsband.com; Jamie.Edwards@millelacsband.com; kelly.applegate@millelacsband.com; melanie.benjamin@millelacsband.com; Mike.Wilson@millelacsband.com; charlie.lippert@millelacsband.com; chad.weiss@millelacsband.com; andrew.boyd@millelacsband.com; Alexandria.Clark@millelacsband.com; Jon.Houle@millelacsband.com

**Cc:** Sedarski, Joe <Joe.Sedarski@hdrinc.com>; Storey, Catherine <catherine.storey@hdrinc.com>; Brenton, Eric <Eric.Brenton@hdrinc.com>; Sand, Mauli <Mauli.Sand@hdrinc.com>; Bruce, Charley (PUC) <Charley.Bruce@state.mn.us>

**Subject:** Otter Tail to Wilkin EIS -- Draft Chapters

Good afternoon,

As indicated in my emails sent to you in October and November, I am now sending you preliminary sections of the draft Environmental Impact Statement (EIS) being prepared for the Otter Tail to Wilkin CO2 Pipeline Project for your review and comment. There are three items for your attention: 1) pdfs of EIS chapters, 2) a comment table for your use, and 3) a link to a SharePoint site where you can view detailed maps showing the three route alternatives analyzed in the draft EIS.

1) Attached are separate pdf files of: Chapters 1 to 5 and Chapters 7 and 8, a drawing of the proposed CO2 capture facility, and the EIScreen report for the census tracts that would be crossed by the route alternatives. Each chapter includes a brief table of contents on the first page to help guide your review.

2) Also attached is a comment table (an Excel file) that we request be used to provide consolidated comments. Please save the file with the name of your Tribe or agency. Instructions are on the form. The comments you provide in the attached comment table will be included in an appendix to the draft EIS.

3) A SharePoint site has been established: [Detailed Mapset - Otter Tail to Wilkin CO2 Pipeline](#) . Here you will find detailed maps showing the three route alternatives analyzed. (You will be receiving an invitation from Eric Benton with HDR concerning SharePoint indicating your access is open. Please disregard. It is autogenerated and we can't shut it off. Use the link in this email.)

We are working as quickly as we can to prepare the document; however, it is still a work in progress. The attached draft EIS chapters are the current working versions; they are works in progress, lack some information and details, and are subject to change. Where portions are not ready, we note this with placeholders. Some chapters, along with the pipeline rupture study, are not ready. Also, these documents have not had a final technical edit and formatting review.



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Please focus your time on providing substantive comments using the attached Excel comment table. While pointing out something to fix or change is useful, providing a suggested fix is most helpful. We appreciate your attention to this matter and your time to provide your review and expertise to help inform the draft EIS. Don't hesitate to contact me with any questions. Note: I work a four 10-hour day schedule Tuesday through Friday.

We need your comments back no later than **Friday, December 22**, so that we can address and incorporate as many of your comments as possible into the Draft EIS that will be published January 23, 2024.

Thank you.

—Andrew

**Andrew Levi**

**Environmental Review Manager**

**Energy Environmental Review and Analysis**

Department of Commerce

85 Seventh Place East, Suite 280 | Saint Paul, MN 55101

P: (651) 539-1840 | F: (651) 539-0109

Schedule: Tuesday – Friday



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**From:** [Levi, Andrew \(COMM\)](#)  
**To:** [perry.bunting](#); [Susan.Klapel](#); [Jamie.Edwards](#); [kelly.applegate](#); [melanie.benjamin](#); [Mike.Wilson](#); [charlie.lippert](#); [chad.weiss](#); [andrew.boyd](#); [Alexandria.Clark](#); [Jon.Houle](#)  
**Cc:** [Sedarski, Joe](#); [Storey, Catherine](#); [Brenton, Eric](#); [Sand, Mauli](#); [Bruce, Charley \(PUC\)](#)  
**Subject:** RE: Otter Tail to Wilkin EIS -- Draft Chapters  
**Date:** Friday, December 8, 2023 8:32:56 PM  
**Attachments:** [image001.png](#)  
[Comment Table PrelimDraft CQ2 EIS.xlsx](#)

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Good evening,

It occurred to me that I forgot to attach the Excel document. I apologize for any inconvenience.

Thank you.

—Andrew

## COMMENT SUMMARY TABLE

Available Sections of Draft Environmental Impact Statement (dated Dec. 8, 2023)

Otter Tail to Wilkin Carbon Dioxide Pipeline Project -- MPUC Docket No.: IP7093/PPL-22-422

[illegible]

Fill out the table and provide the page number and paragraph of the text on which you are commenting, along with your specific comment, recommendation, or any mitigation measures or other strategies that could address potential impacts of the proposed project. The first row of the comment table is filled out as an example.

Note to Reviewers: Please focus your comments on substantive content. It is most helpful to us if you include a suggested resolution and/or information that you would like added, including potential mitigation measures.

[illegible]

**December 8, 2023**  
**Example Email to State Agencies**

**From:** [Levi, Andrew \(COMM\)](#)  
**To:** [Beimers, Sarah \(ADM\)](#); [Bell, David \(MDH\)](#); [Felix-Gerth, Annie \(BWSR\)](#); [Green, Todd \(DLI\)](#); [Kotch Egstad, Stacy \(DOT\)](#); [Roos, Stephan \(MDA\)](#); [Warzecha, Cynthia \(DNR\)](#); [MN MDOR, Sa Property](#); [King, Melissa \(BWSR\)](#); [Gronhoyd, Amanda \(She/Her/Hers\) \(ADM\)](#); [Hapka, Katrina \(MPCA\)](#); [Bodin, Chet \(DEED\)](#); [Wolfgram, Jonathan \(DPS\)](#); [Tworzyanski, Jennifer \(ADM\)](#); [MN ADM OSA Project Reviews](#)  
**Cc:** [Sedarski, Joe](#); [Storey, Catherine](#); [Brenton, Eric](#); [Sand, Mauli](#)  
**Subject:** Otter Tail to Wilkin EIS - Draft Chapters  
**Date:** Friday, December 8, 2023 3:46:43 PM  
**Attachments:** [image001.png](#)  
[Chapter 1 Introduction Draft.pdf](#)  
[Chapter 2 Project Information Draft.pdf](#)  
[Chapter 3 Regulatory Framework Draft.pdf](#)  
[Chapter 4 Alternatives Draft.pdf](#)  
[Chapter 5 Potential Impacts Alternative Routes Draft.pdf](#)  
[Chapter 7 No Action Alternative Draft.pdf](#)  
[Chapter 8 Unavoidable Impacts Draft.pdf](#)  
[Chapter 9 Cumulative Potential Effects Draft.pdf](#)

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**Environmental Review Manager**

**Energy Environmental Review and Analysis**

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## **Attachment B**

COMMENT SUMMARY TABLE

Available Sections of Draft Environmental Impact Statement (dated Dec. 8, 2023)

Otter Tail to Wilkin Carbon Dioxide Pipeline Project -- MPUC Docket No.: IP7093/PPL-22-422

Commenting Tribe or Agency: Mille Lacs Band of Ojibwe

Fill out the table and provide the page number and paragraph of the text on which you are commenting, along with your specific comment, recommendation, or any mitigation measures or other strategies that could address potential impacts of the proposed project. The first row of the comment table is filled out as an example.

Note to Reviewers: Please focus your comments on substantive content. It is most helpful to us if you include a suggested resolution and/or information that you would like added, including potential mitigation measures.

Chapter and Section	Page No.	Paragraph No. (from top of page)	Comment
Example: Section 5.4.3 Environmental Justice	Example: 5-37	Example: 2	Example: Text reads "Using these criteria, census tract 9609 in Otter Tail County was identified as an MPCA EJ area of concern within the ROI because 43 percent of the population has a reported income which is less than 100 percent of the federal poverty level." MPCA areas of concern are based on 200 percent of the federal poverty level. Correction: The sentence should read, "Using these criteria, census tract 9609 in Otter Tail County was identified as an MPCA EJ area of concern within the ROI because 43 percent of the population has a reported income which is less than 200 percent of the federal poverty level."
1.2 What is the project's purpose	1-2	1	Change "... permitted Class VI injection wells." to "... permitted federal Class VI injection wells issued by North Dakota." for clarity. This class of wells are done with a Federal permit, issued by North Dakota, as they have taken primacy for this permit type.
2.7 Decommissioning	2-14	8	Either remove draft document reviewer comment "[Comment from Andrew:....]" or highlight for draft document so that it wouldn't get lost in the final edits.
3.2.3 Public Meetings and Hearings	3-03	4	Appreciate the uncertain draft text areas being highlighted in this chapter, but wasn't sure if the "(note the Second Prehearing Order...)" was a comment for the draft document or if it was supposed to be part of the EIS text.
3.7 Are other permits or approvals required?	3-10	2 Right	In addition to federal agency providing the permit or approval constult with the SHPO, there may also be a consultation with Tribes or Tribal Historic Preservation Office (THPO), facilitated by the SHPO.
4 Alternatives			In other chapters, notes are marked in Arabic Numerals but in this chapter they are in Roman Numerals. Change to Arabic Numerals for consistency.
5.02.02 Minnesota River Prairie Subsection	5-04	2	When naming plants, also use botanical taxonomical names for clarity. Example: silver maple (Acer saccharinum).
5.02.03 Red River Prairie Subsection	5-04	3	When naming plants, also use botanical taxonomical names for clarity. Example: bluestems (Andropogon gerardii, Schizachyrium scoparium, etc.).
5.04.01.01 Existing Conditions	5-06	5	There are no montions of the historical trails to Abercrombie or historical trails to Brekenridge. RA-North crosses such trails at MP 2.6 and 14.7. RA-South crosses them at MP 2.8, 10.4, 15.6, and 15.9. RA-Hybrid crosses them at MP 2.6, 10.8, 16.4, and 16.7.
5.04.02.01 Existing Conditions	5-10	2	First bullet point "According to the U.S. Department of Housing and Urban Development..." shouldn't be a bullet point, as it introduces the list of tribes following it.
5.04.02.01 Existing Conditions	5-10	1	Change sentence to "During the period of European contact (1650-1837 AD) into the Post-Contact Period (1837 AD to Present), the Dakota people (historically known by Euro-American settlers as the Sioux) and the Ojibwe (historically known by the Euro-American settlers as the Chippewa) occupied the land within the local vicinity of the project area. In the 1825 Treaty of Prairie du Chien (7 Stat 272), the Ojibwe relinquished their claims to the area."
5.04.02.01 Existing Conditions			Ojibwe toponymy can describe the area a little more. For example: Otter Tail River is known in Ojibwe as Nigigwaanowe-ziibi (Otter Tail River) due to the long sandbar at the river's outlet into Otter Tail Lake which results in Fergus Falls being called Nigigwaanowe gakaabikaans (Little falls of the Otter Tail), Bois de Sioux as Gaa-edawayi'ii-maamiwang-ziibi (River from which it [Lake Traverse] flows out from both ends) due to the lake's location within Glacial Lake Agassiz and now is a basin divide, and Pelican River as Zhede-zaaga'iganiwi-ziibi (River that of Pelican Lake) due to Lakes Lizzie and Lida, known as Zhede-zaaga'igan aazhawaakwa (Pelican lake beyond the woods) and Zhede-zaaga'igan (Pelican lake) respectively, being a habitat for American white pelican (Pelecanus erythrorhynchos).

5.04.03.01 Existing Conditions	5-13	6	There is a discussion here on EPA tool EJScreen, but absent from the discussion is CEQ's Climate and Economic Justice Screening Tool (CEJST). See: <a href="https://screeningtool.geoplatform.gov/en/#9.9/46.2844/-96.3457">https://screeningtool.geoplatform.gov/en/#9.9/46.2844/-96.3457</a> . It also identifies Census Tract 9609 as a disadvantaged community due to Legacy pollution by being in the proximity to Risk Management Plan facilities located within 5 kilometers (3 miles).
5.04.09.01 Existing Conditions	5-53	2	Mention that there are 115 kV and 345 kV Electric Transmission Lines nearby, but the project does not cross them.
5.04.10.01 Existing Conditions	5-63	Figure 5-11	Missing from the map are Wildlife Management Areas and Walk-in Access Areas, as these are also Recreational facilities in the project vicinity.
5.04.10.01 Existing Conditions	5-63	Figure 5-11	Change title "vacinity" to "vicinity".
5.04.10.01 Existing Conditions	5-63	Figure 5-11	Otter Tail River State Water Trail is shown in the map but isn't labeled. Please label this feature.
5.04.12.01 Existing Conditions	5-67	9	Change subsection title to "Treaty with the Sioux-Sisseton and Wahpeton Bands (10 Stat. 949)" for clarity.
5.04.12.01 Existing Conditions	5-67	9	Discuss in this section that Dakota (Sioux) and Ojibwe (Chippewa) occupied the project area, and the Ojibwe relinquished their claims to the area in 1825. Then speak about the lands in the local vicinity of the project were ceded to the United States government in two 1851 treaties. The area that was ceded in 1851 should be referenced as Royce Area 289.
5.04.12.01 Existing Conditions	5-68	3	Change subsection title to "Treaty With the Sioux-Mdewakanton and Wahpakoota Bands (10 Stat. 954)" for clarity.
5.04.12.01 Existing Conditions			Since the project ends at the Bois de Sioux River and the river serves as the boundary for Royce Area 538, there should be a very brief discussion about the September 20, 1872, Agreement with the Sisseton and Wahpeton Sioux (Rev. Stat. 1050), which the Royce Area 289 abuts.
5.04.12.01 Existing Conditions			There should be a very brief acknowledgement that the project is greater than 30-miles upstream from Royce Area 357 for the February 22, 1855, Treaty with the Chippewa-Mississippi and Pillager Bands (10 Stat. 1165) and Royce Area 445 for the 1863 Treaty with the Chippewa-Red Lake and Pembina Bands (13 Stat. 667).
5.05.05.01 Existing Conditions	5-78	4	Add "Next closest aggregate source is within ¾ mile of the RA-North route width (ID: 56139). Satellite imagery from August 2022 shows no evidence of mining operations at this location."
5.07.01.02 Existing Conditions	5-93	5	Add additional information regarding the next closest air monitoring station to the project area is in Fargo, North Dakota. Also mention that as of the time of this EIS, there were air sensor units located in Fargo, Cotton Lake, and Alexandria.
7 No Action Alternative	7-1	2	If the project is not constructed, will this result in Green Plains Ethanol Plant emitting CO2 into the environment? This is not captured in this paragraph.
9 Cumulative Potential Effects			Cumulative Potential Effects should also take into consideration any projects, discharges, and emissions in neighboring state (North Dakota) that are within 50-miles of Minnesota borders that can have impacts in Minnesota, and more specifically to the project, though cannot be regulated by Minnesota, but have the potential to limit Minnesota's ability to permit its own sources.



COMMENT SUMMARY TABLE

Available Sections of Draft Environmental Impact Statement (dated Dec. 8, 2023)

Otter Tail to Wilkin Carbon Dioxide Pipeline Project -- MPUC Docket No.: IP7093/PPL-22-422

Commenting Tribe or Agency: MnDOT

Fill out the table and provide the page number and paragraph of the text on which you are commenting, along with your specific comment, recommendation, or any mitigation measures or other strategies that could address potential impacts of the proposed project. The first row of the comment table is filled out as an example.

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All Maps			Add symbology in legend to denote, county, state, and US highways.
Route Overview, RA-South, and RA-Hybrid Overview maps			Move label for city of Fergus Falls to the east. The majority of the city (including downtown) is located east of I-94. The label on the figure appears to be on/near the airport (which I am sure is within city limits, but not in the center of the city). The label on the RA-North map looks good.
Route Overview Map			Add "MINNESOTA" on east side of Bois de Sioux River ("NORTH DAKOTA" is identified on the west side)
Detailed Mapsets	All		The detailed maps all display "undelineated NWI wetlands." Is there a reason why delineated wetlands within the study area are not displayed?
Chapter 1.2	1-1	6	The pipeline does not technically interconnect to the broader MCE project at the MN/ND border. Based on mapping of the overall MCE project on the applicant's website, the line continues for several miles in ND before combining with another lateral from an ethanol plant located in ND.
Chapter 2.1	2-2	Fig 2-1	Can you include a higher resolution figure? Some of the text is not clear (particularly in the legend), even when zooming in.
Chapter 2.2	2-3		Clarify typical TWS and ATWS dimensions (XX' x XX') at road crossings (MnDOT and County/Township).
Chapter 2.8	2-15	2	This is the first mention of "North" and "Hybrid" route alternatives, and neither are mentioned in Chapter 1 either. Need to define and describe these routes (and include figures) before introducing here out of the blue without context.
Chapter 3.2	3-2	Fig 3-1	Suggest adding rough timelines for each EIS step to the figure.
Chapter 3.2.3	3-3	4 and 5	Include locations/times of Feb 7 and 8 public meetings and May hearings, if/when known. Clarify if in-person only, or if a hybrid option will be available.
Chapter 3.7	3-6	4	RE: the sentence: Tables 3-1 and 3-2 lists permits and approvals that <i>might</i> be required for the project pipeline and capture facilities, and a description of applicable agency role(s) associated with the permits/approvals.  Is it possible in the tables to denote which permits that applicant <i>must/will</i> acquire, versus those that <i>might/may</i> be required (pending final project design)?
Chapter 3.7	3-10		Rename MnDOT "Road Crossing Permits" to "Utility Accommodation on Trunk Highway Right of Way" and "Miscellaneous Work on Trunk Highway Right of Way" permits
Chapter 4.3	4-2	1	Suggest adding a few sentences to describe how/why the alternatives were derived.
Chapter 4.3.1-3	4-2 and 4-3		To me, it makes sense to describe RA-North and RA-South before introducing the RA-Hybrid option, since the hybrid option is a combination of the two. Suggest swapping current Section 4.3.2 and 4.3.3, or move the South (preferred option) to 4.3.1, then North as 4.3.2, and Hybrid as 4.3.3.
Chapter 5.4.1.1 and 5.4.1.3 (Applicant Proposed Mitigation)	5-9	3	There should be a statement if any trees and/or shrubby vegetation will need to be removed within the 1,600 foot ROI of the Scenic Byway crossings. There does not appear to be any trees/shrubby veg at the crossing locations themselves, but unclear if clearing may be needed within the ROI that may impact users of Scenic Byway.

Chapter 5.4.3.1	5-16	Fig 5-4	This figure shows <i>all</i> EJ Census tracts, EJ tracts should be called out and added to the legend. Also, the figure gives percentages for minority populations but no info on percent of low-income households
Chapter 5.4.3.2	5-17	5	Re: air emissions, the paragraph mentions a 100,000 tpy limit for CO2. What other air quality parameters (e.g., NOx, SO4, etc.) are in this permit? Suggest listing out as these are likely to have a more localized impact compared to CO2 emissions.
Chapter 5.4.4.1	5-18	2	A bit nitpicky, but the sentence " <i>the project is located entirely on privately owned land</i> " is a bit misleading. Suggest something like "With the exception or road, railroad, and public water crossings, the project is located entirely on privately owned land."  There is also mention of crossing of USFWS WPAs later in the document. Clarify if these are publicly owned (or privately owned but managed by USFWS).
Chapter 5.4.9.1	5-54 - 5-56	Table 5-17	Sort road crossings for each alternative in a logical order (suggest from east to west, MP 0.0 - MP 24.5), also call out US 75 as King of Trails Scenic Byway.
Chapter 5.4.9.2 (Roadways)	5-57 and 5-8		Suggest moving last paragraph in section to the front to address impacts on the roadways crossed first, and then go on to describe general traffic/roadway impacts in the region.
Chapter 5.4.10.2	5-63	2	The paragraph states "Both RA-Hybrid and RA-South would also cross the King of Trails State Scenic Byway (U.S. Highway 75)". In fact, all three RAs (including North) cross the SB. The north route crosses in a different location; RA-Hybrid and South cross at the same location. Also, confirm if any trees/shrubs need to be removed within 1600 feet of SB crossing (see earlier comment)
Chapter 5.5.6	5-78		General Comment - The role of the King of Trail Scenic Byway as it relates to local tourism should be addressed/mentioned in this section.
Chapter 5.6 (Archaeological and Historic Resources)	General comments from OES-CRU: not sure if changes to DEIS are warranted or if these should be incorporated into permit conditions		There are no known or suspected archaeological sites, burials, or historic properties are within or immediately adjacent to MnDOT ROW where crossings are proposed.  <u>General comments/expectations are below:</u> The Applicant should provide a summary of cultural field surveys and coordination with SHPO to date. If surveys have not been completed, provide an anticipated schedule for completion. If the Applicant is aware of or becomes aware of significant cultural resources findings in or adjacent to MnDOT ROW, please contact our office at CulturalResources.dot@state.mn.us. In addition, the Applicant shall prepare a Post Review Discovery Plan (PRDP - <i>previously referred to as an Unanticipated Discoveries Plan</i> ) and submit to MnDOT for review and contact information for MnDOT's Cultural Resource Unit (CRU) staff must be included in the PRDP. This plan should outline the steps to be followed in the event of an unanticipated discovery of archaeological materials, human remains, or burials, and include language specific to the coordination with MnDOT when a discovery is on MnDOT ROW. MnDOT CRU staff should be notified (CulturalResources.dot@state.mn.us) within 24 hours/days in the event of an unanticipated find on or adjacent to MnDOT property during construction.  Additional archaeological investigations (e.g., literature reviews, reconnaissance surveys [if warranted]) may be required where co-location is proposed or where temporary easement may be located within MnDOT ROW. Investigations should include in-field inspections to document areas of soil disturbance and to identify potentially unknown archaeological sites within areas of moderate to high archaeological potential. A PRDP should be developed for the project in advance of construction and provided to MnDOT CRU.
Chapter 5.7.5			The DEIS discusses potential for take of eggs or young of state-listed birds. Will a state DNR takings permit be sought? Most birds are also protected by federal law, will a federal permit be sought? Will tree clearing be done during the non-nesting season? If not, that's also a risk for incidental take of birds under the Migratory Bird Treaty Act (federal).
Chapter 5.7.5			Soil stockpiles, trenches, and other exposed soils typically attract birds that nest if vertical faces. The DEIS/EIS should address how this will be avoided or minimized (e.g., soil stock piles covered or graded to avoid creating vertical faces).
Chapter 5.7.5.2			The USFWS listing work plan has several potential listing decisions expected in the coming 6-12 months. Project proponent is encouraged to monitor these development and update consultations / analyses as required. <a href="https://www.fws.gov/project/national-listing-workplan">https://www.fws.gov/project/national-listing-workplan</a>
Chapter 5.7.5.3	5-118		Effective date for northern long-eared bat was delayed to March 31, 2023. Update text to reflect the delay.
Chapter 5.7.5.3	5-118		Note removal of non-roost trees during bird nesting season is expected to result in incidental take of protected birds.
Chapter 5.7.5.3	5-118		Impacts to monarch butterfly may be negligible, but 'take' as defined in regulation may still occur. Explicitly acknowledge this.
Chapter 5.7.5.3	5-118		States that take of state-listed birds "would not occur as part of project operation." Mowing and herbicide applications on utility and other rights-of-way may result in direct and indirect effects, including take of ground-nesting species. The effects of project operation should be reassessed and verified.
Chapter 5.7.5.4	5-119		Riprap and other erosion control practices (i.e., use of plastic erosion blanket) may entrap or entangle small wildlife, including protected wild animals. The DEIS/EIS should state whether it will use erosion techniques that avoid these impacts. If not, these impacts should be assessed as part of the proposed action.
Chapter 5.7.10.2	5-158		The DEIS states, "... the impacts to the viability of any given reptile or amphibian species would be short-term and negligible to minimal." What is the basis of the statement? Provide data, references, citations. Many studies exist, especially for turtles (a reptile), that even small increases in human-caused mortality is significant and unsustainable for population viability.
Chapter 9.1	Table 9-1		Several of the projects in the table have construction dates in the past. Try to get updates on status of these projects.
Chapter 9.1			Potential future MnDOT projects in the area should be considered in Cumulative Impacts. These can be accessed by MnDOT's State Transportation Improvement Program (STIP, <a href="https://www.dot.state.mn.us/planning/program/stip.html">https://www.dot.state.mn.us/planning/program/stip.html</a> ) and Capital Highway Investment Program (CHIP, <a href="https://www.dot.state.mn.us/planning/10yearplan/district-chip.html">https://www.dot.state.mn.us/planning/10yearplan/district-chip.html</a> ).

COMMENT SUMMARY TABLE  
Available Sections of Draft Environmental Impact Statement (dated Dec. 8, 2023)  
Otter Tail to Wilkin Carbon Dioxide Pipeline Project -- MPUC Docket No.: IP7093/PPL-22-422

Commenting Tribe or Agency: MNOPS

Fill out the table and provide the page number and paragraph of the text on which you are commenting, along with your specific comment, recommendation, or any mitigation measures or other strategies that could address potential impacts of the proposed project. The first row of the comment table is filled out as an example.

Note to Reviewers: Please focus your comments on substantive content. It is most helpful to us if you include a suggested resolution and/or information that you would like added, including potential mitigation measures.

Chapter and Section	Page No.	Paragraph No. (from top of page)	Comment
Example: Section 5.4.3 Environmental Justice	Example: 5-37	Example: 2	Example: Text reads "Using these criteria, census tract 9609 in Otter Tail County was identified as an MPCA EJ area of concern within the ROI because 43 percent of the population has a reported income which is less than 100 percent of the federal poverty level." MPCA areas of concern are based on 200 percent of the federal poverty level. Correction: The sentence should read, "Using these criteria, census tract 9609 in Otter Tail County was identified as an MPCA EJ area of concern within the ROI because 43 percent of the population has a reported income which is less than 200 percent of the federal poverty level."
Chapter 3 - Section 3.7	3-8	Table 3-1	The chart lists "Potential Permits and Approvals Required – Pipeline Facilities." DPS / MNOPS does not issue any permits associated with the project.  Tex reads "The Minnesota Office of Pipeline Safety (MNOPS) acts as a regulatory agency ensuring Minnesota’s pipeline infrastructure is in compliance with applicable pipeline safety standards."  Text should be amended to:The Minnesota Office of Pipeline Safety (MNOPS) acts as a regulatory agency ensuring Minnesota’s <del>intrastate</del> pipeline infrastructure is in compliance with applicable pipeline safety standards. <u>MNOPS maintains an agreement with PHMSA annually to conduct inspections of interstate pipelines as requested.</u>

COMMENT SUMMARY TABLE

Available Sections of Draft Environmental Impact Statement (dated Dec. 8, 2023)

Otter Tail to Wilkin Carbon Dioxide Pipeline Project -- MPUC Docket No.: IP7093/PPL-22-422

Commenting Tribe or Agency: Minnesota Department of Health

Fill out the table and provide the page number and paragraph of the text on which you are commenting, along with your specific comment, recommendation, or any mitigation measures or other strategies that could address potential impacts of the proposed project. The first row of the comment table is filled out as an example.

Note to Reviewers: Please focus your comments on substantive content. It is most helpful to us if you include a suggested resolution and/or information that you would like added, including potential mitigation measures.

Chapter and Section	Page No.	Paragraph No. (from top of page)	Comment
Section 5.4.3.1 Environmental Justice	5-14	2 & 3	First two paragraphs under heading "Pollution Control Agency Areas of Concern" are very similar and repeat each other often. Correction: remove or edit one of the paragraphs
Section 5.4.3.2 Environmental Justice	5-16	general comment	While the document identifies census tract 9609 as an environmental justice (EJ) area of concern and states that, "This census tract is given additional consideration in evaluating potential disproportionate impacts from construction and operation of the project", no mention is made as to whether additional consideration or effort was, or is, planned to ensure meaningful community engagement within this EJ area of concern. A key tenant of effective EJ work is ensuring that communities have the opportunity to meaningfully participate in decisions that may affect their community and health. Document should clarify if specific effort has been made or when it plans to do so.
Section 5.4.5.2 Noise	5-32	1	Text reads "If noise mitigation is required, temporary sound dampening barrier walls would be placed around the equipment. The applicant has stated that it would coordinate with nearby landowners prior to starting HDDs, and its contractor would determine the need for noise mitigation and noise monitoring based on feedback received from landowners during construction." Comment: While open conversation with NSR landowners is a good step, the above sentence could be interpreted to mean that noise mitigation and noise monitoring at these HDD NSR locations will only be used if landowner feedback requests it. The onus for determining safe/acceptable sound levels should not be placed on the landowner. Further, since document states that "Because some NSRs would be less than 1,320 feet from the drilling equipment, the noise standards listed in Table 5-5 could be exceeded at these locations," these HDD NSR locations should be set up for noise monitoring and then appropriate mitigations should be employed as needed. Text should be updated to clarify these points
Section 5.4.5.3 Noise	5-33	6	MDH agrees with Mitigation recommended by EERA staff stating "EERA staff recommends as a special permit condition that the applicant provide, for Commission review and approval, a plan for coordinating with residents located within 1,320 feet of HDD entries, and as needed, monitoring noise levels at these locations during HDD operations to ensure noise standards are met. The plan should be provided 30 days prior to submittal of the plan and profile."
Section 5.4.8.2 Public Health and Safety	5-43	2	Section heading, "Operations Health and Safety". Comment: This section did not include a discussion on potential distances that CO2 plumes could reach in the event of pipeline rupture. Presumably this information would be available in "Appendix G Pipeline Rupture Analysis Study" though MDH has not yet had the opportunity to review this study/appendix. Accurate modeling of these potential distances for multiple scenarios but especially during worst case scenarios, is vitally important to protecting the health and safety of first responders and of the residents and communities located along the proposed routes so that proper route planning and preparedness training can be in place.
Section 5.4.8.2 Public Health and Safety	5-44	5	Text reads "The minimum depth of the pipeline as built by the applicant would be below the maximum depth where soil freezes in this region, except under potentially extreme conditions." Comment: Specific depths should be listed here as well as a definition given for what constitutes "potentially extreme conditions".
Section 5.4.8.3 Public Health and Safety	5-45	4	MDH emphasizes and supports the statement that reads "If PHMSA identifies any updated mitigation strategies or safety guidelines during this environmental review, the Commission has stated that it would be prudent for EERA staff and the applicant to take that information into account even if the updates have not been finalized as amended federal rules by the time the EIS is completed."
Section 5.4.8.3 Public Health and Safety	5-47	2	Text reads "...the applicant has developed a draft Emergency Response Plan, provided as Appendix 6 to its Route Permit Application,..." Comment: It is unclear if the draft Emergency Response Plan will also be provided as an appendix to this EIS. Due to the importance of this plan to protecting health and safety of the communities this proposed project will pass through and due to the fact that the PHMSA is reviewing and potentially updating its pipeline safety rules specifically for CO2 pipelines, any and all plans relating to emergency response and safety measures/procedures should be made readily available. Correction: Ensure draft Emergency Response Plan is included in this EIS

Section 5.4.8.3 Public Health and Safety	5-49	2	Text reads "This mitigaion would not be consistent with PHMSA regulations, which set out standards for the design and safety of liquid and gas pipelines, but do not specify any setback or minimum distance between the pipeline and a residence." Comment: While this statement is true of current PHMSA regulations, as noted elsewhere in this document, PHMSA have initiated rulemaking specially to look at whether design and safety standards for CO2 pipelines need updating. Text here should again aknowledge the upcoming PHMSA rulemaking process. It is possible that setbacks become incorporated as part of that rulemaking process. Again, while residential setbacks are not required at this time, MDH would encourage design and placement of CO2 pipelines that ensure to the best degree possible the safety of the communities and individual residences with which the pipeline crosses.
Section 5.7.1.1 Air Quality and Greenhouse Gas Emissions	5-90	5	Heading: Regulatory Framework. Comment: MDH has developed health-based air guidance values which may be used by the public, industry, state and local risk managers, and other stakeholders to assist in evaluating potential health risks to people from exposures to a chemical in air. MDH has air guidance values for NO2 and H2S and encourages the project to consider whether these values may be useful when evaulating the health, safety, and emergency preparedness of this project.
Section 5.7.3 Geology and Topography	5-109	5.7.3.1	A review of well records in the County Well Index shows land surface artesian conditions - static water levels above the land surface at the time of construction as opposed to static water levels above the top of the buried aquifer, within 1 mile of RA-South, RA-North and RA-hybrid for both shallow (less than 100 feet) and deeper confined aquifers. Recommend this section include brief discussion of artesian aquifers.
Section 5.7.8.1 Water Resources	5-135	6	Text reads "Placeholder for summary" Recommend potential artesian conditions in buried aquifers added to summary.
Section 5.7.8.1 Water Resources	5-136	1	Text states that the project does not cross state special designated waters. RA-North, RA-Hybrid, and RA-South make multiple crossing over surface waterways that have been delineated as portions of the Spill Management Area (SMA) of the city of Moorhead's Drinking Water Supply Management Area - Surface Water as delineated by the Minnesota Department of Health (MDH). Document should be updated with this information.
Section 5.7.8.1 Water Resources	5-138	2	Text acknowledges the Otter Tail River as a drinking water protected surface water in the RA-Hybrid area. Consideration should be given to project impacts to the Fergus Falls Source Water Assessment Area. The project area is downstream of the city's surface water intake and impacts are unlikely.
Section 5.7.8.1 Water Resources	5-140	2	Text acknowledges the Otter Tail River as a drinking water protected surface water in the RA-South area. Consideration should be given to project impacts to the Fergus Falls Source Water Assessment Area. The project area is downstream of the city's surface water intake and impacts are unlikely.
Section 5.7.8.1 Water Resources	5-143	3	"Based on the Minnesota Department of Health's (MDH's) County Well Index (CWI) database: <ul style="list-style-type: none"> <li>• 56 wells are located within one mile of RA-North</li> <li>• 42 wells are located within one mile of RA-Hybrid</li> <li>• 73 wells are located within one mile of RA-South"</li> </ul> CWI does not include all existing wells in Minnesota. In order to provide a more complete inventory of all wells located within one mile of each proposed pipeline route, and more importantly wells located within the construction workspaces, a field inspection of each route would need to be completed. Document should be updated with whether this step has been taken or should aknowledge that field inspections may discover more wells and what the plans would be for those potentially discovered wells.
Section 5.7.8.1 Water Resources	5-143	4	Text reads "The tables below summarize wells located within the respective construction workspace for each alternative." Well setback distances should be noted as well as noting the proper procedure should any wells require sealing. Minnesota Rules, part 4725.2150 provides minimum required separation distances between a well and a pipe with flammable or volitle gas, a pipeline. The requirements of this part are minimum standards and do not exempt persons from more restrictive requirements of the Occupational Safety and Health Administration. Any well that is identified to be located less than the minimum required distance from the pipeline provided in Minnesota Rules, part 4725.2150, must be sealed by a Minnesota licensed well contractor. The licensed well contractor is required to provide a report of any well sealed to MDH. Any well discovered during excavation and construction work for the pipeline should be reported to MDH, protected from damage, and protected from becoming lost, so an evaluation for sealing by a licensed well contractor can be completed. Any well that is uncovered, where the wellhead had been buried, cannot be reburied unless sealed by a licensed well contractor.
Section 5.7.8 Water Resources	5-143	5	Text acknowledges four wells within the RA-North construction workspace. Text should also acknowledge that this route crosses the city of Breckenridge Drinking Water Supply Management Area.
Section 5.7.8.2 Water Resources	5-144	2	Impacts to surface water during construction activity is addressed. The temporary risk to Moorhead's Spill Management Areas should be added as a potential impact due to the expected land use change and temporary modification to the natural environment which can be expected to increase the rate of contaminant conveyance and reduce the ability for the utility and area emergency response entities to take action within the previously calculated response time period.
Section 5.7.8.2 Water Resources	5-145	4	Dewatering of the trench locations may impact aquifer recharge rates. The impact can't be assumed as temporary and short-term as stated. More detailed discussion/analysis should be added.
Section 5.7.8.2 Water Resources	5-145	5, 6, 7, 8	Text reads "Ground disturbance associated with construction would be primarily limited to the upper 5-6 feet of soil, which above the water table of most regional aquifers" Here and in subsequent paragraphs, recommend placeholders for additional text include potential aquifer impacts due to excavation in areas with land surface or near-land surface artesian conditions in buried aquifers.

Commenting Tribe or Agency: **MN DNR**

Fill out the table and provide the page number and paragraph of the text on which you are commenting, along with your specific comment, recommendation, or any mitigation measures or other strategies that could address potential impacts of the proposed project. The first row of the comment table is filled out as an example.

Note to Reviewers: Please focus your comments on substantive content. It is most helpful to us if you include a suggested resolution and/or information that you would like added, including potential mitigation measures.

Chapter and Section	Page No.	Paragraph No. (from top of page)	Comment
Example: Section 5.4.3 Environmental Justice	Example: 5-37	Example: 2	Example: Text reads "Using these criteria, census tract 9609 in Otter Tail County was identified as an MPCA EJ area of concern within the ROI because 43 percent of the population has a reported income which is less than 100 percent of the federal poverty level." MPCA areas of concern are based on 200 percent of the federal poverty level. Correction: The sentence should read, "Using these criteria, census tract 9609 in Otter Tail County was identified as an MPCA EJ area of concern within the ROI because 43 percent of the population has a reported income which is less than 200 percent of the federal poverty level."
5.7.5.2	5-115	RA South	Starting here and in following sections there appears to be some inaccuracies/inconsistencies in names of state and federal wildlife lands along the routes. WPAs are Waterfowl Production Areas managed by the US Fish & Wildlife Service. WMAs are Wildlife Management Areas administered by the MN DNR. Also note the Walk-in-Area public hunting area (Otter Tail #921 <a href="https://www.dnr.state.mn.us/walkin/index.html">https://www.dnr.state.mn.us/walkin/index.html</a> , private land open to public hunting) south of Hw 210 along RA S & Hybrid most applicable to 5.4.10 Recreation and 5.7.4 Public and Designated Lands.
5.7.5.4	5-119		RA North - Recommended mitigation at Foxhome Prairie High Biodiversity MBS site is to align pipe on the south side of the road in this area and not cross the MBS site.
5.7.5	5-113		Please review August 23, 2023 Natural Heritage Review letter (MCE 2023-00306) for further rare natural feature information from MN DNR for the applicants preferred route (RA South). Recommend the RA-North and Hybrid routes be reviewed by MN DNR by submitting review request through Minnesota Conservation Explorer <a href="https://mce.dnr.state.mn.us/natural-heritage-review">https://mce.dnr.state.mn.us/natural-heritage-review</a> [attach file]
5.7.5.3	5-118		" <i>There would be no removal of western prairie fringed orchid...</i> " How do we know this? Have all RAs been surveyed over several years to confirm no western prairie fringed orchid occurrence? Recommend plant surveys on all RAs. Plant surveys have been conducted on RA South and found Small White Lady's Slipper in the Orwell 9 MBS site and potential habitat for western prairie fringed orchid.
5.7.5.4	5-123		" <i>Direct impacts to state-listed nesting birds would be minimized by conducting nesting surveys...</i> " Surveys alone would not mitigate for impacts to listed-birds (or any other migratory birds), only document what is there, without an avoidance plan. One additional mitigation for nesting birds in areas of grass/shrub vegetation to be cleared for construction would be to mow/cut these areas during non-nesting season prior to actual construction so suitable nesting habitat is not present prior to final clearing and construction.
5.7.6.2	5-126		" <i>Soil temperature may vary from heat convection and conduction of the operating pipeline. As described in Section 2.6.1, the CO2 would enter the pipeline at a temperature between 90 °F and 115 °F and would then cool down to the ambient ground temperature.</i> " EIS should consider effects of the elevated pipe temperature on surrounding soils, wetlands, and waterbodies. The high temperature of the pipeline may alter decomposition rate in soils/wetlands, change soil frost formation, alter shallow groundwater flow, and have other effects.
5.7.5.4	5-122		In addition to HDD inadvertent release evaluations, robust plans for inadvertent release response should be developed (probably in the ECP).
5.7.7.3	5-133		" <i>prepare a VMP VMPWG.</i> " should probably be reworded to: prepare a VMP <i>in consultation with the</i> VMPWG.

5.7.8.2	5-145		Groundwater. This section should be expanded. Initial groundwater investigations by the applicant did find artesian groundwater conditions are present along proposed route RA-South in the beach ridge system. The other RAs have not had groundwater investigations conducted. The section of overlap between RA-North and Hybrid is the area of greatest groundwater concern for those routes. The applicant is conducting groundwater investigations on route RA-South in the beach ridge area on the eastern side of the project in consultation with MN DNR. Applicant should continue to consult with MN DNR on groundwater investigations for the potential routes and on construction methods in relation to groundwater. Project construction has the potential to intersect shallow confined groundwater potentially causing a breach in a confined aquifer. Shallow geology and groundwater can be highly variable and complex in the beach ridge areas.
5.7.8.2	5-145		The potential maximum depth of project disturbance should be considered in relation to groundwater resources. For example if sheetpile is used to stabilize the trench, the depth of the sheetpile will extend beyond the trench excavation depth. Breaching shallow confined aquifers could have significant long-term impacts to groundwater resources.
5.7.10.1	5-156		Some wildlife species in the project area are listed, but no specific fish species are given, EIS could include at least representative fish found in the major rivers in the project area - Pelican and Otter Tail rivers.
5.7.10.3	5-160		"(Category 3N or 4N natural fibers)" MN DOT 2020 Standard Specifications for Construction for rolled erosion control materials now only use only natural fibers with no plastic mesh and these specifications could be used for this project.

**October 25, 2023**  
**Shakopee Mdewakanton Sioux Community**  
**Deferral Email**



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**From:** Steve Albrecht (TO) <Steve.Albrecht@shakopeedakota.org>  
**Sent:** Wednesday, October 25, 2023 8:34 AM  
**To:** Levi, Andrew (COMM) <andrew.levi@state.mn.us>; Sara Dobesh (TO) <sara.dobesh@shakopeedakota.org>; Scott Walz (TO) <scott.walz@shakopeedakota.org>; Leonard Wabasha (TO) <leonard.wabasha@shakopeedakota.org>; Stacy Boone (TO) <Stacy.Boone@shakopeedakota.org>; Ferin Davis Anderson (TO) <FerinDavis.Anderson@shakopeedakota.org>  
**Cc:** Bruce, Charley (PUC) <charley.bruce@state.mn.us>  
**Subject:** RE: State of MN - Otter Tail to Wilkin EIS

You don't often get email from [steve.albrecht@shakopeedakota.org](mailto:steve.albrecht@shakopeedakota.org). [Learn why this is important](#)

Andrew-

I confirmed yesterday with our Business Council that we will not be participating in the EIS and will defer to the White Earth Nation on this.

Thanks,

Steve



**STEVE ALBRECHT**

Operations Administrator • Land  
Shakopee Mdewakanton Sioux Community  
d: 952.233.4236 | c: 612.590.5277  
[SMSCLand.Org](http://SMSCLand.Org)  
[Steve.Albrecht@shakopeedakota.org](mailto:Steve.Albrecht@shakopeedakota.org)

The Shakopee Mdewakanton Sioux Community is a federally recognized, sovereign Indian tribe located southwest of Minneapolis/St. Paul. With a focus on being a good neighbor, good steward of the earth, and good employer, the SMSC is committed to charitable donations, community partnerships, a healthy environment, and a strong economy.

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**From:** Levi, Andrew (COMM) <[andrew.levi@state.mn.us](mailto:andrew.levi@state.mn.us)>  
**Sent:** Tuesday, October 24, 2023 7:19 AM  
**To:** Steve Albrecht (TO) <[Steve.Albrecht@shakopeedakota.org](mailto:Steve.Albrecht@shakopeedakota.org)>; Sara Dobesh (TO) <[sara.dobesh@shakopeedakota.org](mailto:sara.dobesh@shakopeedakota.org)>; Scott Walz (TO) <[scott.walz@shakopeedakota.org](mailto:scott.walz@shakopeedakota.org)>; Leonard Wabasha (TO) <[leonard.wabasha@shakopeedakota.org](mailto:leonard.wabasha@shakopeedakota.org)>; Stacy Boone (TO) <[Stacy.Boone@shakopeedakota.org](mailto:Stacy.Boone@shakopeedakota.org)>; Ferin Davis Anderson (TO) <[FerinDavis.Anderson@shakopeedakota.org](mailto:FerinDavis.Anderson@shakopeedakota.org)>  
**Cc:** Bruce, Charley (PUC) <[charley.bruce@state.mn.us](mailto:charley.bruce@state.mn.us)>  
**Subject:** RE: State of MN - Otter Tail to Wilkin EIS

You don't often get email from [andrew.levi@state.mn.us](mailto:andrew.levi@state.mn.us). [Learn why this is important](#)

This message came from **outside the organization**. Do Not click on links, open attachments or respond unless you know the content is safe.

Good morning,

Thank you for your reply. If you do choose to decline, please let me know. If I have a record of that I won't need to continue to fill up your inboxes.

Have a good week!

Thank you.

—Andrew

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**From:** Steve Albrecht (TO) <[Steve.Albrecht@shakopeedakota.org](mailto:Steve.Albrecht@shakopeedakota.org)>

**Sent:** Friday, October 20, 2023 9:35 AM

**To:** Levi, Andrew (COMM) <[andrew.levi@state.mn.us](mailto:andrew.levi@state.mn.us)>; Sara Dobesh (TO) <[sara.dobesh@shakopeedakota.org](mailto:sara.dobesh@shakopeedakota.org)>; Scott Walz (TO) <[scott.walz@shakopeedakota.org](mailto:scott.walz@shakopeedakota.org)>; Leonard Wabasha (TO) <[leonard.wabasha@shakopeedakota.org](mailto:leonard.wabasha@shakopeedakota.org)>; Stacy Boone (TO) <[Stacy.Boone@shakopeedakota.org](mailto:Stacy.Boone@shakopeedakota.org)>; Ferin Davis Anderson (TO) <[FerinDavis.Anderson@shakopeedakota.org](mailto:FerinDavis.Anderson@shakopeedakota.org)>

**Cc:** Bruce, Charley (PUC) <[charley.bruce@state.mn.us](mailto:charley.bruce@state.mn.us)>

**Subject:** RE: State of MN - Otter Tail to Wilkin EIS

You don't often get email from [steve.albrecht@shakopeedakota.org](mailto:steve.albrecht@shakopeedakota.org). [Learn why this is important](#)

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---

Levi-

Thanks for the email and letter. I will discuss with our BC next week, but in this instance, we will most likely decline and defer to White Earth based on the location.

Thanks,

Steve



**STEVE ALBRECHT**

Operations Administrator • Land  
Shakopee Mdewakanton Sioux Community  
d: 952.233.4236 | c: 612.590.5277  
[SMSCLand.Org](mailto:SMSCLand.Org)  
[Steve.Albrecht@shakopeedakota.org](mailto:Steve.Albrecht@shakopeedakota.org)

The Shakopee Mdewakanton Sioux Community is a federally recognized, sovereign Indian tribe located southwest of Minneapolis/St. Paul. With a focus on being a good neighbor, good steward of the earth, and good employer, the SMSC is committed to charitable donations, community partnerships, a healthy environment, and a strong economy.

---

**From:** Levi, Andrew (COMM) <[andrew.levi@state.mn.us](mailto:andrew.levi@state.mn.us)>

**Sent:** Friday, October 20, 2023 8:37 AM

**To:** Sara Dobesh (TO) <[sara.dobesh@shakopeedakota.org](mailto:sara.dobesh@shakopeedakota.org)>; Scott Walz (TO) <[scott.walz@shakopeedakota.org](mailto:scott.walz@shakopeedakota.org)>; Leonard Wabasha (TO) <[leonard.wabasha@shakopeedakota.org](mailto:leonard.wabasha@shakopeedakota.org)>; Stacy Boone (TO) <[Stacy.Boone@shakopeedakota.org](mailto:Stacy.Boone@shakopeedakota.org)>; Steve Albrecht (TO) <[Steve.Albrecht@shakopeedakota.org](mailto:Steve.Albrecht@shakopeedakota.org)>; Ferin Davis Anderson (TO) <[FerinDavis.Anderson@shakopeedakota.org](mailto:FerinDavis.Anderson@shakopeedakota.org)>

**Cc:** Bruce, Charley (PUC) <[charley.bruce@state.mn.us](mailto:charley.bruce@state.mn.us)>

**Subject:** State of MN - Otter Tail to Wilkin EIS

This message came from **outside the organization**. Do Not click on links, open attachments or respond unless you know the content is safe.

Greetings:

Attached is a letter from the Department of Commerce inviting you to help prepare the draft environmental impact statement for the Otter Tail to Wilkin Carbon Dioxide Pipeline Project.

Please don't hesitate to contact me with any questions.

Thank you.

—Andrew

**Andrew Levi**

**Environmental Review Manager**

**Energy Environmental Review and Analysis**

Department of Commerce

85 Seventh Place East, Suite 280 | Saint Paul, MN 55101

P: (651) 539-1840 | F: (651) 539-0109

Schedule: Tuesday – Friday



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## Appendix K

### Environmental Justice Screen Report

## Appendix K EJScreen REPORT

The following excerpt is from *How to Interpret a Standard Report in EJSCREEN* prepared by the U.S. Environmental Protection Agency and retrieved from <https://www.epa.gov/ejscreen/how-interpretstandard-report-ejscreen>.

*Percentiles are a way to see how local residents compare to everyone else in the United States. Instead of just showing numbers out of context, EJSCREEN lets you compare a community to the rest of the state, EPA region and nation, by using percentiles. The national percentile tells you what percent of the US population has an equal or lower value, meaning less potential for exposure/risk/proximity to certain facilities, or a lower percent minority.*

*The U.S. percentile uses the U.S. population as the basis of comparison. The state percentile is calculated based on the population in a given state (or District of Columbia or Puerto Rico).*

*The state and U.S. percentiles will be similar if the state and U.S. average indicator values are similar. However, if the state average is lower than the U.S. average, the state percentile shown will be higher than U.S. percentile shown. Alternatively, if the state average is higher than the U.S. average, the state percentile shown will be lower than U.S. percentile shown. The state percentile being lower than the U.S. percentile does not mean the indicator value is lower in the given place, it just means the state average is higher than the U.S. average.*

### **Percentages or Percentiles?**

*A percentage is an absolute term. If you received 80% on a test of one hundred questions you had 80 correct answers.*

*A percentile is a relative term, and tells you how you have done on the test in comparison to the others who took the test. A percentile of 80 means that you scored equal to or better than 80% of people who took the test.*

*In EJSCREEN, if your results indicate that an area is 48% minority and is at the 69th national percentile, this means that 48% of the area's population is minority, and that is an equal or higher % minority than where 69% of the US population lives.*



# EJScreen Community Report

This report provides environmental and socioeconomic information for user-defined areas, and combines that data into environmental justice and supplemental indexes.

## Otter Tail County, MN

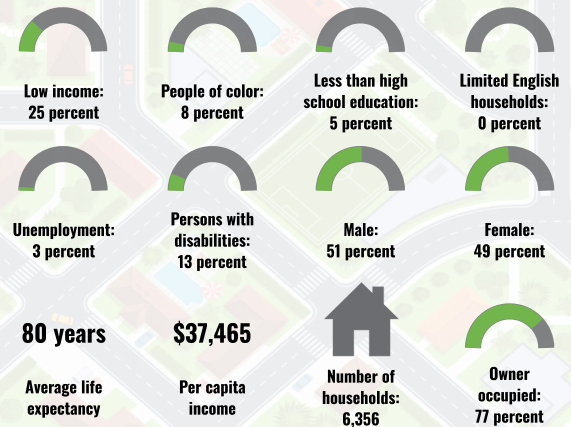
Tract: 27111960800,27111961700,27167950100,27111960900  
Population: 15,193  
Area in square miles: 1184.71

Dynamic map initially showing the user-selected area

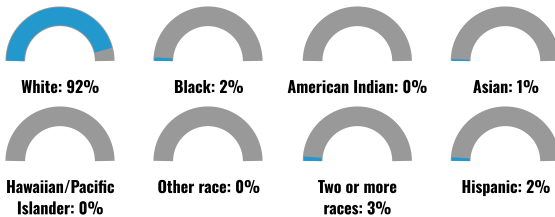
### COMMUNITY INFORMATION

#### LANGUAGES SPOKEN AT HOME

LANGUAGE	PERCENT
English	97%
Spanish	1%
Other and Unspecified	1%
Total Non-English	3%



### BREAKDOWN BY RACE



### BREAKDOWN BY AGE



### LIMITED ENGLISH SPEAKING BREAKDOWN



Notes: Numbers may not sum to totals due to rounding. Hispanic population can be of any race. Source: U.S. Census Bureau, American Community Survey (ACS) 2017-2021. Life expectancy data comes from the Centers for Disease Control.

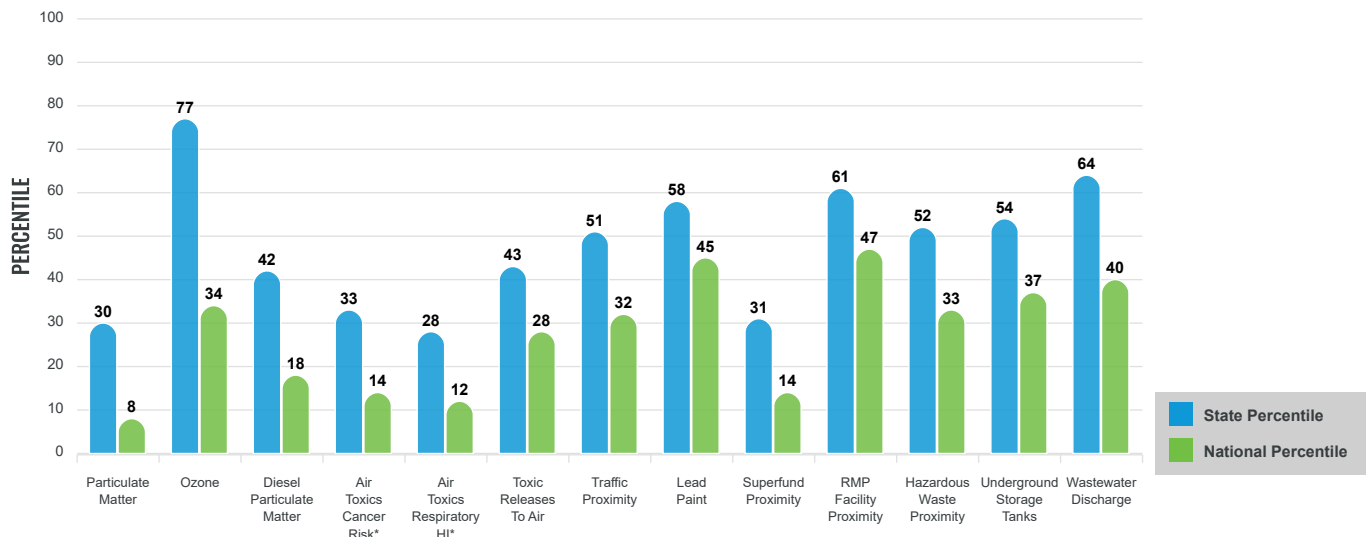
# Environmental Justice & Supplemental Indexes

The environmental justice and supplemental indexes are a combination of environmental and socioeconomic information. There are thirteen EJ indexes and supplemental indexes in EJScreen reflecting the 13 environmental indicators. The indexes for a selected area are compared to those for all other locations in the state or nation. For more information and calculation details on the EJ and supplemental indexes, please visit the [EJScreen website](#).

## EJ INDEXES

The EJ indexes help users screen for potential EJ concerns. To do this, the EJ index combines data on low income and people of color populations with a single environmental indicator.

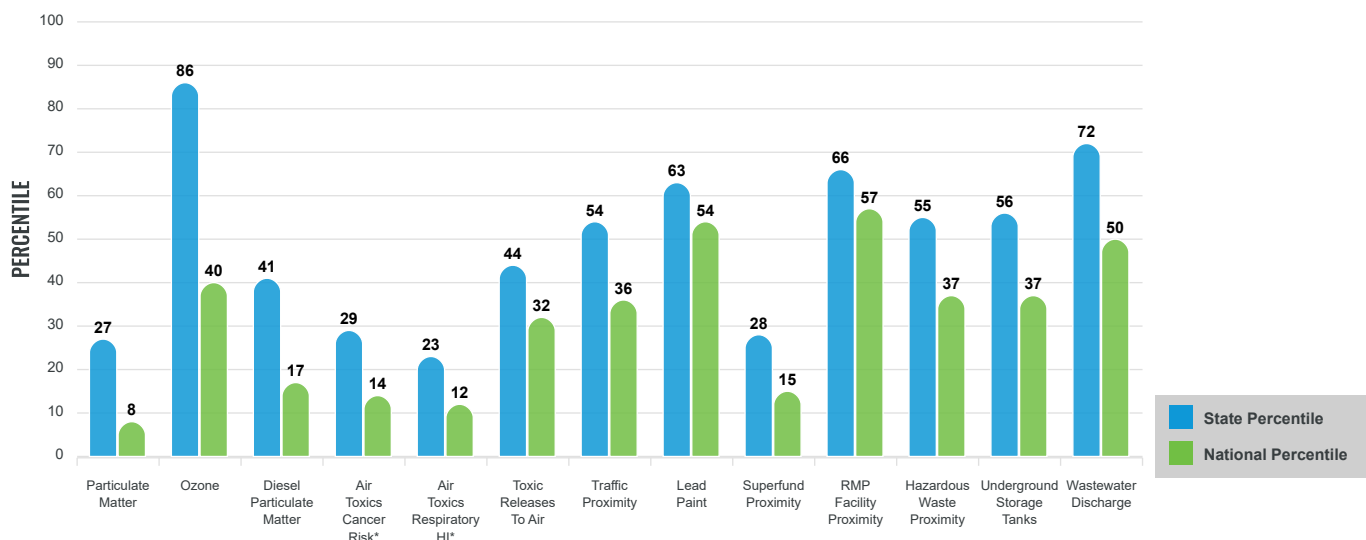
### EJ INDEXES FOR THE SELECTED LOCATION



## SUPPLEMENTAL INDEXES

The supplemental indexes offer a different perspective on community-level vulnerability. They combine data on percent low-income, percent linguistically isolated, percent less than high school education, percent unemployed, and low life expectancy with a single environmental indicator.

### SUPPLEMENTAL INDEXES FOR THE SELECTED LOCATION



These percentiles provide perspective on how the selected block group or buffer area compares to the entire state or nation.

Report for Tract: 27111960800,27111961700,27167950100,27111960900



# EJScreen Environmental and Socioeconomic Indicators Data

SELECTED VARIABLES	VALUE	STATE AVERAGE	PERCENTILE IN STATE	USA AVERAGE	PERCENTILE IN USA
<b>POLLUTION AND SOURCES</b>					
Particulate Matter ( $\mu\text{g}/\text{m}^3$ )	5.79	6.78	20	8.08	7
Ozone (ppb)	60.1	58.2	95	61.6	41
Diesel Particulate Matter ( $\mu\text{g}/\text{m}^3$ )	0.0987	0.21	27	0.261	16
Air Toxics Cancer Risk* (lifetime risk per million)	16	22	0	25	1
Air Toxics Respiratory HI*	0.18	0.26	0	0.31	1
Toxic Releases to Air	220	1,500	30	4,600	33
Traffic Proximity (daily traffic count/distance to road)	52	140	50	210	41
Lead Paint (% Pre-1960 Housing)	0.36	0.33	60	0.3	63
Superfund Proximity (site count/km distance)	0.02	0.19	22	0.13	17
RMP Facility Proximity (facility count/km distance)	0.48	0.48	67	0.43	76
Hazardous Waste Proximity (facility count/km distance)	0.32	1.3	48	1.9	43
Underground Storage Tanks (count/km <sup>2</sup> )	0.79	1.8	54	3.9	44
Wastewater Discharge (toxicity-weighted concentration/m distance)	1.3	0.19	98	22	92
<b>SOCIOECONOMIC INDICATORS</b>					
Demographic Index	16%	22%	48	35%	24
Supplemental Demographic Index	10%	11%	57	14%	36
People of Color	8%	20%	34	39%	18
Low Income	25%	23%	62	31%	46
Unemployment Rate	3%	4%	57	6%	46
Limited English Speaking Households	0%	2%	0	5%	0
Less Than High School Education	5%	7%	52	12%	35
Under Age 5	6%	6%	60	6%	62
Over Age 64	21%	17%	72	17%	71
Low Life Expectancy	18%	17%	54	20%	34

\*Diesel particulate matter, air toxics cancer risk, and air toxics respiratory hazard index are from the EPA's Air Toxics Data Update, which is the Agency's ongoing, comprehensive evaluation of air toxics in the United States. This effort aims to prioritize air toxics, emission sources, and locations of interest for further study. It is important to remember that the air toxics data presented here provide broad estimates of health risks over geographic areas of the country, not definitive risks to specific individuals or locations. Cancer risks and hazard indices from the Air Toxics Data Update are reported to one significant figure and any additional significant figures here are due to rounding. More information on the Air Toxics Data Update can be found at: <https://www.epa.gov/haps/air-toxics-data-update>.

## Sites reporting to EPA within defined area:

Superfund .....	0
Hazardous Waste, Treatment, Storage, and Disposal Facilities .....	1
Water Dischargers .....	13
Air Pollution .....	20
Brownfields .....	1
Toxic Release Inventory .....	4

## Other community features within defined area:

Schools .....	7
Hospitals .....	5
Places of Worship .....	44

## Other environmental data:

Air Non-attainment .....	No
Impaired Waters .....	Yes

Selected location contains American Indian Reservation Lands* .....	No
Selected location contains a "Justice40 (CEJST)" disadvantaged community .....	Yes
Selected location contains an EPA IRA disadvantaged community .....	Yes

Report for Tract: 27111960800,27111961700,27167950100,27111960900

# EJScreen Environmental and Socioeconomic Indicators Data

HEALTH INDICATORS					
INDICATOR	HEALTH VALUE	STATE AVERAGE	STATE PERCENTILE	US AVERAGE	US PERCENTILE
Low Life Expectancy	18%	17%	54	20%	34
Heart Disease	6.8	5.6	76	6.1	65
Asthma	8.7	9	34	10	17
Cancer	7.7	6.4	77	6.1	82
Persons with Disabilities	12.7%	11.4%	65	13.4%	51

CLIMATE INDICATORS					
INDICATOR	HEALTH VALUE	STATE AVERAGE	STATE PERCENTILE	US AVERAGE	US PERCENTILE
Flood Risk	11%	8%	73	12%	69
Wildfire Risk	1%	4%	88	14%	79

CRITICAL SERVICE GAPS					
INDICATOR	HEALTH VALUE	STATE AVERAGE	STATE PERCENTILE	US AVERAGE	US PERCENTILE
Broadband Internet	20%	11%	83	14%	74
Lack of Health Insurance	4%	5%	47	9%	27
Housing Burden	No	N/A	N/A	N/A	N/A
Transportation Access	Yes	N/A	N/A	N/A	N/A
Food Desert	Yes	N/A	N/A	N/A	N/A

Footnotes

Report for Tract: 27111960800,27111961700,27167950100,27111960900

## Appendix L

### Minnesota Unanticipated Discoveries Plan

## Appendix 11 – Unanticipated Discoveries Plan (DRAFT)

## Unanticipated Discoveries Plan – Cultural Resources and Human Remains – Minnesota

**Project Name:**

Summit Carbon Solutions

**Document Number:**

SCS-0700-ENV-01-PLN-013

**MPUC Docket Number:**

IP7093/PPL-22-422

**Date:**

September 12, 2022

## Revision History

DATE	REVISION	REVISION DESCRIPTION	PREPARED BY:	REVIEWED BY:	APPROVED BY:
2022-09-12	A	Draft	MM	ES	JS

DRAFT

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DRAFT

## 1 Introduction

Summit Carbon Solutions (SCS) intends to execute a project to capture and transport carbon dioxide (CO<sub>2</sub>) in Minnesota (the Project), including six capture facilities, one pump station, and approximately 200 miles of CO<sub>2</sub> pipeline laterals that will cross portions of Chippewa, Cottonwood, Jackson, Kandiyohi, Martin, Otter Tail, Redwood, Renville, Wilkin, and Yellow Medicine Counties. The Project is part of a larger system identified as the Midwest Carbon Express (MCE) also located in North Dakota, South Dakota, Nebraska, and Iowa. MCE scope includes construction of capture facilities, approximately 2,000 miles of new CO<sub>2</sub> pipeline, pipeline facilities (pump stations, metering stations, etc.), and permanently storage in Class VI sequestration injection facilities.

SCS has committed to conducting historic and cultural surveys on 100% of disturbed areas across MCE, including the Project. If previously unidentified historic properties are discovered by monitors, construction personnel, or unanticipated adverse effects on previously identified historic properties occur as Project construction activities are carried out, the construction contractor will immediately halt all construction activity in the vicinity and implement measures to protect the discovery from further impacts, looting, or vandalism.

This document describes the procedures for dealing with unanticipated discoveries during the course of Project construction in the State of Minnesota. The plan will be implemented across all lands regardless of ownership. It is intended to:

- Maintain compliance with applicable Federal and State laws and regulations during construction of the Project.
- Describe the procedure the Project or its representative will follow to prepare for and deal with unanticipated discoveries.
- Provide directions and guidance to Project personnel as to the proper procedure to be followed should an unanticipated discovery occur.

Ahead of Project construction, Environmental Inspection (EI) staff and construction personnel across the Project will complete a comprehensive training program, including how to identify and protect possible cultural resources or human remains. EIs and construction personnel will have a responsibility to communicate possible discoveries to qualified staff retained by SCS, such as a professional archaeologist or physical anthropologist. A qualified archaeologist is an archaeologist who meets the Secretary of the Interior's Qualifications and Standards, as outlined in Title 36 of the Code of Federal Regulations (CFR) Part 61 and can be permitted by the Minnesota Office of the State Archaeologist (Minnesota Office of the State Archaeologist [MN OSA]).

## 2 Protection and Discovery of Cultural Resources

The EI staff will be responsible for erecting exclusionary fencing prior to construction in select locations where significant cultural resource sites are mapped directly adjacent to the Project workspace area. The EI staff may also install exclusionary signage that indicates a sensitive resource is present, and no trespassing may occur beyond the boundary fencing. EI staff will also be responsible for monitoring and spot-checking exclusion zones throughout all stages of construction to ensure the sites are entirely avoided by construction staff, equipment, or activity. If an exclusion zone is breached, or a cultural resources discovery is encountered outside of an exclusion zone, the procedures outlined below will be implemented. Cultural resources may include:



- Accumulation of shells, burned rocks, or other subsistence related materials;
- Area of charcoal or very dark soil with artifacts;
- Stone tools, projectile points, or dense concentrations of stone artifacts;
- Cluster of bones in association with shell, charcoal, burned rocks, or stone artifacts; and
- Historic structure or assemblage of historic materials older than 50 years.

## 2.1 Discovery Procedures

- 1) When a finding is made, the EI staff or construction personnel that identified the finding will notify their supervisor, the EI, and other personnel in the vicinity, and all ground disturbing work within a 100-foot radius will cease.
- 2) The EI will:
  - Immediately notify SCS or its representative;
  - Flag a 100-foot buffer zone around the find spot;
  - Ensure adequate security is in place to keep workers, press, and curiosity seekers away from the find spot;
  - Cover the find spot with a tarp; and
  - Have an individual stay at the location to prevent further disturbance until the qualified archaeologist has reviewed the find spot. The qualified archaeologist's review can be accomplished in-person or remotely with information provided by individuals at the find spot. This information would include photographs of suspected artifacts and/or cultural features as well as the setting of the find spot.
- 3) The EI will investigate the find spot in consultation with a qualified archaeologist. If it is determined that the find spot is not a cultural resource discovery, the EI will remove construction restrictions at the location. If the archaeologist evaluates the find spot as a cultural resources discovery, the EI will continue to protect the discovery location as noted above. The EI will include the event (regardless of how it is evaluated) in the applicable Project documentation.
- 4) If, upon field review by a qualified archaeologist, the finding is determined to be a cultural resources discovery, the qualified archaeologist will evaluate the resource in accordance with applicable regulations. The qualified archaeologist will make an initial recommendation of eligibility for inclusion on the National Register of Historic Places (NRHP). If the site is not likely to be NRHP-eligible, the qualified archaeologist will conclude the evaluation by preparing a site form that essentially exhausts the research potential of the site and, subsequently, the EI will remove construction restrictions at the location. If the discovery is determined to have the potential to be NRHP-eligible, the archaeologist and SCS or its representative will also consult with the Minnesota State Historic Preservation Office (SHPO) and/or MN OSA on how best to avoid, minimize, or otherwise mitigate further impacts.
- 5) If the discovery is within an area of federal or state jurisdiction, the appropriate federal/state agency will be immediately notified and consulted accordingly. Treatment measures may include mapping, photography, sample collection, or excavation. Note that SCS or its representative may choose to notify and coordinate with Native American Tribes or a Tribal organization such as the Minnesota Indian Affairs Council (MIAC). Notified federal or state agencies may also consult with these entities for compliance with applicable statutes or guidelines.

- 6) The archaeologist will implement the appropriate treatment measure(s) and provide a report on its methods and results as required. The investigation and technical report will be performed in compliance with the Secretary of Interior's Standards and Guidelines for Archaeological Documentation (48 CFR 44734—44737f); the Advisory County on Historic Preservation (ACHP) publication "Treatment of Archaeological Properties" (ACHP 1980); and follow the guidelines set forth by the SHPO and/or MN OSA. SCS or its representative will also consult with the applicable federal, tribal, and state entities on how best to avoid, minimize, or otherwise mitigate further impacts.

### 3 Procedures for the Discovery of Human Remains

In the event suspected human remains or funerary objects are discovered during construction activities, the following steps will be taken pursuant to Minnesota's Private Cemetery Act (Minn. Stat. §307.08):

- 1) All ground disturbing work within a 100-foot radius will cease. An EI will be notified, assuming one is not already on-site.
- 2) The EI will investigate the finding in consultation with a qualified archaeologist (virtually or in-person). If it is determined that the finding is not human remains, funerary objects, or archaeological, the EI will remove construction restrictions at the location. If it is determined that the finding may include human remains or funerary objects, the finding will be considered a discovery and the EI will take appropriate steps to protect the discovery location, including the following:
  - Immediately notify SCS or its representative;
  - Flag a buffer zone around the find spot;
  - Ensure adequate security is in place to keep workers, press, and curiosity seekers away from the find spot;
  - Cover the find spot with a tarp; and
  - Have an individual stay at the location to prevent further disturbance until law enforcement arrives.
- 3) If the discovery occurs on federal lands, SCS or its representative shall notify the federal law enforcement to initiate that agency's specific protocols.
- 4) If the discovery occurs on non-federal lands (both non-federal public and private), SCS or its representative shall notify the county sheriff. As required by Minn. Stat. §307.08, SCS will also notify the MN OSA of the discovery if it occurs on non-federal lands.
- 5) Should the human remains be determined not to be associated with a crime scene, federal law enforcement or the MN OSA (depending on jurisdiction) will determine if the discovery is Native American. If the discovery is determined to be Native American, federal law enforcement (on federal lands) will engage Native American Tribes to resolve next steps for handling the discovery under the Native American Graves Protection and Repatriation Act. If the MN OSA has jurisdiction (on non-federal public and private lands) the MN OSA will coordinate with the MIAC to resolve next steps for handling the discovery under the Private Cemeteries Act (Minn. Stat. Ch. 307).
- 6) After permission to resume construction has been issued by federal law enforcement, county sheriff, or State Archaeologist, SCS or its representative shall notify the on-site construction manager to restart ground-disturbing activities.

## 4 Project Contacts

### SCS Project Representative, EXP Energy Services, Inc

Contact: Erin Salisbury, MA, RPA  
Telephone: 970.946.8698  
Email: erin.salisbury@exp.com

### SCS Retained Archeologist, Merjent, Inc.

Contact: Michael J. Madson, MS, RPA  
Telephone: 612.834.3074  
E-mail: mike.madson@merjent.com

### Minnesota State Historical Preservation Office

Contact: Sarah Beimers, Environmental Review Program Manager  
Telephone: 651.201.3287  
E-mail: sarah.beimers@state.mn.us  
Address: Minnesota State Historical Preservation Office  
50 Sherburne Avenue,  
Administration Building 203  
Saint Paul, MN 55155

### Minnesota Office of the State Archaeologist

Contact: Amanda Gronhovd, MS, Minnesota State Archaeologist  
Telephone: 612.725.2411  
E-mail: Amanda.Gronhovd@state.mn.us  
Address: Minnesota Office of the State Archaeologist  
328 Kellogg Boulevard  
St. Paul, MN 55102