



December 14, 2021

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VIA EMAIL

Ryan P. Barlow
General Counsel
Minnesota Public Utilities Commission
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Dear Mr. Barlow:

As you know, our firm represents Navigator CO₂ Ventures LLC (“Navigator”), which plans to seek permits from a variety of state and local agencies for the construction of a 12-mile stretch of liquid CO₂ pipeline in Martin County, Minnesota (the “Project”), which will connect to a broader interstate liquid CO₂ pipeline with its terminus in Illinois.

As was noted in the November 16, 2021, EQB Monitor, a petition (“Petition”) for an Environmental Assessment Worksheet (“EAW”) was filed with the Minnesota Environmental Quality Board (“EQB”) on November 9, 2021, by an organization known as Clean up the River Environment, or CURE. As noted in the November 23, 2021 issue of the EQB Monitor, no permit application has yet been filed for this project in Minnesota. Navigator plans to begin submitting permit applications beginning in the summer or fall of 2022. This letter provides some additional information about Navigator’s plans.

First, Navigator intends to conduct a voluntary EAW pursuant to Minn. R. 4410.1000, subp. 3.D., regardless of the outcome of the petition process. Navigator anticipates beginning this process with the Responsible Governmental Unit (“RGU”) before it submits its permit applications.

This letter also corrects some factual inaccuracies in the Petition.¹ First, the Petition suggests that the true purpose of the Project is to provide CO₂ for enhanced oil recovery (“EOR”). None of Navigator’s customers have expressed an intent to utilize any of the CO₂ for EOR and instead have engaged with Navigator for transportation to and permanent sequestration at the pipeline’s destination point in Illinois, which is not located near any major oil producing properties. Second, the Petition states that the Project involves CO₂ capture at a number of ethanol plants in Minnesota. This is also incorrect – at this point, Navigator plans to connect with one ethanol plant, the Valero

¹ While Navigator believes that some of the legal positions expressed in the Petition are also incorrect, this letter does not address those issues.

plant located near Welcome, Minnesota in Martin County. While additional Minnesota customers may be added to the system at some point in the future, there is only one connection currently slated for Minnesota. Finally, the Petition suggests that Navigator has not been forthcoming with the public regarding the Project. This is also incorrect. Navigator has scheduled two public meetings in Martin County (one of which is virtual)², has engaged in numerous discussions with permitting authorities and other stakeholders about the project, in addition to information provided on the company's two websites, www.navigatorco2.com and www.heartlandgreenway.com.

Please let me know if you or any of the Commission's staff has any questions about the Project at this time.

Very truly yours,

WINTHROP & WEINSTINE, P.A.

/s/ Elizabeth H. Schmiesing

Elizabeth H. Schmiesing

cc: Denise Wilson, Minnesota Environmental Quality Board (via email – denise.wilson@state.mn.us)

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² Information about the two public meetings is available on Navigator's website, under "Minnesota." <https://heartlandgreenway.com/landowners/>.