

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**ONEOK Bakken Pipeline, L.L.C.
20-Inch NGL Pipeline – McKenzie County**

Case No. PU-18-399

**PRECONSTRUCTION CONFERENCE CALL MINUTES AND
NOTICE OF INTENT TO COMMENCE CONSTRUCTION**

Call Date and Time: May 9, 2019, 3:00 – 4:30 PM CT

Attendees:

- North Dakota Public Service Commission (“ND PSC”)
 - Patrick Fahn, Director, Public Utilities Division, pfahn@nd.gov, 701-328-4077
 - Adam Renfandt, Public Utility Analyst, arenfandt@nd.gov, 701-328-4153
- ND PSC Construction Inspectors, Wenck Associates, Inc. (“Wenck”)
 - Sarah Simmers, ssimmers@wenck.com, 701-425-2804
 - Matt Retka, mretka@wenck.com, 701-893-2322
- For ONEOK Bakken Pipeline, L.L.C. (“ONEOK”)
 - Blake Holland, Project Manager, blake.holland@oneok.com
 - Eddie Zedaker, Environmental Project Manager, edwin.zedaker@oneok.com
 - Dub Jeffrey, Construction Coordinator, dubjeffrey56@yahoo.com
 - Maddy Krumwiede (Merjent, Inc.), Environmental Consultant, maddy.krumwiede@merjent.com
 - Christopher Rust (JTAM Engineers), Engineering Consultant, cjrust@jtamengineering.com

After taking roll call, the ND PSC requested that someone take minutes of the preconstruction meeting which need to be filed prior to construction. Christopher Rust and Maddy Krumwiede on behalf of ONEOK volunteered to compile the meeting notes.

The Certificate Related to Order Provisions (“Certificate”) was reviewed in full. All in attendance had a copy of the document and followed along as Mr. Fahn read conditions from the Certificate. The following items from the Certificate were discussed in more detail.

- Item 9: Third-party inspection of topsoiling activities
 - Wenck plans to be onsite next week Tuesday (May 14, 2019)
 - Jeffrey to find out from the contractor if topsoiling will begin Monday or Tuesday. He will find this information to communicate to the ND PSC inspectors by the end of the day or tomorrow.

- Discussed that the same equipment operators will be doing topsoiling on the access roads to the HDD areas as the operators who will be doing topsoiling over the trenchline.
 - ONEOK to coordinate with Wenck on when topsoiling will begin at different locations along the project.
- Item 10: Notice of intent and monthly reporting
 - Fahn noted that monthly reports can be submitted to the ND PSC’s main email (ndpsc@nd.gov) and that Wenck should be copied on these submittals.
 - In addition to monthly reporting, Fahn noted that ONEOK would need to file the meeting minutes, a notice of intent to start construction, and ONEOK contact information for landowner complaints prior to construction. It was noted that these items can all be filed in a single PDF.
- Item 34: Damage to existing utilities and underground facilities.
 - ND PSC staff emphasized this is a sensitive topic for the Commission and reiterated the importance of compliance with this condition.

The Tree and Shrub Specifications were reviewed. ND PSC staff emphasized that any trees or shrubs removed will required to be mitigated at a 2:1 ratio.

The following items from the Order were discussed in more detail.

- Item 8: Outstanding landowner easements and 500-foot waivers.
 - Renfandt asked if ONEOK has obtained the remaining land owner waiver. Holland agreed to follow up after confirming the status with the ROW Manager. Fahn stated if the waiver cannot be secured a reroute will be needed.
- Item 9: Filing of other necessary licenses and permits.
 - ND PSC staff asked about the status of the U.S. Forest Service’s (“USFS”) Special Use Permit.
 - ONEOK responded the permit is pending. Concurrence from U.S. Fish and Wildlife Service was received on the Biological Assessment, which has been the focus. Before the Special Use Permit is issued the Environmental Assessment and Biological Evaluation will need to be completed. They have been focused on the BA before the other documents. ONEOK is working closely with the USFS and is hopeful for a permit by early June.
 - Road Crossing Permits: 5 of the county road crossing permits are outstanding.
 - ND PSC staff stated that road crossing permits will need to be filed with the Commission.
- Item 10: Engineering evaluations for potentially unstable areas
 - ONEOK asked what type of evaluation the ND PSC has seen from other companies in the past.
 - Geotechnical studies are one example of how these areas have been evaluated. For example, Fahn referenced a project where the geotechnical evaluation found unstable soils in the upper 6 feet; therefore, it was recommended that the pipeline

be trenched deeper and the company utilize erosion controls and other specialized construction techniques.

- Fahn stated that he would send an example case number for a project that conducted engineering evaluations for unstable areas as a reference point.
- Holland noted that much of the Demicks Lake Pipeline will be collocated, and the existing pipelines in the areas identified as potentially unstable may not have any issue with instability to-date. The ND PSC does not view this as enough evidence of no issues due to instability (other collocated pipelines have been exposed together following a large rain event).

Selected items from the Findings of Fact were reviewed. ND PSC staff read and emphasized the following items:

- Item 17 – archaeological resources. ONEOK will file NDSHPO concurrence for unsurveyed areas before beginning construction in those areas
- Item 20 – Construction across Little Missouri National Grassland. Contingent on receipt of Special Use Permit from USFS.
- Item 21 – Potentially unstable areas – ONEOK to file engineering analysis for each area of potential slope instability prior to constructing through these areas
- Item 22 – landowner waivers
- Item 29 – aerial patrols of ROW and watering down ROW to control fugitive dust emissions
- Item 33 – Final project plans were filed earlier this week. Fahn acknowledged receipt of these final plans.
- Item 35 – One-Call System
- Item 36 – Construction equipment must be cleaned prior to arriving at construction site.
- Item 37 – Dakota skipper conditions
- Item 39 – Minimize impacts to wetlands and conduct line-of-sight surveys for raptor nests.
- Item 43 – ONEOK will employ one or more Environmental Inspectors on-site every day during construction
- Item 44 – Communication with emergency response officials.
- Item 45 – ONEOK to reach out to McKenzie County Emergency Manager to discuss coordinating response procedures. ONEOK will discuss internally after this meeting.

The ND PSC asked any new agency responses have been received. Zedaker responded that the following had been received:

- USFS Concurrence (filed yesterday)
- SHPO Concurrence on the Avoidance Plan (received from SHPO today)
- McKenzie County Weed Plan Approval (filed yesterday)

Krumweide followed up that outside of the three items above, no new agency responses to follow-up consultation requests were received after the hearing date.

Following discussion of the conditions of the Certificate. Order, and Findings of Fact, an open discussion ensued. The inspectors from Wenck asked questions to ONEOK about the planned schedule for the project and how many areas may be topsoiled in the following week. Holland responded that there are several high priority drills that may be initiated at the same time. ND PSC stated that it is the intent of the Order that their Third-Party Inspector be present prior to initiating of topsoiling for each unique construction crew that may be operating.

ONEOK stated that it would confirm its schedule for the early drills by the end of the day or the following day and keep the inspectors from Wenck apprised of their plans ONEOK also stated that it would like the Wenck inspectors to receive Environmental and Safety Training for the project and that its inspectors would receive hard hat stickers after the training.

Call concluded at 4:30 PM CT

ONEOK anticipates construction will commence on May 13, 2019.