

# AS-BUILT CONSTRUCTION INSPECTION REPORT

Hess North Dakota Export Logistics LLC  
12-Inch Crude Oil Pipeline  
Williams County, North Dakota  
*Case No. PU-16-189*

*Prepared for:*

North Dakota Public Service Commission  
Julie Prescott  
600 East Boulevard Avenue, Dept. 408  
Bismarck, ND 58505

*December 14, 2016*



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December 14, 2016

Julie Prescott  
North Dakota Public Service Commission  
600 East Boulevard Avenue, Dept. 408  
Bismarck, ND

Dear Ms. Prescott:

Carlson McCain, Inc. (CMI) conducted a construction inspection at the Hess ETP Pipeline - Williams County (Case No. PU-16-189) on November 11, 2016, on behalf of the North Dakota Public Service Commission (PSC). The project consists of installing a 12-inch diameter, 1.1-mile crude oil pipeline. It appears the Project has been constructed in accordance with the ND Public Service Commission (PSC) Findings of Fact, Conclusions of Law, and Order for the Project.

Please contact me at 701-595-7007 or Todd Hartleben at 701-595-7001 if you have any questions or would like additional information.

Sincerely,

A handwritten signature in blue ink that reads "Chad Tucker". The signature is written in a cursive, slightly slanted style.

Chad Tucker  
Wildlife Biologist

Attachment

## **TABLE OF CONTENTS**

EXECUTIVE SUMMARY .....	1
BACKGROUND.....	2
1.1 Introduction.....	2
1.2 Purpose and Scope of Inspection .....	2
PROJECT REVIEW .....	3
2.1 Methods.....	3
2.2 Orders .....	3
2.3 Certification Relating to Order Provisions.....	3
CONCLUSION.....	18
APPENDIX A. FIGURES.....	19

## **EXECUTIVE SUMMARY**

The North Dakota Public Service Commission (Commission) has granted an order allowing construction of a Hess North Dakota Export Logistics (Hess) crude oil pipeline that connects the Ramberg Truck Facility to the Energy Transfer Partners (ETP) Facility. The pipeline is approximately 1.1 miles in length and 12” in Diameter, centered in a 250-foot wide corridor. The Project is located in Section 32, Township (T) 56 North (N), Range (R) 95 West (W), approximately 7 miles south of Tioga, ND in Williams County.

The Commission issued its Finding of Fact, Conclusion of Law and Order of the Commission in Case No. PU- 16-189 dated September 7, 2016, granting a Certificate of Corridor Compatibility No. 192 and issued Route Permit No. 204. The Project construction was reported as complete on November 7, 2016.

The Commission retained Carlson McCain, Inc. (Carlson McCain) to complete construction inspections applying engineering and science principles for the purpose of ensuring that the Project has been constructed in compliance with the siting laws (N.D.C.C. 49-22), rules (N.D. Administrative Code Article 69-06) and applicable Commission orders. An as-built construction inspection was completed on November 11, 2016.

Overall, the Project appears to be constructed as designed with minimal impacts to the surrounding natural and human environment. Carlson McCain has identified the following issues to be resolved and recommends that the Commission request the following documentation:

- Copies of additional approvals/permits from state and local agencies (such as a NDPDES/Storm water permit and Williams County Conditional use permit) or a statement and verification that no other permits/approvals were needed.
- A copy of a Tree and Shrub Mitigation Plan.
- Paper and digital copies of the as-built pipeline information.

The Commission will need to decide whether these recommendations are necessary to fulfill Project obligations. Carlson McCain expects follow-up action taken by Hess to address these particular issues can be resolved by document submission.

After review of the Commission case docket and multiple site inspections, Carlson McCain has found the Hess ETP Pipeline (Case No. PU-16-189) has been constructed in compliance with the siting laws (N.D.C.C. 49-22) and rules (N.D. Administrative Code Article 69-06) and applicable Commission orders.

## **BACKGROUND**

### **1.1 Introduction**

The North Dakota Public Service Commission (Commission) has granted an order allowing construction of a Hess North Dakota Export Logistics (Hess) crude oil pipeline that connects the Ramberg Truck Facility to the Energy Transfer Partners (ETP) Facility. The pipeline is approximately 1.1 miles in length and 12” in Diameter, centered in a 250-foot wide corridor. The Project is located in Section 32, Township (T) 56 North (N), Range (R) 95 West (W), approximately 7 miles south of Tioga, ND in Williams County.

The Commission issued its Finding of Fact, Conclusion of Law, and Order of the Commission in Case No. PU- 16-189 dated September 7, 2016, granting a Certificate of Corridor Compatibility No. 192 and issued Route Permit No. 204. The Project construction was reported as complete on November 7, 2016.

### **1.2 Purpose and Scope of Inspection**

The North Dakota Energy Conversion and Transmission Facility Act (North Dakota Century Code Chapter 49-22) authorizes the Commission to determine that the location, construction, and operation of jurisdictional energy conversion and transmission facilities will produce minimal adverse effects on the environment and the welfare of citizens of North Dakota. Construction inspections ensure the project is constructed in compliance with the siting laws and rules and the applicable Commission Findings of Fact, Conclusions of Law, and Order (Order).

The Commission retained Carson McCain to complete a construction inspection of the Project. The inspection process included a review of the Siting Plan, Order, and other applicable documents to determine Project-specific siting and construction requirements; a site visit and inspection of facilities; documentation of compliance; and a report summarizing findings. This report includes, but is not limited to, documentation of site visit observations, documentation of compliance deficiencies, and a summary of issues that should be addressed for the Project to be considered complete and in full compliance.

## **PROJECT REVIEW**

### **2.1 Methods**

Carlson McCain reviewed North Dakota siting laws and rules, the Applications for the Certificate of Corridor Compatibility and Route Permit (Application), and the Order for the Project to identify what Project-specific documentation was required for compliance. Carlson McCain then reviewed Project documents in the Commission Online Case Search to identify those siting laws and rules and Application and Order assertions that had written verification, those that still required documentation, and those that required physical site verification.

Carlson McCain Inspector Chad Tucker visited the project site on September 26, 2016, with Mr. Jesse Villasenor and on October 7, 2016 and November 11, with Mr. Eldred Green, both of Bergaila Company, to inspect topsoil removal, construction inspection, and as-built construction. Mr. Villasenor and Mr. Green are Construction Supervisors for the Project.

### **2.2 Orders**

The following section includes discussion of the list of components of the Project that were asserted in the Application and Order which could be documented during the post-construction inspection to verify compliance with siting laws, rules and the Order for the Project, by either written documentation or physical site verification.

On September 7, 2016 the Commission ordered:

1. The Hearing Officer's August 23, 2016 Recommended Findings of Fact, Conclusions of Law and Order, a copy of which is attached to and made a part of this order, is ADOPTED as the Public Service Commission's Findings of Fact, conclusions of Law and Order.
2. Certificate of Corridor Compatibility No. 192 is issued to Hess North Dakota Export Logistics LLC designating a Corridor for the construction, operation, and maintenance of approximately 1.1 miles of 12-inch crude oil transmission pipeline and associated facilities in Williams County, North Dakota. The Corridor will consist of a 250-foot-wide area centered on the route.
3. Route Permit No. 204 is issued to Hess North Dakota Export Logistics LLC designating a Route for the construction, operation, and maintenance of approximately 1.1 miles of 12" crude oil transmission pipeline and associated facilities in Williams County, North Dakota.

### **2.3 Certification Relating to Order Provisions**

The Commission issued the Certificate of Corridor Compatibility for Hess North Dakota Export Logistics LLC 12-Inch Crude Oil Pipeline – Williams County, Certificate Number 192 on September 7, 2016. Mr. John A. Gatling, a representative of Hess North Dakota Export Logistics LLC (Company) with authority to bind Company to requirements to be set forth by the Commission in its Order and certified the following:

- 1. Company understand 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.**

*Docket #35, #37, & #38 - Findings of Fact, Conclusions of Law and Order, Commission Motion of Adoption. No issues of blatant non-compliance with this order and conditions and criteria set forth in the applicable laws and rules have been found.*

*Order #1 considered satisfied.*

- 2. Company agrees to comply with the rules and regulations of all other agencies having jurisdiction over any phase of the transmission facility including all city, township, and county zoning regulations.**

*In Docket #37, Order on Recommended Finding of Fact, Conclusions of Law, and Order, under Siting Criteria #23, Hess has agreed to the above statement.*

*It is noted that no other permits/approvals (such as NDPDES/Storm water or a Williams County Conditional Use Permit) appear to have been filed with the Commission. It is recommended that Hess file any additional permits/approvals that it received with the Commission.*

*Order #2 will be considered satisfied upon filing all permits/approvals with the Commission.*

- 3. Company understands and agrees that it shall obtain all other necessary licenses and permits, and shall provide copies of all licenses and permits to the Commission prior to construction activity associated with the transmission facility that requires said license or permits.**

*Certificate of Corridor Compatibility No. 192 was issued to Hess North Dakota Export Logistics LLC designating a Corridor for the construction, operation, and maintenance of approximately 1.1 miles of 12-inch crude oil transmission pipeline and associated facilities in Williams County, North Dakota. The Corridor will consist of a 250-foot-wide area centered on the route.*

*Route Permit No. 204 was issued to Hess North Dakota Export Logistics LLC designating a Route for the construction, operation, and maintenance of approximately 1.1 miles of 12” crude oil transmission pipeline and associated facilities in Williams County, North Dakota.*

*It is noted that no other permits/approvals (such as NDPDES/Storm water or a Williams County Conditional Use Permit) appear to have been filed with the Commission. It is recommended that Hess file any additional permits/approvals that it received with the Commission.*

*Order #3 will be considered satisfied upon filing all permits/approvals with the Commission.*

- 4. Company understands and agrees that any Certificate of Corridor Compatibility or Route Permit issued by the Commission is subject to suspension or revocation and may, in an appropriate and proper case, be suspended or revoked for failure to comply with the Commission’s order, the conditions and criteria of the certificate or subsequent modification, or failure to comply with the applicable statutes, rules, regulations, standards, and permits of other state or federal agencies.**

*A reclamation and revegetation inspection will be performed in 2017. Pending the results of the reclamation and revegetation inspection and compliance with the tree and shrub mitigation specifications, the project appears to comply with state and federal rules and regulations.*

*Order #4 considered satisfied.*

- 5. Company agrees to maintain records that will demonstrate that it has complied with the requirements of the Commission’s order issuing a Certificate of Corridor Compatibility or Route Permit, and that it will preserve these records for Commission inspection at any reasonable time upon reasonable notice.**

*Documents have been filed and are available on the Public Service Commission’s Website. As-built construction files have not yet been submitted.*

*Order #5 considered satisfied pending submittal of outstanding documentation.*

- 6. Company understands and agrees that the authorizations granted by any Certificate of Corridor Compatibility or Route Permit issued by the Commission for the transmission facility are subject to modification by order of the Commission if deemed necessary to protect further the public or the environment.**

*No modifications were proposed by the Commission.*

*Order #6 considered satisfied.*

**Construction:**

- 7. Company agrees to hold a preconstruction conference prior to commencement of any construction, which must include a Company representative, its construction supervisor, and a representative of Commission Staff, to ensure that Company fully understands the conditions set forth in the Commission's order.**

*A preconstruction meeting was held September 8, 2016 and meeting minutes are documented in Docket #42.*

*Order #7 considered satisfied.*

- 8. Company understands and agrees that all cultural resource mitigation plans must be submitted to the North Dakota State Historic Preservation Office and approved prior to the start of any fieldwork and construction activity in the affected area.**

*Through Docket #1 cultural resource reports have been submitted to SHPO.*

*Order #8 considered satisfied.*

- 9. Company understands and agrees that topsoil removal will begin when the Commission's third-party construction inspector is present at the Project site to observe that topsoil is properly removed and kept segregated from subsoil until replacement occurs. Company shall establish the date and time for the Commission's third-party construction inspector's topsoil removal oversight in the preconstruction conference.**

*Carlson McCain's topsoil inspection on September 15, 2016, documented adequate topsoil removal and storage areas (Docket #43).*

*Order #9 considered satisfied.*

- 10. Company agrees to inform the Commission and the Commission's third-party construction inspector of its intent to start construction on the transmission facility prior to the commencement of construction. Once construction has started. Company shall keep the Commission and the Commission's third-party construction inspector updated on construction activities on a monthly basis.**

*Communication with Carlson McCain was adequate throughout the construction. Docket #43 and Docket #45 contain the Topsoil Inspection and Construction Inspection Reports.*

*Order #10 considered satisfied.*

- 11. Company understands and agrees that the pipeline will be buried to a minimum depth from the ground surface to the top of the pipe of 48 inches in range land, 48 inches for cultivated land, 48 inches at the bottom of the ditch for road crossings, and 72 inches across undeveloped section lines.**

*Docket #45, Carlson McCain's Construction Inspection Report documented that the Company met or exceeded the minimum pipeline depth required by the PSC.*

*Order #11 considered satisfied.*

- 12. Company understands and agrees that all topsoil, up to 12 inches, or topsoil to the depth of cultivation, whichever is greater, over and along trench areas where cuts will be made, must be carefully stripped and segregated from the subsoil. Any area on which excavated subsoil will be placed must also be stripped of topsoil. The stripped topsoil must not be stockpiled in natural drainages, and must be protected from water erosion. Care must be taken to protect topsoil from unnecessary compaction by heavy machinery. Unless otherwise approved by the Commission, topsoil must be removed before topsoil freezes in the late fall/ early winter to the point that frost inhibits proper soil segregation. After backfilling with subsoil is completed, any excess subsoil must be placed over the excavation area, blending the grade into existing topography. Topsoil must be replaced over areas from which it was stripped only after the subsoil is replaced.**

*In Docket #37, Exhibit 2, Certification relating to order Provisions Transmission Facility Siting, Company has agreed to the above statement and verification has been documented in Carlson McCain's construction inspection (Docket #43).*

*Order #12 considered satisfied.*

- 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.**

*No buried facilities were constructed under government roads during Project construction.*

*Order #13 considered satisfied.*

- 14. Company understands and agrees that staging areas or equipment shall not be located on land owned by a person other than Company unless otherwise negotiated with landowners.**

*Company equipment was not observed during inspections on property(s) other than that controlled by Hess.*

*Order #14 considered satisfied*

- 15. Company understands and agrees that if any cultural resource, paleontological site, archeological site, historical site, or grave site is discovered during construction, it must be marked, preserved and protected from further disturbances until a professional examination can be made and a report of such examination is filed with the Commission and the State Historical Society.**

*A Cultural Resources Report was submitted to SHPO, which meets the PSC requirements.*

*Order #15 considered satisfied.*

- 16. Company understands and agrees that construction must be suspended when weather conditions are such that construction activities will cause irreparable damage to roads or land, unless adequate protection measures are taken by Company.**

*Carlson McCain's construction inspection on October 10, 2016, documented that construction practices used were adequate to prevent irreparable damage to the landscape (Docket #45).*

*Order #16 considered satisfied.*

- 17. Company understands and agrees that the Commission has authority to stop Project construction activities in the event of a probable violation of the siting laws, siting rules, or applicable Commission Orders if, in the opinion of the Commission, construction activities are likely to result in irreparable or significant harm.**

*The construction inspection of the Site on October 10, 2016, documented that construction occurred as planned and documented. The majority of the construction corridor was in an area used for agriculture. One waterbody was bored. Construction activities were in accordance to PSC rules and regulations.*

*Order #17 considered satisfied with the Company's commitment to monitor reclamation.*

**Restoration and Maintenance:**

- 18. Company understands and agrees that it shall, as soon as practicable upon the completion of the construction of the transmission facility, restore the area affected by the activities to as near as is practicable to the condition as it existed prior to the beginning of construction.**

*The pipeline has been graded and disked as noted by Carlson McCain inspectors. A reclamation and revegetation inspection has not been conducted at this time. Per Docket #1, Certificate of Corridor Compatibility, restoration will immediately follow pipeline construction. Disturbed areas will be prepared for re-seeding and restoration will be coordinated to meet landowner specifications.*

*Order #18 will be considered satisfied once the reclamation and revegetation inspection is complete and with the Company commitment to monitor and maintain the Site as necessary.*

- 19. Company understands and agrees that all pre-existing township and county roads and lanes used during construction must be repaired or restored to a condition that is equal to or better than the condition prior to the construction of the transmission facility and that will accommodate their previous use, and that areas used as temporary roads or working areas during construction must be restored to their original condition.**

*No county or township roads were affected during construction.*

*Order #19 considered satisfied.*

- 20. Company understands and agrees that reclamation, fertilization, and reseeded is to be done according to the Natural Resources Conservation Service recommendations, unless otherwise specified by the landowner and approved by the Commission.**

*Per Docket #1, Route Permit, Appendix A, General and Landowner Stipulations – Weeds on the easement will be controlled by grantee through the growing season. Weeds will be monitored in grassland seeding until a grass stand has been established and crop land easement will be attended to by grantee until a crop has been planted the following year.*

*The majority of the corridor is cultivated for agriculture and revegetation will not be necessary for reclamation. The landowner of the area of grasslands between STA*

*44+17.0 to STA 54+00.0 has requested a seed mix per North Dakota Board of University and School Lands native grass seeding specifications.*

*Order #20 considered satisfied pending the reclamation and revegetation inspection.*

- 21. Company will fulfill its obligation for reclamation and maintenance of the approve transmission facility right-of-way, transmission facility, and associated facilities continuing throughout the life of the transmission facility.**

*As stated in Section K of the Hess Corporation Ten-Year Plan (Docket #1), “Hess’s obligation to reclaim and maintain the right-of-way shall continue throughout the life of the pipeline facility.*

*Order #21 considered satisfied.*

- 22. Company will repair or replace all fences and gates removed or damaged during all phases of construction and operation of the transmission facility.**

*Per Docket #1, Route Permit, Appendix A, General Stipulations – All fences and gates are to be closed and/or fixed during easement work (if applicable). They are to be repaired back to original or better state.*

*No fences or gates were present in the construction right-of-way (ROW).*

*Order #22 considered satisfied.*

- 23. Company will repair or replace all drainage tile broken or damaged as a result of construction and operation of the transmission facility.**

*No drain tile was located within the ROW.*

*Order #23 considered satisfied.*

- 24. Company agrees to comply with the Tree and Shrub Mitigation Specifications attached.**

*Carlson McCain was unable to verify that a tree and shrub mitigation plan has been submitted to the PSC.*

*Order #24 will be considered incomplete until a plan is submitted to the PSC.*

- 25. Company understands and agrees that it shall remove all waste that is a product of construction and operation, restoration, and maintenance of the site, and properly dispose of it on a regular basis.**

*In Appendix A of the Route Permit (Docket #1), Hess states that all trash, including construction materials, and items not natural to the area will be cleaned up when construction on R.O.W. is complete, if not prior to end of construction.*

*Inspections indicated Hess followed their guidelines (Docket #43 and #45)*

*Order #25 considered satisfied.*

- 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.**

*A chain-link fence has been erected around the ETP and the RFT Facilities. Pipeline markers have been installed on the pipeline. Fencing was found to be appropriate during the construction inspection (Docket #43 and Docket #45). The pipeline did not cross any public right-of-ways.*

*Order #26 considered satisfied.*

- 27. Company understands and agrees that it shall provide any necessary safety measures for traffic control or to restrict public access to the transmission facility.**

*During the Construction Inspection (Docket #45) ROW access control items were in place. The project did not cross any public roads.*

*Order #27 considered satisfied.*

#### **Communication with Landowners and PSC:**

- 28. Company understands and agrees that, prior to beginning construction of the transmission facility at a location, it shall send a letter to each landowner with whom an easement was executed for that location specifying the name and phone number of the company representative who is responsible for receiving and resolving landowner issues for the life of the easement.**

*Within Docket #1, the Route Permit states “Hess initiates contacts with affected landowners via telephone to be followed with personal visits and e-mail correspondence. Contact by surface mail may be used as a last resort if no other means of landowner contact is successful.*

*Order #28 considered satisfied.*

- 29. Upon request, Company agrees to provide the Commission with engineering design drawings of the transmission facility prior to construction.**

*Construction plans and engineering drawings were supplied in the Route Permit in Appendix A (Docket #1).*

*Order #29 considered satisfied.*

- 30. Company understands and agrees that it shall advise the Commission as soon as reasonably possible of any extraordinary events which take place at the site of the transmission facility, including injuries to any person.**

*No incidents were reported in the monthly progress reports (Docket #43 & #47).*

*Order #30 considered satisfied.*

- 31. Company agrees to report to the Commission, as soon as reasonably possible, the presence in the permit area of any critical habitat or threatened or endangered species of which Company becomes aware and which were not previously reported to the Commission.**

*No critical habitat or threatened or endangered species were discovered during construction.*

*Order #31 considered satisfied.*

- 32. Company understands and agrees that it shall inform the Commission in writing of any plans to modify the transmission facility or of any plans to modify the site plan for the transmission facility.**

*The Company did not request any modifications to the Project.*

*Order #32 considered satisfied.*

- 33. Company agrees to provide the Commission with both an electronic and a paper copy of the corridor approved by the Commission and the facility design specifications for the construction of the transmission facility showing the location of the transmission facility as built, and will provide this information within 3 months of the completion of the construction. Company also agrees to provide an electronic version of the corridor approved by the Commission and the facility design specifications for the construction of the transmission facility showing the location of the transmission facility as built that can be imported into ESRI GIS mapping software within 3 months of the completion of the construction. This electronic map data must be referenced to the North Dakota coordinate system of 1983, North and/or South zones US Survey feet (NAD 83) UTM Zone 13N or 14N feet (NAD83), or geographic coordinate system (VVG83) 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.**

*Information requested in Order #33 could not be found in the Public Service Commission documents.*

*Order #33 will be considered incomplete until the appropriate information is submitted.*

- 34. Company shall notify the Commission as soon as reasonably possible if any damage, as defined by North Dakota Century Code Chapter 49-23, occurs to underground facilities during construction conducted under the certificate or permit issued in this proceeding. In the event of any damage to underground facilities, Company shall suspend construction in the vicinity of the damage until compliance with One-Call Excavation Notice System requirements under North Dakota Century Code Chapter 49-23 has been determined.**

*No damage occurred to underground facilities. Hess understood that continuation of facility construction would require a new utility clearance with the One-Call system and clearance from Commission.*

*Order #34 considered satisfied.*

#### **Route Adjustments Before or During Construction:**

- 35. Company agrees to utilize the following procedures if Company seeks a route adjustment before or during construction of the pipeline, pursuant under N.D.C.C. §49-22-16.3:**

*No route adjustments were made during construction of the pipeline.*

*Order #35 considered satisfied.*

- 36. Company will specifically identify which subsection of NDCC 49-22-16.3 it is requesting the adjustment under. Company will file the name and contact information for a key contact person for the purposes of notice and communication during the adjustment application.**

*No route adjustments were made during construction of the pipeline.*

*Order #36 considered satisfied.*

**37. ROUTE ADJUSTMENT WITHIN DESIGNATED CORRIDOR, NO AVOIDANCE AREA AFFECTED:** Before conducting any construction activities for any adjustment to the designated route within the designated corridor under NDCC 49-22-16.3(1), the Company will file:

- a. Certification and supporting documentation affirming that construction activities will be within the designated corridor, will not affect any known exclusion or avoidance areas within the designated corridor;
- b. Certification and supporting documentation, including a map meeting the requirements of N.D. Admin. Code § 69-06-04-01(2) (n) identifying the designated corridor, route and the route adjustment;
- c. Certification that Company will comply with the Commission's order, law and rules designating the corridor and route.

*No route adjustments were made during construction of the pipeline.*

*Order #37 considered satisfied.*

**38. ROUTE ADJUSTMENT WITHIN DESIGNATED CORRIDOR, AVOIDANCE AREA AFFECTED:** Before adjusting the route of a gas or liquid transmission line under NDCC 49-22-16.3(2), within the designated corridor that may affect an avoidance area, and before conducting any construction activities for any adjustment to the designated route within the designated corridor, the Company will file:

- a. A specific description of the avoidance area expected to be impacted, including a map meeting the requirements of N.D. Admin. Code § 69-06-04-01(2) (n) identifying:
  - i. the designated corridor, route and the route adjustment;
  - ii. All exclusion and avoidance areas within the portion of the designated corridor containing the route adjustment
- b. Certification and supporting documentation affirming:
  - i. That construction activities will be within the designated corridor
  - ii. That construction activities will not affect any known exclusion area
- c. All field studies performed on the portion of the designated corridor containing the route adjustment;
- d. Specific information about any mitigation measures Company will take within the adjustment area;
- e. Certification that each owner of real property on which the adjustment is to be located and any applicable governmental entity with an interest in the same adjustment area do not oppose the adjustment;

- f. Certification that unless the Commission previously authorized the impact to the same avoidance area, that the utility has good cause and a specific reason to impact the avoidance area and a reasonable alternative does not exist;
- g. Certification that Company will comply with the Commission's order, law, and rules designating the corridor and route.

**Company acknowledges and agrees that:**

- 1. Written authorization from the Commission for impacting the avoidance area is necessary prior to commencement of construction activity, unless the Commission fails to act within ten working days of receipt of filing a complete adjustment application, in which case the adjustment is deemed approved.
- 2. The initiation of the ten working days begins upon receipt of a complete filing, to include Company's certifications, supporting documentation and maps. However, Commission may extend the ten working day provision if Company, in the person of the key contact referenced above, is informed of the reason additional time is necessary for extension and has no objection to an extension.

*No route adjustments were made during construction of the pipeline.*

*Order #38 considered satisfied.*

**39. ROUTE ADJUSTMENT OUTSIDE DESIGNATED CORRIDOR, NO AVOIDANCE AREA AFFECTED:** Before adjusting the route of a gas or liquid transmission line under NDCC 49-22-16.3(3), outside the designated corridor and not affecting any exclusion and avoidance area, before conducting any construction activities for any adjustment to the designated route outside the designated corridor, the Company will file:

- a. Certification and supporting documentation affirming that construction activities will not affect any known exclusion or avoidance areas,
- b. Certification and supporting documents stating the length of the proposed route outside of the corridor and a map meeting the requirements of N.D. Admin. Code § 69-06 04-01(2) (n) identifying the designated corridor, corridor adjustment, designated route and the route adjustment;
- c. Certification that each owner of real property on which the adjustment is to be located and any applicable governmental entity with an interest in the same adjustment area do not oppose the adjustment; and

- d. Detailed field studies indicating exclusion and avoidance areas for the proposed adjustment area; and
- e. Certification that Company will comply with the Commission's order, law, and rules designating the corridor and route.

*No route adjustments were made during construction of the pipeline.*

*Order #39 considered satisfied.*

**40. ROUTE ADJUSTMENT OUTSIDE DESIGNATED CORRIDOR, AVOIDANCE AREA AFFECTED: Before adjusting the route of a gas or liquid transmission line under NDCC 49-22-16.3(4), outside the designated corridor that may affect an avoidance area, and before conducting any construction activities for any adjustment to the designated route outside the designated corridor, the Company will file:**

- a. A specific description of the avoidance area expected to be impacted, including a map meeting the requirements of N.D. Admin. Code § 69-06-04-01(2) (n) identifying:
  - i. the designated corridor, corridor adjustment route and the route adjustment;
  - ii. all exclusion and avoidance areas within the adjustment area
- b. Certification that construction activities will not affect any known exclusion area;
- c. Certification that the utility has good cause and a specific reason to impact the avoidance area and a reasonable alternative does not exist within the designated corridor and route;
- d. Certification that each owner of real property on which the adjustment is to be located and any applicable governmental entity with an interest in the same adjustment area do not oppose the adjustment;
- e. Provide specific information about any mitigation measures Company will take within the adjustment area;
- f. Detailed field studies indicating exclusion and avoidance areas for the proposed adjustment area; and
- g. Certification that Company will comply with the Commission's order, law, and rules designating the corridor and route.

**Company acknowledges and agrees that:**

- 1. Written authorization from the Commission for impacting the avoidance area is necessary prior to commencement of construction activity unless the Commission fails to act within ten working days of receipt of filing a

**complete adjustment application, in which case the adjustment is deemed approved.**

- 2. The initiation of the ten working days begins upon receipt of a complete filing, to include Company's certifications, supporting documentation and maps. However, Commission may extend the ten working day provision if Company, in the person of the key contact referenced above, is informed of the reason additional time is necessary for extension and has no objection to an extension.**

*No route adjustments were made during construction of the pipeline.*

*Order #40 considered satisfied.*

- 41. When applicable, Company may submit the field studies from the original application for the corridor and route provided they cover the adjustment area.**

*No route adjustments were made during construction of the pipeline.*

*Order #41 considered satisfied.*

## **CONCLUSION**

Overall, the Project appears to be constructed as designed with minimal impacts to the surrounding natural and human environment. Carlson McCain has identified the following issues to be resolved and recommends that the Commission request the following documentation:

- Copies of additional approvals/permits from state and local agencies (such as a NDPDES/Storm water permit and Williams County Conditional use permit) or a statement and verification that no other permits/approvals were needed.
- A copy of a Tree and Shrub Mitigation Plan.
- Paper and digital copies of the as-built pipeline information.

The Commission will need to decide whether these recommendations are necessary to fulfill Project obligations. Carlson McCain expects follow-up action taken by Hess to address these particular issues can be resolved by document submission.

Pending results of the reclamation and revegetation inspection, Carlson McCain has found the Hess ETP Pipeline (Case No. PU-16-189) has been constructed in compliance with the siting laws (N.D.C.C. 49-22) and rules (N.D. Administrative Code Article 69-09) and applicable Commission orders.

## **APPENDIX A. FIGURES**

T156N

R 95W

T156N

32






Figure 4

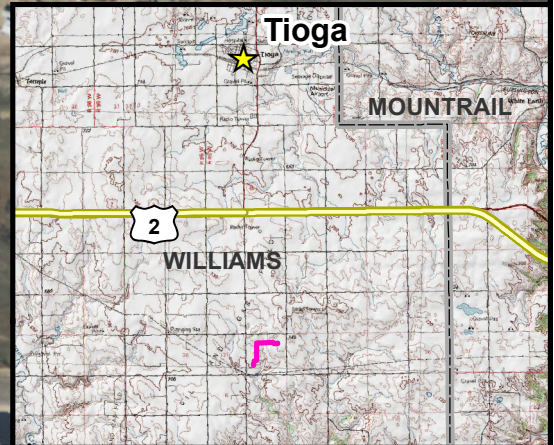
Figure 5

Figure 3

Figure 2

**Legend**

-  Hess ETP Pipeline
-  Figure Locations
-  PLSS Section
-  County Boundary
-  U.S. Highway 2



1:6,000

0 250 500 Feet



Basemap: NAIP\North\_Dakota\_2015\_1m



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**Figure 1**  
**As-Built**  
**Construction Inspection**  
**ETP Pipeline**  
**Hess Corporation**



**Figure 2. Pipeline valve connection at the Ramberg Truck Facility.**



**Figure 3. Photo looking north from Ramberg Truck Facility. Pipeline is 100% installed, fencing in place, land has been re-contoured, and disced.**



**Figure 4. Silt fence and straw waddles were installed in appropriate areas. The ROW width was reduced at the waterbody crossing to minimum disturbance.**



**Figure 5. Photo of valve connection to the ETP Facility.**