

400 North Fourth Street  
Bismarck, ND 58501  
701-222-7900

May 17, 2022

Executive Secretary  
North Dakota Public Service Commission  
600 East Boulevard Ave. Department 408  
Bismarck, ND 58505-0480

Re: Case No. PU-22-034  
Project: 12-inch Water Pipeline – Morton County  
Preconstruction Meeting Minutes

Montana-Dakota Utilities Co. herewith submits the Preconstruction Meeting Minutes that was held on May 12, 2022 on the Combined Application for a Certificate of Corridor Compatibility and Transmission Facility Route Permit for the 12-inch Water Pipeline Project in the above reference case.

Please contact me at 701.222.7855 or [travis.jacobson@mdu.com](mailto:travis.jacobson@mdu.com) if you have questions.

Sincerely,

*/s/ Travis R. Jacobson*

Travis R. Jacobson  
Director of Regulatory Affairs

**Montana-Dakota Utilities Co.**  
**Heskett Water Line & Topsoil Removal**  
**Preconstruction Conference – Meeting Minutes**

The preconstruction conference (Item 7) was held at 3 p.m. on May 12, 2022 at the Montana-Dakota Utilities Co. R.M. Heskett Station Combustion Turbine Site 2035 38th Street Mandan, ND 58554 and by Microsoft Teams Conference Call.

**A. ATTENDANCE**

Victor Schock – North Dakota Public Service Commission  
Brian Johnson – North Dakota Public Service Commission  
Tim Nottestad – Montana-Dakota Utilities Co.  
Jacob Hein – Montana-Dakota Utilities Co.  
DJ Stockwell – Montana-Dakota Utilities Co.  
Travis Jacobson – Montana-Dakota Utilities Co.  
Andy McDonald – Montana-Dakota Utilities Co.  
Robin Schuh – Montana-Dakota Utilities Co.  
Joe Geiger – Montana-Dakota Utilities Co.  
Pete Thiessen – Montana-Dakota Utilities Co.  
Darrin Holzer – Montana-Dakota Utilities Co.  
Josh Hocker – Montana-Dakota Utilities Co.  
William Koehler – Carstensen Contracting, Inc.  
Casey Marcvan – Carstensen Contracting, Inc.  
Nate O’Brien – Carstensen Contracting, Inc.  
Jaimee Antognazzi – Keitu Engineers & Consultants, Inc.  
Zach Peterson – Keitu Engineers & Consultants, Inc.  
Andrew Hertz – Keitu Engineers & Consultants, Inc.  
Jesse Roth – Marathon Petroleum Corp.  
Clay Carpenter – Marathon Petroleum Corp.

**B. FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER**

Victor Schock provided an overview of the Commission Siting Order highlighting the important items related to the water line and topsoil removal, including the construction buffer of 15 feet and that anything outside the buffer requires variance with the Public Service Commission.

**C. CERTIFICATION RELATING TO ORDER PROVISIONS**

Victor Schock discussed parts of the Certification Relating to Order Provisions – highlighting the important items related to the water line and topsoil removal.

1. Item 1 – Montana-Dakota will be responsible for compliance and conditions set forth in the applicable laws and rules with the Certificate of Corridor Compatibility or Route Permit issued by the Commission.
2. Item 2- Montana-Dakota understands and agrees to comply with the rules and regulations of all other agencies having jurisdiction over any phase of the transmission facility.
3. Item 3 – All necessary permits and licenses shall be provided to the Commission. Travis Jacobson committed to filing all current permits after the meeting and were so filed on May 12, 2022.
4. Item 4 – Any licenses or permits are subject to suspension or revocation and may be suspended or revoked for failure to comply with the Commission's order.
5. Item 5 – Montana-Dakota agrees to maintain records to demonstrate compliance with the requirements of the Commission's order.
6. Item 6 – Authorizations granted for the transmission facility are subject to modification if deemed necessary.
7. Item 7 – Montana-Dakota held a preconstruction conference on May 12, 2022 at 3 p.m. at the Montana-Dakota Utilities Co. R.M. Heskett Station Combustion Turbine Site 2035 38<sup>th</sup> Street Mandan, ND 58554 and by Microsoft Teams Conference Call that included several representatives from Montana-Dakota Utilities Co., Carstensen Contracting. Inc., Keitu Engineers & Consultants, Inc., Marathon Petroleum Corp., and two representatives from the North Dakota Public Service Commission.
8. Item 8 - All cultural resource mitigation plans must be submitted to the North Dakota State Historic Preservation Office and approved prior to the start of any fieldwork and construction activity in the affected area.
9. Item 9 – Montana-Dakota agrees that topsoil removal will begin when the Commission's third-party construction inspector is present. Keitu Engineers & Consultants are the inspectors for the Project. All parties agreed to begin topsoil removal on May 14, 2022.
10. Item 10 – Montana-Dakota shall inform the Commission and the construction inspector when construction will occur. Monthly construction status reports will be submitted to the Commission and the construction inspector. It was discussed that the Notice of Intent to start construction needs to be filed before doing topsoil removal/inspection. Travis Jacobson committed to filing the Notice of Intent after the meeting and was so filed on May 12, 2022.

11. Item 11 – Montana-Dakota 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.
12. Item 12 – Topsoil segregation and protection is up to 12 inches. Observation will include identifying what needs to be segregated. Pictures will be taken to document. Topsoil must be replaced over areas from which it was stripped only after the subsoil is replaced.
13. Item 13 – All buried facility crossing of graded roads must be bored unless the responsible governing agency specifically permits Montana-Dakota to open cut the road.
14. Item 14 – Staging areas or equipment shall not be located on land owned by a person other than Montana-Dakota unless otherwise negotiated with landowners. Discussed the area designated as a staging area between Gate 9 and the construction easement and that there is a landowner agreement stating that the area can be used as a staging area.
15. Item 15 – If any cultural resource, paleontological site, archeological site, historical site, or grave site is discovered during construction, it must be marked, preserved and protected from further disturbances until a professional examination can be made and a report is filed with the Commission and the State Historical Society.
16. Item 16 – All construction must be suspended when weather conditions will cause irreparable damage to roads or land.
17. Item 17 – The Commission has the authority to stop Project construction activities for any probable violation of the siting laws, siting rules or applicable Commission Orders.
18. Item 18 – As soon as practicable upon the completion of the construction of the transmission facility, restore the area affected to the condition as it existed prior to the beginning of construction.
19. Item 19 – All pre-existing township and county roads and lanes used during construction must be restored to their original condition prior to the construction of the transmission facility.
20. Item 20 – Reclamation, fertilization, and seeding is to be done according to the Natural Resources Conservation Service recommendations.

21. Item 21 – Montana-Dakota will fulfill its obligation for reclamation and maintenance of the approved transmission facility right-of-way, transmission facility, and associated facilities continuing throughout the life of the transmission facility.
22. Item 22 – Repair all fences and gates removed or damaged during all phases of construction and operation of the transmission facility.
23. Item 23 – Repair or replace all drainage tile broken or damaged as a result of the construction and operation of the transmission facility.
24. Item 24 – Discussed Tree and Shrub Mitigation. There are no trees within the route.
25. Item 25 – All waste that is a product of construction and operation, restoration, and maintenance of the site, will be removed on a regular basis.
26. Item 26 – All safety measures for traffic control or to restrict public access to the transmission facility will be provided.
27. Item 27 – Montana-Dakota has sent a letter to each landowner with whom an easement was executed for that location, prior to the beginning of construction specifying the name and phone number of the company representative who is responsible for receiving and resolving landowner issues. Montana-Dakota sent a letter to Marathon Petroleum Corp. on May 6, 2022 and has been attached to these meeting minutes as Attachment A.
28. Item 28 – Montana-Dakota 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. This information must be updated whenever there is a change for the life of all easements for the transmission facility. The Montana-Dakota representative responsible for resolving landowner issues is Thomas Ressler. He can be reached by phone: (701) 222-7688 or email: [Thomas.Ressler@mdu.com](mailto:Thomas.Ressler@mdu.com)
29. Item 29 – Upon request, engineering design drawings of the transmission facility must be provided to the Commission prior to construction.
30. Item 30 – All extraordinary events which take place at the site of the transmission facility, including injuries to any person, shall be reported to the Commission as reasonably possible.
31. Item 31 – Any presence in the permit area of any critical habitat or threatened or endangered species that have not been previously reported to the Commission must be reported as reasonably possible.

32. Item 32 – The Commission must be informed in writing of any plans to modify the transmission facility or of any plans to modify the site plan for the transmission facility.
33. Item 33 – Montana-Dakota agrees to provide an electronic and 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 the importation into ESRI GIS mapping software, within 3 months of the completion of the construction. The electronic map data must be reference to the North Dakota coordinate system of 1983, North and/or South zone 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.
34. Item 34 – In the event of any damage to underground facilities, Montana-Dakota shall notify the Commission and suspend construction in the vicinity of the damage until compliance with One-Call Excavation Notice System requirements have been determined.
35. Item 35 – Montana- Dakota will utilize the following procedures pursuant under N.D.C.C. §49-22.1-15 if they seek a route adjustment before or during construction of the pipeline.
36. Item 36 – Montana-Dakota will specifically identify which subsection of N.D.C.C. §49-22.1-15 it is requesting the adjustment under and will file the name and contact information for a key contact person for the purposes of notice and communication during the adjustment application.
37. Item 37 – All certification and supporting documentation before conducting any construction activities for any adjustment to the designated route that will not affect any known exclusion or avoidance areas within the designated corridor will be filed.
38. Item 38 – All certification and supporting documentation before adjusting the route of a gas or liquid transmission line and before conducting any construction activities for any adjustment to the designated route that may affect an avoidance area within the designated corridor will be filed.
39. Item 39 – All certification and supporting documentation before adjusting the route of a gas or liquid transmission line before conducting any construction activities for any adjustment to the designated route that will not affect any exclusion or avoidance area outside the designated corridor will be filed.

40. Item 40 – All certification and supporting documentation before adjusting the route of gas or liquid transmission line before conducting any construction activities for any adjustment to the designated route that may affect an avoidance area outside the designated corridor will be filed.

41. Item 41 – Montana Dakota will submit the field studies from the original application for the corridor and route provided they cover the adjustment area.

#### D. QUESTIONS/COMMENTS

1. Who is the Montana- Dakota contact for third-party inspections?
  - DJ Stockwell
2. Who is the Keitu Engineer contact for the third-party inspector?
  - Jaime Antognazzi
3. How long is construction expected to take?
  - Line in-service targeted for June 30.
  - Building for the meter within 2 months after June 30.
  - City of Mandan MARC permit will be provided before starting construction of meter building. Waiting on building design information before submitting MARC application.
4. Will there be another Marathon permit for excavation work?
  - The excavation permit is good for the entire project.
  - A Marathon representative will be available at Gate 9 after meeting to open the gate. They will also be available to sign off on the Marathon excavation permit.
  - Permits needing to be filed are intended to be governmental, not private. We can file private permits if desired.
5. What are the expectations on the SWPP inspections?
  - Coordinate with the third-party SWPP inspector. MDU to provide contact to Carstensen Contracting, Inc.
6. Marathon's safety, security, environmental, and permitting plan was discussed briefly.
  - Video/training, special monitors, radio for those needing to be on Marathon's property.

#### E. ADJOURN

DJ Stockwell called for any additional questions. Plan to meet over at the Marathon property at 4:00 p.m. to gain access to the site and execute excavation permit.

Meeting was adjourned at 3:53 p.m.



*In the Community to Serve®*

400 North Fourth Street  
Bismarck, ND 58501  
(701) 222-7900

May 6, 2022

Marathon Petroleum Company LP  
539 South Main Street  
Attn: Real Estate  
Findlay, OH 45840

*Transmitted via electronic mail only*

Subject: R.M. Heskett Station Water Line Project  
Landowner Notification

Dear Landowner,

Montana-Dakota Utilities Co. (Montana-Dakota) is planning to construct a 12-inch diameter water line that ties into the city of Mandan's 30-inch diameter municipal water pipeline and will bring water to the R.M. Heskett Station. The project will be approximately 2,684 feet in length, the majority of which will be located on property owned by Tesoro Refining & Marketing Company, LLC (Tesoro). Montana-Dakota obtained a right of way easement agreement with Tesoro on December 21, 2021 for the construction, reconstructions, replacement, maintenance, operations, repair, and removal of the water pipeline, associated above-ground facilities and equipment, telecommunications, and electrical lines. Work is expected to begin the week of May 9<sup>th</sup>.

In accordance with requirements set forth by the North Dakota Public Service Commission as part of Montana-Dakota's siting for the project, the purpose of this letter is to notify the landowner with whom an easement was executed for the project, the name and phone number of the Montana-Dakota representative who is responsible for receiving and resolving landowner issues for the life of the easement. All landowner issues should be directed to Montana-Dakota's Senior Land Agent. Thomas Ressler currently holds the position of Senior Land Agent for Montana-Dakota and he can be reached by email at [Thomas.Ressler@mdu.com](mailto:Thomas.Ressler@mdu.com) or by direct phone at (701) 222-7688. In the event that Mr. Ressler is unavailable to address a pressing landowner issue, Montana-Dakota's Land Department may also be reached by phone at 701.222.7900 or by calling Montana-Dakota's customer service phone number at 1-800-MDU-FAST.

Sincerely,

A handwritten signature in blue ink that reads 'Jacob Hein'.

Jake Hein ([Jacob.Hein@mdu.com](mailto:Jacob.Hein@mdu.com))  
Engineer II  
Power Production  
701.222.7793  
Montana-Dakota Utilities Co.

Cc (email): Boyce Williams, Marathon Petroleum Corporation (blwilliams@marathonpetroleum.com)  
Juli Frankart, Marathon Petroleum Corporation (JMFrankart@marathonpetroleum.com)  
Tom Ressler, Montana-Dakota Utilities Co. (Thomas.Ressler@mdu.com)  
Travis Jacobson, Montana-Dakota Utilities Co. (Travis.Jacobson@mdu.com)