

## Fahn, Patrick J.

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**From:** Robert Stamp [robert.stamp@truecos.com]  
**Sent:** Thursday, October 07, 2010 7:43 AM  
**To:** Fahn, Patrick J.  
**Cc:** 'Tad True'; 'Debra Bell'; 'Kathleen M Spilman, PE'; 'Tyler Reece'; 'Bob Dundas'; dclark@truecos.com; 'Rick Werkele'  
**Subject:** Meeting Notes - Case No. PU-09-750  
**Attachments:** Case No. PU-09-750 October 6 meeting notes.pdf

Patrick,

Attached are the notes from yesterday's conference call.

If you have any additions or comments, let me know.

Robert Stamp, P.E.  
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October 6, 2010

Meeting Notes

ND PSC Case No. PU-09-750  
Four Bears Pipeline Project

Pre-Construction Conference Call  
1 PM MST/2 PM CST

In attendance:

Robert Stamp	Bridger
Debra Bell	Bridger
Tad True	Bridger
Tyler Reece	Bridger
Ken Dockwieler	Bridger
Don Clark	Bridger
Dustin Noble	Bridger
Jared Boltz	Bridger
Sean Kadrmas	Bridger
Bob Dundas	Bridger
Kathye Spilman	Keitu Engr
Tim Spilman	Keitu Engr
Scott Lawson	Frontier Services
Ray Lawson	Frontier Services
Paul Leach	Lo-n-Bro Construction
Reo Underwood	Northwinds Construction
Chad Underwood	Northwinds Construction
Denny Refault	Northwinds Construction
Patrick Fahn	North Dakota PSC

Meeting opening and roll call by Robert Stamp at 1 PM MST.

Mr. Fahn began a review of the Findings of Fact. Specific sections were discussed as follows:

#8, pg 3. ROW width is narrowed to 50 ft in to avoid areas of archeological features, wooded areas and topographic features. TR confirmed that those locations have been identified.

#9, pg 3. Design, construction and operation will conform to CFR Part 195, Transportation of Hazardous Liquids by Pipeline. KD confirmed that is the case.

#13, pg 4. Hutmacher Farm historical site is within the one mile study corridor and the Killdeer Mtn Battlefield Park is near the one mile study corridor. TR confirmed that there will be no surface facilities near or visible from these sites.

#14 pg 4, The pipeline will cross the Little Missouri River. Neither the pipeline nor any block valves will be visible from the river.

#16, pg 5. KS confirmed that Metcalf Archeological Service would be in 2 specific areas during construction in case artifacts are excavated.

#23 pg 5. TR confirmed that if a whooping crane is sighted within a mile of pipeline construction, further work in that one mile section will be cleared by USFWS.

#28 pg 6. TR confirmed that both Little Missouri and Green Rivers, all 9 creeks and some of the tributaries will be bored. Boring or open cutting tributaries will be determined by site specific conditions at the time of construction.

#34 pg7. KS confirmed that the project will comply with Federal, State and local agencies.

#35 pg 7. KD confirmed that the pipeline will operate under specific DOT regulations.

#36 pg7. TR confirmed that an environmental inspector will oversee compliance with permit conditions during construction.

#37 pg 7. DB confirmed that post construction monitoring of revegetation and restoration will be conducted annually by 10/1 in each of 3 years following completion.

Mr. Fahn stated that the final route approved was that in Appendix 4.B as stated in the Order. Re-routes deviating from 4.B will be submitted to the PSC (Patrick Fahn) for approval in advance of construction as per #3 in the Order.

Mr. Fahn reviewed Certificate Items as follows:

#2 Bridger is to comply with and obtain permits from all other agencies having jurisdiction over the project. KS confirmed that this true with the exception of the three County Commissions, which will not issue until all ROW have been obtained. KS will notify the PSC when County permits are final. Bridger may obtain County permission, and begin construction on a spread-by-spread basis.

#3 TR and/or DC will file with Mr. Fahn a weekly email with the report of construction progress. This report will be an attachment to the email.

Item Nos. 4 thru 18 were reviewed quickly with either TR or KS confirming each.

Item Nos. 19 and 20 were confirmed that Bridger will provide both ESRI shapefile and paper route maps 90 days after the Order and as-built maps 90 after completion of construction.

Reviewing the Tree and Shrub Mitigation Plan, KS confirmed that the inventory is almost complete and trees marked. KS will send the tree and shrub inventory to Mr Fahn. Specifically under #7, trees would be selectively cleared in the 50 ft ROW areas and an inventory of remaining trees would be conducted after clearing those areas. Specifically under #14, the landowner has the option to replace trees and shrubs on or off the ROW. Bridger will not replace trees or shrubs directly over the pipeline.

Under #16, BD confirmed that a tree and shrub inspection will be conducted in September for 3 years following completion. A report will be sent the PSC.

Mr. Fahn reviewed the Codes applicable to compliance with the Order and that non-compliance is a misdemeanor offense with penalties.

No further questions were asked by Bridger or the contractors. The call ended at 2:10 PM MST.

Robert Stamp

## Fahn, Patrick J.

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**From:** Kathleen M Spilman, PE [kspilman@keitu.com]  
**Sent:** Thursday, October 07, 2010 8:35 AM  
**To:** 'Robert Stamp'; Fahn, Patrick J.  
**Cc:** 'Tad True'; 'Debra Bell'; 'Tyler Reece'; 'Bob Dundas'; dclark@truecos.com; 'Rick Werkele'  
**Subject:** RE: Meeting Notes - Case No. PU-09-750

Bob / Pat

Two additions to the notes

- (1) The PSC order requires all statistical sampling methods during the tree and shrub inventory to be approved by the Commission. Keitu was using a statistical sampling method for dense stands of bushes, consistent prior tree and shrub inventories conducted for the Commission. Keitu will submit its statistical sampling method to the Commission staff for approval.

This should be added to the section where you discuss the progress with the tree inventory

- (2) The PSC order requires start of construction be delayed until all permits required for construction to be issued and copies provided to the Commission. Only the county permits issued by each of the three respective counties are still pending. While all three county commissions have approved the applications, their permits will not be issued until satisfactory evidence of landowner acceptance / ROW easements is submitted. Discussion ensued to possibility of starting areas where landowner easements had been filed, especially the Little Missouri River crossing which would be significantly impacted adversely by approaching winter weather. Pat Fahn suggested a letter be sent to the Commission requesting an early start. TT requested KS to draft a letter for that purpose.

This section should be added to the discussion on the permit status

You may also want to add that the PSC staff is authorized to approve reroutes with a 3-4 day turnaround, after giving the Commissioners an opportunity to review the proposed route change, and object if necessary.

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