

Memo

To: Commissioner Kalk

From: Sara Cardwell, ^{SC}Public Utility Analyst

Date: April 13, 2016

**Re: Baldwin Wind, LLC
102 MW Baldwin Wind Energy Center – Burleigh County
Siting Application
Case No. PU-09-668**

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 Baldwin Wind, LLC. has made good faith efforts to grow replacement trees and shrubs in Case No. PU-09-668 and should not have to continue with further shrub and tree mitigation/reporting efforts.

Background:

In this case, Baldwin Wind constructed a 102 MW Wind Project in Burleigh County, North Dakota. On July 20, 2011, the Company filed a tree and shrub mitigation plan. The Company stated that during construction it removed 206 trees and shrubs resulting in the need to plant 412 trees and shrubs. The Company actually planted 533 trees and shrubs.

In October 2012, the Company reported that it had 388 surviving trees and shrubs. In the case of one landowner, about 50 percent of the planting had not survived due to deer browsing. At a second site, only 6 trees remained alive and 70 trees were planted to replace those that had not survived. The reasons for the high mortality were not clear. While some of the loss was due to deer browse, the remaining loss was unexplainable.

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Public Service Commission Staff

Sara Cardwell

In the Company's 2013 and 2014 reports, it stated that additional plantings were done but without the inclusion of those values in the totals, the Company did exceed the 2:1 75 percent survival ratio so it is not clear why the Company replanted in both of these years.

In October of 2015, the Commission Staff requested that the Company continue to report on their tree and shrub mitigation efforts because of the additional plantings in 2013 and 2014. In December of 2015, the Company reported a survival rate of 81 percent.

One interpretation of the requirements is that the Company should report for two more years because they replanted in 2014. However, seeing that the Company did not need the additional planting to ensure the 75 percent survivability rate was achieved, they should not have to continue reporting.