

Meeting Minutes

Project: Plains Pipeline L.P.-Crude Oil Pipeline-Williams County (PU-10-630)

Date: April 17, 2012

Subject: Preconstruction Conference with North Dakota Public Service Commission(Commission)

Date Issued: April 17, 2012

Attendees:

Plains Pipeline L.P.: I. Jim Fleetwood, Mark Bordelon, Mike Bondurant (Contractor), Kyle Thomas (Contractor), Mike Walcavich, and Ron McCreery

ND PSC: Patrick Fahn, Tim Spilman (3rd Party Inspector, Keitu Engineers)

E3 Environmental, LLC: William McCarthy, Katie Schmidt

The following summarizes the Preconstruction Meeting discussions pertaining to the Plains Pipeline, L.P. (Plains) Crude Oil Pipeline-Williams County PU-10-630 (Project); all comments and/or details may not be included in their entirety.

The Certification Relating To Order Provisions Transmission Facility Siting for Case No. PU-10-630:

Mr. Patrick Fahn (Fahn) reviewed items 1 through 37 for those present and participating parties were provided the opportunity to pose questions and comments. This document was disseminated to the attendees prior to the meeting. The following comments and action items were identified:

Regarding Item #4: William McCarthy (McCarthy) to provide copies of permits/authorizations received for the Project which have not previously been submitted to the Commission. These include but are not limited to:

- U.S. Army Corps of Engineers Nationwide Permit #12 Authorization;
- North Dakota Department of Health (ND DoH) Construction Stormwater Permit Authorization; and
- ND DoH Hydrostatic Test Water Discharge Permit Authorization.

Regarding Item #5: Discussions were held regarding the Commission's weekly construction report requirements and submittal process. This information is listed below. Fahn is to provide to Plains an example report for pipeline construction as well as a list of the items identified by Mr. Tim Spilman (Spilman).

- Submittal Process: Weekly reports are to be emailed to the general ND PSC email address (ndpsc@nd.gov), Fahn and Spilman are to be copied on this transmittal (pfahn@nd.gov, and tspilman@keitu.com respectively.) The case number should also be included in the subject line of the email transmittal of each report
- Weekly Reports should include but are not limited to the following information:
 - 1.3" of white-space at the bottom of the 1st page of each report (1.3" bottom page margin);
 - Project Name and PSC Case Number (PU-10-630);

- Name and contact information of individual preparing the report;
- Date of report;
- Name and contact information for individual responsible for addressing landowner/public concerns;
- Temperature high and low for week;
- Suspension of project activities due to inclement weather, include when, why and for how long;
- Percent Complete of construction/reclamation activities such as trenching, pipe stringing/laying, backfilling, reclamation and pressure testing;
- Dates of construction startup and shutdown;
- Pipeline in-service date;
- Details regarding all construction/reclamation activities occurring since last filed report including but not limited to:
 - Roadway or special feature bores, be sure these are accurately depicted on the as-built drawings;
 - Erosion and sediment control devices/practices implemented;
 - Topsoil stripping including depth of topsoil removed;
 - Reclamation/cleanup activities and their location;
 - Roadway restoration and location;
 - Fence/Gate repairs conducted;
 - Fertilizing/Seeding and progress of stabilization;
- Document any Cultural Resources identified during construction, which were not previously identified;
- Include information regarding special coordination or practices that occurred to satisfy agencies such as U.S. Fish and Wildlife Service (USFWS) or the North Dakota Game and Fish Department (NDGFD) concerns;
- Critical habitat or Threatened or Endangered (T&E) species encountered/observed including Bald and Golden Eagles or Whooping Cranes;
- Documentation of when cathodic protection is installed for the Commission's record; and
- 3-4 pictures to document project activities.

Regarding Item #8: Mr. Mike Walcavich (Walcavich) asked for clarification regarding the type and length of retention required to satisfy this item. Fahn provided the following guidance.

- Fahn detailed those records sufficient to document Plains compliance with the Commissions should be maintained for the life of the Project. Fahn further explained that Plains could request a release from this requirement from the Commission at a future time and date.
- It was outlined that records should document compliance with all of the Commissions Orders including items such as cultural resource mitigation/avoidance, topsoiling, USFWS requirements as well as documentation that work was completed in accordance with all other permits/authorizations received for the project, including as-built drawings and inspection reports.

Regarding Item #13: Fahn requested confirmation that Plains will bore all roadway crossings, including township, County, and State roadways. Mr. Mark Bordelon (Bordelon) confirmed.

Regarding Item #29: Fahn inquired as to what Plains procedure is for the receipt and handling of complaints received concerning the Project. Mr. Jim Fleetwood (Fleetwood) acknowledged that during construction all complaints received would be directed to the appropriate Right-of-Way representative, if this person was not present on-site their contact information would be provided to the party with concerns. Bordelon identified the District Manger as the person who will be in charge of handling such complaints raised after the pipeline is in-service, Bordelon is to provide the name and contact information of this individual to Fahn.

Regarding Item #32: Fahn identified Early May as the deadline for Plains to provide this information to the Commission.

The Findings of Fact, Conclusions of Law and Order for Case No. PU-10-630:

Fahn reviewed select items for those present. Participating parties were provided the opportunity to pose questions and comments. This document was disseminated to the attendees prior to the meeting. The following comments and action items were identified:

- Item #7: The field survey corridor for the final route is that which is identified in the late-filed Exhibit 10;
- Item #11: Plains acknowledged the required implementation of all avoidance and mitigation measures required as outlined through correspondence with the North Dakota State Historic Preservation Office (SHPO). Plains further stated that they will have site monitoring at one location where workspace will encroach within the 50-foot site avoidance buffer. Spilman requested that the 50-foot avoidance areas be marked in the field to prevent construction activities from accidentally disturbing these resources, Plains acknowledged this request.
- Item #12: Fahn reviewed with the attendees the 70-foot construction right-of-way which is reduced to 50-feet in wooded areas.
- Item #23: Fahn confirmed Plains plan to utilize Environmental Monitors/Inspectors at all times during construction to ensure compliance with applicable permits/authorizations.

Penalties/Closing Questions/Remarks/Signoff:

- Mr. Ron McCreery requested copy of meeting minutes.
- Fahn defined the survey corridor, route centerline and construction easement/right-of-way and how they are related.
- It was clarified that if construction must occur outside of the permitted construction easement which is centered upon the permitted route centerline, correspondence with Plains by field personnel is required ASAP so the proper Commission procedure can be implemented.
- Spilman's role to observe and report to ensure Project compliance with the Commission's orders was re-emphasized.

- Bordelon confirmed that a firm construction start-date for the North Dakota portion of the project is pending.
- Discussions regarding reporting/notification protocols covered the potential for the segmentation of construction for the North Dakota portion of the project. Plains agreed to notify the Commission and Spilman when construction activities were to be suspended and again at the re-start of North Dakota construction.
- Spilman requested and received the contact information for McCreery (office: 701-694-4414, mobile: 307-760-1705) for the purpose of scheduling on-site inspections.
- Spilman identified Mr. Mark Myhra as a possible inspector on the Commission's behalf in addition to himself.
- Fahn highlighted the penalties document which was disseminated to the attendees prior to the meeting. Fahn highlighted the potential for a Class A Misdemeanor for violations of the Commission's Orders.

Project Personnel:

The table below identifies key contacts for the Project, as well as their role and contact information.

Contact	Company	Role	Phone
I. Jim Fleetwood	Plains Pipeline	Project Engineer	307-472-9911
Mark Bordelon	Plains Pipeline	Project Manager	337-898-0286 ext. 1008
Mike Bondurant	Tomahawk Pipeline	Contractor Project Manager	406-839-3205
Ron McCreery	Plains Pipeline	Construction Field Superintendent/Supervisor	701-694-4414 (m) 307-760-1705
William (Bill) McCarthy	E3 Environmental	Environmental Compliance	651-282-0650