



**Cedar Hills Pipeline Project  
Denbury Green Pipeline – North Dakota, LLC  
ND-PSC-FPU-19-294  
Pre-construction Conference Meeting Minutes**

**Date: April 28, 2021  
Time: 11:30-12:00 CDT**

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**Attendees:**

**Rusty Shaw – Denbury, Environmental Compliance Manager (Author of these Minutes)  
Bill Atchison – Denbury, NEPA & Natural Resource Technical Lead  
Quinn Guillory – Denbury, Project Manager  
Dave Smith – Denbury, Construction Manager  
Chad Barnes – SWCA Environmental Consultants, Project Manager (Denbury Inspector)  
Jaimee Antognazzi – Keitu Engineers & Consultants, Operations Manager (PSC Inspector)  
Karine Finken – Keitu Engineers & Consultants, Project Manager (PSC Inspector)  
Adam Renfandt – North Dakota Public Service Commission, Public Utility Analyst**

**Construction start date on the 9.23 miles North Dakota segment of this pipeline is August 1, 2021.**

**Points of Contact:**

**Landowner/ROW Concerns: Dave Anderson, 719-331-3276  
Construction Project Manager: Quinn Guillory, 469-307-4736  
Environmental: Rusty Shaw, 214-998-1830  
Bill Atchison, 214-790-3481**

Members of the telephone conference introduced themselves.

Adam started the conference by reviewing the Findings of Fact, Conclusions of Law, Order, and Certification Relating to Order Provisions for items of importance for construction adherence.

In the finding of Facts, Item 25, Little Beaver Creek will be crossed using the HDD construction method.

In the finding of Facts, Item 27, Denbury will participate in the North Dakota One-Call Excavation Notice System.

In the Certification Relating to Order Provisions, Item 34, Company shall notify the Commission as soon as reasonably possible if any damage, as defined by North Dakota Century Code Chapter 49-23, occurs to underground facilities during construction conducted under the certificate or permit issued in this proceeding. In the event of any damage to underground facilities, Company shall suspend construction in the vicinity of the damage until compliance with One-Call Excavation Notice System requirements under North Dakota Century Code Chapter 49-23 has been determined.

Adam can be point of contact for PSC via email for any notifications needed to PSC. Also the email should be copied to the generic email inbox for PSC: [ndpsc@nd.gov](mailto:ndpsc@nd.gov)

In the finding of Facts, Item 31, Denbury will follow the recommendations in the January 10, 2019 letter from the North Dakota Game and Fish Department.

In the Order, Item 4, The Certification Relating to Order Provisions – Transmission Facility Siting with accompanying Tree and Shrub Mitigation Specifications executed February 3, 2020 is incorporated by

reference and attached to this Order. The Tree and Shrub mitigation Specifications are modified to allow shrubs to be cleared up to a width of 75 feet in the areas identified on the map set in Late-Filed Hearing Exhibit #8.

In the Order, Item 6, Denbury shall file with the Commission its Noxious Weed Management plan developed to reflect the conditions in Slop and Bowman Counties prior to construction. The Noxious Weed Management Plan was filed by Crowley Fleck on behalf of Denbury on March 15, 2021.

In the Order, Item 7, Denbury shall obtain all other necessary licenses and permits prior to commencing construction on such portion of the Project for which license and/or permit is required and shall provide copies to the Commission prior to construction.

In the Certification Relating to Order Provisions, Item 3, Company understands and agrees that it shall obtain all other necessary licenses and permits, and shall provide copies of all licenses and permits to the Commission prior to construction activity associated with the transmission facility that requires said license or permit.

In the Certification Relating to Order Provisions, Item 7, Company agrees to hold a preconstruction conference prior to commencement of any construction, which must include a Company representative, its construction supervisor, and a representative of Commission Staff, to ensure that Company fully understands the conditions set forth in the Commission's order. These are minutes of this described conference. Minutes taken by Rusty Shaw, Denbury, Inc.

In the Certification Relating to Order Provisions, Item 9, Company understands and agrees that topsoil removal will begin when the Commission's third-party construction inspector (Keitu Engineers) is present at the Project site to observe that topsoil is properly removed and kept segregated from subsoil until replacement occurs. Company shall establish the date and time of the Commission's third-party construction inspector's topsoil removal oversight in the preconstruction conference. Denbury held a conference call with Jaimee with Keitu Engineers on April 26, 2021. Denbury will notify Jaimee at least 1 week prior to topsoil removal so that topsoil removal inspections can be coordinated.

In the Certification Relating to Order Provisions, Item 10, Company agrees to inform the Commission and the Commission's third-party construction inspector of its intent to start construction on the transmission facility prior to the commencement of construction. Once construction has started, Company shall keep the Commission and the Commission's third-party construction inspector updated on construction activities on a monthly basis. The monthly status report shall consist of the relevant construction progress and the percent complete. The report should highlight any accidents, injuries, leaks, or spills. This report should be filed to the general email box for the Commission identified above. The title of the email report submission should be labeled "Denbury Pipeline August 2021 Monthly Status Report, for example. As stated above, construction on the 9.23 mile North Dakota segment of this pipeline is expected to start on August 1, 2021.

In the Certification Relating to Order Provisions, Item 11, Company understands and agrees that the pipeline will be buried to a minimum depth from the ground surface to the top of the pipe of 48 inches in range land, 48 inches for cultivated land, 48 inches at the bottom of the ditch for road crossings, and 72 inches across undeveloped section lines.

In the Certification Relating to Order Provisions, Item 12, Company understands and agrees that all topsoil, up to 12 inches, or topsoil to the depth of cultivation, whichever is greater, over and along trench areas where cuts will be made, must be carefully stripped and segregated from the subsoil. Any area on which excavated subsoil will be placed must also be stripped of topsoil. The stripped topsoil must not be stockpiled in natural drainages, and must be protected from water erosion. Care must be taken to protect topsoil from unnecessary compaction by heavy machinery. Unless otherwise approved by the Commission, topsoil must be removed before topsoil freezes in the late fall/ early winter to the point that frost inhibits proper soil segregation. After backfilling with subsoil is completed, any excess

subsoil must be placed over the excavation area, blending the grade into existing topography. Topsoil must be replaced over areas from which it was stripped only after the subsoil is replaced.

In the Certification Relating to Order Provisions, Item 20, Company understands and agrees that reclamation, fertilization, and reseeding is to be done according to the Natural Resources Conservation Service recommendations, unless otherwise specified by the landowner and approved by the Commission.

In the Certification Relating to Order Provisions, Item 27, Company understands and agrees that, prior to beginning construction of the transmission facility at a location, it shall send a letter to each landowner with whom an easement was executed for that location specifying the name and phone number of the company representative who is responsible for receiving and resolving landowner issues for the life of the easement. This contact information was given to the landowners upon execution of the easements.

In the Certification Relating to Order Provisions, Item 28, Company understands and agrees that it will file with the commission the name and phone number of the current company representative who is responsible for receiving and resolving landowner issues for the transmission facility. The company will update this information whenever there is a change to the current company representative for the life of all easements for the transmission facility. Dave Anderson will be responsible for resolving landowner issues with this project. Dave's contact information is included in these minutes.

In the Certification Relating to Order Provisions, Item 33, Company agrees to provide the Commission with both an electronic and a paper copy of the corridor approved by the Commission and the facility design specifications for the construction of the transmission facility showing the location of the transmission facility as built, and will provide this information within 3 months of the completion of the construction. Company also agrees to provide an electronic version of the corridor approved by the Commission and the facility design specifications for the construction of the transmission facility showing the location of the transmission facility as built that can be imported into ESRI GIS mapping software within 3 months of the completion of the construction. This electronic map data must be referenced to the North Dakota coordinate system of 1983, North and/or South zones US Survey feet (NAD 83) UTM Zone 13N or 14N feet (NAD 83), or geographic coordinate system (WGS 84) feet. The vertical data must be in the appropriate vertical datum for the coordinate system used. All submissions must specify the datum in which the data was developed.

In the Certification Relating to Order Provisions, Item 35-40, **Route Adjustments provisions before or during construction:**

35. Company agrees to utilize the following procedures if Company seeks a route adjustment before or during construction of the pipeline, pursuant under N.D.C.C. §49-22.1-15.

36. Company will specifically identify which subsection of NDCC 49-22.1-15 it is requesting the adjustment under. Company will file the name and contact information for a key contact person for the purposes of notice and communication during the adjustment application.

37. **ROUTE ADJUSTMENT WITHIN DESIGNATED CORRIDOR, NO AVOIDANCE AREA AFFECTED:** Before conducting any construction activities for any adjustment to the designated route within the designated corridor under NDCC 49-22.1-15(1), the Company will file:

- a. Certification and supporting documentation affirming that construction activities will be within the designated corridor, will not affect any known exclusion or avoidance areas within the designated corridor;
- b. Certification and supporting documentation, including a map meeting the requirements of N.D. Admin. Code § 69-06-04-01(2)(n) identifying the designated corridor, route and the route adjustment;
- c. Certification that Company will comply with the Commission's order, law and rules designating the corridor and route.

### **38. ROUTE ADJUSTMENT WITHIN DESIGNATED CORRIDOR, AVOIDANCE AREA**

**AFFECTED:** Before adjusting the route of a gas or liquid transmission line under NDCC 49-22.1-15(2), within the designated corridor that may affect an avoidance area, and before conducting any construction activities for any adjustment to the designated route within the designated corridor, the Company will file:

- a. A specific description of the avoidance area expected to be impacted, including a map meeting the requirements of N.D. Admin. Code § 69-06-04-01(2)(n) identifying:
  - i. the designated corridor, route and the route adjustment;
  - ii. all exclusion and avoidance areas within the portion of the designated corridor containing the route adjustment
- b. Certification and supporting documentation affirming:
  - i. That construction activities will be within the designated corridor
  - ii. That construction activities will not affect any known exclusion area
- c. All field studies performed on the portion of the designated corridor containing the route adjustment;
- d. Specific information about any mitigation measures Company will take within the adjustment area;
- e. Certification that each owner of real property on which the adjustment is to be located and any applicable governmental entity with an interest in the same adjustment area do not oppose the adjustment;
- f. Certification that unless the Commission previously authorized the impact to the same avoidance area, that the utility has good cause and a specific reason to impact the avoidance area and a reasonable alternative does not exist;
- g. Certification that Company will comply with the Commission's order, law and rules designating the corridor and route.

Company acknowledges and agrees that:

1. Written authorization from the Commission for impacting the avoidance area is necessary prior to commencement of construction activity unless the Commission fails to act within ten working days of receipt of filing a complete adjustment application, in which case the adjustment is deemed approved.
2. The initiation of the ten working days begins upon receipt of a complete filing, to include Company's certifications, supporting documentation and maps. However, Commission may extend the ten working day provision if Company, in the person of the key contact referenced above, is informed of the reason additional time is necessary for extension and has no objection to an extension

### **39. ROUTE ADJUSTMENT OUTSIDE DESIGNATED CORRIDOR, NO AVOIDANCE**

**AREA AFFECTED:** Before adjusting the route of a gas or liquid transmission line under NDCC 49-22.1-15(3), outside the designated corridor and not affecting any exclusion and avoidance area, before conducting any construction activities for any adjustment to the designated route outside the designated corridor, the Company will file:

- a. Certification and supporting documentation affirming that construction activities will not affect any known exclusion or avoidance areas,
- b. Certification and supporting documents stating the length of the proposed route outside of the corridor and a map meeting the requirements of N.D. Admin. Code § 69-06-04-01(2)(n) identifying the designated corridor, corridor adjustment, designated route and the route adjustment;
- c. Certification that each owner of real property on which the adjustment is to be located and any applicable governmental entity with an interest in the same adjustment area do not oppose the adjustment; and
- d. Detailed field studies indicating exclusion and avoidance areas for the proposed adjustment area; and

e. Certification that Company will comply with the Commission's order, law and rules designating the corridor and route.

**40. ROUTE ADJUSTMENT OUTSIDE DESIGNATED CORRIDOR, AVOIDANCE**

**AREA AFFECTED:** Before adjusting the route of a gas or liquid transmission line under NDCC 49-22.1-15(4), outside the designated corridor that may affect an avoidance area, and before conducting any construction activities for any adjustment to the designated route outside the designated corridor, the Company will file:

- a. A specific description of the avoidance area expected to be impacted, including a map meeting the requirements of N.D. Admin. Code § 69-06-04-01(2)(n) identifying:
  - i. the designated corridor, corridor adjustment, route and the route adjustment;
  - ii. all exclusion and avoidance areas within the adjustment area
- b. Certification that construction activities will not affect any known exclusion area;
- c. Certification that the utility has good cause and a specific reason to impact the avoidance area and a reasonable alternative does not exist within the designated corridor and route;
- d. Certification that each owner of real property on which the adjustment is to be located and any applicable governmental entity with an interest in the same adjustment area do not oppose the adjustment;
- e. Provide specific information about any mitigation measures Company will take within the adjustment area;
- f. Detailed field studies indicating exclusion and avoidance areas for the proposed adjustment area; and
- g. Certification that Company will comply with the Commission's order, law and rules designating the corridor and route.

Company acknowledges and agrees that:

1. Written authorization from the Commission for impacting the avoidance area is necessary prior to commencement of construction activity unless the Commission fails to act within ten working days of receipt of filing a complete adjustment application, in which case the adjustment is deemed approved.
2. The initiation of the ten working days begins upon receipt of a complete filing, to include Company's certifications, supporting documentation and maps. However, Commission may extend the ten working day provision if Company, in the person of the key contact referenced above, is informed of the reason additional time is necessary for extension and has no objection to an extension.

**Tree and Shrub Mitigation Specifications**

**Inventory**

Prior to cutting or clearing trees or shrubs for construction:

- All trees one-inch or greater in diameter at breast height must be inventoried to record the location, number, and species.
- All shrubs and all coniferous trees of any diameter must be inventoried to record the location, number, and species.

**Clearing**

The maximum width of tree and shrub removal is 50 feet, unless otherwise approved by the Commission.

**Replacement**

1. Landowners must be given the option to have trees and shrubs that are removed from their property replaced on their property. The landowner may waive this option in writing. If the landowner waives this option, the company shall plant replacement trees and shrubs in an alternate location in the same region, if practical.
2. Trees and shrubs must be replaced on a minimum two-to-one basis. The company shall develop a Tree and Shrub Mitigation Plan (Plan) in consultation with landowners who are seeking replacement trees and shrubs and in accordance with USDA-NRCS-North Dakota

Field Office Technical Guide: Windbreak and Woodland Tree Care and Management. The guidelines outlined in the Technical Guide shall be followed until filing of the Plan summary outlined in number 5 below.

3. The purpose of the company's Tree and Shrub Mitigation Plan is to create sustainable plantings, appropriate for the local soil and growing conditions that will provide long-term benefit to landowners, farmers and ranchers, the community, wildlife and the environment.

4. The Plan, including the proposed number, variety, type, location, and approximate date for plantings, shall be filed with and approved by the Commission.

5. Two years after completion of the plan, the company must file a summary documenting how the plan achieved the purpose outlined in number 3 above. The summary must also report the number of surviving replacement trees and shrubs.

6. The Commission will consider, on a limited basis as conditions warrant, mitigation plans that provide long-term wildlife habitat and conservation benefits but do not involve the replanting of trees and shrubs.

This concludes all comments and items of discussion led by Adam with PSC.

Adam moved to Jaimee with Keitu Engineers for any further comments.

Jaimee stated that she would like a week notice prior to topsoil stripping so that Keitu can conduct the topsoil survey as required by the PSC. Denbury representatives agreed that a week notice would not be a problem.

Jaimee stated to inform Keitu of any pertinent changes to the project.

Jaimee also requested a copy of the monthly PSC status report. Denbury will include Jaimee on the monthly PSC report.

This concludes the pre-construction meeting minutes.

**END**