



Hiland Crude, LLC
a Kinder Morgan company

September 16, 2021

Mr. Patrick Fahn
Director, Public Utilities Division
Public Service Commission
State of North Dakota
600 East Boulevard Avenue Department 408
Bismarck, ND 58505-0480

Re: Project: 4 Bears to CDP Connect – McKenzie County
Case No: PU-16-405

Dear Mr. Fahn:

Hiland Crude, LLC (“Hiland”) has conducted a diligent search for records to document its compliance with the Commission’s November 2, 2011 Order concerning tree and shrub mitigation specifications. Hiland personnel recall that the trees and shrubs were planted in approximately 2014 but unfortunately, due to the passage of time, Hiland has been unable to locate complete documentation demonstrating when and where the plantings occurred pursuant to the November 2, 2011 Order. Hiland has located documentation demonstrating that 221 trees and shrubs were estimated to be impacted by the construction and therefore, the total number of trees and shrubs to be planted was 442. The details are included in Attachment 1.

Hiland has spoken with the McKenzie County Soil Conservation District (“McKenzie County”) regarding their program for PSC tree and shrub mitigation requirements. Hiland proposes to work with McKenzie County on a plan and locations to plant 442 additional trees and shrubs in the Spring of 2022 and then inspect them each September and submit a written report to PSC by October 1 for three years (2022, 2023 and 2024). Recent discussions with landowners on this project indicate that not all are agreeable to tree and shrub plantings on their property. As such, Hiland requests that alternate planting sites, located elsewhere within McKenzie County, be allowed and that McKenzie County be able to determine the variety of plants and shrubs to plant.

15 PU-12-47 Filed 09/15/2021 Pages: 3
Response to 3 Aug. 2021 Notice of Noncompliance
Hiland Crude, LLC
Buddie Henley, Director of Operations

87 PU-11-99 Filed 09/15/2021 Pages: 3
Response to 3 Aug. 2021 Notice of Noncompliance
Hiland Crude, LLC
Buddie Henley, Director of Operations

9 PU-16-405 Filed 09/15/2021 Pages: 3
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Hiland is committed to compliance and requests the Commission's approval to begin the activities detailed above to demonstrate compliance with the November 2, 2011 Order. Should you have any questions or wish to discuss this matter, I can be reached at 701-774-6110 or buddie_henley@kindermorgan.com.

Sincerely,

A handwritten signature in black ink that reads "B. J. Henley". The signature is written in a cursive style with a large, prominent initial "B".

Buddie J. Henley
Director of Operations

Mailing address:

PO BOX 1207
WILLISTON, ND 58802

Delivery Address:

611 37TH AVENUE SE BLDG 29
WILLISTON, ND 58801

Attachment 1 – Tree and Shrub Mitigation Calculation

| Woody Vegetation | Species Recorded | Number of Individuals within 200-foot Survey ROW | Acreage Impacted within the 50-foot Construction ROW | Estimated Number of Individuals Impacted by Construction | 2:1 Mitigation Requirement |
|------------------|---|--|--|--|----------------------------|
| WV1 | <i>Crataegus chrysocarpa</i> | 50 | 0 | 0 | 0 |
| WV2 | <i>Prunus virginiana</i> | 12 | 7.59 | 12 | 24 |
| WV3 | <i>Prunus virginiana</i> | 16 | 1.78 | 16 | 32 |
| WV4 | <i>Prunus virginiana</i> | 8 | 2.15 | 8 | 16 |
| WV5 | <i>Prunus virginiana</i> | 14 | 0 | 0 | 0 |
| WV6 | <i>Prunus virginiana</i> <i>Crataegus chrysocarpa</i> | 30 | 9.51 | 30 | 60 |
| WV7 | <i>Prunus virginiana</i> <i>Crataegus chrysocarpa</i> | 23 | 4.41 | 23 | 46 |
| WV8 | <i>Prunus virginiana</i> <i>Crataegus chrysocarpa</i> <i>Cornus sericea</i> | 12 | 0 | 0 | 0 |
| WV9 | <i>Prunus virginiana</i> <i>Crataegus chrysocarpa</i> | 49 | 0 | 0 | 0 |
| WV10 | <i>Shepherdia argentea</i> | 18 | 1.0025389 | 18 | 36 |
| WV11 | <i>Shepherdia argentea</i> | 34 | 6.2206461 | 34 | 68 |
| WV12 | <i>Shepherdia argentea</i> | 45 | 3.0961836 | 45 | 90 |
| WV13 | <i>Shepherdia argentea</i> | 12 | 4.9768065 | 12 | 24 |
| WV14 | <i>Shepherdia argentea</i> | 28 | 0 | 0 | 0 |
| WV15 | <i>Shepherdia argentea</i> | 23 | 1.4764455 | 23 | 46 |
| | | | TOTAL | 221 | 442 |