

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

ONEOK Rockies Midstream, L.L.C.
Cherry Creek Pipeline- McKenzie & Williams Counties
Siting Application

Case No. PU-17-483

AFFIDAVIT OF SERVICE BY REGULAR & ELECTRONIC MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Geralyn R. Schmaltz deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **1st day of May, 2018**, she deposited in the United States Mail, Bismarck, North Dakota, **6** envelopes by first class mail, fully prepaid and **45** addressees electronically mailed a copy of:

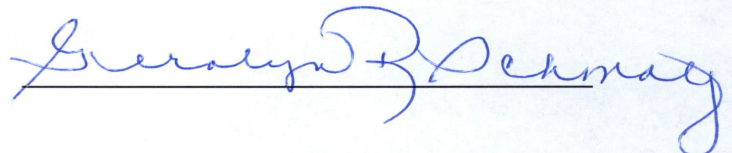
- **Findings of Fact, Conclusions of Law and Order**

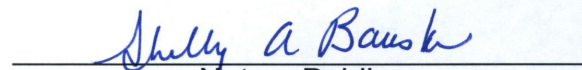
The envelopes and electronic mails respectively were addressed as follows:

See attached list.

Each post office address shown is the respective addressee's last reasonably ascertainable post office address and each email address is the respective addressee's last reasonably ascertainable electronic mailing address.

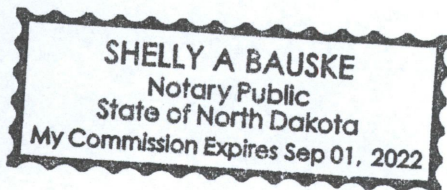
Subscribed and sworn to before me
this **1st day of May, 2018**.





Notary Public

SEAL



Pu-17-483

Jay Lewis
Alex Township
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Alexander ND 58831

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Bismarck ND 58504

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STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

ONEOK Rockies Midstream, L.L.C.
Cherry Creek Pipeline-McKenzie & Williams Counties
Siting Application

Case No. PU-17-483

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

April 30, 2018

Appearances

Commissioners Randy Christmann, Julie Fedorchak and Brian Kroshus.

Wade C. Mann and Casey A. Furey, Attorneys at Law, Crowley Fleck, PLLP, 100 West Broadway, Suite 250, Bismarck, North Dakota 58502, on behalf of the Applicant, ONEOK Rockies Midstream, L.L.C.

John Schuh, Legal Counsel, as Counsel for the North Dakota Public Service Commission.

Patrick Ward, Administrative Law Judge, Office of Administrative Hearings, 2911 North 14th Street-Suite 303, Bismarck, North Dakota 58503, as Administrative Law Judge.

Preliminary Statement

On December 14, 2017, ONEOK Rockies Midstream, L.L.C. (ONEOK) filed a consolidated application for a certificate of corridor compatibility and a route permit concerning the location of approximately 45 miles of 12-inch pipeline existing in McKenzie and Williams Counties, North Dakota. ONEOK is proposing to convert the existing pipeline from a natural gas gathering pipeline to a transmission pipeline capable of transporting 50,000 barrels per day of natural gas liquids (NGL).

Also on December 14, 2017, ONEOK filed an application for waivers or reductions of procedures and time schedules established under North Dakota Century Code sections 49-22.1-05, 49-22.1-06, 49-22.1-07, 49-22.1-10, and North Dakota Administrative Code section 69-06-01-02 and chapter 69-06-06, regarding notice periods, separate filings, separate notices, and separate hearings on such applications.

On January 9, 2018, through January 12, 2018, ONEOK filed supplemental information with respect to the consolidated application.

On January 11, 2018, the Commission provided notification of the application to the townships with retained zoning authority, cities, and counties in which any part of the proposed pipeline corridor is located.

On January 26, 2018, ONEOK filed an application for waiver or reduction of procedure and time schedule established under North Dakota Century Code section 49-22-16(2)(d) requiring that the Commission may not schedule a public hearing sooner than 45 days from the date notification of the project is sent by mail or electronic mail to townships with retained zoning authority, counties and cities crossed by the corridor.

On January 31, 2018, the Commission deemed complete the consolidated application of ONEOK and issued a Notice of Filings and Public Hearing scheduling a hearing for March 6, 2018, at 9:00 a.m. Central Time at the Ernie French Center, NDSU Williston Research Extension Center, 14120 Hwy 2, Williston, North Dakota 58801.

On March 2, 2018, ONEOK filed a Tree and Shrub Mitigation Plan.

Due to inclement weather, the Commission postponed the March 6, 2018 hearing.

On March 14, 2018, the Commission issued a Notice of Rescheduled Hearing (Notice), rescheduling the Public Hearing from March 6, 2018, to April 12, 2018, at 9:00 a.m. Central Time at the Ernie French Center, NDSU Williston Research Extension Center, 14120 Hwy 2, Williston, North Dakota 58801.

The issues in the application for waiver of procedures and time schedules are:

1. Are the proposed facilities of such length, design, location, or purpose that they will produce minimal adverse effects and that adherence to applicable procedures and time schedules may be waived?
2. Is it appropriate for the Commission to waive any procedures and time schedules as requested in the application?

The issues in the consolidated application for a certificate of corridor compatibility and a route permit are:

3. Will the location and operation of the proposed facility produce minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota?
4. Is the proposed facility compatible with the environmental preservation and the efficient use of resources?

5. Will the proposed facility location minimize adverse human and environmental impact while ensuring continuing system reliability and integrity and ensuring that energy needs are met and fulfilled in an orderly and timely fashion?

On March 14, 2018, ONEOK filed a certification letter in Case No. PU-10-666 and Case No. PU-18-94 notifying the Commission under North Dakota Century Code section 49-22.1-03(3)(a) that ONEOK intended to modify Stateline 1 and 2 gas processing plants by installing 1,020 feet of piping within the plants, stating that it will facilitate future natural gas liquids delivery out of the plants.

Also on March 14, 2018, ONEOK filed a certification letter in Case No. PU-14-218 and Case No. PU-18-93 notifying the Commission under North Dakota Century Code section 49-22.1-03(3)(a) that ONEOK intended to modify the Lonesome Creek gas processing plant by installing 920 feet of piping within the plant, stating that it will facilitate future natural gas liquids delivery out of the plant.

On March 27, 2018, Commission staff's letter informed ONEOK that it may proceed with construction at the Stateline 1 and 2 and the Lonesome Creek plants at its own risk. Commission staff also informed ONEOK that the letter was in response to unique circumstances, including timing considerations and a related pending application in Case No. PU-17-483, and was not to be construed as precedent permitting avoidance of any requirement of law, rule, or order.

On April 12, 2018, the hearing was held as scheduled.

On April 20, 2018, ONEOK filed Late Filed Exhibits 18, 22, and 23.

On April 24, 2018, ONEOK filed Late Filed Exhibits 17, 19, 20, 21, and 24.

Having allowed all interested persons an opportunity to be heard and having heard, reviewed, and considered all testimony and evidence presented, the Commission makes the following findings of fact:

Findings of Fact

1. ONEOK is a Delaware Limited Liability Company authorized to do business in the State of North Dakota as evidenced by the corporate papers filed with the Commission on January 10, 2018, in Case No. PU-11-684.

Size, Type, and Preferred Location of Facility

2. The Project consists of approximately 45 miles of existing natural gas gathering pipeline located in McKenzie and Williams Counties, North Dakota. The Project includes approximately 38 miles of the Stateline to Rawson gathering pipeline constructed in 2011 and 2012, and approximately 6 miles of gathering pipeline extending from ONEOK's

Lonesome Creek Plant to Rawson Junction constructed in 2012. The proposed Project is capable of transporting up to 50,000 barrels of NGLs per day.

3. The Project utilizes a 12-inch diameter steel pipeline with a 0.219-inch to 0.25-inch wall thickness. In certain areas, such as road bores and creek bores, the pipe has a wall thickness of 0.312-inches.

4. The Project utilizes six existing block valves. ONEOK proposes to install remote actuators at two existing block valves north and south of the Missouri River in McKenzie and Williams Counties.

5. The pipeline has a maximum operating pressure of 1,440 pounds per square inch and complies with the applicable portions of Code of Federal Regulations Title 49 Part 195 hazardous liquids pipeline safety standards.

6. ONEOK proposes to convert the existing natural gas gathering pipeline to a natural gas liquids ("NGLs") transmission pipeline. Natural gas collected from oil and gas fields would be delivered to ONEOK's existing Lonesome Creek Gas Plant (PU-14-218), located in McKenzie County, for processing. NGLs produced at the Lonesome Creek Gas Plant would be transported in the converted pipeline to ONEOK's Stateline Gas Plant (PU-10-666) and delivered into the ONEOK Bakken Pipeline, L.L.C.'s NGL transmission line.

7. The estimated cost of the Project, including the proposed conversion and previously incurred costs associated with initial construction, is \$31 million.

Study of Preferred Location

8. ONEOK conducted a Class I Cultural Resource Literature Search of a 1-mile wide evaluation corridor centered on the pipeline route to identify any previously recorded cultural resources.

9. ONEOK conducted natural resource field surveys on a minimum 150-foot-wide area centered on the pipeline route.

10. ONEOK conducted Class III Cultural Resource Inventory field surveys on the 150-foot-wide area except that a 50-foot-wide corridor was surveyed for the areas identified in Late-Filed Exhibit 21 (Survey Area). ONEOK testified that cultural resource monitoring was conducted for the construction right-of-way on USACE land.

11. The following agencies provided comments regarding the Project: (i) U.S. Army Corps of Engineers (USACE); (ii) U.S. Department of Defense; (iii) U.S. Department of Agriculture; (iv) North Dakota State Historical Preservation Office (NDSHPO); (v) North Dakota Department of Parks and Recreation; (vi) North Dakota Department of Trust Lands; (vii) North Dakota Department of Health; (viii) North Dakota Geological Society;

(ix) North Dakota State Water Commission; (x) North Dakota Game and Fish Department; and, (xii) McKenzie County Weed Board.

Siting Criteria

12. The Commission has developed criteria pursuant to North Dakota Century Code section 49-22-05.1 to guide the site, corridor, and route suitability evaluation and designation process. The criteria, as set forth in North Dakota Administrative Code section 69-06-08-02 are classified as Exclusion Areas, Avoidance Areas, Selection Criteria, and Policy Criteria.

13. ONEOK evaluated the Survey Area and route regarding the Exclusion Areas, Avoidance Areas, Selection Criteria, and Policy Criteria.

14. Exclusion Areas may be located within a corridor, but at no given point may such an area or areas encompass more than fifty percent of the corridor unless there is no reasonable alternative. A transmission facility route must not be sited within an Exclusion Area.

15. State registered archeological sites are Exclusion Areas. The pipeline crosses the Buford-Trenton Irrigation Trench District, a cultural resource on record with the NDSHPO. ONEOK testified that during the archaeological monitoring effort, the irrigation trenches were found to already be impacted by their continued use and maintenance.

16. Areas critical to the life stages of threatened or endangered animal or plant species are Exclusion Areas. The pipeline crosses United States Fish and Wild Life Service designated critical habitat for piping plover located along the Missouri River. ONEOK testified that the pipeline was installed 118 feet beneath the bed of the Missouri River by use of horizontal directional drilling (HDD) to protect the integrity of this Exclusion Area.

17. ONEOK's surveys did not record any other Exclusion Areas in the Survey Area.

18. An Avoidance Area is a geographical area that may not be considered in the routing of a transmission facility unless the applicant shows that, under the circumstances, there is no reasonable alternative. In determining whether an Avoidance Area should be designated for a transmission facility, the Commission may consider, among other things, the proposed management of adverse impacts, the orderly siting of facilities, system reliability and integrity, the efficient use of resources, and alternative routes.

19. Designated or registered state wildlife management areas are Avoidance Areas. The pipeline crosses the North Dakota Game and Fish Trenton and Lewis & Clark Wildlife Management Areas that surround the Missouri River. ONEOK testified that impacts to these areas were avoided by the use of HDD when the pipeline was installed.

20. ONEOK recorded other areas, not designated as Exclusion Areas, where the pipeline intersects cultural resources. ONEOK testified that these historical resources are not eligible for listing on the National Register of Historic Places.

21. Areas that are geologically unstable are Avoidance Areas. Based on North Dakota Geological Survey data, the pipeline crosses two landslide deposit areas. ONEOK testified that the route was chosen to collocate with an existing utility line corridor and best management practices set forth in its Storm Water Pollution Prevention Plan were implemented in any areas of instability.

22. Areas within five hundred feet of a residence, school, or place of business are Avoidance Areas. ONEOK testified that it identified thirty-seven occupied structures within five hundred feet of the pipeline. ONEOK obtained written waivers of the five hundred foot avoidance area criteria for these structures.

23. Reservoirs and municipal water supplies and water sources for organized rural water districts are Avoidance Areas. The pipeline crosses the Missouri River, which the USACE has classified as part of the Lake Sakakawea Reservoir and is within the Williston Wellhead Protection Area that is a part of the Western Area Water Supply Authority (WAWSA). The pipeline was installed 118 feet beneath the bed of the Missouri River with HDD and ONEOK testified that it is almost six river miles upstream of WAWSA's water intake structures. ONEOK further testified that ground disturbance from the installation of the automated valve actuators is not expected to have an impact on groundwater.

24. ONEOK's surveys did not record any other Avoidance Areas in the Survey Area.

25. The Commission's Selection Criteria is set forth in North Dakota Administrative Code section 69-06-08-01(5). A transmission facility route shall be designated if it is demonstrated that any significant adverse effects that will result from the location, construction, and maintenance of the transmission facility will be at an acceptable minimum, or will be managed and maintained at an acceptable minimum. ONEOK analyzed the effects that may result from the location, construction, and operation of Project to determine that no significant adverse effects will result.

26. The Commission's Policy Criteria is set forth in North Dakota Administrative Code section 69-06-08-01(6). The Commission may give preference to an application demonstrating certain benefits of the transmission facility. ONEOK has committed to maximizing benefits that result from implementing the policies and practices applicable to the proposed transmission facility.

Measures to Minimize Impact

27. ONEOK has made representations and covenants as indicated by the Certification Relating to Order Provisions – Transmission Facility Siting – Gathering Line Conversion to Transmission Line with accompanying Tree and Shrub Mitigation Specifications.

28. The conversion of the gathering pipeline will minimize environmental disturbance by utilizing existing infrastructure, including access roads, utilities, gathering systems, and delivery and take away pipeline.
29. ONEOK will obtain any necessary permits from the USACE and the North Dakota State Water Commission prior to operating the Project as a transmission line.
30. ONEOK will obtain any necessary licenses prior to operating the pipeline as a transmission line.
31. The portion of the pipeline that crosses the Missouri River was bored to a depth of 118 feet below river bottom.
32. ONEOK testified that it will comply with all applicable safety laws and standards.
33. ONEOK will utilize the ND One Call system during construction.

From the foregoing Findings of Fact the Commission makes the following conclusions of law:

Conclusions of Law

1. The Commission has jurisdiction over the applicant, ONEOK Rockies Midstream, L.L.C., and over the subject matter of the Amended Application under North Dakota Century Code chapter 49-22.1.
2. ONEOK is a utility as defined in North Dakota Century Code Section 49-22.1-01(12).
3. The Project is a transmission facility as defined in North Dakota Century Code section 49-22.1-01(7).
4. The location, construction, and operation of the Project will produce minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota.
5. The location, construction, and operation of the Project is compatible with the environmental preservation and the efficient use of resources.
6. The Project will minimize adverse human and environmental impact while ensuring continuing system reliability and integrity and ensuring that energy needs are met and fulfilled in an orderly and timely fashion.
7. It is appropriate for the Commission to waive those certain procedures and times schedules as requested in the December 14, 2017 waiver application under North Dakota

Century Code section 49-22.1-05 and North Dakota Administrative Code chapter 69-06-06.

8. The hearing was scheduled for March 6, 2018, which was beyond 45 days from the January 11, 2018 date of notification of the project to townships with retained zoning authority, counties and cities crossed by the corridor. Therefore, ONEOK's January 31, 2018 request to waive and/or reduce procedure and time schedule established under N.D.C.C. § 49-22-16(2)(d) is moot.

From the Findings of Fact and Conclusions of Law, the Commission makes the following order:

Order

The Commission orders:

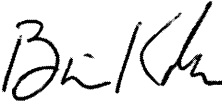
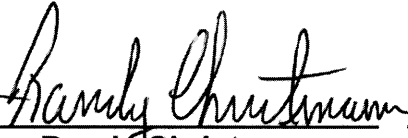
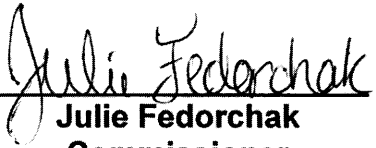
1. ONEOK Rockies Midstream, L.L.C.'s December 14, 2017 application for a waiver of procedures and time schedules is granted.
2. Certificate of Corridor Compatibility No. 203 is issued to ONEOK Rockies Midstream, L.L.C. designating a corridor for the construction, operation, and maintenance of approximately 45 miles of 12-inch diameter natural gas liquids pipeline and associated facilities in Williams and McKenzie Counties, North Dakota. For purposes of this Certificate, the designated corridor is a 150-foot-wide area centered on the pipeline, with the exception that a 50-foot-wide area centered on the pipeline is designated for the areas identified in Late-Filed Exhibit 21.
3. Route Permit No. 213 is issued to ONEOK Rockies Midstream, L.L.C. designating a route for the construction, operation, and maintenance of approximately 45 miles of 12-inch diameter natural gas liquids pipeline and associated facilities in Williams and McKenzie Counties, North Dakota. For purposes of this Permit, the designated route is identified in Hearing Exhibit 15.
4. The Certification Relating to Order Provisions – Transmission Facility Siting – Gathering Line Conversion to Transmission Line with attached Tree and Shrub Mitigation Specifications executed April 11, 2018, is incorporated by reference and attached to this Order.
5. To the extent there are any conflicts or inconsistencies between ONEOK's application and the Certification, the Certification provisions control.
6. Prior to commencing construction of any portion of the proposed Project, ONEOK shall obtain all other necessary licenses and permits for construction of such portion, and shall provide copies to the Commission prior to construction of that portion of the Project.

7. Prior to operating the Project as a transmission line, ONEOK shall obtain any necessary permits from the USACE and the North Dakota State Water Commission, and any necessary licenses.

8. If a spill by ONEOK requires notification to any other state or federal agency, ONEOK will also inform the Commission of such spill within 24 hours of occurrence by leaving a message at the Commission's Toll Free Number, with a follow-up email to the Commission's Executive Secretary.

9. ONEOK is required to comply with all applicable laws, rules, and/or regulations in the event it desires to construct another or a different transmission pipeline facility than was specified in the consolidated application within the corridor designated in this proceeding.

PUBLIC SERVICE COMMISSION

		
_____	_____	_____
Brian Kroshus Commissioner	Randy Christmann Chairman	Julie Fedorchak Commissioner

PUBLIC SERVICE COMMISSION
STATE OF NORTH DAKOTA

Certificate of Corridor Compatibility Number 203

This is to certify that the Commission has designated a transmission facility corridor for ONEOK Rockies Midstream, L.L.C. for the construction, operation, and maintenance of approximately 45 miles of 12-inch diameter pipeline and associated facilities in Williams and McKenzie Counties, North Dakota, for the transportation of natural gas liquids.

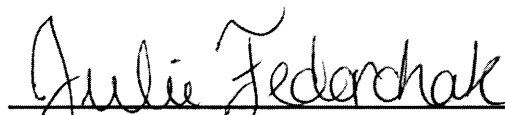
This certificate is issued in accordance with the Order of the Commission dated April 30, 2018 in Case No. PU-17-483 and is subject to the conditions and limitations noted in the Order.

Bismarck, North Dakota, April 30, 2018.

ATTEST:

PUBLIC SERVICE COMMISSION


Executive Secretary


Commissioner

PUBLIC SERVICE COMMISSION

STATE OF NORTH DAKOTA

Route Permit Number 213

This is to certify that the Commission has designated a transmission facility route for ONEOK Rockies Midstream, L.L.C. for the construction, operation, and maintenance of approximately 45 miles of 12-inch diameter natural gas liquids pipeline and associated facilities in Williams and McKenzie counties.


This permit is issued in accordance with the Order of this Commission dated April 30, 2018 in Case No. PU-17-483 and is subject to the conditions and limitations noted in the Order.

Bismarck, North Dakota, April 30, 2018.

ATTEST:

PUBLIC SERVICE COMMISSION


Executive Secretary


Commissioner

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

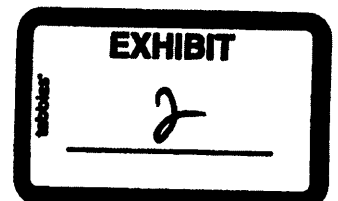
**ONEOK Rockies Midstream, L.L.C.
Cherry Creek Pipeline – McKenzie and Williams Counties
Siting Application**

Case No. PU-17-483

**CERTIFICATION RELATING TO ORDER PROVISIONS
TRANSMISSION FACILITY SITING
GATHERING LINE CONVERSION TO TRANSMISSION LINE**

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

1. Company 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 49-22.1 of the North Dakota Century Code and Chapter 69-06-08 of the North Dakota Administrative Code, and that Company shall be responsible for compliance with this order and conditions and criteria set forth in the applicable laws and rules.
2. Company 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.
3. Company agrees that it shall obtain all necessary licenses and permits, and shall provide copies of all licenses and permits to the Commission prior to initiating operation of the transmission facility that requires said license or permit.
4. Company 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.
5. Company 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.
6. Company 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.

Construction:

7. Company agrees to hold a construction conference prior to initiating operation of the facility as a transmission facility, 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.
8. Company understands and agrees that all cultural resource mitigation plans must be submitted to the North Dakota State Historic Preservation Office and approved prior initiating operation of the facility as a transmission facility.
9. Company agrees to inform the Commission and the Commission's third-party construction inspector immediately prior to the Company initiating operation of the facility as a transmission facility.
10. Company certifies that during construction the pipeline was 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 during future construction, the pipeline will be buried to 72 inches across undeveloped section lines.
11. Company certifies that, based on the provisions of its Storm Water Prevention Pollution Plan, all topsoil, up to 12 inches, or topsoil to the depth of cultivation, whichever is greater, over and along trench areas where cuts were made, was stripped and segregated from the subsoil. Any area on which excavated subsoil was placed was also be stripped of topsoil. After backfilling was completed, any excess subsoil was placed over the excavation area, blending the grade into existing topography. Topsoil was replaced over areas from which it was stripped only after the subsoil was replaced. To the extent it is discovered that this has not occurred for the existing pipeline, Company will comply.
12. Company certifies that, based on its standard practices, all buried facility crossings of graded roads were bored unless the responsible governing agency permitted Company to open cut the road.
13. Company certifies that staging areas or equipment were not located on land owned by a person other than Company unless otherwise negotiated with landowners.
14. Company understands and agrees that if any cultural resource, paleontological site, archeological site, historical site, or grave site is discovered during construction, it will 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 North Dakota State Historic Preservation Office.

15. Company certifies that construction was suspended when weather conditions were such that construction activities would cause irreparable damage to roads or land, unless adequate protection measures were taken by Company.

Restoration and Maintenance:

16. Company certifies that upon completion of the construction of the facility, Company restored the area affected by the activities to as near as was practicable to the condition as it existed prior to the beginning of construction.
17. Company certifies that all pre-existing township and county roads and lanes used during construction were, or are being, repaired to a condition that is equal to or better than the condition prior to the construction of the transmission facility and accommodates their previous use, and that areas used as temporary roads or working areas during construction were, or are being, restored to their original condition.
18. Company certifies that reclamation, fertilization, and reseeding was, or is being done according to the Natural Resources Conservation Service recommendations, unless otherwise specified by the landowner and approved by the Commission.
19. Company understands and agrees that its obligation for reclamation and maintenance of the transmission facility right-of-way, transmission facility, associated facilities, fences and gates, drainage tile, and roadways will continue throughout the life of the transmission facility.
20. Company agrees to comply with the Tree and Shrub Mitigation Specifications, attached.
21. Company certifies that it has removed all waste that was a product of construction and has properly disposed of it. Company understands and agrees that it shall remove all waste that is a product of operation, restoration, and maintenance of the site, and properly dispose of it on a regular basis. To the extent it is discovered that this has not occurred for the existing pipeline, Company will comply with this provision.
22. Company certifies that it provided any necessary safety measures for traffic control or to restrict public access to the transmission facility during construction.

Communication with Landowners and PSC:

23. Company understands and agrees that, prior to operating its facility as a transmission facility, 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.
24. 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.
25. Upon request, Company agrees to provide the Commission with engineering design drawings of the transmission facility prior initiating operation of the facility as a transmission facility.
26. Company understands and agrees that it shall advise the Commission as soon as reasonably possible of any extraordinary events which take place at the site of the transmission facility, including injuries to any person.
27. Company agrees to report to the Commission, as soon as reasonably possible, the presence in the permit area of any critical habitat or threatened or endangered species of which Company becomes aware and which were not previously reported to the Commission.
28. Company 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.
29. 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 commencement of operation of the facility as a transmission facility. Company also agrees to provide an electronic version of the corridor approved by the Commission and the facility design specifications 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 commencement of operation of the facility as a transmission facility. 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.

30. 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 activities conducted under the certificate or permit issued in this proceeding. In the event of any damage to underground facilities, Company shall suspend activities 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.
31. When applicable, Company may submit the field studies from the original application for the corridor and route provided they cover the adjustment area.

Dated this 11th day of April, 2018.

ONEOK Rockies Midstream, L.L.C.



By: Craig A. Forsander

Its: Vice President – Operations



STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

ONEOK Rockies Midstream, L.L.C.
Cherry Creek Pipeline – McKenzie and Williams Counties
Siting Application

Case No. PU-17-483

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 and approved by the Commission.
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).