

## 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*), shall be inventoried before cutting. The inventory shall record the location, number, and species of trees and shrubs.
2. In windbreaks and shelterbelts, trees or shrubs anticipated to be cleared, regardless of size, shall be inventoried for replacement.
3. In non-windbreak and non-shelterbelt areas, trees anticipated to be cleared that are 1 inch diameter at breast height ("dbh") or greater shall be inventoried for replacement.
4. In non-windbreak and non-shelterbelt areas, shrubs anticipated to be cleared in the permanent right-of-way shall be inventoried for replacement.
5. In non-windbreak and non-shelterbelt areas outside the permanent right-of-way, shrubs shall 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 shall be preserved and replaced after construction. Shrubs shall be allowed to regenerate naturally where native topsoil is preserved and replaced. Where topsoil is not preserved and replaced, shrubs anticipated to be cleared shall be inventoried for replacement.

### Clearing

6. Trees and shrubs shall be selectively cleared, leaving mature trees and shrubs intact where practical.

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Pages: 3

Exhibit B: Tree and Shrub Mitigation  
Specifications  
by Public Service Commission  
10/02/2007 C: Comm Legal, Illona Pat, Jerry . .



7. The width of clear cuts through woody areas shall be limited to 50 feet or less.
8. If the number of trees or shrubs actually cleared differs from the number inventoried, the difference shall be noted on the inventory.

### **Replacement**

9. Prior to tree/shrub replacement, documentation identifying the number and variety of trees removed as well as the mitigation plan for the proposed number, variety, type, location and date of replacement plantings shall be filed with the North Dakota Public Service Commission (NSPSC) for approval.
10. Tree replacement shall be on a 2 to 1 basis with 2-year-old saplings. Shrub replacement shall be on a 2 to 1 basis with stem cuttings.
11. Trees and shrubs shall be replaced by the same species or similar species suitable for North Dakota growing conditions as recommended by the North Dakota Forest Service.
12. Tree and shrub replacement shall not be conducted within 25 feet of the pipeline(s) to facilitate visual inspections of the right-of-way in accordance with U.S. Department of Transportation safety regulations.
13. Landowners shall be given the option of having replacement trees/shrubs planted off the right-of-way on the landowner's property or waiving that requirement in writing and allowing those replacement trees/shrubs to be planted at alternative locations.
14. At the conclusion of the project, documentation identifying the actual number, variety, type, location and date of the replacement plantings shall be filed with the NDPSC.
15. Tree/shrub replacements shall be inspected once a year for three years, on about the anniversary of the plantings, and, on or shortly before

October 1 of each year, a report shall be submitted to the NDPSC documenting the condition of replacement planting and any woodlands work completed.