

Memo

To: Commissioner Fedorchak

From: Sara Cardwell, Public Utility Analyst *SC*

Date: February 29, 2016

**Re: Plains Pipeline, L.P.
Case Nos. PU-05-184 and PU-05-185**

On January 28, 2016, a work session was held to discuss Tree and Shrub mitigation issues. One of the outcomes of the work session was that Staff should make recommendations to the Commissioner with the portfolio regarding next steps for cases where the Company has made multiple efforts but has had less than satisfactory results with their tree and shrub mitigation efforts. The two cases discussed below provide examples of cases where the Company planted trees and shrubs multiple times but has not been successful in achieving a 75 percent survival rate.

Recommendation: Find that Plains Pipeline, L.P. has made good faith efforts to grow replacement trees and shrubs in Case Nos. PU-05-184 and PU-05-185 and should not have to continue with further shrub and tree mitigation efforts.

Background:

Case No. PU-05-184

In this case, Plains constructed approximately 2.38 miles of 10-inch pipeline and 1000 feet of 6-inch pipeline in Williams County, North Dakota adjacent to its existing pipelines. The Company completed construction in April 2006.

On June 19, 2006, the Company filed a report stating that because it had removed 150 shrubs and 5 trees, it planted 300 shrubs and 10 trees in 2006. On September 29, 2006, the Company reported that 147 shrubs and no trees remained alive and that a number of the saplings had been destroyed by cattle. As a result, the Company stated it would do a replanting in spring, 2007.

On September 20, 2007 the Company reported that 68.7% of the combined 2006 and 2007 plantings had survived due to a very dry summer and they would replant in the spring of 2008. In September of 2008, the Company reported an 88% survival rate of the combined three year shrub planting effort. However, there was a lack of surviving

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trees. The Company planted an additional 50 shrubs and 10 trees in 2009. In 2010, the Company replanted 100 shrubs and 10 trees. In the spring of 2011, the Company planted 100 bushes and 5 additional trees. In the fall of 2011, the Company reported a survival rate of 77%. One interpretation of the requirements is that the Company should have reported for two more years because they replanted in 2011 but, the Company did not submit any further reports.

Case No. PU-05-184

In this case, Plains constructed 4.62 miles of 10-inch pipeline in McKenzie and Williams Counties, North Dakota, adjacent to its existing pipeline southeast of the city of Buford, North Dakota and connected to its existing Trenton Pipeline System.

The Company planted 100 trees and 500 shrubs in 2006. In 2007, the Company planted an additional 110 shrubs, 80 more in 2008 and 50 more in 2009. In 2009, the Company also planted an additional 50 trees. In 2010, the Company reported that survival was hampered by multiple years of drought and grasshoppers eating the leaves. To try to mitigate the damage, the Company planted an additional 75 choke cherry bushes in 2010. However, a row of trees was mowed over in 2010. The Company submitted its last report in 2011. In 2011, the Company had planted an additional 175 bushes and 40 trees at their office location in order to provide for greater survivability. In the fall of 2011, the Company reported a shrub survival rate of 81.8% and a tree survival rate of 96%

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