

Hamre, John G.

From: Fahn, Patrick J.
Sent: Tuesday, September 02, 2008 8:44 AM
To: Hamre, John G.
Subject: FW: Keystone PSC Case Number PU-06-421
Attachments: North Spread Report 8-25-08.pdf; North spread Report 8-16-08.pdf; Times Record article 8-29-08.pdf

John - please docket in 06-421 and then distribute to Commissioners, Legal, and PUD

Patrick Fahn
Utility Analyst
Email: pfahn@nd.gov
Phone: (701) 328-4077

North Dakota Public Service Commission
600 E Boulevard
Bismarck ND 58505-0480
Fax: (701) 328-2410

-----Original Message-----

From: Mark Anderson [mailto:mark.anderson@kljeng.com]
Sent: Saturday, August 30, 2008 9:58 AM
To: Fahn, Patrick J.
Cc: dennis.markusen@kljeng.com
Subject: Keystone PSC Case Number PU-06-421

Patrick:

I have been in and out of the office this week so here are the last two reports. I don't remember if I sent you the 8-16 report. I may have but will send it again to be sure. I am also compiling a CD with all of the pictures to date to send to you. Our IT people remove info from our FTP site after 2 weeks due to size requirements etc. Thanks Patrick and please let me know if you have any questions. Also attached is a pdf of Fridays paper article regarding the Klein property.

Mark

Mark Anderson, PE
Kadrmass, Lee and Jackson, Inc.
P.O. Box 937
Valley City, ND 58072

Direct Dial (701) 845-9417
Cell (701) 739-6920
Fax (701) 845-0252

PSC CASE NUMBER: PU-06-421

Kadrmias
Lee &
Jackson
Engineers Surveyors
Planners

DAILY REPORT

1/4

Job Site: NORTH SPREADDate: Aug. 25, 2008Location and
Operations Observed:MP 111-112 (Main St. to 1st St. NE) (Stripping)MP 114 (2nd St. SE) (Matting & Stripping)MP 118-129 (Clearing, Stripping) (6th St. SE - 17th St. SE)MP 124 (11th St. SE) Pump Station

General Notes:

As a follow up to last weeks conversation
with Jim Belanus of Walhalla, concerning agricultural
land on Miles 4 & 5, I spoke briefly to Dean DiThomaso,
of ENSR (head Environmental Inspector). He assured me
that someone would spray a herbicide on the
stockpiles of topsoil that have a weed problem
on Mr. Belanus' land, this week. (Aug 25-29). I
also received an electronic copy of the keystone
CMRP today as well. It appears the only trench
compaction they plan to do would be with the
bucket of excavators used to backfill the trenched
oil pipe.

PSC CASE NUMBER: PU-06-421

Kadmas
Lee &
Jackson
Engineers Surveyors
Planners

DAILY REPORT (Cont.)

Date 8.25.08Page 2 of 4

MP 111-112 (Main St & 1st St. NE)

Contractor has completed clearing and removal and stock piling of topsoil on this segment, South of N.D. Hwy 200 on Main and 1st Streets in Greenview Township of Steele County. Cleared area is within staked perimeter.

MP 114 (2nd St SE)

I observed stripping & mitting in Section 9 of Riverside Township, in Steele County. Topsoil was stockpiled on West side of R.O.W. on Keystone Easement.

MP 118 - 128 128 - 130 (6th St. SE - 17th St. SE)

Clearing of the staked Right-of-way has been completed down to the South end of the North Spread.

I observed crew had stripped and stockpiled topsoil on the West R.O.W. line of Miles 118-128. I observed crews cutting Grade & topsoiling the R.O.W. south of the Luverne RR tracks.

PSC CASE NUMBER: PU-06-421

Kadmas
Lee &
Jackson
Engineers Surveyors
Planners

DAILY REPORT (Cont.)

Date 8-25-08

Page 3 of 4

This particular crew was beginning work in mile 129 (16th St. SE) Work is proceeding within limits.

MP 124 (11th St. SE)

I observed survey and construction crews doing site preparation work at Pump Station R-17 in Section 28 of Willow Lake Township in Steele County. The topsoil had been stripped from the site and survey crews were setting control for the project. A construction office was set up on site. Field conditions were dry. I spoke to on-site foreman who said plans were to begin foundation construction immediately.

MP 123 (10th St. SE)

I observed crews installing silt fence on perimeter of wetlands in Section 21 of Willow Lake Township in Steele County.

PSC CASE NUMBER: PU-06-421

Kadmas
Lee &
Jackson
Engineers Surveyors
Planners

DAILY REPORT (Cont.)

Date 8.25.08

Page 4 of 4

The following deviations from the finding of facts were found:

- None -

Signature: Dennis Markusen

Print Name: Dennis Markusen

PSC CASE NUMBER: PU-06-421

Kadrmias
Lee &
Jackson
Engineers Surveyors
Planners

DAILY REPORT

1 / 4

Job Site: North Spread

Date: Aug 16, 2008

Location and Operations Observed:	MP 1-4	Weed Growth
	MP 48-48	Trenching
	MP 70-73	R.O.W. Stripping
	MP 92	Cutting Grade
	MP 101	Clearing

General Notes: This weeks inspection finds the project extending over 90+ miles of the North Spread.

MP 101 - Clearing of R.O.W. continues at the South end of this spread. I observed mowing of vegetation within the staked limits.

MP 92 - Contractor is cutting grade on MP 92. Topsoil is to West on staked R.O.W., ready for trench crew. Checked clearing of trees at Sta 5107+30. Cleared zone was within staked tolerances @ 65 feet.

PSC CASE NUMBER: PU-06-421

Kadmas
Lee &
Jackson
Engineers Surveyors
Planners

DAILY REPORT (Cont.)

Date 8-16-08Page 2 of 4

MP 70 - 73 Observed stripping and matting had been completed on the designated R.O.W. in these miles. Topsoil to West on staked R.O.W. Maximum topsoil removed as I could see intermittent yellow clay on the surface.

MP 43 - 48 Trenching is complete to MP 48 (Walsh Co. Rd. # 15) Observed open trench on the entire reach up to ND Hwy # 17 (MP 43).

MP 1 - 4 Tie ins are still not complete in the upper reaches near the Canadian border. Pipeline has been buried on approximately 80% of this 4 mile stretch. It appears there is some activity occurring to begin tying in the unconnected portion of this line. I did receive a complaint from Jim Belanus regarding compaction in the trench, and weeds growing on the topsoil stockpiles. While on my site visit I did observe the stockpiles of topsoil in Mile 1 and Mile 2 to be entirely covered with weeds. Mr. Belanus' concern is that the weeds would go to seed and spread to adjacent fields.

PSC CASE NUMBER: PU-06-421

Kadmas
Lee &
Jackson
Engineers Surveyors
Planners

DAILY REPORT (Cont.)

Date 8.14.08Page 3 of 4

I spoke to Dean Di Thomasso of ENSR, environmental contractor for Universal Enasco. He said there were no requirements of the PSC for weed control.

... Only noxious weeds.

With regards to compaction of backfill, there is no compaction specification for the trench backfill. Dean said the contractor would leave the topsoil higher than the ground around and adjacent to the trench. This should allow for a level surface once the trench has finished settling, according to Di Thomasso. He did say the contractor would re-level the trench next spring if they were in the area.

Di Thomasso did forward an email to me citing a handowner complaint procedure that could be implemented by a handowner if they were not satisfied with the work.

I will forward this information to Mr. Belanus. It appears to me that Findings #107, 108, 109, and #122 of the NOPSC would apply.

PSC CASE NUMBER: PU-06-421

Kadmas
Lee &
Jackson
Engineers Surveyors
Planners

DAILY REPORT (Cont.)

Date 8-16-08

Page 4 of 4

The following deviations from the finding of facts were found:

- None -

Signature:

Dennis Markusen

Print Name:

Dennis Markusen

Dennis Markusen

From: DiTomasso, Dean [dditomasso@ensr.aecom.com]
Sent: Thursday, August 14, 2008 8:12 PM
To: dennis.markusen@kjeng.com
Subject: Landowner Concerns

Dennis,

FYI,

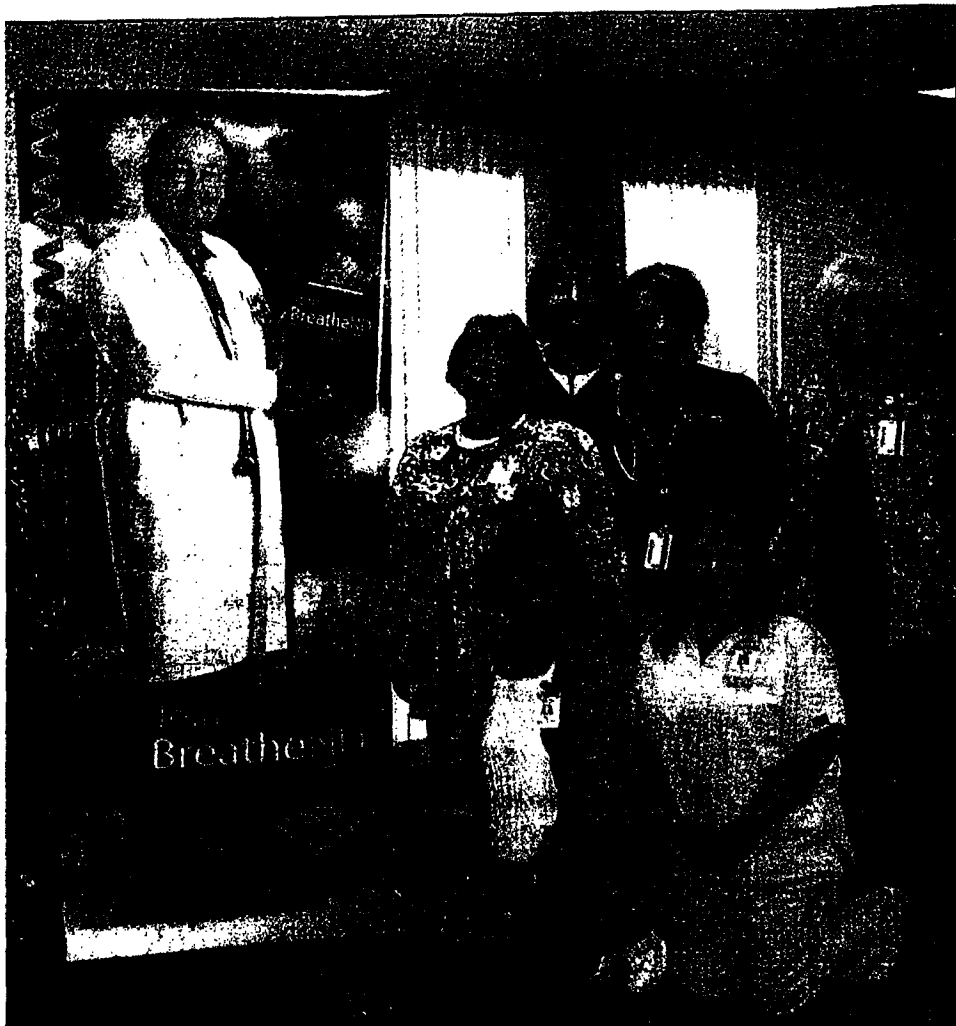
Landowner Complaint Resolution Procedure
Keystone shall implement a Landowner complaint procedure as follows:

- Landowners should first contact the construction spread office to express their concern over restoration and/or mitigation of environmental damages on their property. The Construction Manager, or his designated representative, shall respond to the Landowner within approximately 24 hours of receipt of the phone call.
- If the Landowner has not received a response or are not satisfied with the response, they can then contact Keystone's representative at 1-877-880-4881. The Landowners should expect a response within 48 hours.
- If the Landowner has not received a response or is not satisfied with the response, they should contact Keystone's Hotline at 1-816-880-4609.

Dean DiTommaso
ENSR
Keystone Project
Lead Environmental Inspector, Spread 1A
701-352-0582 (o)
402-238-4604 (o)

8/18/2008

on BreatheND



City appears on four larger-than-life vertical banners that will soon be circulating throughout North
 dhand smoke. Buhr supports "BreatheND" and this banner directs people to a website offering
 air support is the MeritCare Valley City nursing staff. From the left, standing, are Maria DeLorme,
 rman, Val Storbeck, Julie Huseby and Kim McKay. Kneeling, from left, are Lori Hendricks, Cynthia
 y Marschke, Delores Welken and Megan Grafing. Local photographer George Dutton donated his
 the banners. (Jean Schlegel/VCTR)

Large impression in campaign

*traveling banners are designed to
 people to a website offering both
 information about secondhand
 smoke, and specific tools for
 actions and citizens who want to help
 difference on this important issue,
 Vicki Voldal-Rosenau, chair of the
 BreatheND Group.*

Vicki Voldal-Rosenau, chair of the BreatheND group.

"We invite everyone to join in and learn more about how to help by visiting www.BreatheND.com. Secondhand smoke causes cancer, heart disease and serious lung diseases," Voldal-Rosenau said.

The American Medical Association reported that hospitality workers in places where smoking is allowed were 50 percent more likely to get lung cancer from secondhand smoke than employees in smoke-free

together to add a "grassroots" component

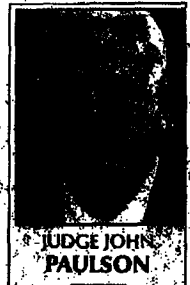
Judge denies landowner's request for a 'master'

By Steve Browne
Valley City Times-Record

Judge John Paulson dismissed a motion by property owner Ramona Klein on Wednesday, to reopen an eminent domain case with Trans-Canada Keystone pipeline she had settled earlier.

Klein's lawyer, John Gosbee, applied to have the case reopened and a master appointed to supervise construction of a section of pipeline on Klein's property, claiming Klein was afraid of Trans-Canada (officials) and alleged intimidation by Trans-Canada workers.

"Master" is a court-appointed "semi-judge" with legal oversight over a construction site, according to Gosbee.



Klein and her husband, Daryl, said on Aug. 16 a Michael's pipeline truck swerved and drove close to their car at an excessive rate of speed as they were taking pictures of the construction site.

Gosbee argued the settled case should be reopened, because after Klein settled with Keystone, the company was late in filing a Lis pendens, a legal notice indicating that any encumbrance on a land title due to a lawsuit, is lifted.

Lawyer for Keystone, Arlen Ruff, argued no losses were incurred by Klein due to the late filing. Keystone filed after being notified it was late, and officials apologized.

In his ruling denying the motion, Paulson said the Kadmas, Lee and Jackson engineering firm was functioning as the independent inspector on the site, filling the need for any independent oversight.

"I'm satisfied if there is any complaint, you have access to the Public Services Commission and KLJ," Paulson said.

Paulson added if there had been



City appears on four larger-than-life vertical banners that will soon be circulating throughout North Dakota. Buhr supports "BreatheND" and this banner directs people to a website offering their support is the MeritCare Valley City nursing staff. From the left, standing, are Marla DeLorme, Herman, Val Storbeck, Julie Huseby and Kim McKay. Kneeling, from left, are Lori Hendricks, Cynthia Marschke, Delores Welken and Megan Graffing. Local photographer George Dutton donated his the banners. (Jean Schlegel/VCTR)

Large impression in campaign

traveling banners are designed to direct people to a website offering both in-depth information about secondhand smoke, and specific tools for organizations and citizens who want to help make a difference on this important issue, said Vicki Voldal-Rosenau, chair of the BreatheND Group.

Vicki Voldal-Rosenau, chair of the BreatheND group.

"We invite everyone to join in and learn more about how to help by visiting www.BreatheND.com. Secondhand smoke causes cancer, heart disease and serious lung diseases," Voldal-Rosenau said.

The American Medical Association reported that hospitality workers in places where smoking is allowed were 50 percent more likely to get lung cancer from secondhand smoke than employees in smoke-free workplaces.

"Furthermore, secondhand smoke exposure increases the risk of heartbreaking SIDS deaths among infants," Voldal-Rosenau said.

"The compelling truth is there is no safe level of exposure to this toxin—for infants, children or adults."

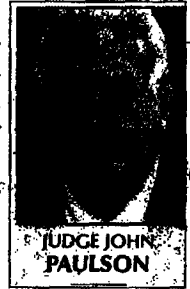
together to add a "grassroots" component to ongoing efforts to educate on secondhand smoke, Buhr said.

The traveling banners are designed to direct people to a website offering both in-depth information about secondhand smoke, and specific tools for organizations and citizens who want to help make a difference on this important issue, said

motion by property owner Ramona Klein on Wednesday, to reopen an eminent domain case with Trans-Canada Keystone pipeline she had settled earlier.

Klein's lawyer, John Gosbee, applied to have the case reopened and a master appointed to supervise construction of a section of pipeline on Klein's property, claiming Klein was afraid of Trans-Canada (officials) and alleged intimidation by Trans-Canada workers.

"Master" is a court-appointed "semi-judge" with legal oversight over a construction site, according to Gosbee.



Klein and her husband, Daryl, said on Aug. 16 a Michael's pipeline truck swerved and drove close to their car at an excessive rate of speed as they were taking pictures of the construction site.

Gosbee argued the settled case should be reopened, because after Klein settled with Keystone, the company was late in filing a Lis pendens, a legal notice indicating that any encumbrance on a land title due to a lawsuit, is lifted.

Lawyer for Keystone, Arlen Ruff, argued no losses were incurred by Klein due to the late filing. Keystone filed after being notified it was late, and officials apologized.

In his ruling denying the motion, Paulson said the Kadmas, Lee and Jackson engineering firm was functioning as the independent inspector on the site, filling the need for any independent oversight.

"I'm satisfied if there is any complaint, you have access to the Public Services Commission and KLJ," Paulson said.

Paulson added if there had been any criminal misconduct by Keystone, it was a matter for the State's Attorney, and not within the authority of a civil court.

Following the ruling, Gosbee said, "I wanted a watchdog and the watchdog was kenneled."

"I think it was the right result," Ruff said.

Comics.....	10	Public Notice.....	12
Community.....	6, 7	Seniors.....	8
Lottery Results.....	2	Sports.....	14, 13

Barnes County:
Home of Sharon and Donald Hoff
ESTABLISHED 1882