

**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

**Vantage Pipeline US LP  
Natural Gas Liquids Pipeline- Williams and Divide Counties  
Siting Application**

**Case No. PU-11-109**

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

**June 20, 2012**

**Appearances**

Commissioners Tony Clark, Brian P. Kalk, and Kevin Cramer.

Brian Bjella, Attorney at Law, Crowley Fleck PLLP, 400 East Broadway, Suite 600, Bismarck, North Dakota 58501, on behalf of Vantage Pipeline US LP.

Sandra Voller, Special Assistant Attorney General, Legal Counsel for Public Service Commission, on behalf of the Public Service Commission.

Patrick Fahn, Public Utility Analyst, Public Service Commission, State Capitol, Bismarck, North Dakota 58505, on behalf of the Public Service Commission.

Patrick Ward, Administrative Law Judge, Office of Administrative Hearings, 1701 North Ninth Street, Bismarck, North Dakota 58501-1882, as Procedural 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 certificate of site compatibility or a route permit. The facility must be constructed, operated and maintained in conformity with the certificate or permit and any terms, conditions or modifications of the certificate or permit.

On February 13, 2012, Vantage Pipeline US LP ("Vantage") filed its application for a certificate of corridor compatibility and an application for route permit with the Public Service Commission ("Commission") to authorize construction of a pipeline to transport ethane and associated facilities ("Project") located in Williams and Divide Counties, North Dakota. Vantage also filed an application for waivers of the following requirements: (1) that the Commission hold separate hearings on Vantage's waiver request, certificate of corridor compatibility application and route permit application; and (2) for separately filed applications for a Corridor Certificate and a Route Permit, and separate publication of notices of filing the applications.

On March 21, 2012, the Commission issued a Notice of Filings and Notice of Hearing stating that the applications were deemed complete and scheduling a public hearing for April 26, 2012, at 10:00 a.m. CT in the courtroom at the Williams County Courthouse, 205 East Broadway, Williston, North Dakota 58801.

The Notice of Filings and Notice of Hearing identified the following issues to be considered with respect to Vantage's application for a waiver of procedures and time schedules:

1. Are the proposed facilities of such length, design, location, or purpose that they will produce minimal adverse effects and that adherence to applicable 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 Notice of Filings and Notice of Hearing also identified the following issues to be considered in Vantage's application for a certificate of corridor compatibility and route permit:

1. Will the location, construction, and operation of the proposed facilities produce minimal adverse effects 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 March 6, 2012, Vantage filed an Addendum to the Application for Corridor Certificate and Route Permit with the Commission regarding construction through shelterbelts.

On April 20, 2012, Vantage filed Addendum No. 2 to the Application for Corridor Certificate and Route Permit with the Commission requesting a minor route revision.

On April 26, 2012, the public hearing was held as scheduled.

On May 10, 2012, Vantage filed with the Commission its Certification Relating to Order Provisions: Transmission Facility Siting, binding Vantage to requirements to be set forth by the Commission in this Order

On May 7, 2012, Vantage filed Late Filed Exhibit No. 5. On May 21, 2012, Vantage filed Late Exhibit Nos. 4 and 6.

On June 19, 2012, Vantage filed copies of concurrence letters issued by the North Dakota State Historic Preservation office regarding the Vantage Pipeline Project.

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

### **Findings of Fact**

1. Vantage is a Delaware limited partnership authorized to transact business in the State of North Dakota, as evidenced by a Certificate of Good Standing issued by the North Dakota Secretary of State on April 1, 2011.

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

2. Vantage is proposing to construct approximately 430 miles of new high vapor pressure steel pipeline to transport ethane from Hess Corporation's natural gas processing plant near Tioga, North Dakota, to an existing pipeline system near Empress, Alberta, Canada. The proposed pipeline would include construction of approximately 79.8 miles of new 10-inch diameter pipeline in the State of North Dakota. No pump stations will be located in North Dakota. There will be eight above ground mainline block valves located approximately 15 miles apart along the pipeline route in North Dakota.

3. The pipeline would continue approximately 350 miles in Saskatchewan, Canada, and approximately 2 miles in Alberta, Canada, for the transport of natural gas liquids, specifically liquid ethane, from Hess Corporation's natural gas processing plant to an existing ethane pipeline system near Empress, Alberta, Canada, and on to NOVA Chemical Corporation's Joffre Petrochemical Complex in Joffre, Alberta.

4. The pipeline will have a maximum operating pressure of 1440 pounds per square inch, although normal operating pressures are anticipated to be less than that. The maximum design flow rate is 40,000 barrels per day, expandable to 60,000 barrels per day with the addition of two additional pump stations. In addition, the facilities to be constructed on Hess Corporation's plant site include an internal inspection launcher and a custody transfer meter station.

5. Vantage has entered into agreements for acquisition of all properties to accommodate construction and operation of the pipeline, with the exception of three quarters of land administered by the Board of University and School Lands. Vantage must first complete a legal survey before acquiring the easements to cross these state owned lands.

#### **Need for the Facility**

6. Natural gas production in North Dakota is now at a level that makes it economically feasible to extract ethane from the natural gas and sell the ethane to consumers. The purpose of the pipeline is to efficiently transport liquid ethane from the Williston Basin to meet market demand created by the petrochemical in western Canada. The Canadian petrochemical industry has demonstrated an interest in purchasing these supplies of ethane and as a result Vantage has entered into a long-term agreement with Hess Corporation and with Nova Chemicals Corporation to transport ethane from Hess Corporation's Tioga gas plant to an existing ethane pipeline near Empress, Alberta, Canada.

7. Liquid ethane is a component of natural gas. Ethane is used as a feedstock for the world scale petrochemical facilities located in the Province of Alberta, where the ethane is converted to ethylene. The ethylene is used as a building block for a wide range of consumer industrial products such as plastics, antifreeze, rubber, detergents and solvents.

8. Drilling for natural gas has declined sharply in Alberta, Canada, and throughout western Canada in recent years. As natural gas supplies have dropped, ethane supply within Alberta has also dropped. Currently, a shortfall exists between the Alberta petrochemical industry demand and what the western Canadian ethane market can supply. This shortfall is expected to continue and grow for the foreseeable future.

9. Associated gas production which accompanies the increased crude oil production in the Williston Basin of North Dakota has provided a new source of supply of ethane. This associated gas has high ethane content. At present, virtually all the ethane produced with the natural gas in the Williston Basin is left in the gas stream and not separately utilized.

10. The recovery and sale of ethane provides a new source of revenue to producers of crude oil in the Williston Basin. The producers of ethane in North Dakota could receive an additional 20%-30% value for selling ethane to the Canadian petrochemical industry. As a result, the proposed pipeline would benefit North Dakota's energy sector by making a more productive use of an existing resource.

11. As no other pipelines currently exist in this area of North Dakota to transport ethane, there were no other feasible alternatives as high pressure ethane cannot be transported via railroad or by truck.

#### Study of Preferred Location(s)

12. The Commission has established criteria pursuant to North Dakota Century Code § 49-22-05.1, 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 § 69-06-08-02, are classified as Exclusion Areas, Avoidance Areas, Selection Criteria and Policy Criteria.

13. A transmission facility route must not be sited within an Exclusion Area. No Exclusion Areas are present within the Project

14. A transmission facility must not be sited within an Avoidance Area unless the applicant demonstrates that under the circumstances there is no reasonable alternative. 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. The only Avoidance Area present within the Project is one rural residence, which is located approximately 375 feet from the pipeline. Vantage has obtained a waiver from the owners of the rural residence, and submitted the waiver as an exhibit at the hearing.

15. Primary criteria considered in identification of the initial study corridor included minimizing the total pipeline distance, and also minimizing impacts to wetlands and water courses. The proposed route utilizes an existing Hess Corporation corridor along the southern portion of the proposed pipeline route.

16. The environmental and cultural resource study corridor (Project Corridor) used for the Vantage Pipeline was 300 feet or 150 feet from either side of the centerline of the proposed pipeline route. In the Project's location east of the community of Alamo, North Dakota, an expanded environmental study corridor was requested by Vantage due to flooding in the spring of 2011. Vantage has requested that the corridor in this area be temporarily widened to approximately 2000 feet due to uncertainty in constructing in this location.

17. The following agencies were contacted by Vantage, and provided comments: North Dakota State Game and Fish Department, State Historical Society of North Dakota (SHPO) and US Fish and Wildlife Service. In addition, the North Dakota State Land Department, North Dakota State Historic Preservation Office, US Army Corps of Engineers and the North Dakota Parks and Recreation Department were contacted regarding the Project.

18. A Class I literature search incorporated all sections located within one mile of each pipeline centerline. A Class III cultural resource survey was completed on the defined 300 foot Project Corridor.

19. Vantage determined that one site, the Bethel Lutheran Church, may be eligible for placement on the National Register of Historic Places. In addition, one abandoned railroad segment is recognized as eligible due to its importance to economic development in Williams and Divide Counties. Vantage will avoid the Bethel Lutheran Church site. In addition, Vantage will bore beneath the abandoned railroad segment. The SHPO has concurred with the determinations by Vantage. With respect to the original route and the reroute depicted by Addendum No. 2, Vantage recommended to the SHPO that no historic properties within the reroute area will be affected by the Project and the SHPO has concurred with that recommendation.

20. A wetland inventory was completed in the Project Corridor. As no pump stations or other permanent fill or structures will be constructed, the Project will not create any permanent impacts to wetlands. The Project would temporarily impact 1.13 acres of wetlands. The US Army Corps of Engineers has indicated that the Project will likely result in no permanent dredge or fill impacts under Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act. All wetland impacts are anticipated to be temporary. Vantage will notify the Corps of Engineers that no permanent impacts to wetlands will occur.

21. Assessments were completed with respect to fish and wildlife resources. A sharp tail grouse lek within one-quarter mile of the pipeline route will be avoided during the nesting and breeding season pursuant to North Dakota Game and Fish stipulations. Vantage's will schedule construction during fall and winter months to the greatest extent practicable to avoid conflicts with raptors and migratory bird breeding. Construction will be delayed until after the breeding ceases in areas where the Project is located within one-quarter mile of active sharp tail grouse leks. Construction within one-half mile of any critical breeding habitat for Piping Plovers will not occur during the breeding season and until after the US Fish and Wildlife Service authorizes. If whooping cranes are observed within one mile of Project construction, Vantage will cease work and the US Fish and Wildlife Service will be notified. Work will commence when the whooping cranes have left the observed area and the US Fish and Wildlife Service authorizes. Vantage has also indicated that if Sprague's Pipit nests are observed during construction, then construction will be delayed until the young have fledged. An environmental monitor will be present during construction and will conduct inspections for any endangered species occurrences, the fall and spring whooping crane migration, and the potential for Sprague's Pipit and Piping Plover nesting during construction.

22. A corner of a grassland easement held by the United States Fish and Wildlife Service will be crossed by the Project. Vantage has consulted with the US Fish and Wildlife Service and will work closely with the Service to determine best management practices which will avoid impacts to this easement.

23. During construction, Vantage will generally require a construction right-of-way of 75 feet wide. After completion of construction, the permanent right-of-way will be 30 feet wide.

24. While Project construction may result in wildlife habitat removal due to clearing and construction, the Project will have no significant impact on fish and wildlife resources, and no impacts are anticipated to endangered or threatened sensitive plant or animal species.

25. In accordance with the Commission's Selection Criteria, a transmission route shall be approved only if it is demonstrated that no significant adverse impact will result from the location, construction and operation of the facility. Vantage has analyzed the

impacts of the Project in relation to all of the relevant Selection Criteria. The Project will have no significant adverse impacts on the Commission's Selection Criteria.

26. In accordance with the Commission's Policy Criteria, preference may be given to an applicant demonstrating certain benefits of the transmission facility. Vantage has analyzed the relevant Policy Criteria and is committed to conducting its business in compliance with all applicable environmental laws and regulations; committing to energy conservation through the facility's location, process, and design; training and utilizing available labor in the state; constructing the Project to take advantage of economies of scale; achieving transmission capacity in the most minimally intrusive and most efficient way possible; and coordinating with state and local officials. Vantage submitted evidence to demonstrate commitment to maximize the benefits of the proposed transmission facility so as to meet the Policy Criteria.

27. It is appropriate to authorize a corridor only for the area on which Vantage performed the more thorough environmental and cultural resource studies.

28. It is appropriate to authorize a corridor of 300 feet in width with one exception in an area east of Alamo, North Dakota, to authorize a corridor of approximately 2000 feet in width due to difficulty of construction caused by flooding. Once Vantage has identified a final route for construction, it will notify the Commission, at which time the corridor shall be limited to 300 feet in width.

#### Measures to Minimize Impact

29. Vantage will develop a Spill Prevention, Containment and Control Plan ("SPCCP") that describes the planning, prevention and control measures to minimize impacts of any Project related spills.

30. The design, construction and operation of the transmission facility will be in accordance with the United States Department of Transportation ("DOT") regulations as prescribed under Parts 194 and 195 of Title 49 of the Code of Federal Regulations.

31. Vantage will implement an emergency response program in compliance with standards set by the DOT's Pipeline and Hazardous Material Safety Administration. Vantage's emergency response plan will be submitted to the DOT for acceptance. Vantage will also seek input from local first responders in conjunction with implementation of its emergency response program.

32. Vantage included, within its application, its Environmental Protection Plan ("EPP") that provides a comprehensive description of environmental measures to be used during construction of the pipeline in order to minimize potential construction related impacts. This includes a list of environmental best management practices to be implemented by the pipeline contractors during construction, reclamation and post construction monitoring. It includes emergency and project contacts as well as contingency plans should an emergency occur. The EPP will be included in contract

documents with the contractors. All contractors and subcontractors activities will be overseen by Vantage's environmental representatives.

33. Vantage has agreed to a number of steps to mitigate the impact of the Project as indicated by the Certification Relating to Order Provisions-Transmission Facility Siting dated April 23, 2012, with accompanying Tree and Shrub Mitigation Specifications.

34. Vantage will use environmental monitors and inspectors to comply with all applicable permits.

35. Vantage will participate in the North Dakota One-Call Excavation Notice System.

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

### **Conclusions of Law**

1. The Commission has jurisdiction over the applicant, Vantage, and over the subject matter of this application under North Dakota Century Code Chapter 49-22.

2. Vantage is a utility as defined in North Dakota Century Code § 49-22-03(13) for purposes of this Project.

3. The proposed pipeline, and associated facilities, is a transmission facility as defined in North Dakota Century Code § 49-22-03(12).

4. The location, construction, and operation of the proposed transmission facility will produce only minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota.

5. The location, construction, and operation of the proposed transmission facility are compatible with environmental preservation and the efficient use of resources.

6. The proposed 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 proposed transmission facility is of such design and location that it will produce minimal adverse effects, as defined under North Dakota Century Code § 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.

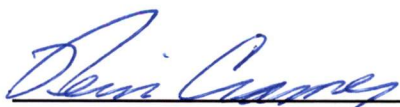
From the foregoing Findings of Fact and Conclusions of Law, the Commission now issues its:

## Order

The Commission orders:

1. Vantage Pipeline US LP's application for a waiver of procedures and time schedules is granted.
2. Certificate of Corridor Compatibility No. 137 is issued to Vantage Pipeline US LP designating a corridor for the construction, operation and maintenance of the Vantage Pipeline Project, being 300 feet in width, with the exception of an area east of Alamo, North Dakota, where Vantage is temporarily granted a corridor of approximately 2000 feet in width because of the uncertainty in the location of the pipeline caused by flooding. Once Vantage has identified a final route for construction, it will notify the Commission, at which time the entire corridor shall be limited to 300 feet in width.
3. Route Permit No. 148 is issued to Vantage Pipeline US LP granting authority to construct and operate the Vantage Pipeline Project, being a pipeline for the transportation of ethane along with associated facilities.
4. The Certification Relating to Order Provisions-Transmission Facility Siting, dated April 23, 2012, with accompanying Tree and Shrub Mitigation Specifications, is incorporated by reference and attached to this Order.

### PUBLIC SERVICE COMMISSION



**Kevin Cramer**  
Commissioner



**Brian P. Kalk**  
Chairman

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**Vacant**

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

**Certificate of Corridor Compatibility Number 137**

*This is to certify that the Commission has designated a transmission facility corridor for Vantage Pipeline US LP, for the construction of approximately 79.8 miles of 10-inch pipeline in Williams and Divide Counties, North Dakota for the transmission of natural gas liquids.*

*This certificate is issued in accordance with the Order of this Commission dated June 20, 2012 in Case No. PU-11-109 and is subject to the conditions and limitations noted in the Order.*

*Bismarck, North Dakota, June 20, 2012.*

**ATTEST:**

**PUBLIC SERVICE COMMISSION**

  
**Executive Secretary**

  
**Commissioner**

# STATE OF NORTH DAKOTA

## Route Permit

### Certificate Number 148

*This is to certify that the Commission has designated a transmission facility route for Vantage Pipeline US LP for the construction of approximately 79.80 miles of 10-inch in Williams and Divide Counties, North Dakota for the transmission of natural gas liquids.*

*This permit is issued in accordance with the Order of this Commission dated June 20, 2012 in Case No. PU-11-109 and is subject to the conditions and limitations noted in the Order.*

*Bismarck, North Dakota, June 20, 2012.*

**ATTEST:**

**PUBLIC SERVICE COMMISSION**

  
**Executive Secretary**

  
**Commissioner**

STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

Vantage Pipeline US, LP  
Natural Gas Liquids Pipeline – Williams and Divide Counties  
Siting Application

Case No. PU-11-109

CERTIFICATION RELATING TO ORDER PROVISIONS –  
TRANSMISSION FACILITY SITING

I am David Schmunk, a representative of Vantage Pipeline US, LP (“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 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. (For a pipeline or buried electric transmission line) 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.

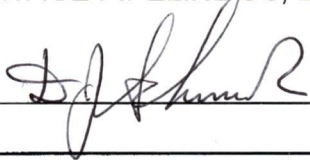
23. Company understands and agrees that staging areas or equipment shall not be located on land owned by a person other than Company unless otherwise negotiated with landowners.
24. Company understands and agrees that it shall remove all waste that is a product of construction and operation, restoration, 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 23 day of April, 2012.

VANTAGE PIPELINE US, LP

By 

Its **DAVID SCHMUNK**  
**CHIEF OPERATING OFFICER**

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

**Vantage Pipeline US, LP**  
**Natural Gas Liquids Pipeline – Williams and**  
**Divide Counties**  
**Siting Application**

**Case No. PU-11-109**

**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).