

STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

ONEOK Bakken Pipeline, L.L.C.
6-Inch NGL Pipeline Project – Williams Cty
Siting Application

Case No. PU-25-172

ORDER ADOPTING ALJ RECOMMENDED FINDINGS OF FACT, CONCLUSIONS OF
LAW AND ORDER

August 20, 2025

On August 13, 2025, the Hearing Officer in Case No. PU-25-172 filed an ALJ Recommended Findings of Fact, Conclusions of Law and Order dated August 13, 2025.

Order

The Commission orders the Hearing Officer's August 13, 2025, ALJ Recommended Findings of Fact, Conclusions of Law and Order, a copy of which is attached to and made a part of this Order, is ADOPTED as the Commission's approval to grant ONEOK Bakken Pipeline, L.L.C., 6-Inch NGL Pipeline Project – Williams Cty, Siting Application, and Issue Certificates of Corridor Compatibility Number 243 and Route Permit Number 254 designating a location for the construction, operation and maintenance of an approximately 7.6 mile, 6-inch diameter steel natural gas liquids pipeline and associated facilities in Williams County, North Dakota.

PUBLIC SERVICE COMMISSION


Sheri Haugen-Hoffart
Commissioner


Randy Christmann
Chair


Jill Kringstad
Commissioner

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

ONEOK Bakken Pipeline, L.L.C.
6-Inch NGL Pipeline Project – Williams Cty
Siting Application

Case No. PU-25-172

RECOMMENDED FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

August 13, 2025

Appearances

Wade Mann, Attorney at Law, Crowley Fleck PLLP, 100 W. Broadway, Suite 250, Bismarck, North Dakota 58501, on behalf of ONEOK Bakken Pipeline, L.L.C.

Brian L. Johnson, Special Assistant Attorney General, as Counsel for the North Dakota Public Service Commission, 600 E. Boulevard Avenue, Dept. 408, Bismarck, North Dakota 58505.

Hope Hogan, Administrative Law Judge, Office of Administrative Hearings, 2911 North 14th Street, Suite 303, Bismarck, North Dakota 58503, as Substantive Hearing Officer.

Preliminary Statement

On April 28, 2025, ONEOK Bakken Pipeline, L.L.C. (ONEOK) filed with the North Dakota Public Service Commission (Commission) a consolidated application for a certificate of corridor compatibility and route permit (Application) for an approximately 7.6-mile-long, 6-inch steel natural gas liquids (NGLs) pipeline located in Williams County, North Dakota (Project).

On May 23, 2025, the Commission issued a Notification of Application (Notification). On June 3 and June 11, 2025, the Commission provided the Notification to the townships, cities, and counties in which any part of the proposed Project corridor would be located.

On June 4, 2025, the Commission deemed the consolidated Application complete, designated an Administrative Law Judge to serve as a substantive hearing officer, and issued a Notice of Filing and Notice of Public Hearing (Notice), scheduling a public hearing for July 30, 2025, at 9 a.m. Central Time at Nessel Consulting Service, 6844 State Hwy 40, Tioga, ND 58852.

The Notice identified the following issues to be considered with respect to the Application for a certificate of corridor compatibility and 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?

On July 22, 2025, ONEOK filed a Supplemental Application Summary (Application Supplement) with the Commission. The Application Supplement contained route modifications resulting from the natural resources surveys conducted by ONEOK in May and June 2025, and updated agency correspondence.

On July 30, 2025, the public hearing was held as scheduled allowing any interested parties to present testimony in person. ONEOK submitted Exhibits 1 through 4, which were admitted at the hearing.

Having allowed all interested persons an opportunity to be heard, and having heard, reviewed, and considered all testimony and evidence presented, the Commission makes its:

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 April 16, 2025, in Case No. PU-13-739.

Size, Type, and Preferred Location of Facility

2. The Project consists of approximately 7.6 miles of new steel pipeline in Williams County, North Dakota. The Project includes one pig launcher and one pig receiver facility, one custody transfer metering skid, and one electrical control building.
3. The Project is located entirely within Williams County and originates at the Argent Midstream County Line Plant in Section 24, Township 158 North, Range 95 West and terminates at the ONEOK meter site within the Hess Tioga Plant Site in Section 23, Township 157 North, Range 95 West.
4. The Project will consist of 6.625-inch outside diameter steel pipe with a wall thickness of 0.154 inches (0.188-inches at road crossings and 0.250-inches at railroad crossings). The Project has a maximum operating pressure of 1,480 pounds per square inch gauge (psig) and maximum operating temperature of 115 degrees Fahrenheit. The Project will operate at 900 psig and 90 degrees Fahrenheit under normal conditions.

5. The Project will have an initial capacity of 9,000 barrels per day (bpd) of NGLs based upon initial meter equipment with a maximum design capacity of 40,000 bpd.
6. The proposed locations of the Project corridor and Project route are depicted on the maps attached as Exhibit A to the Application and four locations were slightly modified to avoid potential suitable habitat for the Dakota Skipper and to avoid preexisting utilities. The modified routes are identified in Exhibit A.2 of the Application Supplement presented as Hearing Exhibit 2 at the public hearing.
7. Seventy-six percent of the Project is co-located with existing linear infrastructure corridors.
8. The Project corridor is generally 200 feet wide and extends up to 360 feet wide. The 360-foot maximum corridor width is intended to allow ONEOK to shift the line closer to existing utilities and to allow additional workspace to allow for horizontal directional drilling (HDD) and boring of lines.
9. The Project Route includes a 20-foot construction buffer on either side of the route centerline to allow for minor shifts during construction.
10. ONEOK anticipates a fourth-quarter 2025 in-service date for the facility.
11. The estimated cost of the Project is approximately \$13 million.

Study of Preferred Location

12. ONEOK conducted a Class I cultural resource literature review and a desktop analysis for wetlands, waterbodies, woodlands and other sensitive environmental resources across a one-mile-wide area centered on the Project route (Study Area).
13. ONEOK conducted surveys within the Project corridor to identify potential habitat for sensitive species, noxious weed locations, wetland boundaries, top-soil depth, and trees and shrubs. The results of the surveys were filed with the Commission on July 22, 2025, as part of the Application Supplement and presented at the hearing as Exhibit 2.
14. ONEOK submitted a formal Project notification letter and the Class I report to the North Dakota State Historic Preservation Office (NDSHPO) on March 12, 2025. In responses dated March 18, 2025, and April 3, 2025, NDSHPO indicated that there would be no significant impact to the fifteen sites identified if ONEOK utilizes 100-foot buffers and boring at a distance of greater than 50 feet to avoid site 32WI2307, where a buffer would not be possible. ONEOK agrees and will utilize 100-foot buffers with fencing and bore the area indicated in the correspondence with SHPO.
15. ONEOK initiated correspondence seeking comments from the following federal, state and local agencies regarding the Project:

a. Federal: (1) Federal Aviation Administration; (2) U.S. Fish and Wildlife Service; (3) U.S. Army Corps of Engineers; (4) U.S. Department of Defense; (5) Federal Bureau of Land Management; (6) Grand Forks Air Force Base; (7) Minot Air Force Base; (8) Military Aviation and Installation Assurance Siting Clearinghouse; (9) Natural Resource Conservation Service; (10) Twentieth Air Force Ninety-first Missile Wing; (11) U.S. Department of Agriculture.

b. State: (1) ND Attorney General; (2) ND Department of Agriculture; (3) ND Department of Career and Technical Education; (4) ND Department of Commerce; (5) ND Department of Environmental Quality; (6) ND Aeronautics Commission; (7) ND Department of Human Services; (8) ND Department of Labor and Human Rights; (9) ND Department of Transportation; (10) ND Department of Trust Lands; (11) ND Energy Infrastructure and Impact Office; (12) ND Game and Fish Department; (13) ND Office of the Governor; (14) ND Indian Affairs Commission; (15) ND Industrial Commission; (16) Job Service of North Dakota; (17) ND Forest Service; (18) ND Geological Survey; (19) ND Pipeline Authority; (20) ND Transmission Authority; (21) ND Parks and Recreation Department; (22) ND Department of Health; (23) ND State Historical Society; (24) ND Department of Water Resources.

c. Local: (1) Williams County Commission; (2) Williams County Planning and Zoning; (3) Williams County Water Resource District; (4) Williams County Weed Control Board; (5) Williams County Tioga Township; (6) Williams County Lindahl Township; (7) Williams County City of Tioga; (8) Western Area Water Supply Authority.

Siting Criteria

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

17. ONEOK evaluated the Project for the Exclusion Areas, Avoidance Areas, Selection Criteria, and Policy Criteria of the Commission.

18. 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 width unless there is no reasonable alternative.

19. ONEOK's studies identified fifteen state archaeological and cultural heritage sites as the only potential Exclusion Areas located within the Project corridor but not crossed by the Project's route.

20. The NDSHPO stated the Project would not affect the identified archaeological and cultural heritage sites if ONEOK creates a 100-foot buffer between the sites and the

construction. NDSHPO also indicated one site that would require boring no closer than 50 feet. ONEOK indicated that they would bore the site identified, confirming that it was greater than 50 feet distance and they would create 100-foot buffers with fencing for the other indicated sites.

21. ONEOK's studies and surveys did not identify any other Exclusion Areas within the Project corridor.

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

23. ONEOK's studies and surveys identified two Avoidance Areas located within the Study area but are not located within the Project corridor or Project route. No other Avoidance Areas were identified.

24. 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.

25. Wetlands are a Selection Criteria. ONEOK has designed the route to avoid wetlands and will install fencing around any wetlands within the workspace.

26. Impacts upon agricultural production and family farms and ranches are Selection Criteria. ONEOK will restore any right-of-way to its original, pre-construction elevation and contours. Any impacts to agricultural land will be minimal and landowners will be able to resume agricultural and ranching operations.

27. The Commission may give preference to an applicant demonstrating certain benefits from the proposed transmission facility as set forth in North Dakota Administrative Code Section 69-06-08-02(4). There is no need for the Commission to give preference to the applicant in this proceeding.

Additional Measures to Minimize Impact

28. The Project will be designed, constructed, maintained, and inspected in accordance with U.S. Department of Transportation regulations governing the transportation of hazardous liquids by pipeline, which are set forth in 49 CFR 195.

29. 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 Tree and Shrub Mitigation Specifications, which is incorporated by reference and attached to this Order.
30. ONEOK has developed Project control documents that include a Stormwater Pollution Prevention Plan; Spill Prevention, Control, and Countermeasure Plan; HDD Inadvertent Release Control and Mitigation Contingency Plan; Unanticipated Discoveries Plan; Revegetation Plan; Dust Control Plan; and a Migratory Bird Plan.
31. ONEOK communicated with Williams County which indicated it doesn't have a formal permit program for the control of noxious weeds. ONEOK has developed a Weed Management Plan to control spread of state and county-listed noxious weeds.
32. ONEOK will employ environmental inspectors and third-party inspectors to monitor construction activities and ensure activities are in compliance with company processes and practices.
33. ONEOK will employ HDD and boring of lines to avoid existing utility infrastructure, road crossings, and environmentally sensitive areas.
34. ONEOK will conduct environmental training for all Project personnel and contractors who will be working in the field.
35. The pipeline will be under cathodic protection to prevent corrosion, and ONEOK will hydrotest the entire pipeline prior to commencing operations to validate pipeline integrity. All welds will be x-rayed and inspected to ensure weld integrity and compliance with welding codes.
36. ONEOK will employ several methods of leak detection. A Supervisory Control and Data Acquisition (SCADA) system will allow ONEOK to monitor the flow and pressure of the system 24 hours a day, 7 days a week, and 365 days a year. Alarms will be triggered by any readings outside normal operating conditions. Aerial patrols will also be conducted every 21 days, and field personnel will conduct weekly AVO (audio, visual, olfactory) inspections. Inline inspections utilizing smart tools will be conducted on the pipeline every five years.
37. ONEOK testified it will collaborate with local emergency response officials and meet with them on an annual basis to discuss their Emergency Response Plan. ONEOK will also coordinate with local emergency response officials to develop an appropriate Emergency Response Plan.
38. ONEOK will participate in the North Dakota One-Call notification system.
39. ONEOK will comply with all applicable safety laws and standards.

40. ONEOK testified that it has annual meetings to educate local emergency response officials and sends mailings to local response officials providing emergency contact information and details regarding leak identification and response procedures. ONEOK further testified its emergency response group is actively coordinating with the Williams County Emergency Officials to discuss emergency preparedness and response with respect to the Project.

41. ONEOK requested a route construction buffer of 20 feet on each side of the designated Project Route, contingent upon not impacting an Avoidance Area, without the prior approval of the Commission. This is intended to allow for minor deviations to the designated route resulting from the high degree of co-location between the proposed Project Route and existing infrastructure and to address other landowner concerns or constructability issues.

From the foregoing Findings of Fact, the Commission now makes its:

Conclusions of Law

1. The Commission has jurisdiction over the applicant, ONEOK Bakken Pipeline, L.L.C., and the subject matter of the Application under Chapter 49-22.1 of the North Dakota Century Code.
2. ONEOK is a utility as defined in Section 49-22.1-01(13) of the North Dakota Century Code.
3. The Project is a liquid transmission facility as defined in Section 49-22.1-01(7) of the North Dakota Century Code.
4. The 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 environmental preservation and the efficient use of resources.
6. The construction, operation, and maintenance of the Project minimizes 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.

From the foregoing Findings of Fact and Conclusions of Law, the Commission makes the following Order:

Order

1. ONEOK shall construct, operate, and maintain the pipeline in accordance with the Commission's Findings of Fact.
2. Certificate of Corridor Compatibility No. 243 is issued to ONEOK Bakken Pipeline, L.L.C., designating a corridor for the construction, operation, and maintenance of approximately 7.6 miles of 6-inch diameter natural gas liquids pipeline and associated facilities in Williams County, North Dakota. For purposes of this certificate, the designated corridor generally consists of a 200-foot-wide area, up to 360-foot wide, centered on the designated route as depicted in Exhibit A.2 of the Application Supplement, Hearing Exhibit 2.
3. Route Permit No. 254 is issued to ONEOK Bakken Pipeline, L.L.C., designating a route for the construction, operation, and maintenance of approximately 7.6 miles of 6-inch diameter natural gas liquids pipeline and associated facilities in Williams County, North Dakota. For purposes of this permit, the designated route is the route of the Project as depicted in Exhibit A.2 of the Application Supplement, Hearing Exhibit 2 and identified precisely by the associated GIS map data provided to the Commission. The designated route includes a route construction buffer of 20 feet on each side of the designated route within the designated corridor, contingent upon not impacting an Avoidance Area unless such impact is approved by the Commission in writing prior to conducting any construction activities. Construction activities must not impact an exclusion area.
4. The Certification Relating to Order Provisions - Transmission Facility Siting (Certification), with accompanying Tree and Shrub Mitigation Specifications, executed by ONEOK on July 24, 2025, is incorporated by reference and attached to this Order.
5. To the extent there are any conflicts or inconsistencies between ONEOK's Application and the Certification, the Certification provisions control.
6. ONEOK shall obtain all other necessary licenses and permits prior to commencing construction on such portion of the Project for which the license and/or permit is required and shall provide copies of such licenses and permits to the Commission prior to construction.
7. If a spill by ONEOK requires notification of a spill 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.

8. ONEOK is required to comply with all 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 designated in this proceeding.

Dated at Bismarck, North Dakota this 13 day of August 2025.

By: 

Hope L. Hogan
Administrative Law Judge
Office of Administrative Hearings
2911 North 14th Street – Suite 303
Bismarck, North Dakota 58503
Telephone: (701) 328-3200

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**ONEOK Bakken Pipeline, L.L.C.
6-Inch NGL Pipeline Project – Williams Cty
Siting Application**

**Case No. PU-25-172
OAH File No. 20250163**

CERTIFICATE OF SERVICE

The undersigned certifies that the original **RECOMMENDED FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER** was sent, inside mail, at the State Capitol on the 13 day of August 2025, to:

Brian Johnson
Interim General Counsel
Public Service Commission
600 East Boulevard Avenue, Dept. 408
Bismarck, ND 58505-0480

and that a true and correct copy of the above document was sent by electronic mail on the 13 day of August 2025, to:

Wade Mann
Crowley Fleck PLLP
wmann@crowleyfleck.com

OFFICE OF ADMINISTRATIVE HEARINGS
Hope L. Hogan, Administrative Law Judge



Louise Wetzel

**PUBLIC SERVICE COMMISSION
STATE OF NORTH DAKOTA**

Certificate of Corridor Compatibility Number 243

This is to certify that the Commission has designated a transmission facility corridor for ONEOK Bakken Pipeline, L.L.C. designating a corridor generally 200-foot-wide for the construction, operation, and maintenance of approximately 7.6 miles of 6-inch diameter steel natural gas liquids pipeline and associated facilities in Williams County, North Dakota.

This certificate is issued in accordance with the Order of the Commission dated August 20, 2025, in Case No. PU-25-172 and is subject to the conditions and limitations noted in the Order.

Bismarck, North Dakota, August 20, 2025.

ATTEST:

PUBLIC SERVICE COMMISSION



Executive Secretary



Commissioner

PUBLIC SERVICE COMMISSION
STATE OF NORTH DAKOTA

Route Permit Number 254

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 7.6 miles of 6-inch diameter steel natural gas liquids pipeline and associated facilities in Williams County, North Dakota.

This permit is issued in accordance with the Order of this Commission dated August 20, 2025, in Case No. PU-25-172 and is subject to the conditions and limitations noted in the Order.

Bismarck, North Dakota, August 20, 2025.

ATTEST:

PUBLIC SERVICE COMMISSION



Executive Secretary



Commissioner

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**ONEOK Bakken Pipeline, L.L.C.
6-Inch NGL Pipeline Project – Williams Cty
Siting Application**

Case No. PU-25-172

**CERTIFICATION RELATING TO ORDER PROVISIONS
TRANSMISSION FACILITY SITING**

I am Todd McKimmey, a representative of ONEOK Bakken Pipeline, L.L.C. (“Company”) with authority to bind Company 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 reseedling 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.
- 42. Company acknowledges and agrees that written authorization from the Commission for impacting the avoidance area is necessary prior to commencement of construction activity.

Dated this 24th day of July 2025.

ONEOK Bakken Pipeline, L.L.C.

By 
Todd McKimmey

Its Vice President, Engineering & Construction-Large Capital Projects



**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**ONEOK Bakken Pipeline, L.L.C.
6-Inch NGL Pipeline Project – Williams Cty
Siting Application**

Case No. PU-25-172

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.