

NOV 22 2010

PUBLIC SERVICE COMMISSION

Meeting minutes

Project: Garden Creek Gas Plant (PU-10-568)

Date: November 22, 2010

Subject: Required preconstruction meeting with North Dakota Public Service Commission

Date Issued: November 22, 2010

Attendees:

**Bear Paw Energy:** Dick Vande Bossche, Al Cuykendall, Russ Clark, Geoff Renberg, Deborah Perry

**Linde Process Plants:** Steve Lightwine, Van Goreman

**ND PSC:** Patrick Fahn

The following notes summarize the discussions held but do not necessarily include all comments or details. The notes do contain all action items for the group and the designated project personnel that will be responsible for reporting requirements during the project.

Item Nbr.	Topics	Actions and Responsibility
1.0	<b>Certification Relating to Order of Provisions – Facility Siting</b> All accompanying items to Item 1.0 are from the Certification Relating to Order of Provisions signed by Craig Forsander on October 19, 2010. Mr. Fahn read each line item and then allowed for time to ask questions and discuss the item. Only the questions and discussions are listed in the minutes.	
1.1		None
1.2		None
1.3		None
1.4	Mr. Fahn asked if the Bear Paw had all the proper permits to construct the facility and if the commission had received copies of them. The question was directed to Russ Clark. Russ Clark stated that we had some of the permits and asked Bill McCarthy to clarify the situation. Bill McCarthy stated that we had all the permits required at this point of construction. The air permit application is in process and is not required at this point for construction. There is also a discharge permit required for the hydrostatic testing of piping that is in process but is not required at this point for construction.	Send copies of the air permit and the water discharge permit to the PSC when approved.  <b>Russ Clark</b>
1.5		None
1.6	Mr. Fahn stated that proper record keeping assists the Commission during project closeout where a Commission staffer or designated contractor reviews the documentation after the project has been completed to find if everything is in order. These record documents are to be kept on site and available for review. Mr. Fahn asked for designees on this item. Russ Clark stated that Steve Lightwine would likely generate the records and would have them on site. Al Cuykendall was designated as the keeper of records for Bear Paw.	None
1.7	Mr. Fahn requested to be notified when construction was slated to begin on site. Steve Lightwine agreed to send an e-mail notice to Mr. Fahn that construction was to start tomorrow. Russ Clark had a question on what was required for the weekly construction reports. He stated there were some Word template requirements and the case number being required but needed to know what other information was needed. Mr. Fahn asked if Bear Paw staff had seen samples. Bear Paw has not so Mr. Fahn agreed to send a couple of other reports from other projects to review. Russ specifically requested not to see any sensitive information on a report from Hess project but did agree to see some from pipeline projects.	Send e-mail notice to Mr. Fahn, and NDPSC if necessary, notifying them of the construction starting. <b>Steve Lightwine</b>  Send samples of weekly construction reports to Bear Paw

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	Russ Clark and Al Cuykendall were designated as the persons responsible for this task.	staff. <b>Pat Fahn</b>  Send weekly report template to Al Cuykendall <b>Russ Clark</b>
1.8		<b>None</b>
1.9	Mr. Fahn asked to know who would be finding or reporting the presence of endangered or threatened species. Steve Lightwine was designated for that role and would report to Al Cuykendall.	<b>None</b>
1.10	Mr. Fahn asked to know if the ND SHPO had approved our cultural resource mitigation plan had been approved. Bill McCarthy stated it had been approved.	<b>None</b>
1.11	Mr. Fahn asked to know who would be finding or reporting the presence of cultural resources or human remains on the site. Steve Lightwine was designated for that role who would report it to Al Cuykendall. Al would then report these items to the Commission.	<b>None</b>
1.12	Mr. Fahn asked if there were any electrical lines or roads crossing the property. Russ Clark stated that there were no roads being open cut or requiring bores and the electrical lines were in an easement on the southern boundary of the property. The electrical lines were not required to be relocated.	<b>None</b>
1.13		<b>None</b>
1.14		<b>None</b>
1.15	Mr. Fahn stated that the idea behind item 15 is to not mix subsoil with top soil and preserve topsoil that is existing on the property.	<b>None</b>
1.16		<b>None</b>
1.17		<b>None</b>
1.18		<b>None</b>
1.19		<b>None</b>
1.20		<b>None</b>
1.21		<b>None</b>
1.22		<b>None</b>
1.23	Russ Clark stated that Dick Vande Bossche is to be the point of contact for complaints concerning the facility.	<b>None</b>
1.24	Mr. Fahn stated that other projects have indicated that the plot plans of other facilities may change during construction. These projects have chosen to update their plot plan in file with the Commission as construction progresses and have them on file. Russ Clark stated that any further changes to the plot plan are not anticipated at this time. Russ was designated as the person to notify the commission to any further changes in the plot plan.	<b>None</b>
1.25	Russ Clark stated that Bear Paw has filed a plot plan that was overlaid on the drawing for the construction stormwater permit. That plot plan is not expected to change however, he did ask how in depth the GIS requirements could be. Bear Paw is currently mapping the corners of the AutoCad file into its GIS system but not pinpointing individual locations such as heat exchangers. We do have geo-referenced plot plans that could be overlaid into GIS. Mr. Fahn stated that the AutoCad file could be uploaded into the GIS system provided it was geo-referenced and this would be acceptable. Russ stated that Bear Paw	<b>None</b>

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	is currently using ESRI for GIS and could meet the map coordinate requirements stated in the order.	
1.26		<b>None</b>
1.27		<b>None</b>
<b>2.0</b>	<p><b>Energy Conversion and Transmission Facility Siting Act Section 49-22-21.</b>  All accompanying items to Item 2.0 are penalties that can be assessed to Bear Paw Energy by the Public Service Commission on behalf of the State of North Dakota. A certificate of site compatibility or permit for the construction of a transmission facility may be revoked or suspended for reasons stated in 49-22-20 and 49-22-16.1. Mr. Fahn read each line item and then allowed for time to ask questions and discuss the item. Only the questions and discussions are listed in the minutes.</p>	
2.1		<b>None</b>
2.2		<b>None</b>
2.3		<b>None</b>
2.4		<b>None</b>
<b>3.0</b>	<b>General comments or concerns.</b>	
3.1	Russ Clark asked to see a copy of other weekly reports.	
3.2	Mr. Fahn stated that he would want a copy of the meeting minutes prior to construction starting.	