

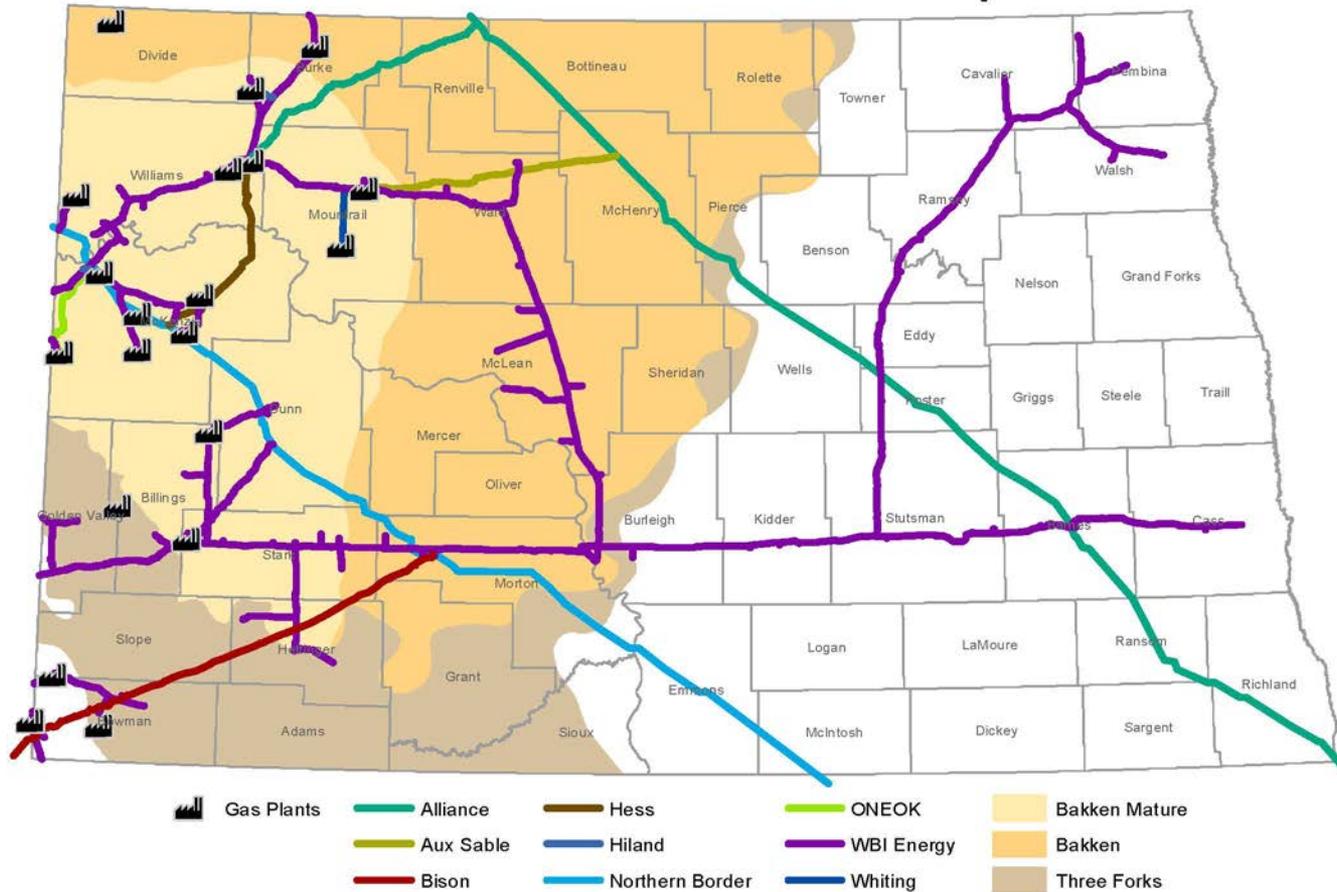
# PIPELINE RESTORATION & RECLAMATION OVERSIGHT PILOT PROGRAM



**Doug Goehring**  
**Agriculture Commissioner**



# North Dakota Natural Gas Pipelines

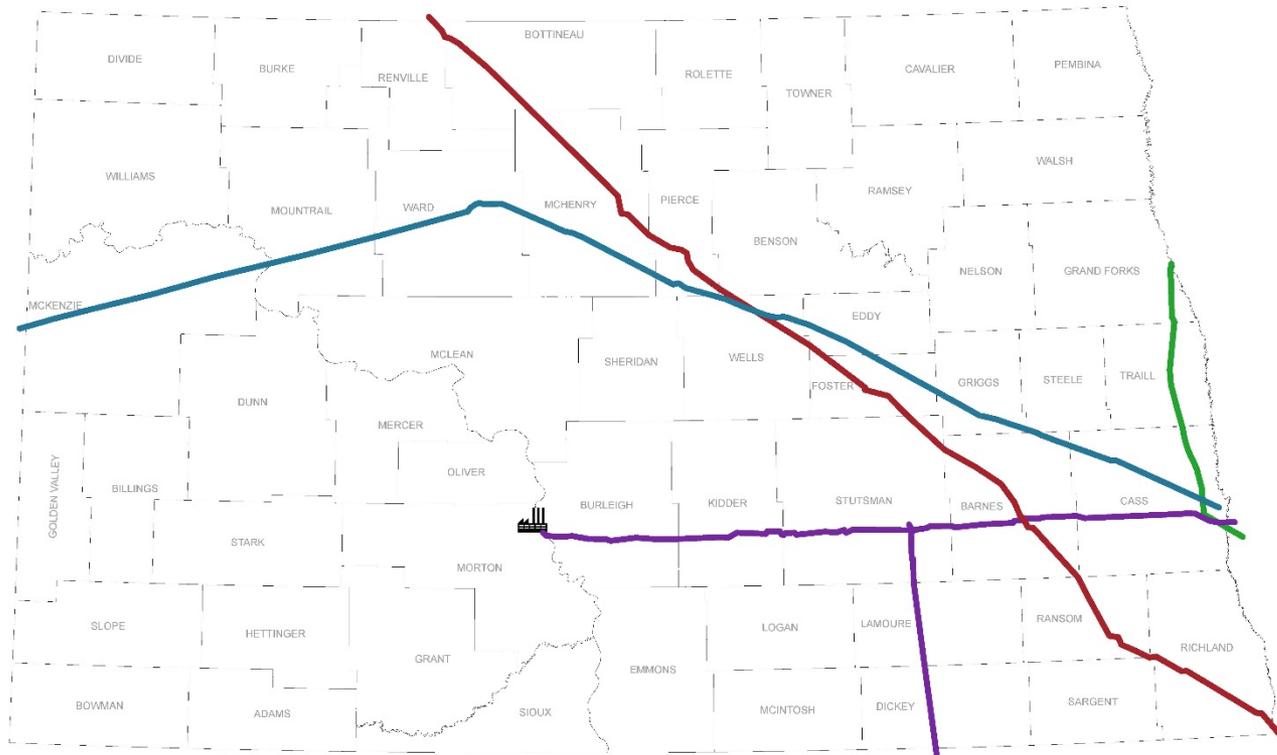


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Date: 3/4/2015



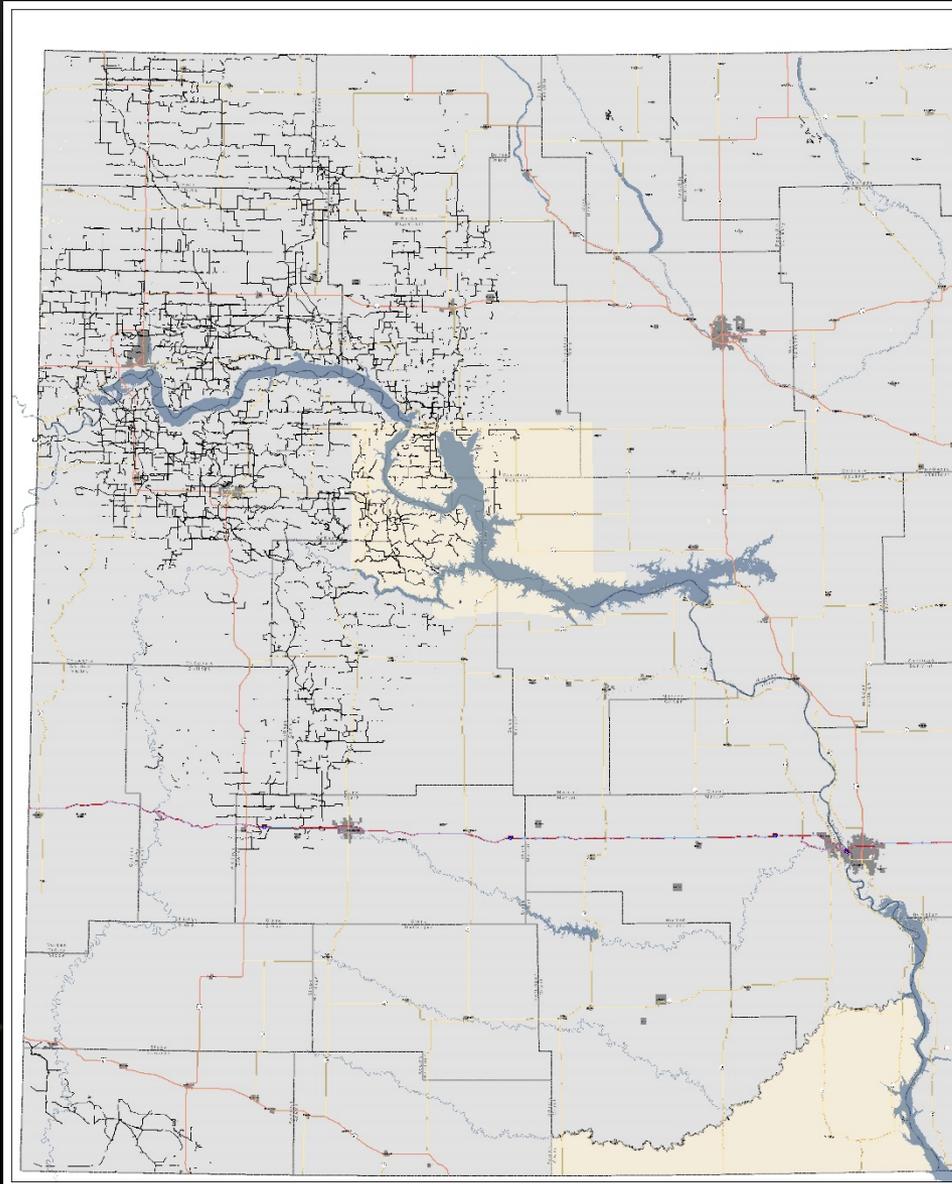
# North Dakota Products Pipelines



-  Cenex Pipeline LLC - Refined Products
-  Magellan Midstream Partners LP - Refined Products
-  Kinder Morgan Cochin - Propane
-  NuStar Energy - Refined Products
-  Tesoro Mandan Refinery



# Western ND Gathering Line Network:



# ND GATHERING LINES:

- Estimate 12,700 miles pre August 2011
- + 4,900 miles August 2011 – December 2013
- + 2,650 miles per year 2014-2020
- = 36,000 miles



# SB 2271

Effective date of  
SB 2271:  
April 13, 2015

## Sixty-fourth Legislative Assembly of North Dakota In Regular Session Commencing Tuesday, January 6, 2015

SENATE BILL NO. 2271 (Senators Unruh,  
Armstrong, O'Connell) (Representatives D.  
Anderson, Kempenich, Schatz)

AN ACT to create and enact section 4-01-31 of the North Dakota Century Code, relating to a pipeline restoration and reclamation oversight program; to provide an appropriation; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Section 4-01-31 of the North Dakota Century Code is created and enacted as follows:

**4-01-31. Pipelinere restoration and reclamation oversight pilot program-Generally.**

1. The agriculture commissioner shall establish a pilot program that shall provide technical assistance and support to surface owners and surface tenants on pipeline restoration and followup support to surface owners and surface tenants on pipeline reclamation.
2. The agriculture commissioner may contract for ombudsmen for the purposes of being a resource for technical assistance and followup on pipeline issues. The ombudsmen may not investigate or assist with any pipeline installed before January 1, 2006, or regulated by the public service commission under title 49, and may not assist in easement negotiations.
3. The pilot program may provide technical education, support, and outreach on pipeline-related matters in coordination with other entities.
4. The agriculture commissioner may contract with local individuals, deemed trustworthy by the surface owners and surface tenants, to be ombudsmen. The agriculture commissioner is not subject to the provisions of chapter 54-44.4 when contracting for the services of ombudsmen.

SECTION 2. APPROPRIATION. There is appropriated out of any moneys in the abandoned oil and gas well plugging site reclamation fund in the state treasury, not otherwise appropriated, the sum of \$400,000, or so much of the sum as may be necessary, to the agriculture commissioner for the purpose of establishing and administering a pipeline restoration and reclamation oversight pilot program, without additional full-time employees, under section 1 of this Act, for the period beginning with the effective date of this Act, and ending June 30, 2017.

SECTION 3. EMERGENCY. This Act is declared to be an emergency measure.



# OMBUDSMAN ROLE:

- Meet with landowner/surface tenant and pipeline company
- Document issues
- Assist parties develop a plan and timeline to address issues
- Monitor agreement of work plan
- Report issues to the Agriculture Commissioner



## OMBUDSMEN WILL NOT:

- Provide legal counsel
- Provide assistance in negotiating an easement
- Interfere with or supersede any agreements between surface owners/tenants and pipeline companies
- Conduct any regulatory functions



# PILOT PROGRAM GOALS:

- Create trust
- Save time
- Balanced approach: using non-regulatory approach to balance land use needs and foster stakeholder relationships



# PILOT PROGRAM PROCESS

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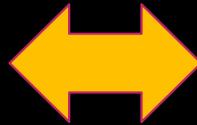
# Complaint



**Title 49**



January 1, 2006



Landowner/Surface  
Tenant



Ombudsman



Pipeline Company



Reclamation  
Problem Resolution

# LANDOWNER/SURFACE TENANT CONSIDERATIONS

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# COMMUNICATING CONCERNS:

- Best position to identify concerns or problems that may occur from pipeline installation
- Your efforts will improve communication and avoid many issues before problems occur
- Pipeline problems addressed in the early stages have a higher degree of resolution



# DOCUMENTATION:

- Document, inventory, and photograph the landscape before and after pipeline installation
- Documentation will be helpful in determining your landscape recovery goals



# CURRENT & FUTURE LAND USE:

- Farmland
- Hay Land
- Rangeland/pasture
- Landowner/surface tenant access points
- Livestock grazing
- Fences/gates
- Corrals
- Outbuildings
- Sensitive areas (e.g. springs)



# EASEMENT:

- Timeframe for construction
- Permanent easement width
- Construction easement width
- Type of pipeline installation:
  - Trenched
  - Plowed
  - Backhoed



# PIPELINE CONSTRUCTION:

- Timeline
- Number & size of pipes
- Pipe burial depth
- Type of pipeline:
  - Oil
  - Gas
  - Water
- Erosion control
- Dust control
- Construction site cleanup
- Landowner easement access points



# VEGETATION, SOIL, & TOPOGRAPHY:

- Present plant species
- Future plant species
- Noxious weed control
- Topsoil depth
- Subsoil properties
- Landforms
- Water bodies
- Slope



# RECLAMATION:

- Define goals/timeframes for successful land recovery
  - Vegetation restoration
  - Weed control
- Topographic feature recovery
- Monitoring disturbed areas
  - Determine duration & frequency of monitoring and maintenance



# POINT OF CONTACT:

- Clearly identify the pipeline contact who will be working with you throughout the entire process
- To find pipeline company contacts:
  - [www.dmr.nd.gov](http://www.dmr.nd.gov) (Dept. of Mineral Resources)
  - [www.ndoil.org](http://www.ndoil.org) (Petroleum Council)







# New Landowner Tips Brochure:



## Reclamation

- Define goals/timeframes for successful land recovery
  - Vegetation restoration
  - Weed control
  - Topographic feature recovery
- Disturbed areas should be monitored and documented to ensure land recovery goals will be met
  - Determine the duration and frequency of monitoring and maintenance

## Point of Contact

Clearly identify the pipeline company contact who will be working with you throughout the entire process.

To find pipeline company contacts, go to [www.ndoil.org](http://www.ndoil.org) → Oil Can! → Easement Information Center → Pipeline Company Contact Information.

To request gathering line data, go to [www.dmr.nd.gov](http://www.dmr.nd.gov) → Oil and Gas Division Website → Gathering Pipelines → Request Information About Gathering Lines On Your Land.

## Pipeline Reclamation Problems? WE CAN HELP!

The North Dakota Department of Agriculture's pipeline and reclamation oversight pilot program connects landowners and surface tenants experiencing pipeline reclamation issues with an independent ombudsman. The role of the ombudsman is to help surface owners/tenants and pipeline companies identify and bring resolution to pipeline reclamation issues.

Pipeline reclamation problems addressed in the early stages have a higher degree of resolution and can often be resolved before further erosion of confidence and loss of productivity by all parties.

If you are not getting an adequate response for pipeline reclamation problems directly from the pipeline company, contact the North Dakota Department of Agriculture at 1-800-242-7535 or go to our website at [www.nd.gov/ndda](http://www.nd.gov/ndda) to request assistance in resolving them.



## LANDOWNER TIPS FOR SUCCESSFULLY WORKING WITH PIPELINE COMPANIES



AGRICULTURE COMMISSIONER  
DOUG GOEHRING

## NORTH DAKOTA DEPARTMENT OF AGRICULTURE

600 E Boulevard Ave., Dept. 602  
Bismarck, ND 58505-0020  
(701) 328-2231  
(800) 242-7535  
FAX: (701) 328-4567  
[www.nd.gov/ndda](http://www.nd.gov/ndda)

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# COMPLAINT UPDATE:

- 27 complaints
- Top complaint issues:
  - Rough ground/uneven surface
  - Loss of topsoil
  - Vegetation not restored properly
  - Noxious weed control



# Contact for Assistance

Ken Junkert or Kent Theurer  
North Dakota Department of Agriculture  
1-800-242-7535  
[kjunkert@nd.gov](mailto:kjunkert@nd.gov) or [kdtheurer@nd.gov](mailto:kdtheurer@nd.gov)  
[www.nd.gov/ndda](http://www.nd.gov/ndda)



Doug Goehring, Agriculture Commissioner