



April 25, 2016

Wade C. Mann  
100 West Broadway, Suite 250  
P.O. Box 2798  
Bismarck, ND  
58502-2798



**Re: Energy Transfer Partners Pipeline Project**

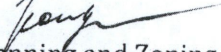
Dear Applicant,

The subject project falls under the provision of Williams County Zoning Ordinances and Subdivision regulations, Chapter 2-2-14-4-b and is exempt from conditional use permit proceeding upon proof of federal or state government regulation and oversight.

- b. Any pipeline which is subject to State or Federal government regulation and oversight shall not require a Conditional Use Permit as provided in this section. Proof of such governmental regulation and oversight shall be provided by the pipeline proponent to the person designated by the Director of the Williams County Development Services and may be in the form of an affidavit, a State or Federal document disclosing such oversight, or such other form determined by the office of Development Services to provide satisfactory evidence of such governmental oversight of such pipeline. The purpose of such oversight is to eliminate duplicative local review of a pipeline subject to State or Federal Governmental oversight. Examples of such governmental oversight include North Dakota Public Service Commission regulation of transmission lines pursuant to 49-22, N.D.C.C. (Transmission line as defined in N.D.C.C. 49-22-03(12)(b)), and North Dakota Industrial Commission regulation of underground gathering pipelines pursuant to Chapter 38-08 N.D.C.C. (Underground gathering pipeline as defined in N.D.C.C. 38-08-02(18)). If the proof of such oversight is adequate the Williams County Planning and Zoning Division shall provide notice of the exemption to the pipeline proponent within a reasonable time not to exceed 30 days from submission of such proof of qualifying for such exemption. Should the designated official deem the proof provided to be inadequate the pipeline proponent may present such proof to the Planning and Zoning Commission for determination of the adequacy of such proof without first filing for a conditional use permit.

Please contact Planning and Zoning Division should you have any questions or concerns.

Thank you,

Yana Ness   
Interim Planning and Zoning Official / Senior Planner

**5** **PU-16-190** Filed: 7/18/2016 Pages: 3  
**Copy of correspondence with Williams County  
Planning and Zoning Division**

Hess North Dakota Export Logistics LLC

Wade Mann, Crowley Fleck, PLLP

## Wade Mann

---

**From:** Yana Ness <yanan@co.williams.nd.us>  
**Sent:** Wednesday, May 25, 2016 4:04 PM  
**To:** Wade Mann  
**Subject:** RE: Energy Transfer Pipeline Project exeption

Wade,

Yes, this is correct interpretation. This letter is a letter of exemption from CUP.

Thank you.

Regards,

Yana Ness  
Interim Planning and Zoning Official / Senior Planner Development Services Planning & Zoning Division Williams County  
701.577.4565

-----Original Message-----

**From:** Wade Mann [mailto:wmann@crowleyfleck.com]  
**Sent:** Wednesday, May 25, 2016 4:02 PM  
**To:** Yana Ness  
**Subject:** RE: Energy Transfer Pipeline Project exeption

Ms. Ness,

Thank you. I just want to make sure I am clear on my end that we have provided you with everything you require. My understanding is that we have supplied sufficient proof of state government regulation and oversight over this project. Is that a correct interpretation of your correspondence. If not, please let me know if there is any additional information the County needs to confirm the exemption.

Wade Mann  
Crowley Fleck PLLP  
100 W Broadway, Suite 250  
Bismarck, ND 58501  
701-223-6585  
701-224-7530 (direct)  
701-222-4853 (fax)  
wmann@crowleyfleck.com

Notice: This electronic mail transmission may constitute an attorney-client communication that is privileged at law. It is not intended for transmission to, or receipt by, any unauthorized persons. If you have received this electronic mail transmission in error, please delete it from your system without copying it, and notify the sender by reply e-mail or by calling Crowley Fleck PLLP, so that our address record can be corrected.

-----Original Message-----

From: Yana Ness [mailto:yanan@co.williams.nd.us]  
Sent: Wednesday, May 25, 2016 3:39 PM  
To: Wade Mann <wmann@crowleyfleck.com>  
Subject: Energy Transfer Pipeline Project exeption

Wade,

Please find attached letter of exempt you requested.

Regards,

Yana Ness  
Interim Planning and Zoning Official / Senior Planner Development Services Planning & Zoning Division Williams County  
701.577.4565

This email has been scanned for email related threats and delivered safely by Mimecast.  
For more information please visit <http://www.mimecast.com>