

Memo

To: Commissioner Kalk

From: Sara Cardwell, Public Utility Analyst

Date: April 13, 2016

**Re: Ashtabula Wind LLC
Electric Generation/Wind – Barnes County
Case No. PU-08-32**

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 case discussed below provides an example of a case where the Company planted trees and shrubs multiple times but has not been successful in achieving a 75 percent survival rate.

Recommendation: Find that Ashtabula Wind LLC has made good faith efforts to grow replacement trees and shrubs in Case No. PU-08-32 and should not have to continue with further shrub and tree mitigation efforts.

Background:

The Company combined the reporting and planting for the Ashtabula I, 148.5 MW Wind Energy Center and 9.5 mile, 230 kV Transmission line in Barnes County, North Dakota. On March 24, 2011, the Company filed a tree mitigation plan stating that because it had removed 292 shrubs and trees, it would be planting 584 shrubs and trees. The Company reported that it had already planted trees in 2010 for a property owner named Mark Askerooth. The remaining mitigation efforts would occur in spring, 2011. On November 4, 2011, the Company reported that it was adding six trees to its mitigation efforts as a landowner in the Ashtabula II Project area declined to have replacement trees. The Company planted a total of 944 shrubs and trees. One landowner requested that he be allowed to plant his trees himself. However, the landowner, a Mr. Molstad did not pick up his trees timely and ended up not planting them. The Company offered to replace and plant the trees for him but the landowner refused. Some replanting also occurred on the Askerooth property.

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Public Service Commission Staff

Sara Cardwell

In the Company's 2012 report, the Company counted 696 trees and shrubs alive or 123% of the required survival rate. In the Company's 2013 report, it reported that it had to replace 100 trees on the Maynard Flatt property due to a washout from a rainstorm. Counting the replanting, the Company reported 744 trees had survived in 2013. In 2014, the Company reported that 494 trees and shrubs were surviving.

One interpretation of the requirements is that the Company should report for two more years because they replanted in 2013. Therefore, the Commission Staff requested further reporting in October 2015. In December, 2015, the Company reported that 435 trees and shrubs were surviving which is slightly below the required 75 percent.

However, in consideration that the one landowner didn't plant his trees, and Mr. Flatt mowed down the additional trees that were planted on his land, this should be considered close enough to a 75 percent survival rate.