

Memorandum

To: Commissioners Christmann, Haugen-Hoffart and Fedorchak

From: Robert Frank Public Utility Analyst (RF)

Date: March 6, 2023

Re: ONEOK Rockies Midstream, L.L.C., Amend Certificate #203 and Route Permit #213, Siting Application, Case No. PU-23-15

On April 30, 2018, in Case No. PU-17-483 the Commission adopted its Findings of Fact, Conclusions of Law and Order issuing Certificate of Corridor Compatibility Number 203, and Route Permit Number 213, to ONEOK Rockies Midstream, L.L.C. (ONEOK), for the construction, operation and maintenance of approximately 45 miles of 12-inch diameter natural gas liquids (NGLs) pipeline and associated facilities in Williams and McKenzie Counties, North Dakota.

On January 3, 2023, ONEOK filed an application for amendment to Certificate of Corridor Compatibility #203 and Route Permit #213 for the construction of the 4-mile Cherry Creek Extension Pipeline Project (Project) originating at ONEOK's existing Lonesome Creek Gas Plant and terminating at the existing Antelope Creek pipeline junction in McKenzie County. ONEOK will deliver NGLs into the ONEOK Bakken Pipeline, L.L.C. (OBP) Demicks Lake Pipeline and/or the OBP Garden Creek 10-inch pipeline. Facility modifications will be made at the Lonesome Creek Gas Plant as well as at the Antelope Creek Junction.

The Project will be a 12-inch diameter natural gas liquids pipeline capable of delivering a maximum of 160,000 barrels per day with an initial anticipated increase of the flow rate from 50,000 to 70,000 barrels per day. The anticipated cost of the project is estimated at \$12 million. ONEOK hopes to begin construction in April of 2023 and will complete the project within 4-6 months with a fourth quarter 2023 anticipated in-service date. The Project will help fill the need for gas gathering, processing, and take-away from the continued NGL growth in the Williston Basin.

The route of the Project will be wholly located within OBP's approved corridor for its Lonesome Creek Pipeline, Case No. PU-15-137, and within ONEOK's Lonesome Creek Gas Plant site, PU-14-218. However, portions of the Project workspace and the requested Corridor amendment extend outside the Lonesome Creek Pipeline certificated corridor.

ONEOK contracted with Merjent, Inc. (Merjent) to conduct a Class I literature review and a Class III cultural resource inventory of the 103.8-acre Area of Potential Effect (APE) associated with the Project. According to the Class I literature review, the majority of the APE was previously surveyed in 2015 for OBP's Lonesome Creek Pipeline. Approximately 10.6 acres were not previously surveyed. Merjent recommended a

determination of *No Historical Sites Affected* for the Project and on November 22, 2022, NDSHPO concurred with the recommendation.

Merjent was also contracted by ONEOK to conduct field surveys for water resource delineation, threatened and endangered species habitat identification, tree and shrub inventory, and a noxious weeds review. Field surveys were conducted within a 129.05-acre survey area (Survey Area) on September 27-28 and October 21, 2022. The 94.8-acre Corridor described in this application falls entirely within the natural resources Survey Area.

Four palustrine emergent (PEM) wetlands were found to be located within the Project's corridor. Only one will be directly crossed by the Project's route. In addition, one unnamed intermittent stream will also be crossed. In both cases, ONEOK will install the pipeline via horizontal directional drilling (HDD) method.

A review of the U.S. Fish and Wildlife Service (USFWS) Endangered Species Information for Planning and Consultation website was conducted to determine the potential for listed species and critical habitat that may be present in McKenzie County, North Dakota. The review confirmed designated critical habitat is not present within the Survey Area or in the vicinity of the proposed Project.

Field surveys were conducted in September and October 2022 to review the Corridor for potentially suitable threatened and endangered species habitat. Suitable habitat for the northern long-eared bat is present at the wetland crossing. The Project will be installed via HDD beneath the wooded area avoiding impacts to the habitat. ONEOK may need to clear a small number of trees within the habitat during operation of the pipeline. If this occurs, the clearing will be conducted between November 1 and March 31 while the bats are hibernating and not present on the landscape.

Other impacts include suitable whooping crane migratory stopover habitat as well as USFWS designated Dakota skipper critical habitat. ONEOK will suspend construction activity if a whooping crane siting occurs as well as provide identification training to construction contractors. Five areas of potential Type B habitat (totaling 1.87 acres within the Project's corridor) for the Dakota skipper were identified during the field survey. ONEOK will use HDD method for installation of the pipeline under the identified potential habitats. On December 6, 2022, USFWS confirmed that there are no known Dakota skipper populations near the Project.

After reviewing data from the North Dakota Geological Survey (NDGS), multiple avoidance areas that are geographically unstable were found within the Project Study Area. However, none of these areas are within the Project's corridor or route. Finally, ONEOK identified one occupied residence within 500 feet of the Project's route and a waiver has been secured from the landowner.

c. Casey Furey