

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

ONEOK Bakken Pipeline, L.L.C.
Amend Cert. No. 209, Permit No. 219
Siting Application

Case No. PU-22-164

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

June 29, 2022

Preliminary Statement

On May 1, 2019, in Case No. PU-18-399, the North Dakota Public Service Commission (Commission) issued Findings of Fact, Conclusions of Law and Order granting Certificate of Corridor Compatibility No. 209 and Route Permit No. 219 to ONEOK Bakken Pipeline, L.L.C., (ONEOK) for the Demicks Lake Pipeline. Construction of the pipeline was completed in January 2020.

On April 6, 2022, ONEOK filed an Application for Waiver or Reduction of Procedures and Time Schedules and an Amended Order, Amended Corridor Certificate, and Amended Route Permit (Application). The Application sought an Amendment to Corridor Compatibility Certificate No. 209 and Route Permit No. 219 for the Demicks Lake Pipeline to allow for the addition of a pump station facility adjacent to the existing pipeline. The Application also sought a waiver of procedures and time schedules established under North Dakota Century Code sections 49-22.1-05, 49-22.1-06(4), and 49-22.1-07(4), and North Dakota Administrative Code section 69-06-01-02 and Chapter 69-06-06.

On April 22, 2022, the Commission requested additional information from ONEOK. Between April 26, 2022, and May 6, 2022, ONEOK filed supplemental information with the Commission.

On May 4, 2022, the Commission deemed the Application complete and issued a Notice of Opportunity for Hearing (Notice) that provided until June 3, 2022, for comments or requests for hearing.

The Notice identified the following issues to be considered in ONEOK's request for a waiver of procedures and time schedules:

1. Is the proposed facility of such length, design, location, or purpose that it will produce minimal adverse effects such that adherence to the 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 Notice identified the following issues to be considered in ONEOK's application for amended certificate of corridor compatibility and amended route permit:

1. 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?
2. Is the proposed facility compatible with the environmental preservation and the efficient use of resources?
3. 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?

No comments or requests for hearing were received in response to the Notice.

Findings of Fact

1. ONEOK Bakken Pipeline, L.L.C. 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 June 20, 2022, and June 22, 2022, in Case No. PU-13-739.

Size and Type of Facility

2. ONEOK intends to construct an additional pump station and associated facilities along the existing Demicks Lake Pipeline in McKenzie County, North Dakota, known as the Spring Creek II Pump Station (Project). The purpose of the Project is to add additional natural gas liquids (NGL) throughput to the Demicks Lake Pipeline.
3. The Project consists of the addition of a pump station and associated facilities consisting of three 5,000 horsepower electrically driven pumps located adjacent to the existing Demicks Lake Pipeline.
4. The Project will add approximately 50,000 barrels per day (bpd) of incremental throughput to the Demicks Lake Pipeline, increasing the pipeline's throughput up to 300,000 bpd of NGL. The maximum design capacity of the Demicks Lake Pipeline is up to 400,000 bpd.
5. The anticipated cost of the Project is approximately \$23 million.

Study of Preferred Location

6. The preferred location for the Project is an approximately 8.3-acre parcel in the southwest 1/4 of Section 3, Township 148 North, Range 102 West, in McKenzie County, North Dakota, approximately 12 miles south of the city of Alexander (Project Site).

7. ONEOK has acquired a long-term lease agreement for the Project's construction and operation.

8. The Project Site is located within the existing one-mile-wide study area (Study Area) analyzed for the original Demicks Lake Pipeline in Case No. PU-18-399. The Project Site will extend approximately six acres outside the existing corridor. In addition to the previous studies conducted for the existing pipeline, ONEOK conducted a Class I cultural resource literature review; field surveys for aquatic resource delineation, threatened/endangered species and their habitat; a tree and shrub inventory, and a noxious weeds survey across an approximately 44-acre land parcel for the Spring Creek II Pump Station (Survey Area). The 8.3-acre Project Site falls wholly within the 44-acre Survey Area. The Survey Area is depicted as the "Survey Area" and illustrated on the map marked as Exhibit B.2 of ONEOK's Application.

9. ONEOK conducted a Class III cultural resource inventory across the Survey Area. In correspondence dated December 21, 2021, the North Dakota State Historical Preservation Office concurred with a "no significant sites affected within the survey area" determination.

10. In 2018, ONEOK consulted with several federal, state, and local agencies on the Study Area as part of the Demicks Lake Pipeline project. The Project Site falls wholly within the area. Based on a desktop review of publicly available information, there are no state or federally owned or managed lands or other protected resources within the Study Area. ONEOK did consult with state and federal agencies that manage biological and cultural resources that may have changed over time (e.g., unique species/habitat, eagle nests, noxious weeds).

11. ONEOK initiated correspondence seeking comments from the following federal, state, and local agencies and entities regarding the Project:

- a. Federal: (1) Federal Aviation Administration; (2) U.S. Army Corps of Engineers; (3) U.S. Department of Defense; (4) U.S. Department of Agriculture Natural Resources Conservation Service; (5) U.S. Fish and Wildlife Service North Dakota Ecological Services Office; (6) U.S. Forest Service; (7) U.S. Dept. of Agriculture North Dakota Farm Service Agency; (8) Bureau of Land Management; (9) Military Aviation and Installation Assurance Siting Clearinghouse; (10) Minot Air Force Base; and (11) Grand Forks Air Force Base Public Affairs Services.

b. State: (1) North Dakota Attorney General; (2) North Dakota Department of Career and Technical Education; (3) North Dakota Department of Commerce; (4) North Dakota Department of Environmental Quality; (5) North Dakota Department of Human Services; (6) North Dakota Department of Transportation-Williston District; (7) North Dakota Department of Trust Lands (Surface and Minerals); (8) North Dakota Energy Infrastructure and Impact Office; (9) North Dakota Game and Fish Department; (10) North Dakota Indian Affairs Commission; (11) North Dakota Industrial Commission-Transmission Authority; (12) North Dakota Labor Department; (13) North Dakota Parks and Recreation Department; (14) North Dakota Department of Water Resources (15) Job Service of North Dakota; (16) North Dakota State Historic Preservation Office; (17) North Dakota Office of the Governor; (18) North Dakota Geologic Survey; (19) North Dakota Aeronautics Commission; (20) North Dakota Department of Agriculture; (21) North Dakota Forest Service; (22) North Dakota Industrial Commission-Pipeline Authority; and (23) North Dakota Department of Health.

c. Local: (1) McKenzie County Board of Commissioners; (2) McKenzie County Water Resource District; (3) McKenzie County Weed Control Board; and (4) Western Area Water Supply Authority.

Siting Criteria

12. The Commission has established criteria pursuant to North Dakota Century Code section 49-22.1-03 to guide the corridor and route suitability evaluation and designation process. The criteria set forth in North Dakota Administrative Code section 69-06-08-02 include Exclusion Areas, Avoidance Areas, Selection Criteria, and Policy Criteria.

13. ONEOK evaluated the Project with respect to the Exclusion Areas, Avoidance Areas, Selection Criteria, and Policy Criteria.

Exclusion Areas

14. An Exclusion Area is a geographic area that must be excluded in the consideration of a route for a transmission facility. An Exclusion Area 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. ONEOK's surveys did not record any Exclusion Areas within the Survey Area.

Avoidance Areas

16. An Avoidance Area is a geographical area that may not be considered in the routing of a transmission facility unless the applicant demonstrates that under the circumstances, there is no reasonable alternative. In determining whether an Avoidance Area should be designated for a 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.

17. ONEOK's surveys did not record any Avoidance Areas within the Survey Area.

Selection Criteria

18. In accordance with the Commission's Selection Criteria set forth in North Dakota Administrative Code section 69-06-08-02(3), a transmission facility corridor or route shall be approved only 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 that those effects will be managed and maintained at an acceptable minimum. ONEOK has analyzed the impacts of the Project in relation to all relevant Selection Criteria.

19. ONEOK's surveys did not locate any trees or shrubs within the Survey Area.

20. The Commission's Policy Criteria are set forth in North Dakota Administrative Code section 69-06-06-08-02(4). The Commission may give preference to an applicant that will maximize benefits that result from the adoption of various policies and practices. There is no need for the Commission to give preference to the applicant in this proceeding.

Mitigation to Minimize Impact

21. ONEOK has agreed to a number of steps to mitigate the impact of the Project, as indicated by the executed Certification Relating to Order Provisions – Transmission Facility Siting, with accompanying Mitigation Specifications, executed March 28, 2019, in Case No. PU-18-399 (Docket No. 57), which is incorporated by reference and attached to this Order.

22. ONEOK has several project control plans in place for the existing Demicks Lake Pipeline that will encompass the Project, such as its Emergency Response Action Plan and its Spill Prevention, Control, and Countermeasure Plan.

23. ONEOK's Noxious Weed Plan has been reviewed and approved by the McKenzie County Weed Control Board.

24. The supervisory control and data acquisition system covering the Demicks Lake Pipeline will continue to monitor pressure and temperature 24 hours per day, 7 days per week, and 365 days per year by trained controls personnel.
25. ONEOK will conduct regular right-of-way patrols and inspections of cathodic protection equipment.
26. ONEOK will employ an environmental inspector during Project construction to monitor construction activities to comply with all applicable permits.
27. ONEOK will participate in the North Dakota One-Call notification system.

From the foregoing Findings of Fact, the Commission makes the following:

Conclusions of Law

1. The Commission has jurisdiction over the applicant, ONEOK Bakken Pipeline, L.L.C. and over the subject matter of the Application waiver 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(13).
3. The Project is a transmission facility as defined in North Dakota Century Code Section 49-22.1-01(7).
4. The location, construction, operation, and maintenance of the Project will produce minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota.
5. The Project is compatible with the environmental preservation and the efficient use of resources.
6. The construction, operation, and maintenance of 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 the procedures and time schedules as requested in the waiver application under North Dakota Century Code section 49-22.1-05.

Therefore, the Commission issues its:

Order

The Commission orders:

1. ONEOK shall construct, operate, and maintain the pipeline in accordance with the Findings of Fact.
2. ONEOK's application for waiver of procedures and time schedules is granted.
3. First Amended Certificate of Corridor Compatibility No. 209 is issued to ONEOK designating an expanded corridor for the construction, operation, and maintenance of the Spring Creek II Pump Station along the existing Demicks Lake Pipeline. For purposes of the Certificate, the expanded Corridor is identified as the "Project Site" and illustrated on the map marked as Exhibit B.2 of ONEOK's Application.
4. First Amended Route Permit No. 219 is issued to ONEOK designating a route in McKenzie County, North Dakota, for the construction, operation, and maintenance of the Spring Creek II Pump Station along the existing Demicks Lake Pipeline. The designated route for this purpose is identified and illustrated on the map marked as Exhibit B.2 of ONEOK's Application.
5. The Certification Relating to Order Provisions – Transmission Facility Siting (Certification) executed March 28, 2019, and attached to the Commission's Findings of Fact, Conclusions of Law and Order dated May 1, 2019, in Case No. PU-18-399 (Docket No. 57), is incorporated by reference and attached to this Order.
6. To the extent there are any conflicts or inconsistencies between ONEOK's Application and the Certification, the Certification provisions control.
7. ONEOK shall comply with the applicable laws, rules, and/or regulations in the event it desires to construct another or a different transmission facility than was specified in the Application within the corridor granted in this proceeding.
8. ONEOK shall comply with all the rules and regulations of all other agencies having jurisdiction over any phase of the proposed Project.
9. 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.

PUBLIC SERVICE COMMISSION


Randy Christmann
Commissioner


Julie Fedorchak
Chair


Sheri Haugen-Hoffart
Commissioner

**PUBLIC SERVICE COMMISSION
STATE OF NORTH DAKOTA**

**First Amended
Certificate of Corridor Compatibility Number 209**

This is to certify that the Commission has designated a transmission facility corridor for ONEOK Bakken Pipeline, L.L.C. for the construction, operation, and maintenance of approximately 74.3 miles of 20-inch diameter natural gas liquids pipeline and associated facilities in McKenzie County, North Dakota, and one pump station in McKenzie County, North Dakota.

This certificate is issued in accordance with the Orders of the Commission dated May 1, 2019, in Case No. PU-18-399 and June 29, 2022, in Case No. PU-22-164, and is subject to the conditions and limitations noted in the Orders.

Bismarck, North Dakota, June 29, 2022

ATTEST:

PUBLIC SERVICE COMMISSION



Executive Secretary



Commissioner

PUBLIC SERVICE COMMISSION
STATE OF NORTH DAKOTA

First Amended
Route Permit Number 219

This is to certify that the Commission has designated a transmission facility route for ONEOK Bakken Pipeline, L.L.C. for the construction, operation, and maintenance of approximately 74.3 miles of 20-inch diameter natural gas liquids pipeline and associated facilities in McKenzie County, North Dakota, and one pump station in McKenzie County, North Dakota.

This permit is issued in accordance with the Orders of the Commission dated May 1, 2019, in Case No. PU-18-399, and June 29, 2022, in Case No. PU-22-164, and is subject to the conditions and limitations noted in the Orders.

Bismarck, North Dakota, June 29, 2022.

ATTEST:

PUBLIC SERVICE COMMISSION



Executive Secretary



Commissioner

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

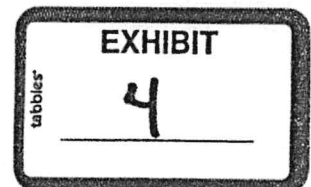
ONEOK Bakken Pipeline, L.L.C.
20-Inch NGL Pipeline – McKenzie County
Siting Application

Case No. PU-18-399

CERTIFICATION RELATING TO ORDER PROVISIONS
TRANSMISSION FACILITY SITING

I am Todd McKay, a representative of ONEOK Bakken Pipeline, L.L.C. ("Company") with authority to bind it to 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 understands and agrees that it shall obtain all other necessary licenses and permits, and shall provide copies of all licenses and permits to the Commission prior to construction activity associated with 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 preconstruction conference prior to commencement of any construction, 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 to the start of any fieldwork and construction activity in the affected area.
9. Company understands and agrees that topsoil removal will begin when the Commission's third-party construction inspector is present at the Project site to observe that topsoil is properly removed and kept segregated from subsoil until replacement occurs. Company shall establish the date and time for the Commission's third-party construction inspector's topsoil removal oversight in the preconstruction conference.
10. Company agrees to inform the Commission and the Commission's third-party construction inspector of its intent to start construction on the transmission facility prior to the commencement of construction. Once construction has started, Company shall keep the Commission and the Commission's third-party construction inspector updated on construction activities on a monthly basis.
11. Company understands and agrees that the pipeline will be 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 72 inches across undeveloped section lines.
12. Company understands and agrees that all topsoil, up to 12 inches, or topsoil to the depth of cultivation, whichever is greater, over and along trench areas where cuts will be made, must be carefully stripped and segregated from the subsoil. Any area on which excavated subsoil will be placed must also be stripped of topsoil. The stripped topsoil must not be stockpiled in natural drainages, and must be protected from water erosion. Care must be taken to protect topsoil from unnecessary compaction by heavy machinery. Unless otherwise approved by the Commission, topsoil must be removed before topsoil freezes in the late fall/ early winter to the point that frost inhibits proper soil segregation. After backfilling with subsoil is completed, any excess subsoil must be placed over the excavation area, blending the grade into existing topography. Topsoil must be replaced over areas from which it was stripped only after the subsoil is replaced.

13. Company understands and agrees that all buried facility crossings of graded roads must be bored unless the responsible governing agency specifically permits Company to open cut the road.
14. Company understands and agrees that staging areas or equipment shall not be located on land owned by a person other than Company unless otherwise negotiated with landowners.
15. Company understands and agrees that if any cultural resource, paleontological site, archeological site, historical site, or grave site is discovered during construction, it must 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.
16. Company understands and agrees that construction must be suspended when weather conditions are such that construction activities will cause irreparable damage to roads or land, unless adequate protection measures are taken by Company.
17. Company understands and agrees that the Commission has authority to stop Project construction activities in the event of a probable violation of the siting laws, siting rules, or applicable Commission Orders if, in the opinion of the Commission, construction activities are likely to result in irreparable or significant harm.

Restoration and Maintenance:

18. Company understands and agrees that it shall, as soon as practicable upon the completion of the construction of the transmission facility, restore the area affected by the activities to as near as is practicable to the condition as it existed prior to the beginning of construction.
19. Company understands and agrees that all pre-existing township and county roads and lanes used during construction must be repaired or restored to a condition that is equal to or better than the condition prior to the construction of the transmission facility and that will accommodate their previous use, and that areas used as temporary roads or working areas during construction must be restored to their original condition.
20. Company understands and agrees that reclamation, fertilization, and reseeding is to be done according to the Natural Resources Conservation Service recommendations, unless otherwise specified by the landowner and approved by the Commission.

21. Company will fulfill its obligation for reclamation and maintenance of the approved transmission facility right-of-way, transmission facility, and associated facilities continuing throughout the life of the transmission facility.
22. Company will repair all fences and gates removed or damaged during all phases of construction and operation of the transmission facility.
23. Company will repair or replace all drainage tile broken or damaged as a result of construction and operation of the transmission facility.
24. Company agrees to comply with the Tree and Shrub Mitigation Specifications, attached.
25. Company understands and agrees that it shall remove all waste that is a product of construction and operation, restoration, and maintenance of the site, and properly dispose of it on a regular basis.
26. Company understands and agrees that it shall provide any necessary safety measures for traffic control or to restrict public access to the transmission facility.

Communication with Landowners and PSC:

27. Company understands and agrees that, prior to beginning construction of the transmission facility at a location, 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.
28. 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.
29. Upon request, Company agrees to provide the Commission with engineering design drawings of the transmission facility prior to construction.
30. 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.
31. 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.

32. 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.
33. 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 the completion of the construction. Company also agrees to provide an electronic version 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 that can be imported into ESRI GIS mapping software within 3 months of the completion of the construction. 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.
34. 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 construction conducted under the certificate or permit issued in this proceeding. In the event of any damage to underground facilities, Company shall suspend construction 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.

Route Adjustments Before or During Construction:

35. Company agrees to utilize the following procedures if Company seeks a route adjustment before or during construction of the pipeline, pursuant under N.D.C.C. §49-22.1-15.
36. Company will specifically identify which subsection of NDCC 49-22.1-15 it is requesting the adjustment under. Company will file the name and contact information for a key contact person for the purposes of notice and communication during the adjustment application.
37. **ROUTE ADJUSTMENT WITHIN DESIGNATED CORRIDOR, NO AVOIDANCE AREA AFFECTED:** Before conducting any construction activities for any adjustment to the designated route within the designated corridor under NDCC 49-22.1-15(1), the Company will file:

- a. Certification and supporting documentation affirming that construction activities will be within the designated corridor, will not affect any known exclusion or avoidance areas within the designated corridor;
- b. Certification and supporting documentation, including a map meeting the requirements of N.D. Admin. Code § 69-06-04-01(2)(n) identifying the designated corridor, route and the route adjustment;
- c. Certification that Company will comply with the Commission's order, law and rules designating the corridor and route.

38. **ROUTE ADJUSTMENT WITHIN DESIGNATED CORRIDOR, AVOIDANCE AREA AFFECTED:** Before adjusting the route of a gas or liquid transmission line under NDCC 49-22.1-15(2), within the designated corridor that may affect an avoidance area, and before conducting any construction activities for any adjustment to the designated route within the designated corridor, the Company will file:

- a. A specific description of the avoidance area expected to be impacted, including a map meeting the requirements of N.D. Admin. Code § 69-06-04-01(2)(n) identifying:
 - i. the designated corridor, route and the route adjustment;
 - ii. all exclusion and avoidance areas within the portion of the designated corridor containing the route adjustment
- b. Certification and supporting documentation affirming:
 - i. That construction activities will be within the designated corridor
 - ii. That construction activities will not affect any known exclusion area
- c. All field studies performed on the portion of the designated corridor containing the route adjustment;
- d. Specific information about any mitigation measures Company will take within the adjustment area;
- e. Certification that 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;
- f. Certification that unless the Commission previously authorized the impact to the same avoidance area, that the utility has good cause and a specific reason to impact the avoidance area and a reasonable alternative does not exist;
- g. Certification that Company will comply with the Commission's order, law and rules designating the corridor and route.

Company acknowledges and agrees that:

1. Written authorization from the Commission for impacting the avoidance area is necessary prior to commencement of construction activity unless the Commission fails to act within ten working days of receipt of filing a complete adjustment application, in which case the adjustment is deemed approved.
2. The initiation of the ten working days begins upon receipt of a complete filing, to include Company's certifications, supporting documentation and maps. However, Commission may extend the ten working day provision if Company, in the person of the key contact referenced above, is informed of the reason additional time is necessary for extension and has no objection to an extension.

39. **ROUTE ADJUSTMENT OUTSIDE DESIGNATED CORRIDOR, NO AVOIDANCE AREA AFFECTED:** Before adjusting the route of a gas or liquid transmission line under NDCC 49-22.1-15(3), outside the designated corridor and not affecting any exclusion and avoidance area, before conducting any construction activities for any adjustment to the designated route outside the designated corridor, the Company will file:

- a. Certification and supporting documentation affirming that construction activities will not affect any known exclusion or avoidance areas,
- b. Certification and supporting documents stating the length of the proposed route outside of the corridor and a map meeting the requirements of N.D. Admin. Code § 69-06-04-01(2)(n) identifying the designated corridor, corridor adjustment, designated route and the route adjustment;
- c. Certification that 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
- d. Detailed field studies indicating exclusion and avoidance areas for the proposed adjustment area; and
- e. Certification that Company will comply with the Commission's order, law and rules designating the corridor and route.

40. **ROUTE ADJUSTMENT OUTSIDE DESIGNATED CORRIDOR, AVOIDANCE AREA AFFECTED:** Before adjusting the route of a gas or liquid transmission line under NDCC 49-22.1-15(4), outside the designated corridor that may affect an avoidance area, and before conducting any construction activities for any adjustment to the designated route outside the designated corridor, the Company will file:

- a. A specific description of the avoidance area expected to be impacted, including a map meeting the requirements of N.D. Admin. Code § 69-06-04-01(2)(n) identifying:
 - i. the designated corridor, corridor adjustment, route and the route adjustment;

- ii. all exclusion and avoidance areas within the adjustment area
- b. Certification that construction activities will not affect any known exclusion area;
- c. Certification that the utility has good cause and a specific reason to impact the avoidance area and a reasonable alternative does not exist within the designated corridor and route;
- d. Certification that 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;
- e. Provide specific information about any mitigation measures Company will take within the adjustment area;
- f. Detailed field studies indicating exclusion and avoidance areas for the proposed adjustment area; and
- g. Certification that Company will comply with the Commission's order, law and rules designating the corridor and route.

Company acknowledges and agrees that:

1. Written authorization from the Commission for impacting the avoidance area is necessary prior to commencement of construction activity unless the Commission fails to act within ten working days of receipt of filing a complete adjustment application, in which case the adjustment is deemed approved.
2. The initiation of the ten working days begins upon receipt of a complete filing, to include Company's certifications, supporting documentation and maps. However, Commission may extend the ten working day provision if Company, in the person of the key contact referenced above, is informed of the reason additional time is necessary for extension and has no objection to an extension.

41. 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 28th day of March, 2019.

ONEOK BAKKEN PIPELINE, L.L.C.

By *[Signature]*
Todd McV...
 Its *VP Construction Support*



STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

ONEOK BAKKEN PIPELINE, L.L.C.
20-Inch NGL Pipeline – McKenzie County
Siting Application

Case No. PU-18-399

Tree and Shrub Mitigation Specifications

Inventory

Prior to cutting or clearing trees or shrubs for construction:

- All trees one-inch or greater in diameter at breast height must be inventoried to record the location, number, and species.
- All shrubs and all coniferous trees of any diameter must be inventoried to record the location, number, and species.

Clearing

The maximum width of tree and shrub removal is 50 feet, unless otherwise approved by the Commission.

Replacement

1. Landowners must be given the option to have trees and shrubs that are removed from their property replaced on their property. The landowner may waive this option in writing. If the landowner waives this option, the company shall plant replacement trees and shrubs in an alternate location in the same region, if practical.
2. Trees and shrubs must be replaced on a minimum two-to-one basis. The company shall develop a Tree and Shrub Mitigation Plan (Plan) in consultation with landowners who are seeking replacement trees and shrubs and in accordance with USDA-NRCS-North Dakota Field Office Technical Guide: Windbreak and Woodland Tree Care and Management. The guidelines outlined in the Technical Guide shall be followed until filing of the Plan summary outlined in number 5 below.
3. The purpose of the company's Tree and Shrub Mitigation Plan is to create sustainable plantings, appropriate for the local soil and growing conditions that will provide long-term benefit to landowners, farmers and ranchers, the community, wildlife and the environment.
4. The Plan, including the proposed number, variety, type, location, and approximate date for plantings, shall be filed with and approved by the Commission.
5. Two years after completion of the plan, the company must file a summary documenting how the plan achieved the purpose outlined in number 3 above. The summary must also report the number of surviving replacement trees and shrubs.
6. The Commission will consider, on a limited basis as conditions warrant, mitigation plans that provide long-term wildlife habitat and conservation benefits but do not involve the replanting of trees and shrubs.