

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**ONEOK Rockies Midstream, L.L.C.**  
**Stateline to Riverview NGL Pipeline- Williams County**  
**Siting Application**

**Case No. PU-11-683**

**AFFIDAVIT OF SERVICE BY REGULAR OR INSIDE, OR ELECTRONIC MAIL**

STATE OF NORTH DAKOTA  
COUNTY OF BURLEIGH

**Cara DeSaye** deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **13<sup>th</sup>** day of **April, 2012**, she deposited in the United States Mail, Bismarck, North Dakota, 8 envelopes by first class mail, fully prepaid, securely sealed and each containing a photocopy and 7 envelopes via inside mail, securely sealed and each containing a photocopy, and 12 addressees electronically mailed a copy of:

**Order**

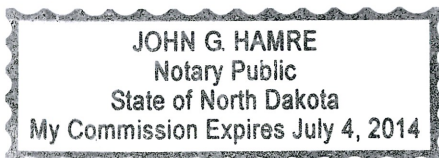
The envelopes were addressed as follows:

See attached list.

Each post office address shown is the respective addressee's last reasonably ascertainable post office address.

Subscribed and sworn to before me  
this **13<sup>th</sup>** day of **April, 2012**.

SEAL



*Cara DeSaye*  
\_\_\_\_\_

*John G. Hamre*  
\_\_\_\_\_  
Notary Public

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Aeronautics Commission  
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Bismarck ND 58505

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John Paczkowski  
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Bismarck ND 58505

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Carol Olson  
Department of Human Services  
State Capitol  
Bismarck ND 58505

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Cheryl Kulas  
Indian Affairs Commission  
State Capitol - 1st Floor J Wing INSIDE  
Bismarck ND 58505

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1600 E Century Ave, Ste. 3 INSIDE MAIL  
Bismarck ND 58503-0649

Attorney General's Office  
Inside Mail

Dept of Career and Technical Education  
State Capitol  
Bismarck ND 58505

Merlan Paaverud, Jr.  
Historical Society  
North Dakota Heritage Center  
Bismarck ND 58505

City of Williston  
Mayor  
PO Box 2047  
Williston ND 58802

Thomas Hanson  
ND Assoc of Soil Conservation Dist  
3310 University Drive  
Bismarck ND 58504-7564

MR LARRY KOTCHMAN  
ND FOREST SERVICE  
MOLBERG CENTER 307 1ST STREET EAST  
BOTTINEAU ND 58318

MR ED MURPHY  
ND GEOLOGICAL SURVEY  
INSIDE MAIL

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ND Land Department  
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Bismarck ND 58501

Todd Sando  
State Engineer  
ND Water Commission 900 East Boulevard  
Bismarck ND 58505

State Health Department  
State Capitol  
Bismarck ND 58505

David S. Rust  
State Representative  
PO Box 1198  
Tioga ND 58852-1198

Bob Skarphol  
State Representative  
PO Box 725  
Tioga ND 58852-0725

John Andrist  
State Senator  
PO Box E  
Crosby ND 58730-0660

County Auditor  
Williams County  
PO Box 2047  
Williston ND 58802-2047

County Commissioner  
Williams County Commission  
PO Box 2047  
Williston ND 58802-2047

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**ORDER**

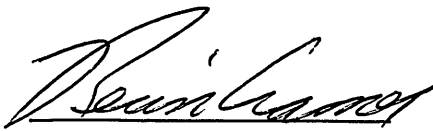
**April 11, 2012**

The evidence of record has been considered and appraised.

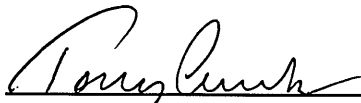
The Commission Orders:

1. The Hearing Officer's March 30, 2012 Recommended Findings of Fact, Conclusions of Law and Recommended Order, a copy of which is attached to this Order and made a part of this Order, is ADOPTED as the Public Service Commission's Findings of Fact, Conclusions of Law and Order.
2. ONEOK Rockies Midstream, L.L.C.'s application for a waiver of procedures and time schedules is granted.
3. Certificate of Corridor Compatibility No. 131 is issued to ONEOK Rockies Midstream, L.L.C., designating a corridor for its proposed pipeline project. For purposes of the Certificate, the corridor will consist of a 250 foot wide area centered on the pipeline route for the length of the route, as described in the application and at the hearing.
4. Route Permit No. 140 is issued to ONEOK Rockies Midstream, L.L.C., granting authority to construct, operate and maintain 13 miles of 10.75-inch natural gas liquids pipeline located in Williams County, North Dakota. For purposes of the Permit, the route will be as described in the application and at the hearing.
5. The March 21, 2012 Certification Relating to Order Provisions – Transmission Facility Siting (Certification), with accompanying Tree and Shrub Mitigation Specifications, is incorporated by reference and attached to this Order.
6. To the extent there are any conflicts or inconsistencies between ONEOK Rockies Midstream, L.L.C.'s Application and the March 21, 2012 Certification, the Certification provisions control.

**PUBLIC SERVICE COMMISSION**



**Kevin Cramer  
Commissioner**



**Tony Clark  
Chairman**



**Brian P. Kalk  
Commissioner**

**PUBLIC SERVICE COMMISSION**

**STATE OF NORTH DAKOTA**

**Certificate of Site Compatibility for a Transmission Facility Corridor**

**Certificate Number 131**

*This is to certify that the Commission has designated a transmission facility corridor for ONEOK Rockies Midstream, L.L.C., for the construction of approximately 13 miles of 10.75-inch pipeline in Williams County, North Dakota for the transmission of natural gas liquids.*

*This certificate is issued in accordance with the Order of this Commission dated April 11, 2012 in Case No. PU-11-683 and is subject to the conditions and limitations noted in the Order.*

*Bismarck, North Dakota, April 11, 2012.*

**ATTEST:**

**PUBLIC SERVICE COMMISSION**

  
**Executive Secretary**

  
**Commissioner**

# STATE OF NORTH DAKOTA

## Route Permit Number 140

*This is to certify that the Commission has designated a transmission facility route for ONEOK Rockies Midstream, L.L.C. for the construction of approximately 13 miles of 10.75-inch pipeline in Williams County, North Dakota for the transmission of natural gas liquids.*

*This permit is issued in accordance with the Order of this Commission dated April 11, 2012 in Case No. PU-11-683 and is subject to the conditions and limitations noted in the Order.*

*Bismarck, North Dakota, April 11, 2012.*

**ATTEST:**

**PUBLIC SERVICE COMMISSION**

  
**Executive Secretary**

  
**Commissioner**

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**ONEOK Rockies Midstream, L.L.C.**  
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**Williams County**  
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**Case No. PU-11-683**

**CERTIFICATION RELATING TO ORDER PROVISIONS - TRANSMISSION FACILITY SITING**

I am Wesley J. Christensen a representative of ONEOK Rockies Midstream, L.L.C. ("ONEOK") with authority to bind ONEOK to requirements to be set forth by the Commission in its Order and I certify the following:

1. ONEOK understands and agrees that any Certificate of Corridor Compatibility or Route Permit issued by the Commission will be subject to the conditions and criteria set forth in Chapter 49-22 of the North Dakota Century Code and Chapter 69-06-08 of the North Dakota Administrative Code, and that ONEOK shall be responsible for compliance with this order and conditions and criteria set forth in the applicable laws and rules.
2. ONEOK agrees to hold a preconstruction conference prior to commencement of any construction, which must include a ONEOK representative, its construction supervisor, and a representative of Commission Staff, to ensure that ONEOK fully understands the conditions set forth in the Commission's order.
3. ONEOK agrees to comply with the rules and regulations of all other agencies having jurisdiction over any phase of the transmission facility including all city, township, and county zoning regulations.
4. ONEOK 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.
5. ONEOK 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, ONEOK shall keep the Commission and the Commission's third-party construction inspector updated on construction activities on a weekly basis.
6. ONEOK 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.

7. ONEOK understands and agrees that any Certificate of Corridor Compatibility or Route Permit issued by the Commission is subject to suspension or revocation and may, in an appropriate and proper case, be suspended or revoked for failure to comply with the Commission's order, the conditions and criteria of the certificate or subsequent modification, or failure to comply with the applicable statutes, rules, regulations, standards, and permits of other state or federal agencies.
8. ONEOK agrees to maintain records that will demonstrate that it has complied with the requirements of the Commission's order issuing a Certificate of Corridor Compatibility or Route Permit, and that it will preserve these records for Commission inspection at any reasonable time upon reasonable notice.
9. ONEOK agrees to construct and operate the transmission facility in accordance with all applicable safety requirements.
10. ONEOK agrees to construct and operate the transmission facility in the manner described in ONEOK's application, in any late filed exhibits, and supplemental materials (Application). To the extent there are any conflicts or inconsistencies between ONEOK's Application and the provisions in this Certification Relating to Order Provisions, the Certification provisions control.
11. ONEOK agrees to report promptly to the Commission the presence in the permit area of any critical habitat or threatened species, endangered species, bald eagles, or golden eagles of which ONEOK becomes aware and which were not previously reported to the Commission.
12. ONEOK understands and agrees that 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.
13. ONEOK understands and agrees that 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 of such examination is filed with the Commission and the State Historical Society and clearance to proceed is given by the Commission.
14. ONEOK understands and agrees that all buried facility crossings of graded roads must be bored unless the responsible governing agency specifically permits ONEOK to open cut the road.

15. ONEOK understands and agrees that all pre-existing township and county roads and lanes used during construction must be repaired or restored to a condition that is equal to or better than the condition prior to the construction of the transmission facility and that will accommodate their previous use, and that areas used as temporary roads or working areas during construction must be restored to their original condition.
16. ONEOK understands and agrees that construction must be suspended when weather conditions are such that construction activities will cause irreparable damage to roads or land, unless adequate protection measures approved by the Commission are taken.
17. ONEOK 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 stripped and segregated from the subsoil. Except along segments of the line using the double ditching method, any area on which excavated subsoil will be placed must also be stripped of topsoil. After backfilling 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.
18. ONEOK 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.
19. ONEOK understands and agrees that its obligation for reclamation and maintenance of the right-of-way will continue throughout the life of the transmission facility.
20. ONEOK understands and agrees that its obligation for reclamation and maintenance of the transmission facility, associated facilities, and roadways will continue throughout the life of the transmission facility.
21. ONEOK agrees to comply with the Tree and Shrub Mitigation Specifications, attached.
22. ONEOK understands and agrees that it shall repair or replace all fences and gates removed or damaged during all phases of construction and operation of the transmission facility.
23. ONEOK understands and agrees that it shall repair or replace all drainage tile broken or damaged as a result of construction and operation of the transmission facility.

24. ONEOK understands and agrees that staging areas or equipment shall not be located on land owned by a person other than ONEOK unless otherwise negotiated with landowners.
25. ONEOK understands and agrees that it shall remove all waste that is a product of construction and operation, restoration, and maintenance of the site, and properly dispose of it on a regular basis.
26. ONEOK understands and agrees that it shall, as soon as practicable upon the completion of the construction of the transmission facility, restore the area affected by the activities to as near as is practicable to the condition as it existed prior to the beginning of construction.
27. ONEOK understands and agrees that it shall provide any necessary safety measures for traffic control or to restrict public access to the transmission facility.
28. ONEOK understands and agrees that it shall advise the Commission of any extraordinary events which take place at the site of the transmission facility, including injuries to any person, or the death of any threatened or endangered species on the site within five business days of such event.
29. ONEOK understands and agrees that it shall implement a procedure for how complaints concerning the transmission facility will be handled by ONEOK.
30. Upon request, ONEOK agrees to provide the Commission with engineering design drawings of the transmission facility prior to construction.
31. ONEOK understands and agrees that it shall inform the Commission in writing of any plans to modify the transmission facility or of any plans to modify the site plan for the transmission facility. ONEOK understands and agrees to obtain written approval from the Commission prior to any modifications to the site plan or the transmission facility. Approval may be granted after notice and opportunity for hearing.
32. ONEOK agrees to provide the Commission with both an electronic and a paper copy of the corridor approved by the Commission, and will provide this information within 3 months of the Commission order approving the corridor. ONEOK also agrees to provide an electronic version of the approved corridor that can be imported into ESRI GIS mapping software within 3 months of the Commission order approving the corridor. 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.

33. ONEOK agrees to provide the Commission with both an electronic and a paper copy of the 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. ONEOK also agrees to provide an electronic version of the as-built facility design specifications 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.
34. ONEOK understands and agrees that the authorizations granted by any Certificate of Corridor Compatibility or Route Permit issued by the Commission for the transmission facility are subject to modification by order of the Commission if deemed necessary to protect further the public or the environment.
35. ONEOK understands and agrees that in the event ONEOK desires to construct, within any corridor granted by a Certificate of Corridor Compatibility in this proceeding, a transmission facility or energy conversion facility that was not included in ONEOK's application in this proceeding, ONEOK shall apply to the Commission for a Route Permit or Site Certificate for the facility.
36. ONEOK 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, ONEOK 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 and clearance to proceed has been given by the Commission.
37. ONEOK understands and agrees that the corridor certificate and route permit are subject to suspension or revocation and may, after hearing, be suspended or revoked for failure to comply with the Commission's order, requirements of the One-Call Excavation Notice System under North Dakota Century Code Chapter 49-23, the conditions and criteria of the certificate or permit or subsequent modification, or failure to comply with applicable statutes, or rules, regulations, standards, and permits of other state or federal agencies.

Dated this 21<sup>ST</sup> day of MARCH, 2012.

ONEOK Rockies Midstream, L.L.C.

By Wesley J. Christensen  
WESLEY J. CHRISTENSEN

Its SENIOR V.P. - ONEOK PARTNERS



**STATE OF NORTH DAKOTA**  
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**Tree and Shrub Mitigation Specifications**

**Inventory**

1. Trees and shrubs anticipated to be cleared, including those that are considered invasive species or noxious weeds (*e.g.*, *Caragana arborescens*, *Elaeagnus angustifolia*, *Rhamnus cathartica*, *Tamarix chinensis*, *T. parviflora*, *T. ramosissima*, *Ulmus pumila*), must be inventoried before cutting. The inventory must record the location, number, and species of trees and shrubs.
2. In windbreaks, shelterbelts and other planted areas, trees or shrubs anticipated to be cleared, regardless of size, must be inventoried for replacement.
3. In native growth areas, trees anticipated to be cleared that are 1 inch diameter at breast height (dbh) or greater must be inventoried for replacement.
4. In native growth areas, shrubs anticipated to be cleared in the permanent right-of-way must be inventoried for replacement.
5. In native growth areas outside the permanent right-of-way, shrubs must be cut flush with the surface of the ground, taking care to leave the naturally occurring seed bank and root stock intact. If soil disturbance is necessary, the native topsoil must be preserved and replaced after construction. Shrubs must be allowed to regenerate naturally where native topsoil is preserved and replaced. Where native topsoil is not preserved and replaced, shrubs anticipated to be cleared must be inventoried for replacement.

6. In native growth areas, trees and shrubs may be inventoried by actual count or by a sampling method that will properly represent the woody vegetation population. A sampling plan developed by the company, filed with the North Dakota Public Service Commission (Commission) and approved prior to the start of construction must define the sampling method to be used for trees, for tall shrubs and for low shrubs. The data from the sample plots must be extrapolated to the total acreage of the wooded area to be cleared to determine the species and quantity of trees and shrubs to be replaced.

#### **Clearing for Construction**

7. Trees and shrubs must be selectively cleared, leaving mature trees and shrubs intact where practical.
8. The maximum width of clear cuts through windbreaks, shelterbelts and all other wooded areas is 50 feet, unless otherwise approved by the Commission.
9. If the area of trees or shrubs actually cleared differs from the area inventoried, the difference in number of trees and shrubs to be replaced must be noted on the inventory.

#### **Replacement**

10. Prior to tree and shrub replacement, documentation identifying the number and variety of trees and shrubs removed, as well as the mitigation plan for the proposed number, variety, type, location and date of replacement plantings, must be filed with the Commission for approval.
11. Two 2-year-old saplings must be planted for every one tree removed. Two shrubs (stem cuttings) must be planted for every one shrub removed.
12. Except in the case of invasive or noxious species, trees and shrubs must be replaced by the same species or similar species, suitable for North Dakota growing conditions as recommended by the North Dakota Forest Service.

Invasive or noxious species must be replaced by similar non-invasive or non-noxious species suitable for North Dakota growing conditions as recommended by the North Dakota Forest Service.

13. Tree and shrub replacement must not be conducted within a 20 to 30 foot wide path over the pipeline to facilitate visual inspections of the right-of-way in accordance with U.S. Department of Transportation safety regulations.
14. Landowners must be given the option of having replacement trees and shrubs planted on the landowner's property, either on or off the right-of-way. The landowner must also be given the opportunity to waive those options in writing in order to have replacement trees and shrubs planted off the landowner's property.
15. At the conclusion of the project, documentation identifying the actual number, variety, type, location and date of the replacement plantings must be filed with the Commission.
16. Tree and shrub replacements must be inspected annually, in September, for three years. The first annual inspection must be at least one year from the anniversary date of the original plantings. A report of each annual inspection must be submitted to the Commission by October 1 of each year, documenting the condition of plantings and any woodlands work completed as of September of each year. If after the third annual report the survival rate is less than 75%, the Commission may order additional planting(s).