

Casey A. Furey
100 West Broadway, Suite 250
P.O. Box 2798
Bismarck, ND 58502-2798
701.223.6585
cfurey@crowleyfleck.com

October 6, 2023

Via Electronic Mail & Hand Delivery

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

**In re: Notice of Intent to Commence Construction and
Pre-Construction Meeting Minutes
ONEOK Rockies Midstream, L.L.C.
Cherry Creek Extension Pipeline
Case No. PU-23-15
Our File No. 072530-000018**

Dear Mr. Kahl:

I am writing on behalf of ONEOK Rockies Midstream, L.L.C. (“ONEOK”) regarding the above-referenced matter. On October 3, 2023, ONEOK, Commission staff, and Meadowlark Environmental L.L.C., the Commission’s construction inspector, held a pre-construction meeting. Enclosed for filing, are eight hard copies of a combined Notice of Intent to Commence Construction and Pre-Construction Meeting Minutes from the referenced October 3 meeting.

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

Sincerely,

/s/ Casey A. Furey

Casey A. Furey

Enc.

cc:	Robert Frank	(via email)	Alea Doray	(via email)
	Zach Peterson	(via email)	Kolton Burge	(via email)
	Michael Dailey	(via email)		

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**ONEOK Rockies Midstream, L.L.C.
Amend. Cert. No. 203, Permit No. 213
Siting Application**

Case No. PU-23-015

**Notice of Intent to Commence Construction &
Preconstruction Conference Call Meeting Minutes**

Notice

ONEOK Rockies Midstream, L.L.C. hereby provides written notice of its intent to commence preliminary construction activities on October 10, 2023. As referenced on the October 3, 2023 preconstruction call, topsoil stripping will commence on October 17, 2023.

Meeting Minutes

Preconstruction Call Date: October 3, 2023

Subject: Cherry Creek Extension Pipeline Project, McKenzie County North Dakota

Attendees:

On behalf of the North Dakota Public Service Commission (“NDPSC”):

- Robert Frank, Public Utility Analyst - rfrank@nd.gov
- Zach Peterson, Meadowlark Environmental L.L.C, NDPSC Construction Inspector – zachpeterson@meadowlark.com

On behalf of ONEOK Rockies Midstream, L.L.C. (“ONEOK”):

- Kolton Burge, ONEOK, Project Manager
- Bryan Vaughan, ONEOK
- Timothy Swan, ONEOK
- Alea Doray, ONEOK
- Rachel Grant, ONEOK
- Rebecca Sawn, ONEOK
- James Cotton, ONEOK
- Casey Furey, Crowley Fleck PLLP, Local Counsel
- Maddy Krumwiede, Merjent, Inc.,
- Craig Hilgendorf, Audubon Engineering
- Jason St. Romain, Audubon Engineering

- Steve Barrow, Project Manager, Jomax Construction Company (accompanied by various Jomax team members)

Discussion:

Meeting commenced at approximately 8:34am CT with introductions of call participants.

The call was turned over to NDPSC staff Robert Frank who led the discussion referencing and reading verbatim the NDPSC's April 27, 2023 Findings of Fact, Conclusions of Law and Order¹ with accompanying Certification Relating to Order Provisions and Tree and Shrub Mitigation Specifications² ("Order"). Robert Frank referenced the following provisions and additional discussion occurred as noted below:

Order Paragraph Nos. 2 & 3.

Certification Provision Nos. 1-8.

Certification Provision No. 9. The group discussed topsoil removal requirements. Topsoil stripping is anticipated to begin October 17, 2023 ONEOK representatives will coordinate with Meadowlark regarding onsite visitation for first stripping.

Certification Provision No. 10. The group discussed monthly construction report requirements. ONEOK must file monthly construction reports which should be sent to the following: (1) ndpsc@nd.gov, (2) rfrank@nd.gov, and (3) zachpeterson@meadowlark.com.

Certification Provision No. 11.

Certification Provision No. 12. The group discussed the NDPSC's restrictions on removing frozen topsoil without the NDPSC's prior consent. Topsoil stripping is tentatively scheduled for October. 17 – 21, 2023. All topsoil is planned to be stripped prior to freezing thus, issues with winter freezing are not anticipated.

Certification Provision Nos. 13-17. The group discussed Meadowlark's four planned inspections: topsoil segregation inspection during initial topsoil removal; construction inspection; as-built inspection after soil has been replaced; and a revegetation/reclamation inspection. Meadowlark will discuss observations and any concerns on-site with designated contact and will follow up with a report to the NDPSC several weeks later.

Certification Provisions Nos. 18-41.

The group discussed the route permit was issued for an area forty feet in width (20 feet to right and left of centerline). Route deviations include those occurring outside this area.

Review of NDPSC's Tree and Shrub Mitigation Specifications Provision Nos. 1-6.

¹ Case No. PU-23-15, Dkt. No. 23.

² Case No. PU-23-15, Dkt. No. 18.

Discussion regarding monthly construction reporting and submitting reporting to the three electronic addresses referenced above. Meeting minutes and notice of intent to commence construction required to be filed with the Commission prior to the start of construction.

Call concluded at approximately 9:20 am CT.

The current ONEOK representative responsible for resolving landowner issues: Fallon Sanford, ONEOK Right-of-Way Agent, 713-992-4012, Fallon.Sanford@oneok.com.