

C R O W L E Y F L E C K PLLP

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July 15, 2011

**RECEIVED**

JUL 15 2011

*Via Hand Delivery*

**PUBLIC SERVICE COMMISSION**

Mr. Darrell Nitschke  
Executive Director  
North Dakota Public Service Commission  
600 E. Boulevard, Dept. 408  
Bismarck, ND 58505-0480

RE: Enbridge Pipelines (North Dakota) LLC  
Beaver Lodge Loop Project  
Bakken Pipeline Project  
Ward and Burke Counties  
Case Nos. PU-10-612 & PU-10-613  
Our File Nos. 31-411-003 & 31-411-004


Dear Mr. Nitschke:

Enbridge Pipelines (North Dakota) LLC (hereinafter "EPND") is hereby filing its tree and shrub inventory sampling plan regarding the above captioned projects in Ward and Burke Counties, North Dakota.

Enclosed herein please find an original and ten copies of EPND's tree and shrub inventory sampling plan.

Please feel free to call me with any questions.

Very truly yours,



Brian R. Bjella

If  
Enc.

BILLINGS BISMARCK BOZEMAN HELENA KALISPELL MISSOULA WILLISTON

# **Tree and Shrub Inventory Plan**

**Enbridge Pipelines (North Dakota) LLC  
Bakken Pipeline Project  
Beaver Lodge Loop Project**

**Case No. PU-10-612  
PU-10-613**

**Prepared for:**

**Enbridge Pipelines (North Dakota) LLC**

**July 2011**

## **Introduction**

Enbridge Pipelines (North Dakota) LLC proposes to construct, own, and operate the the Bakken Pipeline Project US – Ward & Burke Counties (case number PU-10-612) and the Beaver Lodge Loop Project – Williams, Mountrail, & Ward Counties (case number PU-10-613). Enbridge Pipelines (North Dakota) LLC will comply with the tree and shrub mitigation specifications as outlined by the North Dakota Public Service Commission (Commission) Findings of Fact, Conclusion of Law and Order. Enbridge Pipelines (North Dakota) LLC proposes to contract McCain and Associates for the tree and shrub inventory. The tree and shrub mitigation specifications are found in Appendix A of this Tree and Shrub Inventory Plan. Specifically, this Plan outlines the process for completing the tree and shrub inventory.

## **Inventory Methods**

Enbridge Pipelines (North Dakota) LLC will inventory trees and shrubs, including those considered invasive species, to be cleared within the right-of-way (ROW) easement. Inventories will be documented on standard forms and will include the inventory location, species present, and number of trees and shrubs in the location. An example form is found in Appendix B.

## **Windbreaks, Shelterbelts, and Other Planted Areas**

In windbreaks, shelterbelts, and other planted areas, trees and shrubs anticipated to be cleared regardless of size will be counted by direct stem count. Trees that are one-inch or greater diameter at breast height (DBH) will be inventoried for replacement.

In windbreaks, shelterbelts, and other planted areas, shrubs that form colonies (such as buffalo currant, chokecherry, dogwood, plum, pussy willow, sandbar willow, western snowberry, and Woods rose) and that are cut flush with the ground surface and not cleared, so as to leave the naturally occurring seed bank and root stock intact will not be direct stem counted. Instead, the area will be delineated on an aerial photo and indicated on construction drawings to not be cleared or have the ground disturbed. If ground disturbance occurs, Enbridge Pipelines (North Dakota) LLC will conduct a direct stem count of the disturbance area or estimate the number of stems cleared using a Commission approved sampling estimate method (see Shrub Sampling Method, Appendix C).

## **Native Growth Areas**

In native growth areas, trees that are one-inch or greater diameter at breast height (DBH) will be inventoried for replacement.

In high-density woodland areas, a Commission approved sampling method may be used in place of individual counting (see Tree Sampling Method, Appendix D).

In native growth areas, shrubs that form colonies (such as buffalo currant, chokecherry, dogwood, plum, pussy willow, sandbar willow, western snowberry, and Woods rose) and that are cut flush with the ground surface and not cleared, so as to leave the naturally occurring seed bank and root stock intact will not be direct stem counted. Instead, the area will be delineated on an aerial photo and indicated on construction drawings to not be cleared or have the ground disturbed. If ground disturbance occurs, Enbridge Pipelines (North Dakota) LLC will conduct a direct stem count of the disturbance area or estimate the number of stems cleared using a Commission approved sampling estimate method (see Shrub Sampling Method, Appendix C).

### **Tree Sampling Method**

Per the Commission's Tree and Shrub Inventory Specifications (Inventory Specification No. 6 in Appendix A), in high-density woodland areas, Enbridge Pipelines (North Dakota) LLC proposes the following sampling method for the tree inventory. The dimensions of the entire woodland stand within the ROW will be delineated to determine the area of the woodland. Tree and shrub counts will be made in representative sample site areas within the woodland. Transects will be developed and the circular sample sites placed along the transect. The number of sample sites within a woodland stand will be dependent on woodland size and uniformity. A smaller, more uniform woodland stand would require fewer sample sites than a larger, less uniform woodland stand.

The sample sites will be 0.10 acres (37.42-foot radius circles). A rope 37.42 feet in length will be attached to a central stake and rotated in a circle (Appendix D). Trees and shrubs within the circle will be counted. Tree and shrub density for the entire woodland area within the ROW will be calculated based on the average density from all of the sample locations within the woodland, weighted against the woodland size.

### **Shrub Sampling Method**

Per the Commission's Tree and Shrub Inventory Specifications (Inventory Specification No. 6 in Appendix A), in high-density woodland areas, Enbridge Pipelines (North Dakota) LLC proposes the following sampling method for the shrub inventory. The dimensions of the entire woodland stand within the ROW will be delineated to determine the area of the woodland. Shrub counts will be made in representative sample site areas within the woodland. Transects will be developed and the circular sample sites placed along the transect. The number of sample sites within a woodland stand will be dependent on woodland size and uniformity. A smaller, more uniform woodland stand would require fewer sample sites than a larger, less uniform woodland stand.

The sample sites will be 0.01 acres (3.72-foot radius circles). A rope 3.72 feet in length will be attached to a central stake and rotated in a circle (Appendix C). Shrubs within the circle will be counted. Tree and shrub density for the entire woodland area within the ROW will be calculated based on the average density from all of the sample locations within the woodland, weighted against the woodland size.

## Appendix A

### 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, shelterbelts and other planted areas, trees or shrubs anticipated to be cleared, regardless of size, shall be inventoried for replacement.
3. In native growth areas, trees anticipated to be cleared that are 1-inch diameter at breast height ("dbh") or greater shall be inventoried for replacement.
4. In native growth areas, shrubs anticipated to be cleared in the permanent right-of-way shall be inventoried for replacement.
5. In native growth 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 native topsoil is not preserved and replaced, shrubs anticipated to be cleared shall be inventoried for replacement.
6. In native growth areas, trees and shrubs may be inventoried by actual count or by sampling method that will properly represent the woody vegetation population. A sampling plan developed by the company, filed with the North Dakota Public Service Commission (Commission) and approved prior to the start of construction shall define the sampling method to be used for trees, for tall shrubs and for low shrubs. The data from the sample plots shall be extrapolated to the total acreage of the wooded area to be cleared to determine the species and quantity of trees and shrubs to be replaced.

### **Clearing for Construction**

7. Trees and shrubs shall be selectively cleared, leaving mature trees and shrubs intact where practical.
8. The width of clear cuts through windbreaks, shelterbelts and all other wooded areas shall be limited to 50 feet or less unless otherwise approved by the NDPSC.
9. If the area of trees or shrubs actually cleared differs from the area inventoried, the difference in number of trees and shrubs to be replaced shall be noted on the inventory.

### **Replacement**

10. 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 NSPSC for approval.
11. 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.
12. 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.
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. If after three years from the anniversary of the plantings the survival rate is less than 75%, the NDPSC may order additional planting(s).

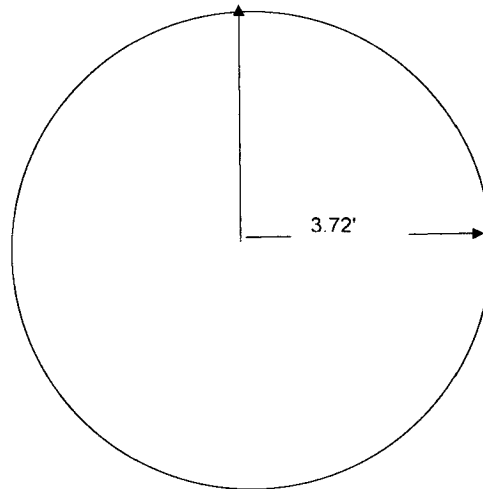


## Appendix C

### Shrub Sampling Method

#### Sample Plot

- Circular sample plots with a radius of 3.72 feet, or area equivalent to 0.01 acres created with a central stake and rope.
- The rope, 3.72 feet in length, anchored to the central stake and rotated in a circle



#### Shrub Counts

- Direct stem counts from each plot
- Talled on work sheet by species

#### Woodland size

- GPS points taken in the field around boundary
- GIS used to calculate acreage

#### Calculations

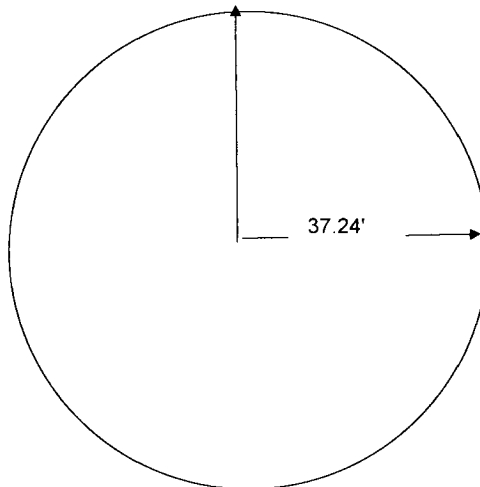
- Average determined from all plots sampled in a woodland area or area is equivalent to stems/0.001 acre
- Converted to a per acre basis (average times 100)
- Total number per woodland determined by multiplying average number per acre with woodland size

## Appendix D

### Tree Sampling Method

#### Sample Plot

- Circular sample plots with a radius of 37.24 feet, or area equivalent to 0.10 acres created with a central stake and rope.
- The rope, 37.24 feet in length, anchored to the central stake and rotated in a circle



#### Tree Counts

- Direct stem counts from each sample site
- Talled on work sheet by species

#### Woodland size

- GPS points taken in the field around boundary
- GIS used to calculate acreage

#### Calculations

- Average determined from all plots sampled in a woodland area or area is equivalent to stems/0.10 acre
- Converted to a per acre basis (average times 10)
- Total number per woodland determined by multiplying average number per acre with woodland size