

STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

Hess Corporation  
NGL Pipelines- Williams County  
Siting Application

Case No. PU-11-104

**AFFIDAVIT OF SERVICE BY CERTIFIED MAIL**

STATE OF NORTH DAKOTA  
COUNTY OF BURLEIGH

**Cara DeSaye** deposes and says that:

she is over the age of 18 years and not a party to this action and, on the 18<sup>th</sup> day of **July, 2012**, she deposited in the United States Mail, at Bismarck, North Dakota, **one** envelope with certified postage, return receipt requested, fully prepaid, securely sealed and containing a photocopy of:

**Order**

and originals of:

**Certificate of Corridor Compatibility Number 138  
Route Permit Number 149  
Route Permit Number 150  
Route Permit Number 151**

The envelope was addressed as follows:

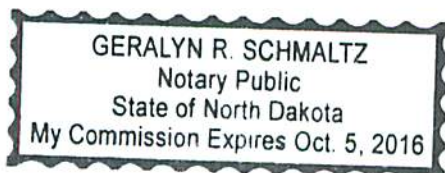
John Morrison  
Crowley Fleck  
PO Box 2798  
Bismarck ND 58502

**Cert. No. 7011 3500 0003 4574 5186**

The address shown is the respective addressee's last reasonably ascertainable post office address.

Subscribed and sworn to before me  
this 18<sup>th</sup> day of **July, 2012**.

SEAL



*Cara DeSaye*  
\_\_\_\_\_  
*Gerwyn R. Schmaltz*  
\_\_\_\_\_  
Notary Public

STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

Hess Corporation  
NGL Pipelines – Williams County  
Siting Application

Case No. PU-11-104

ORDER

July 17, 2012

The evidence of record has been considered and appraised.

The Commission Orders:

1. The Hearing Officer's July 16, 2012 Recommended Findings of Fact, Conclusions of Law and Recommended Order, a copy of which is attached to this Order and made a part of this Order, is ADOPTED as the Public Service Commission's Findings of Fact, Conclusions of Law and Order.
2. Hess Corporation's application for a waiver of procedures and time schedules is granted.
3. Certificate of Corridor Compatibility No. 138 is issued to Hess Corporation, designating a corridor for its proposed pipeline project.
4. Route Permit Nos. 149, 150, and 151 is issued to Hess Corporation, granting authority to construct, operate and maintain its 3 collocated natural gas liquids pipelines.
5. The April 28, 2012 Certification Relating to Order Provisions – Transmission Facility Siting (Certification), with accompanying Tree and Shrub Mitigation Specifications, is incorporated by reference and attached to this Order.
6. To the extent there are any conflicts or inconsistencies between Hess Corporation's Application and the April 28, 2012 Certification, the Certification provisions control.

PUBLIC SERVICE COMMISSION

  
Kevin Cramer  
Commissioner

  
Brian P. Kalk  
Chairman

  
Bonny M. Fetch  
Commissioner

**RECEIVED**

JUL 16 2012

**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

**PUBLIC SERVICE COMMISSION**

**Hess Corporation  
NGL Pipelines - Williams County  
Siting Application**

**Case No. PU-11-104  
OAH File No. 20120127**

**RECOMMENDED FINDINGS OF FACT  
CONCLUSIONS OF LAW, AND RECOMMENDED ORDER**

**July 16, 2012**

**Appearances**

John W. Morrison, Attorney at Law, Crowley Fleck PLLP, 400 East Broadway, Suite 600, Bismarck, North Dakota 58501, on behalf of the Applicant, Hess Corporation.

Mark E. Gruman, Assistant Attorney General, Legal Counsel for the Public Service Commission.

Christopher A. Marohl, Public Service Commission.

Allen C. Hoberg, Administrative Law Judge, Office of Administrative Hearings, Substantive Hearing Officer.

**Preliminary Statement**

Under North Dakota Century Code §49-22-07, a utility may not begin construction of a transmission facility in the state without first having obtained a route permit. The facility must be constructed, operated, and maintained in conformity with the permit and any terms, conditions, or modifications of the permit.

On April 1, 2011, Hess Corporation ("Hess") filed a Letter of Intent ("LOI") with the Public Service Commission ("Commission") to submit an application for a certificate of corridor compatibility and for a route permit to construct three natural gas liquids ("NGL") pipelines to be located in Williams County, North Dakota (the "Project"). In the LOI, Hess requested a shortening of the prescribed one-year notice period between when the LOI is filed and when the application for a certificate of corridor compatibility and route permit is filed.

On April 20, 2011, the Commission acknowledged the LOI, shortened the one year

-1-

**24 PU-11-104 Filed: 7/16/2012 Pages: 7**  
**Recommended Findings of Fact, Conclusions of**  
**Law, and Recommended Order**

Allen Hoberg, ALJ - Office of Administrative Hearings

period to one month and assessed a filing fee.

On March 8, 2012, Hess filed applications for a certificate of corridor compatibility and for a route permit authorizing the construction of the Project. Hess also filed an application requesting that the Commission waive certain procedures and time schedules set forth in North Dakota Century Code §§49-22-08 and 49-22-08.1.

On March 19, 2012, the Commission requested the designation of an Administrative Law Judge from the Office of Administrative Hearings to preside as a Substantive Hearing Officer ("Hearing Officer") in this case. On March 20, 2012, Allen C. Hoberg was designated to conduct the hearing, make recommended findings of fact and conclusions of law, and issue a recommended order.

On April 10, 2012, the Hearing Officer issued a Notice of Filings and Notice of Hearing scheduling a public hearing on April 30, 2012, at 10:00 a.m. CDT at City Hall, 12 1<sup>st</sup> Street NE, Tioga, North Dakota, 58852.

The issues to be considered in Hess' request for a waiver of procedures and time schedules are as follows:

1. Are the proposed facilities of such length, design, location, or purpose that they will produce minimal adverse effects such that adherence to the procedures and time schedules may be waived?
2. Is it appropriate for the Commission to waive any procedures and time schedules as requested in the application?

The issues to be considered in Hess' applications for certificate of corridor compatibility and route permit are as follows:

1. Will the location, construction, and operation of the proposed facilities produce minimal adverse affects on the environment and upon the welfare of the citizens of North Dakota?
2. Are the proposed facilities compatible with the environmental preservation and the efficient use of resources?
3. Will the proposed facility locations 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 April 30, 2012, the public hearing was held as scheduled.

Having allowed all interested persons an opportunity to be heard and having heard, reviewed, and considered all the evidence presented, the Hearing Officer makes the following:

## **Findings of Fact**

1. Hess is a Delaware corporation authorized to transact business in the State of North Dakota.

### **Size, Type and Preferred Location of Facility**

2. As a by-product of processing at the Hess Tioga Gas Plant ("Plant"), NGL will be available at the tailgate of the Plant. Hess proposes to construct three pipelines, two six-inch pipelines and one eight-inch pipeline, from the Plant to the Hess Tioga Rail Terminal ("Terminal"), a distance of approximately 3.6 miles. The capacity of the Project will be approximately 63,000 barrels per day, but the anticipated average deliveries will be approximately 31,500 barrels per day. The proposed route was chosen to collocate the pipeline route between two fixed assets within existing corridors to the extent possible.
3. Each of the three pipelines will include two mainline valves, one at the Plant and one at the Terminal. A supervisory control and data acquisition ("SCADA") system will be included.

### **Need for Facility**

4. The purpose of the Project is to transport NGL from the Plant to the Terminal where the NGL can be shipped via rail to end users. Processing NGL is essential to allow the NGL produced in association with crude oil to be saved and sold rather than flared. The Project will transport 31,500 barrels per day of NGL from the Plant to the Terminal but will have the capacity to transport approximately 63,000 barrels per day.
5. Alternatives to construction of the Project consist of trucking or shipping NGL by rail to the Terminal. At maximum capacity, the trucking alternative would require approximately 265 trucks per day to be loaded at the Plant, driven to the Terminal, and unloaded at the Terminal. This would result in an unacceptable amount of heavy vehicle traffic for area residents and excessive wear and tear on roads. The trucking alternative would also be subject to disruptions, which could result in a shutdown of the Plant and the flaring of natural gas. Construction of a rail spur could result in excessive environmental impacts and is also not financially feasible.

### **Study of Preferred Location**

6. North Dakota Administrative Code Chapter 69-06-08 sets forth certain criteria to guide the Commission in evaluating the suitability of granting an application for a certificate of corridor compatibility and route permit. 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.** A transmission facility route must not be sited within an Exclusion Area. A transmission facility route must not be sited within an Avoidance Area unless the applicant demonstrates that under the circumstances there are no reasonable alternatives. In determining whether an Avoidance Area shall be designated for a 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. In accordance with the Commission's Selection Criteria, a transmission route shall be approved if it is demonstrated that no significant adverse impacts will result from the location, construction, and maintenance of the transmission facility. In accordance with the Commission's Policy Criteria, preference may be given to an applicant demonstrating certain benefits of the transmission facility.

7. Hess evaluated a one-mile wide study area centered on the proposed route for the exclusion, avoidance, selection and policy criteria of the Commission.
8. Hess, through its consultants, conducted a Class I literature search within the one-mile corridor and a Class II cultural resource inventory on a 300-foot wide survey area centered on the proposed pipeline alignment with additional survey coverage provided as necessary to encompass all temporary additional workspace. The Class I inventory identified 17 previously recorded cultural resources and the Class II inventory identified the Great Northern Railway mainline segment.
9. The only exclusion area included within the corridor is a newly recorded segment of the historic Great Northern Railway mainline, but the segment is classified as a non-contributing portion of a larger resource and Hess intends to avoid the site by boring underneath the site. As a result, Hess' consultants recommended a determination of "No Historic Properties Affected" and "No Significant Sites Affected" and the State Historic Preservation Officer ("SHPO") concurred with this recommendation.
10. Also, SHPO agreed that none of the 17 previously recorded cultural resources will be impacted by the Project.
11. The only avoidance area included within the corridor is a waterfowl protection area but the route alignment will avoid the area and will not impact the area.
12. Any impact on vegetation and wildlife from construction of the pipeline will be temporary.
13. A tree, sapling, and shrub inventory was completed and approximately 5 trees or shrubs were identified which may be impacted by construction. Hess will comply with the Commission's Tree and Shrub Mitigation Specifications.

14. The Project will cross one water body, a stream, but Hess will use horizontal directional drill installation for the crossing of this stream. Six wetlands were recorded in the vicinity of the route covering approximately 3.6 acres; 0.8 acres may be directly impacted by construction, but Hess will implement appropriate mitigation including avoidance and other Best Management Practices to minimize any impacts.
15. The majority of the lands crossed by the Project are agricultural. Approximately 44 acres will be temporarily impacted; 71% of these are cultivated. Impacts will be temporary and landowners will be compensated for impact. Any impact to family farm operations will be temporary.
16. Any impact to surface drainage and groundwater flow patterns will be temporary.
17. Other than temporary noise associated with construction and the short-term visual effects resulting from construction, the Project will not have any impact on noise sensitive land uses or visual effects on the adjacent area.

#### Mitigation to Minimize Impact

18. All Project construction work will occur within a construction right-of-way of 200 feet. After completion of construction, the permanent right-of-way for the Project will be 100 feet.
19. Hess will have personnel available in Tioga to respond to any conditions 24 hours a day, seven days a week. The mainline valves will allow the pipelines to be quickly shut down in the event of any system failure. The SCADA system will report pipeline operations and facilitate early response to any breach or failure of the pipeline.
20. The design, construction and operation of the Project will be in accordance with the United States Department of Transportation regulations governing the transportation of NGL as prescribed under 49 CFR Parts 194 and 195.
21. Hess has agreed to a number of steps to mitigate the impact of the Project as stated in the April 28, 2012 Certification Relating to Order Provisions – Transmission Facility Siting, with accompanying Tree and Shrub Mitigation Specifications.
22. Hess will use environmental monitors and inspectors to comply with all applicable permits.
23. Hess will participate in the North Dakota One-Call Excavation Notice System.
24. It is appropriate to authorize a corridor only for the area for which Hess

performed the more thorough field surveys.

From the foregoing Findings of Fact, the Hearing Officer makes the following:

#### **Conclusions of Law**

1. The Commission has jurisdiction over the applicant, Hess, and over the subject matter of this application under North Dakota Century Code Chapter 49-22.
2. Hess is a utility as defined in North Dakota Century Code Section 49-22-03(13).
3. The Project is a transmission facility as defined in North Dakota Century Code Section 49-22-03(12).
4. The location, construction, and operation of the transmission facility will produce minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota.
5. The location, construction, and operation of the transmission facility are compatible with the environmental preservation and the efficient use of resources.
6. The transmission facility will 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.
7. The transmission facility is of such design and location that it will produce minimal adverse effects, as defined under North Dakota Century Code Section 49-22-07.2.
8. It is appropriate for the Commission to waive those certain procedures and time schedules as requested in the application and provided under North Dakota Century Code § 49-22-07.2.

From the foregoing Findings of Fact and Conclusions of Law, the Hearing Officer recommends the following:

#### **Order**

1. That Hess's application for waiver of procedures and time schedules be granted.
2. That a Certificate of Corridor Compatibility be issued to Hess designating a corridor for the construction, operation, and maintenance of the Project. For the purposes of the Certificate, the corridor will consist of the field survey area as described in the application and at the public hearing.
3. That a Route Permit be issued to Hess granting authority to construct and operate

the Project as described in the application and at the public hearing.

4. That the April 28, 2012, Certification Relating to Order Provisions - Transmission Facility Siting, with accompanying Tree and Shrub Mitigation Specifications, be incorporated by reference and attached to the Order issued by the Commission

State of North Dakota  
Public Service Commission

By: 

Allen C. Hoberg, Administrative Law Judge  
Substantive Hearing Officer  
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**

**Hess Corporation**  
**NGL Pipelines – Williams County**  
**Siting Application**

Case No. PU-11-104

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

I am Richard E. Fessler, a representative of Hess Corp ("Company") with authority to bind Hess 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 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 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.
3. 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.
4. 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.
5. 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 weekly basis.
6. 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.

7. 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.
8. 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.
9. Company agrees to construct and operate the transmission facility in the manner described in Company's application, in any late filed exhibits, and supplemental materials (Application). To the extent there are any conflicts or inconsistencies between Company's Application and the provisions in this Certification Relating to Order Provisions, the Certification provisions control.
10. Company agrees to report promptly to the Commission the presence in the permit area of any critical habitat or threatened species, endangered species, bald eagles, or golden eagles of which Company becomes aware and which were not previously reported to the Commission.
11. 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.
12. 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 and clearance to proceed is given by the Commission.
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 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.
15. 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 approved by the Commission are taken.
  16. 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 stripped and segregated from the subsoil. Except along segments of the line using the double ditching method, any area on which excavated subsoil will be placed must also be stripped of topsoil. After backfilling 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.
  17. Company understands and agrees that reclamation, fertilization, and reseeding is to be done according to the Natural Resources Conservation Service recommendations, unless otherwise specified by the landowner and approved by the Commission.
  18. Company understands and agrees that its obligation for reclamation and maintenance of the right-of-way will continue throughout the life of the transmission facility.
  19. Company understands and agrees that its obligation for reclamation and maintenance of the transmission facility, associated facilities, and roadways will continue throughout the life of the transmission facility.
  20. Company agrees to comply with the Tree and Shrub Mitigation Specifications, attached.
  21. Company understands and agrees that it shall repair or replace all fences and gates removed or damaged during all phases of construction and operation of the transmission facility.
  22. Company understands and agrees that it shall repair or replace all drainage tile broken or damaged as a result of construction and operation of the transmission facility.

23. 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.
24. 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.
25. 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.
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.
27. Company understands and agrees that it shall advise the Commission of any extraordinary events which take place at the site of the transmission facility, including injuries to any person, or the death of any threatened or endangered species on the site within five business days of such event.
28. Company understands and agrees that it shall implement a procedure for how complaints concerning the transmission facility will be handled by Company
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 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. Company understands and agrees to obtain written approval from the Commission prior to any modifications to the site plan or the transmission facility. Approval may be granted after notice and opportunity for hearing.
31. Company agrees to provide the Commission with both an electronic and a paper copy of the corridor approved by the Commission, and will provide this information within 3 months of the Commission order approving the corridor. Company also agrees to provide an electronic version of the approved corridor that can be imported into ESRI GIS mapping software within 3 months of the Commission order approving the corridor. 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.

32. Company agrees to provide the Commission with both an electronic and a paper copy of the 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 as-built facility design specifications 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.
33. 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.
34. Company understands and agrees that in the event Company desires to construct, within any corridor granted by a Certificate of Corridor Compatibility in this proceeding, a transmission facility or energy conversion facility that was not included in Company's application in this proceeding, Company shall apply to the Commission for a Route Permit or Site Certificate for the facility.
35. 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 and clearance to proceed has been given by the Commission.

36. Company understands and agrees that the corridor certificate and route permit are subject to suspension or revocation and may, after hearing, be suspended or revoked for failure to comply with the Commission's order, requirements of the One-Call Excavation Notice System under North Dakota Century Code Chapter 49-23, the conditions and criteria of the certificate or permit or subsequent modification, or failure to comply with applicable statutes, or rules, regulations, standards, and permits of other state or federal agencies.

Dated this 28<sup>th</sup> day of April, 2012

COMPANY NAME  
Hess Corporation

By Richard E. Fessler  
Richard E. Fessler

Its Project Manager - Bakken Facilities

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**Hess Corporation**  
**NGL Pipelines – Williams County**  
**Siting Application**

**Case No. PU-11-104**

**Tree and Shrub Mitigation Specifications**

**Inventory**

1. Trees and shrubs anticipated to be cleared, including those that are considered invasive species or noxious weeds (*e.g., Caragana arborescens, Elaeagnus angustifolia, Rhamnus cathartica, Tamarix chinensis, T. parviflora, T. ramosissima, Ulmus pumila*), must be inventoried before cutting. The inventory must record the location, number, and species of trees and shrubs.
2. In windbreaks, shelterbelts and other planted areas, trees or shrubs anticipated to be cleared, regardless of size, must be inventoried for replacement.
3. In native growth areas, trees anticipated to be cleared that are 1 inch diameter at breast height (dbh) or greater must be inventoried for replacement.
4. In native growth areas, shrubs anticipated to be cleared in the permanent right-of-way must be inventoried for replacement.
5. In native growth areas outside the permanent right-of-way, shrubs must be cut flush with the surface of the ground, taking care to leave the naturally occurring seed bank and root stock intact. If soil disturbance is necessary, the native topsoil must be preserved and replaced after construction. Shrubs must be allowed to regenerate naturally where native topsoil is preserved and replaced. Where native topsoil is not preserved and replaced, shrubs anticipated to be cleared must be inventoried for replacement.
6. In native growth areas, trees and shrubs may be inventoried by actual count or by a sampling method that will properly represent the woody vegetation

population. A sampling plan developed by the company, filed with the North Dakota Public Service Commission (Commission) and approved prior to the start of construction must define the sampling method to be used for trees, for tall shrubs and for low shrubs. The data from the sample plots must be extrapolated to the total acreage of the wooded area to be cleared to determine the species and quantity of trees and shrubs to be replaced.

#### **Clearing for Construction**

7. Trees and shrubs must be selectively cleared, leaving mature trees and shrubs intact where practical.
8. The maximum width of clear cuts through windbreaks, shelterbelts and all other wooded areas is 50 feet, unless otherwise approved by the Commission.
9. If the area of trees or shrubs actually cleared differs from the area inventoried, the difference in number of trees and shrubs to be replaced must be noted on the inventory.

#### **Replacement**

10. Prior to tree and shrub replacement, documentation identifying the number and variety of trees and shrubs removed, as well as the mitigation plan for the proposed number, variety, type, location and date of replacement plantings, must be filed with the Commission for approval.
11. Two 2-year-old saplings must be planted for every one tree removed. Two shrubs (stem cuttings) must be planted for every one shrub removed.
12. Except in the case of invasive or noxious species, trees and shrubs must be replaced by the same species or similar species, suitable for North Dakota growing conditions as recommended by the North Dakota Forest Service. Invasive or noxious species must be replaced by similar non-invasive or non-

noxious species suitable for North Dakota growing conditions as recommended by the North Dakota Forest Service.

13. Tree and shrub replacement must not be conducted within a 20 to 30 foot wide path over the pipeline to facilitate visual inspections of the right-of-way in accordance with U.S. Department of Transportation safety regulations.
14. Landowners must be given the option of having replacement trees and shrubs planted on the landowner's property, either on or off the right-of-way. The landowner must also be given the opportunity to waive those options in writing in order to have replacement trees and shrubs planted off the landowner's property.
15. At the conclusion of the project, documentation identifying the actual number, variety, type, location and date of the replacement plantings must be filed with the Commission.
16. Tree and shrub replacements must be inspected annually, in September, for three years. The first annual inspection must be at least one year from the anniversary date of the original plantings. A report of each annual inspection must be submitted to the Commission by October 1 of each year, documenting the condition of plantings and any woodlands work completed as of September of each year. If after the third annual report the survival rate is less than 75%, the Commission may order additional planting(s).

**PUBLIC SERVICE COMMISSION**

**STATE OF NORTH DAKOTA**

**Certificate of Corridor Compatibility Number 138**

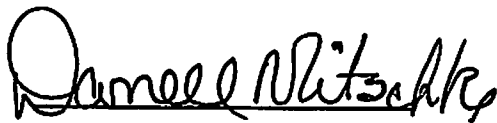
*This is to certify that the Commission has designated a transmission facility corridor for Hess Corporation, for the construction of approximately 3.6 miles of two six-inch pipelines and one eight-inch pipeline in Williams County, North Dakota for the transmission of natural gas liquids.*

*This certificate is issued in accordance with the Order of this Commission dated July 17, 2012 in Case No. PU-11-104 and is subject to the conditions and limitations noted in the Order.*

*Bismarck, North Dakota, July 17, 2012.*

**ATTEST:**

**PUBLIC SERVICE COMMISSION**



**Executive Secretary**



**Commissioner**

# STATE OF NORTH DAKOTA

## Route Permit

### Certificate Number 149

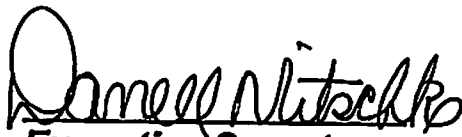
*This is to certify that the Commission has designated a transmission facility route for Hess Corporation for the construction of approximately 3.60 miles of 6-inch pipeline in Williams County, North Dakota for the transmission of butane.*

*This permit is issued in accordance with the Order of this Commission dated July 17, 2012 in Case No. PU-11-104 and is subject to the conditions and limitations noted in the Order.*

*Bismarck, North Dakota, July 17, 2012.*

**ATTEST:**

**PUBLIC SERVICE COMMISSION**

  
**Executive Secretary**

  
**Commissioner**

# STATE OF NORTH DAKOTA

## Route Permit

### Certificate Number 150

*This is to certify that the Commission has designated a transmission facility route for Hess Corporation for the construction of approximately 3.60 miles of 6-inch pipeline in Williams County, North Dakota for the transmission of natural gas liquids.*

*This certificate is issued in accordance with the Order of this Commission dated July 17, 2012 in Case No. PU-11-104 and is subject to the conditions and limitations noted in the Order.*

*Bismarck, North Dakota, July 17, 2012.*

**ATTEST:**

**PUBLIC SERVICE COMMISSION**

  
**Executive Secretary**

  
**Commissioner**

# STATE OF NORTH DAKOTA

## Route Permit

### Certificate Number 151

*This is to certify that the Commission has designated a transmission facility route for Hess Corporation for the construction of approximately 3.60 miles of 8-inch pipeline in Williams County, North Dakota for the transmission of propane.*

*This certificate is issued in accordance with the Order of this Commission dated July 17, 2012 in Case No. PU-11-104 and is subject to the conditions and limitations noted in the Order.*

*Bismarck, North Dakota, July 17, 2012.*

**ATTEST:**

**PUBLIC SERVICE COMMISSION**

  
**Executive Secretary**

  
**Commissioner**