PIPELINE RESTORATION AND RECLAMATION OVERSIGHT PILOT PROGRAM

The North Dakota Department of Agriculture's pipeline restoration and reclamation oversight program connects landowners and tenants experiencing pipeline reclamation and restoration issues with an independent ombudsman, a third party resource to help reach a reasonable resolution.

The program also provides educational outreach to help landowners/tenants consider things such as pipeline pathways, type of pipeline installation, soil impacts, type of vegetation being reestablished, timelines and other issues before signing agreements.

Vision Statement
The ombudsmen are the recognized lead facilitators for promoting fairness when resolving pipeline reclamation and restoration issues, concerns, and disputes.

Mission Statement
To enhance landowner trust and cooperation in North Dakota's energy development future by providing timely, effective, and impartial complaint management between surface owners/tenants and pipeline companies.

Values
These values guide activities and actions of the pilot program. They demonstrate the agriculture commissioner's belief that the manner in which the pilot program is administered must be purposeful in progressing the goals North Dakota is trying to achieve by creating the pilot program.

The pilot program values:

- Fairness
- Respect
- Integrity
- Equity

This pilot program also values a working environment that fosters innovation and collaboration.

AGRICULTURE COMMISSIONER
DOUG GOEHRING

PILOT PROGRAM PROCESS

The ombudsmen proceed by way of independent and impartial examinations initiated upon complaints by surface owners/tenants. The ombudsman's objective is to develop a service culture characterized by fairness, dedication, openness, and accountability. The ombudsmen may use informal facilitation or recommend mediation to avoid actions that can be costly and damaging to the surface owner/tenant and the pipeline company.

NDDA will:

Establish methods for surface owners/tenants to issue complaints

Complaints will be taken by:

- Phone
- Email
- Web
- Personal interview

Establish a method to track and assign complaint cases to an ombudsmen

Prepare periodic reports to the agriculture commissioner regarding pilot program activity

Contract with qualified ombudsmen

The ombudsman will:

Make initial contact with the surface owner/tenant within 48 hours of receiving the complaint

Conduct a site examination with the surface owner/tenant and document all issues associated with the complaint

Meet with surface owner/tenant and pipeline company on site to review reclamation/restoration issues

Work with surface owner/tenant and pipeline company to develop a plan and timeline to address the complaint

Periodically monitor agreed upon reclamation/restoration site work

Provide final report to the agriculture commissioner

Site prior to reclamation

Same site after reclamation

The ombudsman will not:

Provide legal counsel or assistance in negotiating an easement

Interfere with or supersede any agreements between surface owners/tenants and pipeline companies

Conduct any regulatory functions

Investigate any pipeline installed before January 1, 2006

Investigate any pipeline regulated by the Public Service Commission under North Dakota Century Code Title 49.

THE OMBUDSMAN

Ombudsman
Noun [om•buds•man]
Definition: One who investigates, reports on, and helps settle complaints.

The ombudsman will manage complaint cases by receiving, reviewing, and attempting to resolve complaints from surface owners/tenants. In addition, the ombudsman will analyze complaint data and provide the agriculture commissioner with recommendations for the improvement of the pilot program. The ombudsman will have frequent contact with surface owners/tenants, and representatives from pipeline companies by conducting outreach and managing complaints.

Knowledge, Skills, and Abilities
To be an effective ombudsman, the individual must have the following attributes:

- Concern for fairness
- Effective consensus-building and facilitator skills
- Good listening skills
- Established analytical ability
- Effective stress management skills
- General knowledge of subject matter
- Keep professionally current by pursuing continuing education and training

Primary Functions
An ombudsman has the following primary functions:

- Problem prevention
- Conflict resolution
- Communication facilitation

Functional Description
The ombudsman will:

- Serve as a designated neutral resource for surface owners and tenants to raise concerns and request assistance to informally resolve conflicts and problems
- Monitor and track inquiries, complaints, and disputes
- Seek to provide effective and equitable conflict resolution
- Focus on customer service to provide an identifiable and accessible process for receiving complaints and resolving disputes
- Direct surface owners/tenants to the correct process or agency (outside the ombudsman program) when appropriate
- Make recommendations to the agriculture commissioner if a general problem trend is identified

PILOT PROGRAM GOALS

1 Recognized Resource
We are a resource that can evaluate issues and identify options after an impartial review of the complaint

2 Create Trust
Create surface owner/tenant trust in working with pipeline companies by creating a venue to address concerns and enhance communication

3 Save Resources
Save valuable resources by preventing disputes and resolving them in a timely manner in place of costly litigation

4 Balanced Approach
Support surface owners/tenants and the energy industry by using a non-regulatory approach to balance land use needs and foster the relationship between land stakeholders

PILOT PROGRAM OBJECTIVE STATEMENTS

- Pipeline reclamation and restoration problems addressed in the early stages have a higher degree of resolution and can often be resolved before further erosion of confidence by the surface owner/tenant and before loss of productivity by both parties
- Effective education of key stakeholders regarding the goals of the program will create buy-in and cooperation
- The ombudsman does not necessarily have to identify the solution to a problem but will be most successful by helping surface owners/tenants and pipeline companies identify and carry out solutions
- The ombudsman must be an effective consensus-builder and facilitator

PROGRAM ASSESSMENT

NDDA will use customer satisfaction surveys and stakeholder interviews to complete an annual program assessment.

FOR FURTHER INFORMATION

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