

June 2, 2021

VIA E-MAIL AND FEDERAL EXPRESS

Mr. Steven Kahl
Executive Secretary
North Dakota Public Service Commission
600 E. Boulevard, Dept. 408
Bismarck, ND 58505-0480

**RE: NuStar Pipeline Operating Partnership L.P.
10" North System Pipeline Relocation – Cass County
Siting Application
Case No. PU-20-381**

Dear Mr. Kahl:

In accordance with Provision No. 10 of the Certification Relating to Order Provisions (“Certification”) incorporated into the North Dakota Public Service Commission’s (“Commission”) January 6, 2021 Findings of Fact, Conclusions of Law and Order issuing a Certificate of Corridor Compatibility and Route Permit for the North System Pipeline Relocation Project (“Project”), NuStar Pipeline Operating Partnership L.P. (“NuStar”) provides notice of its intent to begin construction on or about June 7, 2021.

Also, in accordance with Certification Provision No. 27, the current company representative responsible for receiving and resolving landowner issues for the Project is Matt McGee, NuStar Right-of-Way Agent, whose phone number is (210) 918-2245 and address is 19003 IH-10 West, San Antonio, TX 78257. In accordance with Certification Provision No. 26, this same information has been sent to each landowner with whom an easement has been executed.

Enclosed for filing are two (2) copies of the minutes of the pre-construction conference held on May 26, 2021, as well as a copy of this letter. Electronic copies of the pre-construction conference minutes and this letter were filed with the Commission today via e-mail.

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If you have any questions, please let me know.

Sincerely,

A handwritten signature in cursive script that reads "Mollie M. Smith".

MOLLIE M. SMITH

MMS/ms/73006571
Enclosures

cc: Adam Renfandt (*via e-mail, w/ encl.*)
Andrew Unbehaun (*via e-mail, w/ encl.*)
Chris Jimenez (*via e-mail, w/ encl.*)
Matt McGee (*via e-mail, w/ encl.*)

NuStar Pipeline Operating Partnership L.P.
10” North System Pipeline Relocation – Cass County – Siting Application
Pre-Construction Conference
May 26, 2021 @ 1:00 pm Central
Case No. PU-20-381

Meeting Minutes

Participants:

- Adam Renfandt, Public Utility Analyst (North Dakota Public Service Commission; phone: 701-328-4153; e-mail: arenfandt@nd.gov)
- Andrew Unbehaun, PSC Construction Inspector, Project Manager (Barr Engineering; phone: 701-221-5402; e-mail: AUnbehaun@barr.com)
- Jason Westbrook, PSC Construction Inspector (Barr Engineering; phone: 701-255-5472; e-mail: JWestbrock@barr.com)
- Dale Smith, Project Manager (NuStar Energy, phone: 316-721-7078; e-mail: Dale.Smith@nustarenergy.com)
- Eric Callahan, On-Site Chief Inspector (NuStar Energy; phone: 785-204-2598; e-mail: pipeliner1975@yahoo.com)
- Theresa Landry, Engineering (NuStar Energy; phone: 316-721-7037; e-mail: Theresa.Landry@nustarenergy.com)
- Nathan Willkom, Engineering Oversight (HDR; phone: 303-323-9799; e-mail: Nathan.Willkom@hdrinc.com) [Marcella Thompson with HDR will be on site for major drills to ensure drilling contractor follows design profiles.]
- Matt McGee, Right-of-Way (NuStar Energy; phone: 210-918-2245; e-mail: Matt.McGee@nustarenergy.com)
- Oly Olafson, Right-of-Way (local representative) (HDR; phone: 701-205-8855; e-mail: Oly.Olafson@hdrinc.com)
- Christopher Jimenez, Permitting Compliance (NuStar Energy; phone: 210-918-3393; e-mail: Christopher.Jimenez@nustarenergy.com)
- Autry Akins, Permitting Compliance (NuStar Energy; phone: 225-923-6456; e-mail: Autry.Akins@nustarenergy.com)
- Jim Dawson, Permitting (SWCA Environmental Consultants; phone: 701-258-6622; e-mail: jdawson@swca.com)
- Ryan Emfinger, Superintendent (Rig Masters; phone: 318-439-4227; e-mail: ryan@rigmastersinc.com)
- Jon Lipsey, Project Manager (Rig Masters; phone: 318-719-1234; e-mail: jlipsey@rigmastersinc.com)

- Heath Davis, Construction (Rig Masters; phone: 318-650-0598; e-mail: heath@rigmastersinc.com)
- Kevin Benson, Survey (EFN Survey; phone: 612-466-3364; e-mail: kbenson@efnsurvey.com)
- Mollie Smith, Permitting Counsel (Fredrikson & Byron; phone: 612-492-7270; e-mail: msmith@fredlaw.com)

Discussion:

After introductions, Adam Renfandt reviewed the North Dakota Public Service Commission's ("Commission") Findings of Fact, Conclusions of Law and Order with attached Certification Relating to Order Provisions issued for NuStar's North System Pipeline Relocation Project. The following items were discussed during the call:

- Finding of Fact No. 32: Commitment to participate in ND One-Call notification system – repeat of Certification Provision No. 33 requirements.
- Certification Provision No. 33: Must comply with One-Call System requirements; the Commission enforces compliance with the One-Call statute.
- Order Provision No. 5: Requires all licenses and permits to be obtained and filed with the Commission prior to commencing construction activities for which the license/permit is required – similar to Certification Provision No. 3.
- Certification Provision No. 3: File with the Commission licenses/permits before beginning construction activities for which the license/permit is required. File via e-mail at: ndpsc@nd.gov (note in subject line/e-mail that filing is for NuStar North System Pipeline Relocation Project (Case No. PU-20-381).
- Certification Provision No. 7: Requires a pre-construction conference, which is the current call. A copy of the minutes will be filed with the Commission.
- Certification Provision No. 9: Must coordinate date and time of initial topsoil removal/inspection with Barr Engineering.
 - Dale noted an on-site kick off meeting will be held on Monday, June 7 starting at 7:30 am at Holiday Inn Express in West Fargo; after that meeting the contractor will be released to begin construction, but anticipate topsoil removal to start on June 8 or 9.
 - Eric to coordinate with Andrew to schedule initial topsoil inspection.
 - Jason asked about number of spreads, and response was one spread (15-18 guys with 2 foremen).
- Certification Provision No. 10: Must file notice of intent to start construction with the Commission and copy Adam and Andrew. Must file monthly status reports during

construction, which should include identification of any permits obtained/status of permits yet to be received, any workplace related injuries or underground facilities hit – if there is an injury, don't bury it in the report (see Certification No. 29). Adam and Andrew should be copied on monthly report filings. All filings should be submitted to: ndpsc@nd.gov.

- Mollie to file notice of intent to start construction along with pre-construction meeting minutes.
- Dale to file monthly reports.
- Certification Provision Nos. 11-12: Depth of pipeline installation and topsoil removal requirements.
- Certification Provision No. 15: Discussed compliance via implementation of unanticipated discoveries plan.
- Certification Provision No. 20: Reclamation, fertilization, and reseeding to be done according to Natural Resources Conservation Service (“NRCS”) recommendations, unless otherwise specified by the landowner and approved by the Commission.
- Certification Provision No. 26: Landowner notification letter requirement.
 - Mollie noted letter has been sent to landowners and contact information for Matt McGee (who, along with Oly Olafson, can address landowner questions) will be included in the notice of intent to start construction letter.
- Certification Provision No. 29: Report injuries as soon as possible, even if not timed with the monthly reports – file a report separately (file at: ndpsc@nd.gov).
 - Discussed that NuStar would report OSHA-reportable injuries to the Commission pursuant to this provision.
- Certification Provision No. 32: Post-construction as-built filing requirement – electronic/paper versions and GIS shapefiles required within three months of completing construction. Commission Staff will compare as-built GIS files and the as-permitted GIS files to see if there are any deviations – there should not be any deviations unless the Commission has been notified in accordance with Certification Provision Nos. 34-40.
- Certification Provision Nos. 34-40: Route adjustment filing requirements to be followed in the event a route adjustment is required

Meeting Adjourned.