

April 8, 2025

Mr. Steve Kahl  
Executive Director  
North Dakota Public Service Commission  
600 E. Boulevard, Dept. 408  
Bismark, North Dakota 58505-0480  
ndpsc@nd.gov

*Submitted via Electronic Mail & Canada Post*

**RE: Certificate of Site Compatibility No.29 Meadowlark Wind LLC for New Frontier  
Wind Energy Project, Case No. PU-11-69**

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Dear Mr. Kahl:

Please find enclosed for filing in Case No. PU-11-69 a copy of Meadowlark Wind LLC's Final Tree and Shrub Mitigation Report. Meadowlark Wind LLC believes that this satisfies the requirements of the 2019 Tree and Shrub Mitigation Specifications.

Should you have any questions, please do not hesitate to contact me at (780) 392-5212 or [sstack@capitalpower.com](mailto:sstack@capitalpower.com).

Regards,



Shauna Stack, MSc, PGeo  
Senior Specialist, Environment

cc: Christopher Ray



**DATE:** April 8, 2025  
**TO:** Steve Kahl  
**FROM:** Shauna Stack  
**CC:** Christopher Ray  
**SUBJECT: Certificate of Site Compatibility No.29 Meadowlark Wind LLC for New Frontier Wind Energy Project, Case No. PU-11-69**

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In 2018, Meadowlark Wind I LLC (Meadowlark), a wholly-owned subsidiary of Capital Power Corporation, constructed the 99 megawatt New Frontier Wind Energy (Project) in McHenry County, North Dakota. The North Dakota Public Service Commission (Commission or PSC) issued a Certificate of Site Compatibility for the Project on April 25, 2012, and an Order of Continuing Suitability (PSC Order) on May 10, 2017 (Commission Case No. PU-11-69).

Construction of the Project required the removal of trees and shrubs. According to Condition 27 in the PSC Order, Meadowlark agreed to comply with the Tree and Shrub Mitigation Specifications, which were provided as an attachment to the PSC Order (Appendix A, *North Dakota Public Service Commission Order of Continuing Suitability*, Case No. PU-11-69).

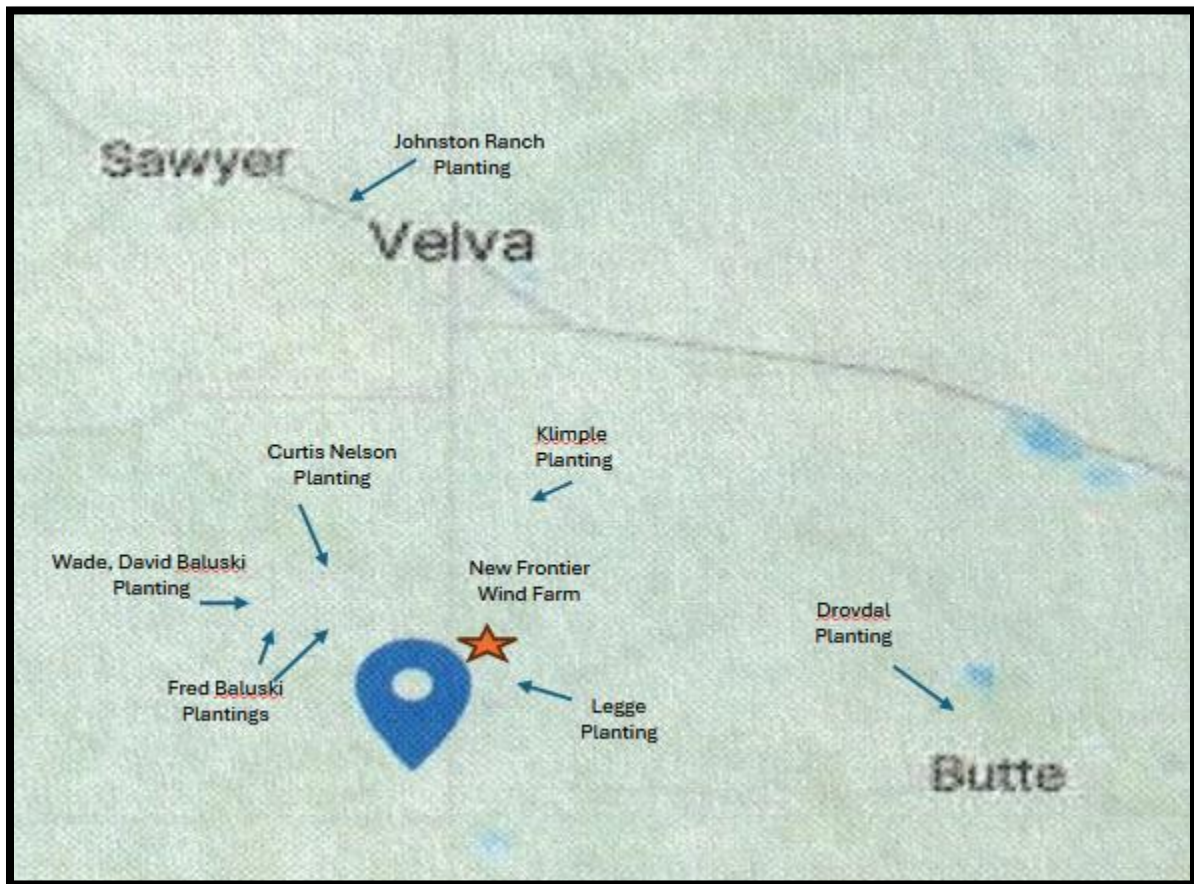
On March 20, 2020, Fredrikson and Byron PA filed the Tree and Shrub Inventory and Mitigation/Replacement Plan with the North Dakota PSC on behalf of New Frontier Wind LLC (formerly known as Meadowlark Wind I LLC). The Plan was based on the 2017 Order of Continuing Suitability for the Project and the Tree and Shrub Mitigation Specifications for the Project. The Commission approved the plan on April 15, 2020, and plantings began that year.

As per the approved plan, a preconstruction survey was completed by Tetra Tech to estimate the number and location of trees and shrubs that would be removed during the construction of the Project based on planned ground disturbance. For each landowner, the type of tree/shrub and the number of each to be removed were documented. The thirteen landowners affected were contacted by the South McHenry County SCD to determine preference for tree/shrub replacement. Five landowners requested replacements on their property and the remaining chose not to have them replaced on their property; therefore, alternate locations were determined (TT March 2020). A planting plan was proposed for each area of removal, with a series of 2:1 planting and an excess planted to ensure adequate survivability. Figure 1 shows the locations of the plantings in relation to the Meadowlark Wind Farm.

Tree planting and fabric was installed on a per foot basis to aid in weed control and survival rates. Tree survival surveys were done each year and hand planted tree replacement was done as needed to bring each planting back to the original number of trees planted. Ground preparation and tree watering service were done on an as needed basis. All tree plans were developed in accordance with the Natural Resources Conservation Service and North Dakota State Forestry guidelines and specifications. The tree nursery stock was sourced from two local nurseries: Lincoln Oakes Bismarck ND and Towner State Nursery. All trees are suitable for the planting locations and soil type.

From the approximately 1,006 trees and shrubs that were removed during construction, a total of 3,797 trees and shrubs were planted over the course of four years. As of the spring 2024, a final count of 2,216 live trees were identified, representing a survival rate of 86%. The plantings were inspected each year, watered as necessary (2021 was a very dry year; see Table 1 for monthly annual precipitation data), and additional plantings were added where required. More details can be found in Table 2 below.

**Figure 1: Tree Planting Locations**



**Table 1: Monthly Annual Precipitation 2020-2024**

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Totals
<b>2020</b>	0.03	0.00	0.49	0.36	1.29	4.01	2.13	2.02	0.33	0.24	0.00	0.04	<b>10.94</b>
<b>2021</b>	0.01	0.21	0.00	0.08	0.53	1.53	2.14	2.01	0.77	2.40	0.05	0.13	<b>9.86</b>
<b>2022</b>	0.00	0.07	0.00	1.55	2.45	1.89	2.68	1.81	0.55	0.98	0.01	0.02	<b>12.01</b>
<b>2023</b>	0.03	0.00	0.00	0.31	5.45	1.32	0.91	2.06	1.53	0.93	0.20	0.09	<b>12.83</b>
<b>2024</b>	0.00	0.01	0.00	1.12	2.63	3.01	0.62	1.71	2.09	0.02	0.23	0.05	<b>11.49</b>

[Daily Summaries Station Details: MINOT INTERNATIONAL AIRPORT, ND US, GHCND:USW00024013 | Climate Data Online \(CDO\) | National Climatic Data Center \(NCDC\)](#)

Table 2: Tree and Shrub planting and survival rate

Landowner	Opt In/Out	2020		Survival % and Replacement #			
		Trees planted	Fall Survival Rate %	2021	2022	2023	2024
Chadd Legg (George Legg)	In	42	29	29% (42)	35% (15)	36% (16)	10% (38)
Curtis & Diana Nelson	In	492	75	76% (169)	76% (122)	88% (63)	
David Wade Baluski	In	391	81	57% (172)	63% (145)	91% (34)	
Newman, Johnson, Nurnberger	Out	-	-	-	-	-	-
Fred Baluski	In	464	81	70% (138)	82% (84)	96% (17)	
James Olson	Out	-	-	-	-	-	-
John & Loretta Gange	Out	-	-	-	-	-	-
Shattuck Life Estate	Out	-	-	-	-	-	-
Louella Anderson	Out	-	-	-	-	-	-
Marvin Berg	Out	-	-	-	-	-	-
Rick & Tammy Hauf	Out	-	-	-	-	-	-
Rober & Mary Anderson	Out	-	-	-	-	-	-
Wayne Berg	Out	-	-	-	-	-	-
Paul Klimple	In	348	80	90% (35)	97% (11)	97% (11)	
Johnston Ranch	In	250	74	79% (53)	90% (24)	90% (25)	
David Drovdal	In	236	90	93% (15)	99% (1)	98% (2)	
<b>TOTAL</b>		<b>2223</b>	<b>73%</b>	<b>624</b>	<b>402</b>	<b>152</b>	<b>38</b>
<b>Total Required (2:1) = 2020</b>		<b>Total plantings = 3797</b>		<b>Total Survived as of 2024 = 84% and 2216</b>			

\*Replacements brought each site back to original number each year

On June 22, 2021, Commission Staff sent a letter to Meadowlark Wind suggesting that Meadowlark Wind may wish to consider complying with the 2019 revised Tree and Shrub Mitigation Specifications. On July 21, 2021, Meadowlark Wind responded indicating a desire to comply with the 2019 version. Therefore, on August 18, 2021, the Commission Ordered that the May 10, 2017 Order of Continuing Suitability in Case No. PU-11-69 be amended to replace the Tree and Shrub Mitigation Specifications in that Order with the March 13, 2019 version.

*The new specifications state that the purpose of a tree/shrub mitigation plan “is to create sustainable plantings, appropriate for local soil and growing conditions that will provide long-term benefit to landowners, farmers and ranchers, the community, wildlife and the environment” and that the report filed two years after planting should outline “how the plan achieved the [above] purpose”. In lieu of three annual reports, one final report filed by the company after two years that details the company’s tree and shrub mitigation efforts and describes how the company’s mitigation achieved the purpose stated above’.*

Meadowlark Wind submits that the replanting efforts over the past four years have been successful in achieving the purpose of the Mitigation Plan.

# **Attachment A**

# **Planting Plan**

# Fred Baluski Tree Plan Planting Site #1 West

**ND - NRCS WESTERN ND - TREE AND SHRUB PLANTING WORKSHEET** ND-CPA-4, Rev. 02-2017

Name: Fred Baluski Address: Ruso ND Phone #: 701.720.7151 Date: 2.4.2020

Quarter: E 1/2 Section: 30 Twnshp: 151 Range: 80

Planned Soil Mapunit / name component(s): C132C Planned by: Doug J. Date:

Conservation Tree & Shrub Group: 3 Select MLRA:

Type of Planting: Renovation Original Planting Date:

Landuse: Farmstead Program:

Site Preparation: Tilled/Herbicide Protected from livestock? Yes

Site conditions at planting time:

Spacing between rows: \_\_\_\_\_ feet

Distance from Windward row to roads or bldgs.: 100 feet  
(Minimum 200' on N & W, and 100' on S & E) Planted by: \_\_\_\_\_ Date: \_\_\_\_\_

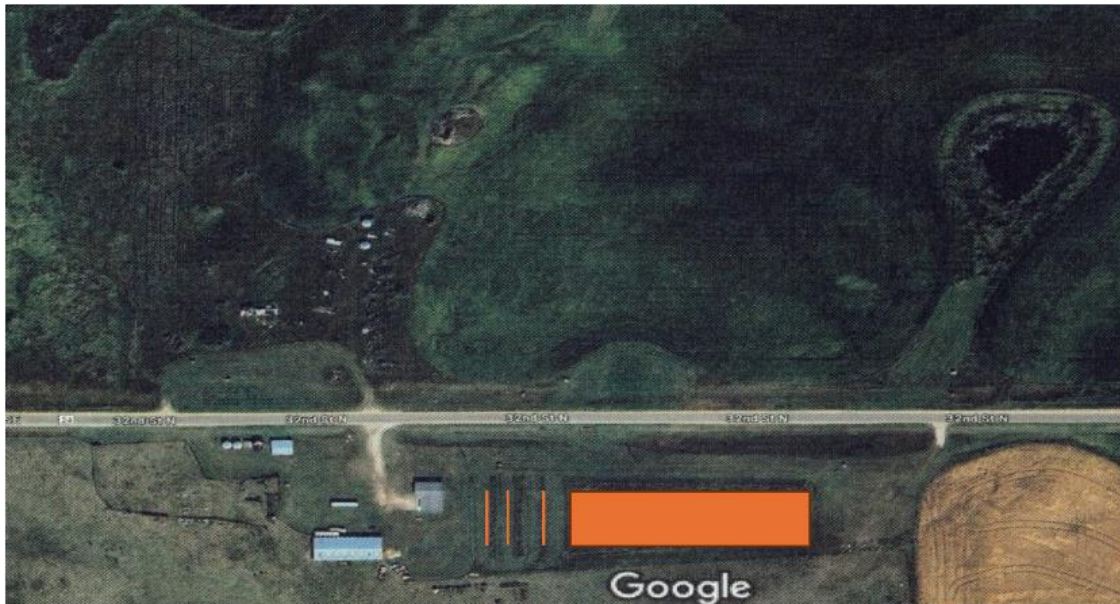
Remarks on site prep, conditions and management (Weed Con):  
Row 1 will be a wrap around row of Scotch pine. Row 2 inside of row 1. Rows 3 and 4 will run north and south. Fabric will be applied for weed control

This practice installation **MEETS** / **DOES NOT MEET** the ND FOTG standards and specifications. (circle one)

Check out by: \_\_\_\_\_ Date: \_\_\_\_\_ Certified By: \_\_\_\_\_ Date: \_\_\_\_\_

Planting No.	Planned Length	Planted Length	Planned Width	Acres	Row #	Primary Species of Tree or Shrub	Type or Variety	Alternating Species	Planned Spacing in row	Row Spacing (installed)	Number Planned (est)	Number Planted (installed)	Primary Specie / CTSG Suitability	Alternating Specie / CTSG Suitability		
1	880	936	10	0.21	1	Pine, Scotch			12		74	73	suitable			
	880	936			2	Plum, American			6		147	156	suitable			
	150				3	Lilac, Late			8		19	18	suitable			
	150				4	Maple, Amur			8		19	18	suitable			
	150				5	Ash, Green			8		19	18	suitable			
	150				6	Lilac, Common			8		19	18	suitable			
											<b>Totals</b>		297	301		

WEST - TREEPLAN



# Fred Baluski Tree Plan Planting Site #2 East

**ND - NRCS WESTERN ND - TREE AND SHRUB PLANTING WORKSHEET** ND-CPA-4, Rev. 02-2017

Name: Fred Baluski Address: Ruso ND Phone #: 701.720.7151 Date: 2.4.2020

Quarter: E 1/2 Section: 30 Twnshp: 151 Range: 80

Planned Soil Mapunit / name component(s): C132C Planned by: Doug J. Date:

Conservation Tree & Shrub Group: 3 Select MLRA:

Type of Planting: Renovation Original Planting Date:

Landuse: Farmstead Program:

Site Preparation: Tilled/Herbicide Protected from livestock? Yes

Site conditions at planting time:

Spacing between rows: feet

Distance from Windward row to roads or bldgs.: 100 feet  
(Minimum 200' on N & W, and 100' on S & E)

Planted by: Date:

**Remarks on site prep, conditions and management (Weed Con)** Date:

Row 1 will be a wrap around row of Scotch pine. Row 2 inside of row 1. Rows 3 and 4 will run north and south. Fabric will be applied for weed control

This practice installation **MEETS** / **DOES NOT MEET** the ND FOTG standards and specifications. (circle one)

Planting No.	Planned Length	Planted Length	Planned Width	Acres	Row #	Primary Species of Tree or Shrub	Type or Variety	Alternating Species	Planned Spacing in row	Row Spacing (installed)	Number Planned (est)	Number Planted (installed)	Primary Species / CTSG Suitability	Alternating Species / CTSG Suitability
1	880	936	10	0.21	1	Pine, Scotch			12		74	73	suitable	
	880	936			2	Plum, American			6		147	156	suitable	
	150				3	Lilac, Late			8		19	18	suitable	
	150				4	Maple, Amur			8		19	18	suitable	
	150				5	Ash, Green			8		19	18	suitable	
	150				6	Lilac, Common			8		19	18	suitable	
<b>Totals</b>											297	301		

WEST - TREEPLAN



# David & Wade Baluski Tree Plan

**ID - NRCS WESTERN ND - TREE AND SHRUB PLANTING WORKSHEET** ND-CPA-4, Rev. 02-2017

Name: David / Wade Baluski Address: Velva ND 58790 Phone #: 701.529.4815 Date: 2.5.2020

Quarter: SW 1/4 Section: 19 Township: 151 Range: 80

Planned Soil Mapunit / name component(s): C132C Planned by: Doug J. Date: 2.5.2020

Approved by: Date:

Conservation Tree & Shrub Group: 3 Select MLRA:

Type of Planting: New

Landuse: Farmstead Program:

Site Preparation: Tilled/Herbicide Protected from livestock?: Yes

Site conditions at planting time:

Spacing between rows: 17 feet

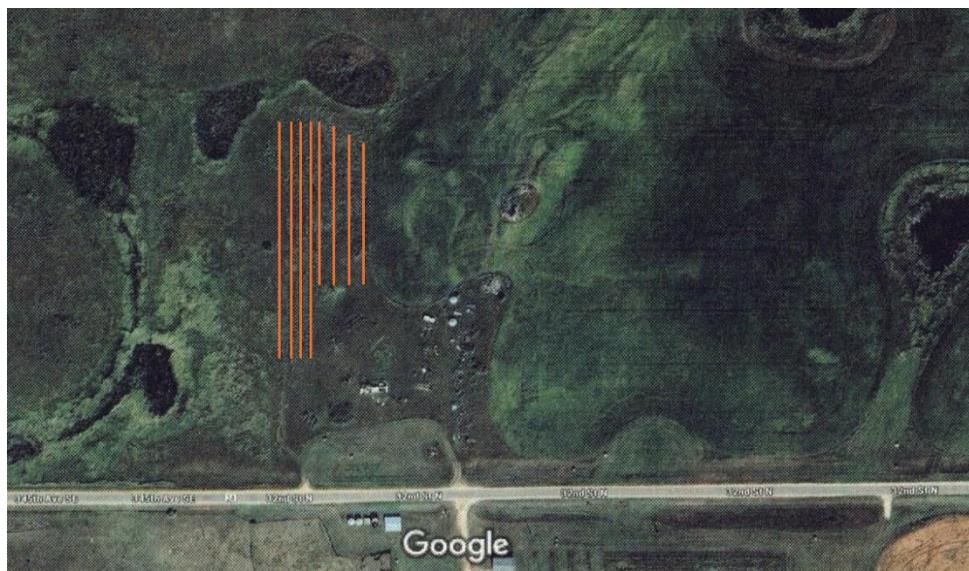
Distance from Windward row to roads or bldgs.: 100 feet  
(Minimum 200' on N & W, and 100' on S & E)

Planted by: Date:

Remarks on site prep, conditions and management (Weed Con Fabric will be installed for weed protection.

This practice installation **MEETS** / **DOES NOT MEET** the ND FOTG standards and specifications. (circle one)

Planting No.	Checkout by:				Row #	Primary Species of Tree or Shrub	Type or Variety	Alternating Species	Planned		Number		Primary Species / CTSG Suitability	Alternating Species / CTSG Suitability
	Planned Length	Planted Length	Planned Width	Acres					Spacing in row	Row Spacing (installed)	Planned (est)	Planted (installed)		
1	525	650	18.5	0.28	1	Plum, American			8		66	61	suitable	
	525	900			2	Currant, Black			8		66	75	suitable	
	525	550			3	Ash, Green			10		53	55	suitable	
	525	900			4	Pine, Scotch			12		44	41	suitable	
	525	400			5	Spruce, Black Hills			12		44	33	suitable	
	250	350			6	Pine, Scotch			12		21	29	suitable	
	250	325			7	Plum, American			8		32	40	suitable	
	250	300			8	Juniper, Rocky Mtns.			8		32	37	suitable	
									<b>Totals</b>		358	391	WEST - TREEPLAN	



# Curtis Nelson Tree Plan

**ND - NRCS EASTERN ND - TREE AND SHRUB PLANTING WORKSHEET** ND-CPA-4, Rev. 02-2017

Name: Curtis Nelson Address: Velva ND Phone #: 626-1510 Date: 2.4.202

Quarter/Half: SW 1/4 Section: 25 Township: 153 Range: 80

Planned Soil Mapunit / name component(s): C132C Planned by: Doug Date:

Approved by:  Date:

Conservation Tree & Shrub Group: 1 Select MLRA: 55A

Type of Planting: New

Landuse: Farmstead Program:

Site Preparation: Tilled/Herbicide Protected from livestock? Yes

Site conditions at planting time:

Spacing between rows: 16 feet

Distance from Windward row to roads or bldgs. 120 feet  
(Minimum 200' on N & W, and 100' on S & E)

Planted by:  Date:

Remarks on site prep, conditions and management (Weed Ct): Will be worked prior to planting. Will use fabric for weed control.

This practice installation **MEETS** / **DOES NOT MEET** the ND FOTG standards and specifications. (circle one)

Check Out By:  Date:  Certified By:  Date:

Planting No.	Planned Length	Planted Length	Planned Width	Acres	Row #	Primary Species of Tree or Shrub	Type or Variety	Altering Species	Planned Spacing in row	Row Spacing (installed)	Number Planned (est)	Number Planted (Installed)	Primary Species / CTSG	Altering Species / CTSG
1	1500	1776	18	0.7	1	Lilac, Common			6		168	222	subtlet	
	1800	1776			2	Pine Scotch			12		125	148	subtlet	
					3									
2	5000	740	18	0.3	4	Pine Scotch			12		84	61	subtlet	
	1000	740				Pine Scotch			12		84	61	subtlet	
<b>Totals</b>											481	492		

EAST - TREEPLAN



# George Legg Tree Plan

**ND - NRCS WESTERN ND - TREE AND SHRUB PLANTING WORKSHEET** ND-CPA-4, Rev. 02-2017

Name: George Legg Address: Butte ND Phone #: 701.626.7608 Date: 1.28.2020

Quarter: W 1/2 Section: 34 Township: 151 Range: 80

Planned Soil Mapunit / name component(s): C156 F Planned by: Doug J. Date: 1.28.2020

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_

Conservation Tree & Shrub Group: 2x Select MLRA: \_\_\_\_\_

Type of Planting: New

Landuse: Wildlife Program: \_\_\_\_\_

Site Preparation: Tilled/Herbicide Protected from livestock? Yes

Site conditions at planting time: \_\_\_\_\_

Spacing between rows: 18 feet

Distance from Windward row to roads or bldgs.: 100 feet  
(Minimum 200' on N & W, and 100' on S & E)

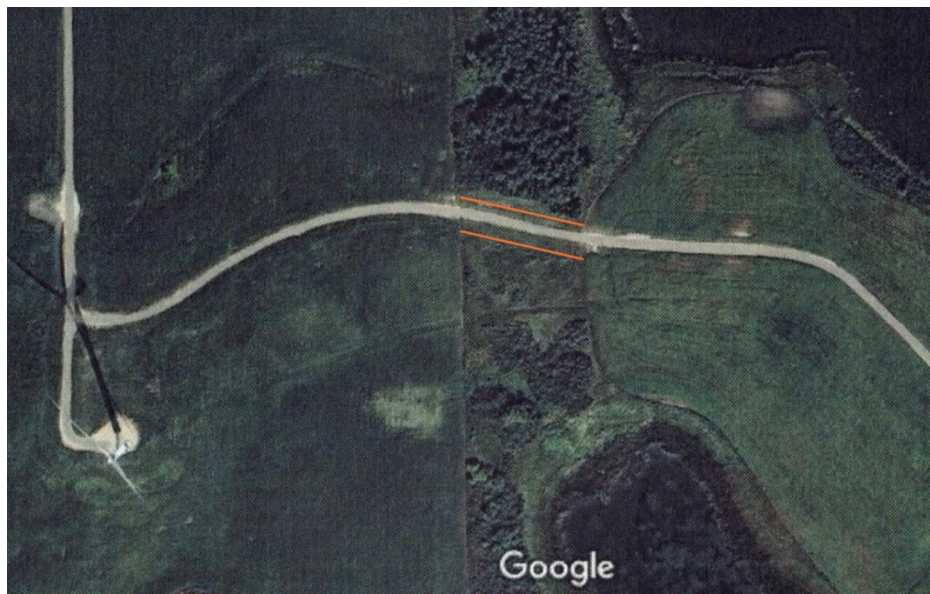
Planted by: \_\_\_\_\_ Date: \_\_\_\_\_

Remarks on site prep, conditions and management (Weed Con):  
Fabric will be applied to site Planted both rows but due to survival rate fabric was only applied to row 1  
Only billed Capital power for 250 ft trees and fabric

This practice installation **MEETS** / **DOES NOT MEET** the ND FOTG standards and specifications. (circle one)

Checkout by:		Date:		Certified By:		Date:									
Planting No.	Planned Length	Planted Length	Planned Width	Acres	Row #	Primary Species of Tree or Shrub	Type or Variety	Alternating Species	Planned Spacing in row	Row Spacing (installed)	Number Planned (est)	Number Planted (installed)	Primary Specie / CTSG Suitability	Alternating Specie / CTSG Suitability	
1	250		19	0.11	1	Plum, American			6		42	42	suitable		
	250				2	Chokecherry, commx			6		42		suitable		
<b>Totals</b>												84	42		

WEST - TREEPLAN



# Paul Kimple Tree Plan

**ND - NRCS WESTERN ND - TREE AND SHRUB PLANTING WORKSHEET** ND-CPA-4, Rev. 02-2017

Name: Paul Kimple Address: Veiva ND Phone #: 701.338.2999 Date: 1.31.2020

Planned Soil Mapunit / name component(s): G270A Planned by: Doug J. Date: 1.31.2020

Conservation Tree & Shrub Group: 3 Select MLRA: [ ]

Type of Planting: New Landuse: Farmstead Program: [ ]

Site Preparation: Tilled/Herbicide Protected from livestock?: Yes Site conditions at planting time: [ ]

Spacing between rows: 17 feet Distance from Windward row to roads or bldgs.: 100 feet  
(Minimum 200' on N & W, and 100' on S & E)

Planted by: [ ] Date: [ ]

Remarks on site prep, conditions and management (Weed Con Fabric will be applied. Date: [ ]

This practice installation **MEETS** / DOES NOT MEET the ND FOTG standards and specifications. (circle one)

Planting No.	Planned Length	Planted Length	Planned Width	Acres	Row #	Primary Species of Tree or Shrub	Type or Variety	Alternating Species	Planned Spacing in row	Row Spacing (installed)	Number Planned (est)	Number Planted (installed)	Primary Specie / CTSG Suitability	Alternating Specie / CTSG Suitability	
															Checked out by:
1	1210	1230	18.5	0.52	1	Juniper, Rocky Mtn.			10		121	123	suitable		
	1210	1230			2	Pine, Ponderosa			12		101	102	suitable		
					3										
2	300	200	18.5	0.08	4	Juniper, Rocky Mtn.			8		38	25	suitable		
	250	240			5	Plum, American			6		42	40	suitable		
	225	240			6	Currant, Black			6		38	40	suitable		
	200	220			1	Pine, Ponderosa			12		17	18	suitable		
<b>Totals</b>												357	348		

WEST - TREEPLAN





# Drovdal Planting Tree Plan

**ND - NRCS WESTERN ND - TREE AND SHRUB PLANTING WORKSHEET** ND-CPA-4, Rev. 02-2017

Name: Dan Drovdal Address: Butte ND Phone #: 701.509.9066 Date: 1.30.2020

Quarter: NW 1/4 Section: 28 Township: 151 Range: 78

Planned Soil Mapunit / name component(s): G738E Planned by: Doug J. Date: \_\_\_\_\_

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_

Conservation Tree & Shrub Group: 3 Select MLRA: \_\_\_\_\_

Type of Planting: New

Landuse: Wildlife Program: \_\_\_\_\_

Site Preparation: Tilled/Herbicide Protected from livestock?: Yes

Site conditions at planting time: \_\_\_\_\_

Spacing between rows: 17 feet

Distance from Windward row to roads or bldgs.: 100 feet  
(Minimum 200' on N & W, and 100' on S & E)

Planted by: \_\_\_\_\_ Date: \_\_\_\_\_

Remarks on site prep, conditions and management (Weed Control):  
Fabric will be applied for weed control. Planting #2 is part of the Capital Power Reclamation project Planting Paid by owner

DOES NOT MEET the ND FOTG standards and specifications. (circle one)

Planting No.	Length	Width	Acres	#	Tree or Shrub	Type or Variety	Alternating Specie	Planned Spacing in row	Row Spacing (installed)	Number Planned (est)	Number Planted (installed)	Primary Specie / CTSG Suitability	Alternating Specie / CTSG Suitability	
														Length
1	350	365	18.5	1	Juniper, Rocky Mtn.			8		44	45	suitable		
	350	365		2	Plum, American			6		59	60	suitable		
2	500	450	18.5	1	Juniper, Rocky Mtn.			8		63	56	suitable		
	500	450		2	Plum, American			6		84	75	suitable		
<b>Totals</b>											250	236		

WEST - TREEPLAN

