

## MEMORANDUM

To: Commissioners Clark, Kalk and Cramer  
Fr: Jerry Lein  
Da: April 4, 2011  
Re: 4-6-11 Agenda Item C-TC2: Cavalier County Wind Farm Tree Mitigation Plan, Case No. PU-07-26

Langdon Wind, LLC filed a Tree Mitigation plan for Commission approval for its 160 MW Langdon I Wind Project in Cavalier County. The site permit in this case was issued before the Commission's current tree mitigation specifications, which require approval of a tree mitigation plan prior to plantings. Langdon Wind developed a plan anyway and is requesting it be approved. Paragraph 16 from the Commission's Order in Case No. PU-07-26 provides the following requirements:

16. Trees and other woody vegetation must be replaced with saplings that are two or more years old at a rate of two for every one removed. Landowners shall be given the option of having replacement trees/shrubs planted on the landowners' property or waiving the requirement in writing, and allowing Langdon Wind to plant replacement trees/shrubs elsewhere. Langdon Wind shall inspect tree replacements once a year for three years and send a report on or before October 1 of each year to the Commission documenting work completion and condition of woodlands planting. The Commission may order additional plantings if survival rates are less than 75%.

Langdon Wind reports removing 24 trees that were mostly Cottonwood trees and proposes to replace them with a combination of 34 Ponderosa Pine and 75 Lilac in accordance with Landowner requests, which were reviewed for appropriateness by Langdon's consultants and contractors as well as the Cavalier County Soil Conservation District.

Langdon Wind states that replacement plantings will be inspected each year for three years in 2012, 2013, and 2014 near the anniversary planting date. The number and type of each surviving tree or shrub will be recorded. Notes on the condition of the saplings will be taken. Survival rates will be calculated and a report will be submitted to the PSC before October 1 of each fall documenting this information.

I recommend the Commission approve Langdon Wind's Tree Mitigation plan.

JRL