

**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

**ONEOK Bakken Pipeline, L.L.C.  
Big Gulch Pump Station - Dunn County**

**Case No. PU-20-018**

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

**Attendees:**

- North Dakota Public Service Commission (“ND PSC”)
  - Victor Schock, Public Utility Analyst, [vschock@nd.gov](mailto:vschock@nd.gov)
- ND PSC Construction Inspector, Short Elliott Hendrickson (“SEH”)
  - Matt Schaible, SEH, [mschaible@sehinc.com](mailto:mschaible@sehinc.com)
- For ONEOK Bakken Pipeline, L.L.C (“ONEOK”)
  - Joel Robidoux, Project Manager, [joel.robidoux@oneok.com](mailto:joel.robidoux@oneok.com)
  - Andrew Hackler, Environmental Project Manager, [andrew.hackler@oneok.com](mailto:andrew.hackler@oneok.com)
  - Timothy Minihan, Supervisor, [timothy.minihan@oneok.com](mailto:timothy.minihan@oneok.com)
  - Jeremy Morgan, Construction Coordinator/Supervisor, [jeremy.morgan@oneok.com](mailto:jeremy.morgan@oneok.com)
  - Deborah Perry, Environmental Supervisor, [deborah.perry@oneok.com](mailto:deborah.perry@oneok.com)
  - Paul Hartzheim (Merjent, Inc.), Environmental Consultant, [paul.hartzheim@merjent.com](mailto:paul.hartzheim@merjent.com)
  - Tate Kick (Martin Construction), Project Manager/Contractor, [tkick@martinnd.com](mailto:tkick@martinnd.com)
  - Susan Bergman, Land Agent, [susan.bergman@oneok.com](mailto:susan.bergman@oneok.com)
  - David Rayon, On-site Construction Coordinator, [david.rayon@oneok.com](mailto:david.rayon@oneok.com)

**Meeting Notes/Summary:**

Roll call was taken at the beginning at the meeting by the ONEOK Project Manager Joel Robidoux. Robidoux introduced the ONEOK representatives on the call. Mr. Schaible with SEH was introduced as the ND PSC’s third-party inspector. Robidoux stated that Hartzheim would be taking meeting minutes. The call took place via Microsoft Teams.

Schock noted that although this call is related to construction of the Big Gulch Pump Station, he reiterated that per Condition 11 of the Findings of Fact, construction of the Stony Johnny Butte Pump Station may not commence until a lease is secured for that site.

The remainder of the call focused on the Certification Relating to Order Provisions – Transmission Facility Siting portion of the Order. Schock read Conditions 1-9 verbatim. Hackler asked for clarification on Conditions 9-11 as they relate to topsoil segregation and if there would be a different expectation as this project will involve construction of a pump station which will be fully graveled upon completion. Schock asked if the site was owned by ONEOK or would be leased. ONEOK clarified the site would be leased and Bergman stated she was pulling up the lease to review the conditions. It was agreed to come back to this topic later in the call.

Schock read Conditions 12-25 verbatim. Robidoux noted the ONEOK typically provides a contact to affected landowners to address issues that come up during construction and then provides a 1-800 hotline

number to address issues after construction has commenced. Schock stated that Condition 26 addresses the long-term contact and that it is the ND PSC's expectation that ONEOK keep the Commission and the landowner apprised of current and future contacts, should that information change over time.

Schock continued and read Conditions 26-30 verbatim. Robidoux asked for clarification on Condition 30 as it relates to filing project modifications with the ND PSC and noted that there may have been minor changes to the facility since ONEOK filed its application. Schock stated that although Big Gulch will be a pump station, the Order contains a Corridor Certificate and Route Permit for a transmission facility/pipeline. Schock clarified that modifications to the Route or Corridor would absolutely need to be filed with ND PSC; however, minor changes to the facility layout/infrastructure would not; however, they would be included in the as-built drawings to be filed after construction is completed. Schock pulled up a copy of Exhibit A from the application and (as an example) noted that moving a pump or valve would not require a modification filing with ND PSC.

Bergman interjected that she had reviewed the Big Gulch lease and that it is a 25-year lease (with an option for unlimited renewals) that does not contain any language about reclamation of the site. Some discussion followed about the feasibility and effectiveness of segregating and storing topsoil for 25 years (or longer). Schock stated that he would need to check on this issue with his Director and that he anticipated having an answer no later than noon the next day. Schock stated once he had clarification, he would send an email to everyone on the pre-construction call with further guidance. (\*see below for email)

Schock went back to the Certification and read Condition 11 verbatim. Hackler interjected that Condition 11 contains language about topsoil segregation during frozen ground conditions and noted that construction is slated to being the following week under likely frozen ground conditions. Schock gave his opinion that he did not see an issue with it but that he would also bring up this question with his Director and provide further information following the call.

Hartzheim asked for clarification on Condition 10 which states that ONEOK provide notice of intent to start construction to the ND PSC and its third-party inspector. Hartzheim stated that on previous projects, this notice was provided in combination with the filing of the meeting minutes from the Pre-Construction meeting. Schock confirmed this is still an appropriate way to meet this requirement.

Schock read the remaining conditions (31-43) verbatim and opened up the meeting to questions, which are summarized below:

- Robidoux asked for clarification on monthly reporting. Schock forwarded an example from a recent ONEOK project as a template that can be used.
- Robidoux asked if Schaible would be in the field or if it would be another inspector. Schaible stated the inspector would be Brandon Miron (*sp.?*). Schock also noted the inspector may provide guidance to construction crews but their primary role is to observe and document issues. Major issues will be communicated to the ND PSC staff immediately; minor issues will be documented in the inspector's reports which will be filed with the ND PSC and become part of the docket.
- Hartzheim asked if topsoil segregation is not required, would the third-party inspector be required to be on the job-site on Day 1 for ground breaking? Schock said he didn't think so, but that he would need to clarify with his Director. Schaible stated that pending further direction from Schock, his inspector could be available for a potential February 22, 2021 start date.

Schock concluded the call by stating he would be talking to his Director about the topsoil segregation issue and hoped to have additional information by the end of the day or no later than noon the following day. Hartzheim stated that he would wait until further clarification on the topsoil issue prior to finalizing these meeting minutes. (\*see email below)

Minahan asked if these meeting minutes would supersede any conditions in the Order, particularly as it relates to topsoil segregation. Schock stated that he thought the meeting minutes may be appropriate to document these type of changes should the issue come up in the future; however, stated he would need to verify with his Director if the Order or Certification would need to be modified.

The call concluded at 3:50pm CT.

ONEOK anticipates construction will commence on February 22, 2021.

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*\*Following the call, Schock sent the following email to the meeting attendees regarding topsoil segregation\**

*Joel/All,*

*I have discussed topsoil segregation with the Director of Public Utilities.*

*He believes that due to the land being leased, the topsoil segregation requirements are applicable and necessary for the pump station sites. This would also mean that construction may not begin prior to the topsoil being thawed substantially to ensure proper segregation. There is a provision for unless otherwise approved by the commission. While this has not been used often, it was used by Dakota Access for a pump station site whereby they used ground thawing devices to thaw the topsoil sufficiently to ensure proper segregation.*

*Thanks,*

*Victor Schock*