



February 8, 2022

Patrick Fahn
Director, Public Utilities Division
North Dakota Public Service Commission
600 East Boulevard, Dept. 408
Bismarck, ND 58505-0480

**RE: ONEOK Bakken Pipeline, L.L.C.
12-Inch NGL Pipeline – McKenzie County
Case No. PU-19-85**

Dear Mr. Fahn:

ONEOK Bakken Pipeline, L.L.C. (“Company” or “ONEOK”) received the Commission’s January 24, 2022, Request for Information letter (Docket No. 97), requesting a response regarding the actions that have been, or will be, taken to resolve the concerns noted in the Commission’s third party inspector’s, Stantec Consulting Services, Inc., Reclamation Inspection Report dated September 23, 2021 (“Report”) (Docket No. 89). This letter serves as ONEOK’s response to the Report and details ONEOK’s efforts to address the articulated concerns.

Report Section 3.1 CROPLAND:

The Project ROW crosses several parcels of cropland, either bisecting or following the outer boundaries of the fields. Most of the encountered fields were under small-grain production and were harvested at the time of the inspection. One soybean field was observed, and was still maturing and unharvested. No visual grain yield estimate or stand height comparisons were made, however, the stand density and color of harvested grains within the ROW were consistent to the surrounding, undisturbed crops (**Report Appendix B; Observation Points 0080006, 9080010, 9080014, 9080013, 9080015, and 9080016**).

Stantec noted in this section of the Report that populations of annual weeds, predominately Kochia, were common in the surrounding agricultural fields, but were significantly more concentrated within the cropped portions of the ROW than outside and may need additional control.

ONEOK Response: Due to the drought conditions experienced within McKenzie County during 2021, ONEOK worked with landowners to obtain proper approval to mow a substantial portion of the ROW in August 2021. ONEOK plans to restart its revegetation and weed management programs during the 2022 growing season as

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weather conditions permit. ONEOK will continue to work with landowner(s) to receive approval(s) prior to the completion of any work or chemical treatment.

Observation Point 9080001: As noted in the Report, the soybeans at this observation point appeared to have been either mowed or were drastically shorter because of reclamation issues, or both. ONEOK is confirming that this tract was mowed by our contractor on August 11, 2021, as part of its weed management program and prior to the planting of the soybean crop. ONEOK plans to restart its revegetation and weed management programs during the 2022 growing season as weather conditions permit. ONEOK will work with the landowner to address any issues.

Observation Points 9080001 & 9080006: Topsoil was noted to be absent revealing bare subsoil at these locations. ONEOK plans to restart its revegetation management programs during the 2022 growing season as weather conditions permit. At that time, ONEOK will evaluate the bare topsoil areas noted and will work with the landowner(s) to address any issues or concerns.

Observation Points 9080003 & 90800011: Visible bare and uneven surfaces were noted that could be indicative of subsidence and/or compaction in the ROW. ONEOK plans to restart its revegetation management program during the 2022 growing season as weather conditions permit. In connection with those programs, ONEOK will evaluate these locations for any bare and uneven surfaces. ONEOK will work with the landowner(s) to address any issues or concerns.

Report Section 3.2 HAY LAND:

The Report notes, that annual weeds, primarily kochia and prickly Russian thistle were observed in hay lands with kochia frequently the most dominant species within the ROW.

ONEOK Response: Due to the drought conditions occurring within McKenzie County during 2021, ONEOK worked with landowners to receive prior approval and mowed a substantial portion of the ROW in August 2021. ONEOK plans to restart its revegetation and weed management programs during the 2022 growing season as weather conditions permit. ONEOK will continue to work with landowner(s) to receive approval(s) prior to the completion of any work or chemical treatment.

Observation Points 9060002: A slope was observed cut in the ROW near a sectional road and was observed to be largely unvegetated. Due to the drought conditions experienced within McKenzie County during 2021, ONEOK worked with landowners to obtain proper approval to mow a substantial portion of the ROW in August 2021. ONEOK plans to restart its revegetation and weed management programs during the 2022 growing season as weather conditions permit. ONEOK will continue to work with landowner(s) to receive approval(s) prior to the completion of any work or chemical treatment.

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Observation Point 9080009: Possible minor surface subsidence or compaction was observed at this location. ONEOK plans to restart its revegetation and weed management programs during the 2022 growing season as weather conditions permit. At that time, ONEOK will evaluate this area for possible surface subsidence or compaction and will work with the landowner to address any issues or concerns.

Report Section 3.3 RANGE LAND:

The Report notes that kochia, prickly Russian thistle were common throughout the rangeland and grassland ROW. Additional, minor annual weeds, such as curly-cup gumweed and lambsquarter (*Chenopodium album*), were also observed in reclaimed rangeland ROW parcels. Plumeless thistle (*Carduus acanthoides* L.), an ND and McKenzie Co. noxious weed was also observed. It is still early enough that there is not a significant noxious weed invasion at this location. (**Observation Point 90004**). Timely mechanical or chemical control is recommended for the next growing seasons followed by additional monitoring.

ONEOK Response: ONEOK plans to restart its revegetation and weed management programs during the 2022 growing season as weather conditions permit.

Observation Point 9080004 (inadvertently noted in Report as Observation Point 90004): Due to the severe drought experienced within McKenzie County during 2021, ONEOK mowed this location in August 2021 as part of its effort to control the Kochia and prickly Russian thistle and other weeds that were noted within the Report. The originally planned 2021 fall chemical treatment of weeds had to be postponed due to the extreme heat and drought conditions. ONEOK plans to restart its revegetation and weed management programs during the 2022 growing season as weather conditions permit. ONEOK will work with and receive landowner approval prior to the completion of any work or chemical treatment.

Report Section 3.4 NOXIOUS AND ANNUAL WEEDS:

Plumeless and Canada thistle were the only noxious weeds and were observed at **Observation Points 9080004 and 9080016**, respectively (**Report Appendix B**).

ONEOK Response:

Observation Points 9080004 & 9080016: Plumeless and Canada thistle were the only noxious weeds observed in the Project ROW. ONEOK mowed the ROW in August 2021 as part of its effort to control noxious and annual weeds. The originally planned 2021 fall chemical treatment for noxious weeds was postponed due to the drought conditions in McKenzie County. ONEOK plans to restart its weed management program in the 2022 growing season as weather conditions permit. ONEOK will continue to work with and receive landowner(s) approval(s) prior to any chemical treatment.

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Report Section 3.5 STREAM/WETLAND CROSSINGS:

One open cut stream/wetland crossing was examined. The final topography matched the drainage area outside of the ROW with no evidence of severe erosion and the seeded vegetation was exceptionally established (**Report Appendix B; Observation Point 9080011**). One other stream/wetland crossing was observed where the HDD crossing method was used (**Appendix B; Observation Point 9080012**). The boring area was observed to be appropriately reclaimed and contained adequate vegetative cover. However, one concern found during the reclamation inspection was the occurrence of wooden debris left behind **Observation Point 9080011**.

ONEOK Response:

Observation Point 9080011: ONEOK is working to have the wooden debris removed from this location.

Report Section 3.7 AS-BUILT CONCERNS:

The as-built inspection found several permits and other required documentation had yet to be filed with the PSC. Since the submittal of the as-built inspection report, Stantec found ONEOK has only submitted a Tree and Shrub Mitigation Plan, which was approved by the PSC. Stantec did not find any filings with the PSC pertaining to:

- USACE Permits
- USFWS-required MBTA and BGEPA surveys
- USFWS concurrence on wetland and grassland easements within the Project corridor
- Dakota skipper additional surveys and USFWS concurrence
- WAWSA concurrence on rural water supplies
- Permit Verification
 - USACE, Section 404 Permit
 - Department of Transportation, Federal Highway Administration, Permit to Cross
 - NDDEQ, SWPPP, Permit & NOI
 - McKenzie County, Conditional Use Permit
 - ONEOK has provided all required permits and other required documentation to the PSC.

ONEOK Response: ONEOK has filed all applicable permits and required documentation with the PSC.

ONEOK filed an update with the PSC on September 29, 2021, regarding the Tree and Shrub Mitigation Plan that included information pertaining to its sponsoring agreement with the North Dakota Petroleum Foundation/Plantings For The Future Program and the details regarding project #402 re-plantings as well as information pertaining to affected landowners.

During ONEOK's 2021 restoration efforts, ONEOK reseeded all disturbed areas of the Project using NRCS recommended seed mixes and/or specific request/preference of the individual landowner(s). ONEOK has continued to utilize the Project's Weed Management Plan and has continued to work with landowners on their preferences for any weed management treatment.

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Despite severe drought conditions that occurred throughout McKenzie County during 2021, ONEOK remains hopeful that conditions will improve during the 2022 growing season allowing future efforts to be successful.

Please feel free to contact Beth Ludwig, Environmental Specialist (phone 918-588-7257; email beth.ludwig@oneok.com) or me with any questions or concerns you may have.

Sincerely,

DocuSigned by:

Todd McKimney

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Todd McKimney

Vice President, Integrated Operations and Capital Projects

cc: Todd McKimney, Vice President, Integrated Operations and Capital Projects
Michael Dailey, Legal Counsel
Wade C. Mann, Crowley Fleck
Casey Furey, Crowley Fleck
Beth Ludwig, Environmental Specialist
Tulsa Large Projects, Little Missouri Lateral Project Files