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May 20, 2020

*Via Electronic Mail Only*

Mr. Steve Kahl  
Executive Director  
North Dakota Public Service Commission  
600 E. Boulevard, Dept. 408  
Bismarck, ND 58505-0480  
[ndpsc@nd.gov](mailto:ndpsc@nd.gov)

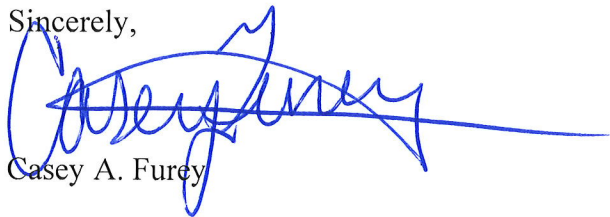
In re: ONEOK Bakken Pipeline, L.L.C.  
Tioga Lateral Pipeline Project  
Case No. PU-19-368  
Our File No. 072591-000009

Dear Mr. Kahl:

On behalf of ONEOK Bakken Pipeline, L.L.C. ("ONEOK"), enclosed for filing in the above referenced matter are electronic copies of ONEOK's Certification Relating to N.D.C.C. § 49-22.1-15(3) with accompanying Exhibits 1-3, and updated project shapefiles depicting the route modifications.

Please feel free to contact me if you have any questions. Thank you.

Sincerely,



Casey A. Furey

Enc.

cc: Victor Schock (via email)  
Michael Dailey (via email)  
Beth Ludwig (via email)

**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

**ONEOK Bakken Pipeline, L.L.C  
16-Inch NGL Pipeline – Williams County  
Siting Application**

**Case No. PU-19-368**

**CERTIFICATION RELATING TO N.D.C.C § 49-22.1-15(3)**

STATE OF OKLAHOMA )  
 ) ss. **DECLARATION OF**  
COUNTY OF TULSA ) **MATTHEW GILLETT**

Pursuant to N.D.C.C. § 49-22.1-15(3), the undersigned, Matthew Gillett, hereby states:

1. I am the Director of Project Development for ONEOK Bakken Pipeline, L.L.C., (“ONEOK”) with authority to bind ONEOK to the following, hereby certifies as follows:
2. In an order dated April 1, 2020, in the above captioned matter, the North Dakota Public Service Commission (“Commission”) approved Certificate of Corridor Compatibility No. 214 and Route Permit No. 224 for the construction, operation, and maintenance of a 16-inch diameter, 75-mile-long natural gas liquids (“NGL”) transmission pipeline in Williams County, North Dakota (the “Project”). The Project originates at the Hess Tioga Natural Gas Processing Plant in Williams County and terminates at an interconnection near the ONEOK Stateline to Riverview NGL Pipeline.
3. ONEOK hereby provides the Commission with written notice of its intent to modify the Project route outside the corridor designated by Certificate of Corridor Compatibility No. 214. Attached hereto as Exhibit 1, are maps depicting the designated corridor, corridor adjustment, designated route and route adjustment. *See*, Certification Relating to Order Provision No. 39, Docket No. 59.
4. ONEOK intends to modify the Project route and corridor at approximate milepost 23.9 to 24.2 and 24.9 to 25.3. The Project route was shifted outside the existing corridor for a length of 807 feet at milepost 23.9 and 761 feet at milepost 24.9 due to existing pipelines and landowner routing preferences. This route and corridor adjustments are depicted on Exhibit 1 hereto.
5. ONEOK conducted natural resource field surveys on all areas not previously surveyed extending outside of the designated corridor in spring 2020. Results of the natural resource field surveys are included in the 2020 Natural Resource Survey Report, attached hereto as Exhibit 2.
6. ONEOK consulted with the North Dakota State Historic Preservation Office (“NDSHPO”) regarding the expanded corridor areas for which NDSHPO issued a concurrence providing

a “No Historic Properties Affected” determination on May 8, 2020, attached hereto as Exhibit 3.

7. Pursuant to N.D.C.C. § 49-22.1-15(3):

- a. The construction activities will not affect any known exclusion or avoidance areas (*see*, Exhibits 2, 3 hereto);
- b. The route outside the corridor is no longer than one and one-half miles;
- c. ONEOK will comply with the Commission’s Order, laws, and rules designating the corridor and designating the route;
- d. Each owner of real property on which the adjustment is to be located and any applicable governmental entity with an interest in the same adjustment area do not oppose the adjustment; and,
- e. Information regarding field studies evaluating exclusion and avoidance areas outside the originally designated corridor are enclosed.

8. Updated shapefiles containing the route modifications discussed herein are also included.

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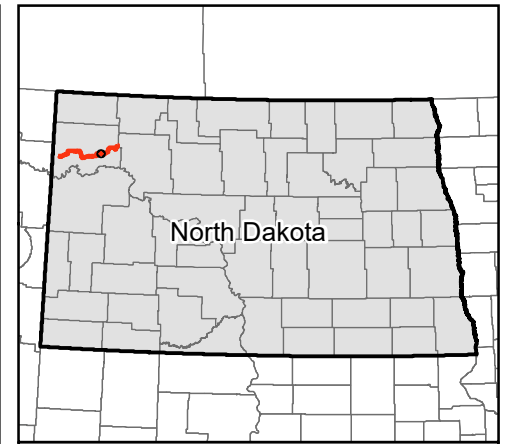
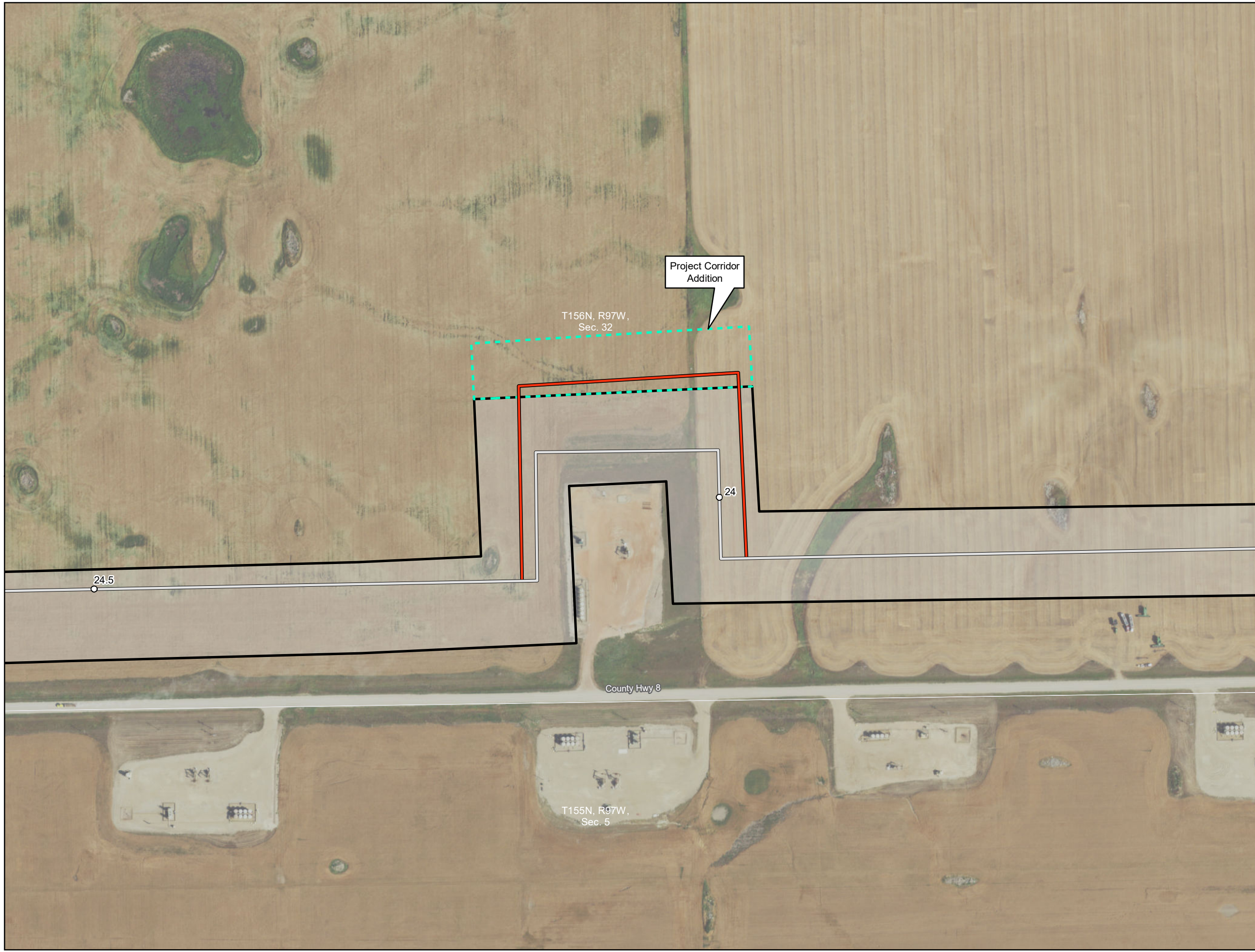
I declare, under penalty of perjury under the law of North Dakota, that the foregoing is true and correct.

Signed on the 19 day of May, 2020, at Tulsa County, Oklahoma, United States of America.

DocuSigned by:  
*Matt Gillett*  
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Matthew Gillett  
Director of Project Development  
ONEOK Bakken Pipeline, L.L.C.



Imagery Source: USDA-FSA-APFO  
Aerial Photography Field Office

- Milepost
- New Alignment
- Previous Alignment
- ▭ Project Corridor
- - - Project Corridor Addition
- ▭ Section Boundary

\*No exclusion areas located within map view

**Exhibit B.2**  
**ONEOK Bakken Pipeline, L.L.C.**  
**Tioga Lateral Pipeline Project**

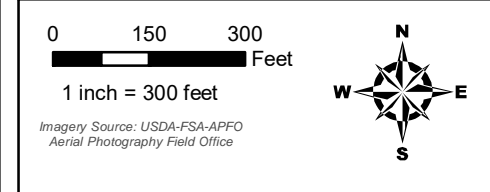
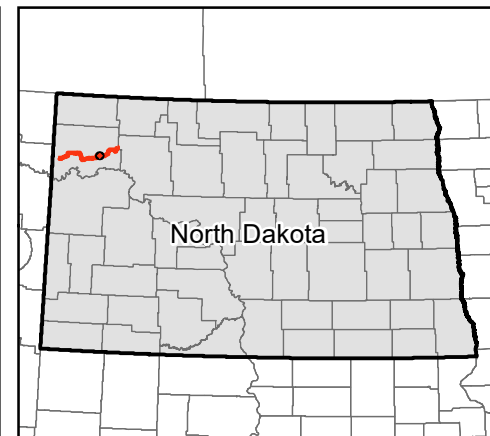
**Project Corridor Adjustments**

Page 1 of 2

Williams County, ND



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- Milepost
- New Alignment
- Previous Alignment
- ▭ Project Corridor
- - - Project Corridor Addition
- ▭ Section Boundary

\*No exclusion areas located within map view

**Exhibit B.2**  
**ONEOK Bakken Pipeline, L.L.C.**  
**Tioga Lateral Pipeline Project**

**Project Corridor Adjustments**

Page 2 of 2  
 Williams County, ND

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**ONEOK Bakken Pipeline, L.L.C.  
Tioga Lateral Pipeline Project  
Williams County, North Dakota**

**2020 Natural Resources Survey  
(Potential Reroutes)**

May 2020  
**Report**

Submitted  
to

**ONEOK**  
100 W. Fifth Street  
Tulsa, Okla. 74103

Submitted  
by



1 Main Street SE, Suite 300  
Minneapolis, MN 55414  
612.746.3660 main  
[www.merjent.com](http://www.merjent.com)

Merjent, Inc. (Merjent) is pleased to provide the following report for natural resources surveys associated with ONEOK Bakken Pipeline, L.L.C.'s (ONEOK) Tioga Lateral Pipeline project (Project). Merjent recently conducted wetland and waterbody surveys, habitat evaluations for federally-listed rare species, and general land use/land cover documentation in two locations adjacent to the original Project area which was surveyed in 2019 by Midwest Natural Resources. Merjent understands that ONEOK is evaluating potential reroutes in these locations.

**Survey Limits and Existing Data**

Merjent biologist Joe Orr conducted supplemental Project natural resources surveys on May 4, 2020. Surveys occurred in two distinct and separate locations. The first location consisted of two small areas totaling 3.78 acres around an existing well pad near current Project milepost (MP) 24 (Township 156 North, Range 97 West, Section 32). The second location consisted of an 8.85 rectangular survey area near MP 25 (Township 156 North, Range 97 West, Section 31). The survey areas are located about 1 mile apart in Williams County, North Dakota and are located adjacent to previously surveyed portions of the Project (see **Figures**).

Surveys of the Project area were focused on wetland and waterbody surveys, noxious weeds, and federally-listed threatened and endangered species. Prior to conducting field surveys, Merjent staff evaluated existing data including the original survey report (Midwest Natural Resources, 2019), the National Wetlands Inventory (NWI), National Hydrology Dataset (NHD), and the Williams County Soil Survey. A small portion of one NWI wetland (PEMC) was identified on the northern boundary of the MP 25 survey area (Township 156 North, Range 97 West, Section 31). No NHD features were present in either location. According to the digital soil survey for Williams County, mapped soils within the survey are all well drained, and none of the soil series are classified as hydric (**Table 1**).

**Table 1. Soils within the Project area**

Soil Map Unit Symbol	Soil Map Unit Name	Drainage Class	Hydric Rating
C132B	Williams-Zahl loams, 3 to 6 percent slopes	Well drained	No
C132C	Williams-Zahl complex, 6 to 9 percent slopes	Well drained	No
C210A	Williams-Bowbells loams, 0 to 3 percent slopes	Well drained	No

**Methods**

***Wetlands and Waterbodies***

Potential wetland areas were evaluated utilizing the Routine “Onsite” Determination Method contained in the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Great Plains Region for the 1987 Wetlands Delineation Manual Technical Report Y-87-1. Vegetation was assessed by identifying the dominant species present and noting wetland indicator status. Hydrologic indicators were evaluated for characteristics including, but not limited to, the presence or absence of inundated or saturated soils, high water table, drift lines, and drainage patterns. The final parameter, soils, were assessed by excavating to a minimum depth of 20 inches, where possible, and examining profile characteristics (color of matrix/mottles, and texture), along with determining the presence or absence of hydric soil indicators.

Potential waterbody boundaries are identified by the presence of a defined bed and bank and evidence of flow. These features if present, are mapped based on the Ordinary High Water Mark (OHWM), which is defined by indicators including, but not limited to, wrested vegetation, clear line on bank, etc. The survey areas were evaluated for wetland and waterbody features on May 4, 2020.

If present, documented features were recorded spatially with GPS units (Trimble R1) and were further documented with representative photographs (**Appendix A**).

### **Noxious Weeds**

Noxious weed surveys targeted the 13 species identified by the North Dakota Department of Agriculture as well as one additional species listed in Williams County.

- Absinth Wormwood (*Artemisia absinthium* L.)
- Canada Thistle (*Cirsium arvense* (L.) Scop.)
- Dalmatian Toadflax (*Linaria genistifolia* spp. *dalmatica*)
- Diffuse Knapweed (*Centaurea diffusa* Lam.)
- Houndstongue (*Cynoglossum officinale* L.)
- Leafy Spurge (*Euphorbia esula* L.)
- Musk Thistle (*Carduus nutans* L.)
- Palmer amaranth (*Amaranthus palmeri*)
- Purple Loosestrife (*Lythrum salicaria* L., *Lythrum virgatum* L., and all cultivars)
- Russian Knapweed (*Centaurea repens* L.)
- Saltcedar (*Tamarisk* spp.)
- Spotted Knapweed (*Centaurea maculosa* Lam.)
- Yellow Toadflax (*Linaria vulgaris*)

County-listed:

- Narrowleaf Hawksbeard (*Crepis tectorum*)

### **Habitat Assessments**

Surveys included a general habitat assessment to evaluate potential habitat for state- and federally-listed threatened and endangered species within the survey areas (**Table 2**). Habitat assessment surveys were also completed for raptor nests (including bald and golden eagles). These were conducted visually within line-of-sight of the survey corridor. The habitat assessment involved documenting the dominant vegetation and the surrounding land use/land cover along with collecting spatially-referenced photographs. These survey efforts occurred on May 4, 2020.

All documented features were recorded spatially with GPS units (Trimble R1) and were further documented with representative photographs (**Appendix A**).

## Results and Discussion

### Site Description

Merjent biologist Joe Orr evaluated the survey areas on May 4, 2020. Both locations are currently cultivated cropland most recently planted in corn and small grains. A sparsely populated tree row consisting of Siberian elm (*Ulmus pumila*) with patches of smooth brome (*Bromus inermis*), kochia (*Bassia scoparia*), and curly doc (*Rumex crispex*) is located in the survey area at MP 25 (Township 156 North, Range 97 West, Section 31). The majority of trees within the row were observed to be dead. (see **Figures** and representative photos in **Appendix A**).

### Wetlands and Waterbodies

Field surveys resulted in zero delineated wetlands and zero waterbodies within the survey areas. Both locations are located primarily in well drained agricultural fields lacking wetland hydrophytic vegetation. Furthermore, a review of the Williams County soil survey did not identify any hydric soils in the survey areas.

A small portion of one NWI wetland (PEMC) was identified on the northern boundary of the MP 25 survey area (Township 156 North, Range 97 West, Section 31). Field surveys confirmed that this feature does not the necessary hydrologic or vegetative characteristics to be delineated as a wetland.

### Noxious Weeds

Surveys did not identify noxious weed occurrences in either of the two survey areas.

### Habitat Assessments

Due to dominance of cultivated cropland and smooth brome, the lack of wetlands or waterbodies, and adjacent well pad development, there is no potential habitat for federally-listed species within the survey area. The tree row in the MP 25 survey area does not provide suitable habitat for the northern long-eared bat and no eagle or raptor nests were observed during the course of the surveys.

The tree row within the MP 25 survey area consists of sparsely populated group of Siberian elm trees, the majority of which were observed to be dead (see Photos 1 and 2 in **Appendix A**). Merjent conducted an inventory of the live trees within the row and understands ONEOK will be required to mitigate for any live trees that are removed by the Project per the North Dakota Public Service Commission's Tree and Shrub Mitigation Specifications.

**Table 2 Habitat suitability for federally-listed species within the survey areas**

Species	Scientific Name	Presence of Habitat in additional Project Area
Northern long-eared bat	<i>Myotis septentrionalis</i>	Suitable habitat not present
Interior least tern	<i>Sterna antillarum</i>	Suitable habitat not present
Piping plover	<i>Charadrius melodus</i>	Suitable habitat not present
Red knot	<i>Calidris canutus</i>	Suitable habitat not present
Whooping crane	<i>Grus americana</i>	Suitable habitat not present
Pallid sturgeon	<i>Scaphirhynchus albus</i>	Suitable habitat not present

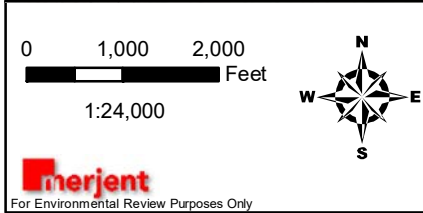
## References

Midwest Natural Resources. 2019. Natural Resources Survey Report – 2019: Tioga Lateral Pipeline Project, North Dakota.




US Army Corps of Engineers. 2005. Regulatory Guidance Letter No. 05-05, Ordinary High Water Mark Identification. December 7, 2005.

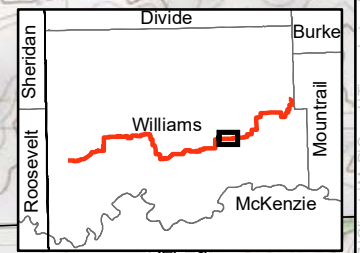
US Army Corps of Engineers. 2010. Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Great Plains Region (Version 2.0). ERDC/EL TR-10-1. US Army Engineer Research and Development Center, Vicksburg, MS.

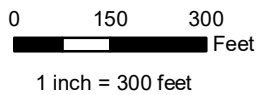
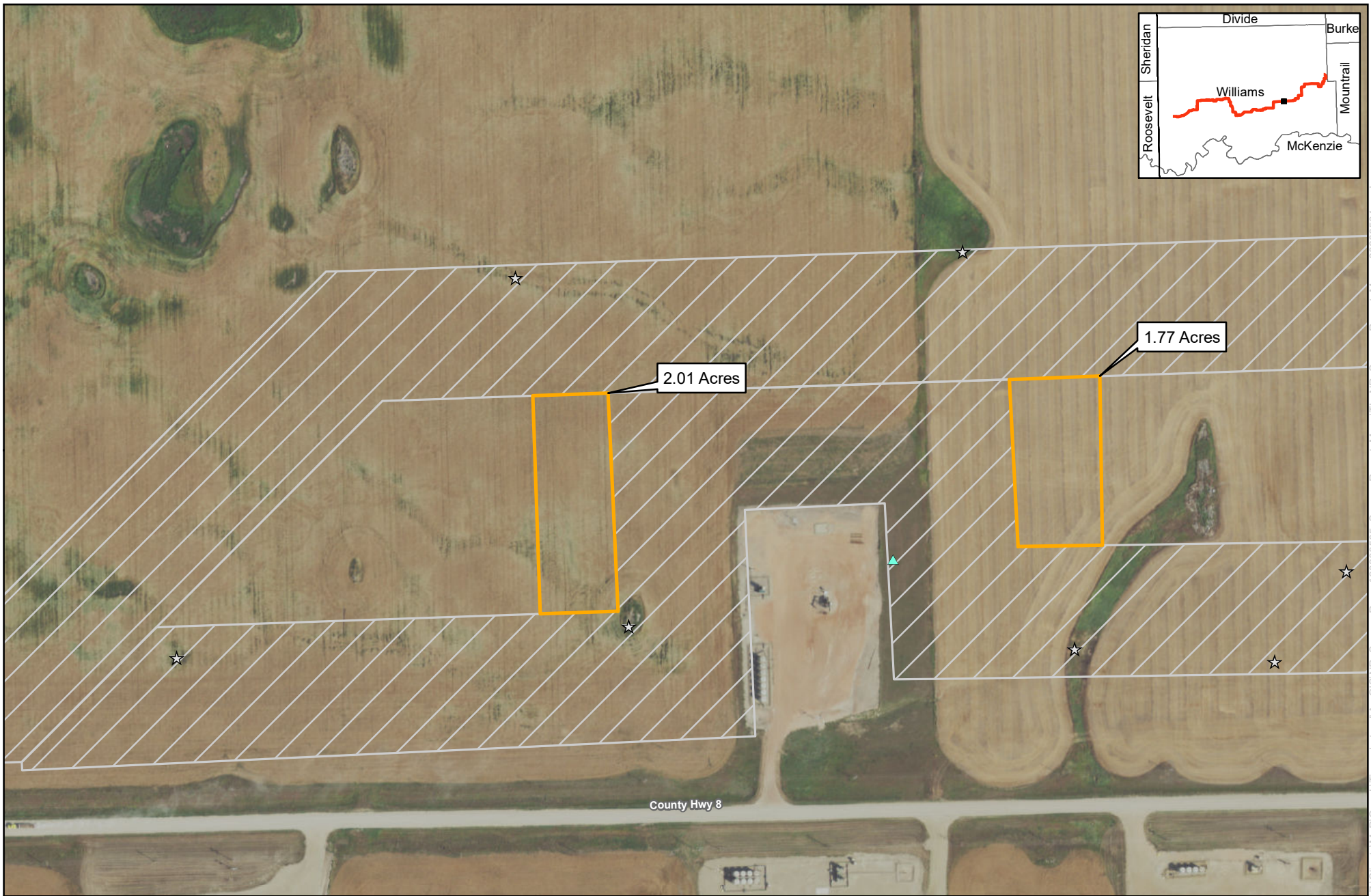
# Figures





**ONEOK Bakken Pipeline, L.L.C.**  
**Tioga Lateral Pipeline Project**  
**Potential Reroutes - 2020 Surveys**



-  2020 Survey Coverage
-  2019 Survey Coverage
-  Section Boundary

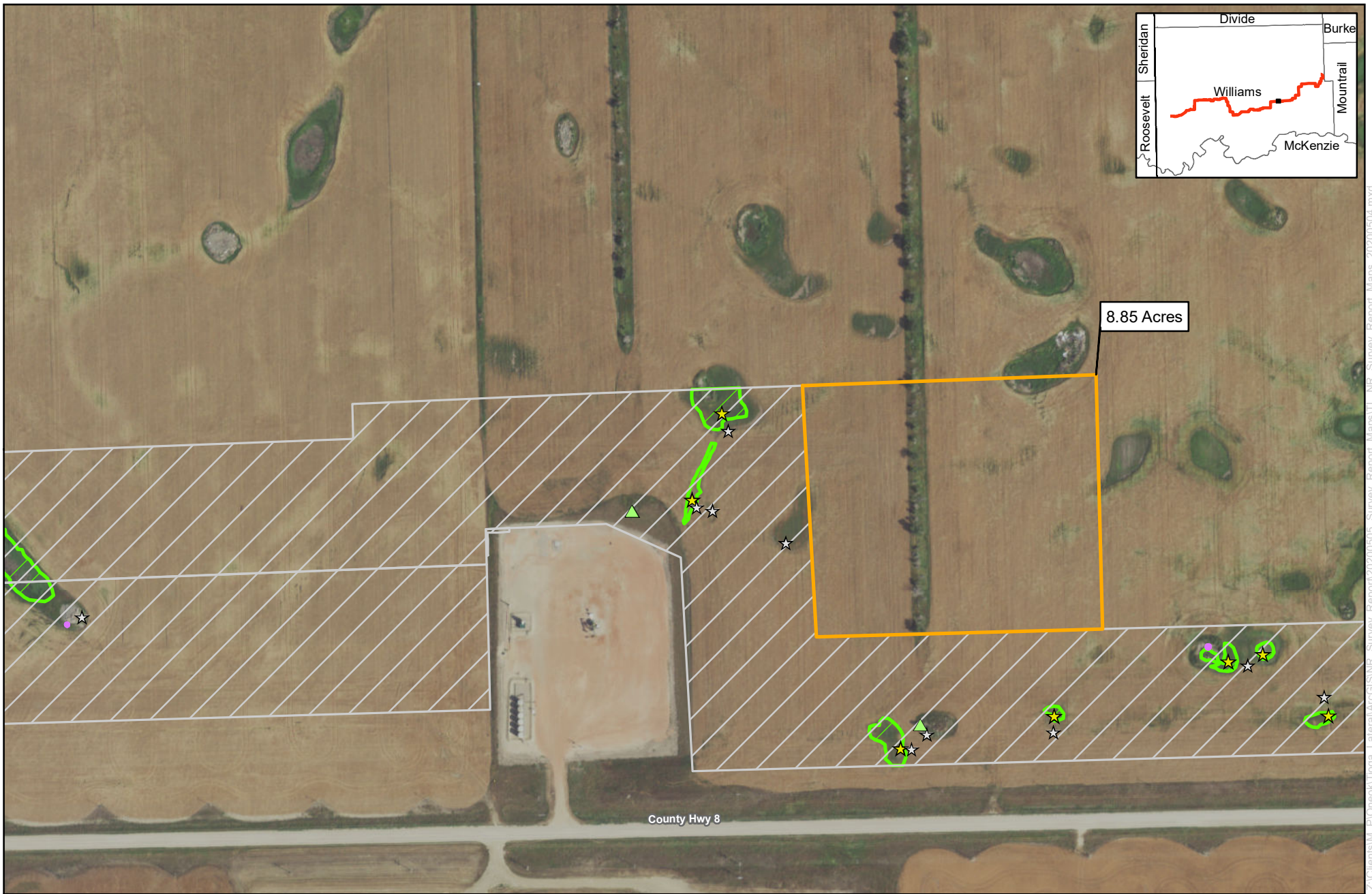




**ONEOK Bakken Pipeline, L.L.C.  
Tioga Lateral Pipeline Project  
Potential Reroutes - 2020 Surveys  
Township 156N, Range 97W, Section 32**

-  2020 Survey Coverage
-  2019 Survey Coverage

-  Shrub Point
-  Upland Point



8.85 Acres

County Hwy 8

0 150 300  
 Feet  
 1 inch = 300 feet



**ONEOK Bakken Pipeline, L.L.C.**  
**Tioga Lateral Pipeline Project**  
**Potential Reroutes - 2020 Surveys**  
**Township 156N, Range 97W, Section 31**

- 2020 Survey Coverage
- 2019 Survey Coverage
- Tree Point
- Upland Point
- Wetland Point
- Field Delineated Shrub
- Field Delineated Wetland

**Appendix (A)**  
**Representative Photographs**



Photo 1: T156N, R97W, Section 31: Western edge of survey area facing east. Note tree row in background.



Photo 2: T156N, R97W, Section 31: Representative photo of Siberian elms in tree row, facing east



Photo 3: T156N, R97W, Section 31: Southern boundary of survey area facing north. Note tree row on left side of photo.



Photo 4: T156N, R97W, Section 32: Southern border of survey area looking north



Photo 5: T156N, R97W, Section 32: Northern border of survey area looking south



May 8, 2020

Ms. Kari Krouse  
Merjent  
1 Main Street SE, Suite 300  
Minneapolis, MN 55414

**ND SHPO Ref.: 20-0151 Tioga Lateral Pipeline Project PU-19-368 Williams County, North Dakota**

Dear Ms. Krouse,

We acknowledge receipt of the due diligence letters for ND SHPO Ref: 20-0151 Tioga Lateral Pipeline Project PU-19-368 Williams County, North Dakota regarding portions of [T156N R97W Section 32 near milepost 24 and T156N R97W Section 31 near milepost 25]. As mentioned in the letters, the centerline adjustment is within the area previously surveyed for this project and will not impact any known historic sites.

Thank you for the opportunity to review this project change. If you have any questions, please contact either Andrew Clark at (701) 328-3574 or [ajclark@nd.gov](mailto:ajclark@nd.gov) or Lorna Meidinger, Historic Preservation Specialist at (701) 328-2089 or [lbmeidinger@nd.gov](mailto:lbmeidinger@nd.gov)

Sincerely,

for Claudia J. Berg  
State Historic Preservation Officer  
(North Dakota)

20-0151