



Hiland Crude, LLC
a Kinder Morgan company

December 16, 2021

VIA EMAIL (ndpsc@ng.gov) AND USPS

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 received the Public Utilities Commission’s Order on Tree and Shrub Mitigation Specifications issued on December 1, 2021, and submits the following in response.

- For Landowner Veeder:
 - Completed Tree Planning form;
 - Completed Windbreak/Shelterbelt Operation and Maintenance form;
 - Maps showing proposed location of plantings;
 - Web Soil Survey;
 - Western ND – Tree and Shrub Planting Worksheet; and
 - Landowner Concurrence Form to Install Structural or Vegetative Conservation Activities.
- For Landowner Thompson, a tree planting waiver.

Hiland appreciates the Commission’s efforts in assisting Hiland comply with the amended November 2, 2011 Order. We will provide the required final report two years after the mitigation efforts are complete, as required by the 2019 Tree and Shrub Mitigation Specifications. Should you have any questions or wish to discuss this matter, you can reach me at 701-774-6110 or buddie_henley@kindermorgan.com.

Sincerely,

Buddie J. Henley
Director of Operations

Enclosures

17 PU-16-405 Filed 12/16/2021 Pages: 14
Compliance filing re 1 December 2021 Order on Tree and Shrub Mitigation Specifications
Hiland Crude, LLC
Buddie Henley, Director of Operations

95 PU-11-99 Filed 12/16/2021 Pages: 14
Compliance filing re 1 December 2021 Order on Tree and Shrub Mitigation Specifications
Hiland Crude, LLC
Buddie Henley, Director of Operations

Fisher, Myles

From: Marlene Thompson <marlenet@ruggedwest.com>
Sent: Friday, December 10, 2021 11:23 AM
To: Fisher, Myles
Subject: Re: Tree planting waiver

[This email message was received from the Internet and came from outside of Kinder Morgan.]

WARNING: EXTERNAL EMAIL: PROCEED WITH CAUTION.

Do not respond, click on links or open attachments unless you recognize the sender or know the content is safe.

To whom it may concern,

I do not want trees or shrubs planted on my property.

Thank you,

Marlene Thoompson
102206 Hwy 73
Keene, ND
58847

701-675-2388

-----Original Message-----

From: [Fisher, Myles](#)
Date: 12/9/2021 10:27:14 AM
To: MarleneT@ruggedwest.com
Subject: Tree planting waiver



Marlene,

As discussed, we are operating a crude oil pipeline on your property in the NE4 section 19, and NW4 section 20, T150N R95W. This line is subject to a Public Service Commission (PSC) order, which includes a tree and shrub mitigation plan. Per the PSC order, each landowner has to be given the option to have "trees and shrubs that are removed from their property replaced on their property." The landowner can, however, waive this option, in writing. You have indicated to me in our discussions that you would like to waive this option.

Please respond back to this email, with your full name, and contact information (address, phone), included, to memorialize our conversations in writing. Thank you Marlene!

Sincerely,

Myles Fisher

Land & ROW

701-651-9945

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Tree Planning

Name: Myles Fisher

Phone: 701-651-9945

Email: myles_fisher@kindermorgan.com

Site Address:

City

State

Zip

Mailing Address: 5091 129th Ave. NW

City Williston

State ND

Zip 58801

Directions: _____

Section 19 Township 150 Range 95 NW SW NE SE

Current Land Usage: Pasture

Known Easements:

Cost Share Options: n/a

Materials Needed for Site Visit

➤ Soil Map ➤ GIS Map ➤ Conservation Shrub Book ➤ Tree Folder ➤ GPS/Flags/Wheel

Number of Rows: 3

Spacing: 15' 18' 20'

Site Preparation by District

Disking: YES NO Tilling: YES NO

Weed Barrier: YES NO

Mowing: YES NO

Grass Seeding: YES NO

Tree Wish List

1 and 3 Caragana
2 Green Ash

Windbreak/Shelterbelt Operation and Maintenance

Producer Myles Fisher Address 5091 129th Ave., NW Date 10/12/2021
Williston, ND 58801
Phone #'s: 701-651-9945

You, as owner, are responsible for proper operation and maintenance. Although the McKenzie County Soil Conservation District (MCSCD) tree planting plans incorporate the best available technology, it must be recognized that operation and maintenance is required.

Responsibilities of the MCSCD:

- Provide technical planning assistance in developing a tree plan that meets resource requirements and Natural Resource Conservation Service standards and specifications.
- Stake the site.
- Plant the trees.
- Install fabric (if ordered)

Responsibilities of the Landowner:

1. Assists in plan development, including long-term weed control.
2. Sod sites must be worked in fall prior to freeze up. (site will be checked) or the trees will not be ordered.
3. All tree plantings must be worked 6 to 8-inch depth to break up clumps and level out the site
4. Final complete preparation for planting must be done by April 15-30, weather permitting. Sites will be checked. Poorly worked sod conditions will not be planted.
5. Remove all obstacles, such as rocks, tree branches, garbage, roots, old equipment, etc.
6. When ground is properly prepared, call and notify MCSCD so that the area can be staked.
7. If weed barrier fabric is applied, maintain tree site until weed barrier is applied.
8. If there are existing utilities near the tree site, the MCSCD is not responsible for contacting companies to ensure trees are allowed in the easement.
9. Cooperator understands the MCSCD tree program is NOT intended to be a landscaping program. The intent is for conservation plantings and they will not be held to a higher standard of landscape quality.
10. Cooperator agrees not to hold the District or its employees responsible for tree damage or failure due to chemical, weather, disease, insects or any other causes that may affect establishment.
11. The MCSCD is not responsible to call one call for any tree plantings.
12. The MCSCD uses large equipment when disking, tilling, planting and laying weed barrier. If there is any reason that the machinery would affect the ground or area of planting, please let us know.
13. Maintain fabric and tree rows for years to come. If interested the MCSCD has a Tree Maintenance Program
14. All changes to the tree plan must go through the MCSCD staff before planting the trees.
15. The bill will be sent out after the trees are measured interest will be added after 30 days.


MCSCD Representative Signature

10/12/2021
Date


Producer's Signature

10/12/21
Date

Ground to be prepped by MCSCD in Fall (circle one):

YES

NO

Responsibilities of the Landowner:

- Remove all rocks, garbage, equipment or any other factor that would decrease efficiency prior to district arriving on site.
- Vegetation should be managed by producer

Responsibilities of the MCSCD:


- Properly prepare ground to ensure proper tree planting and weed barrier fabric installation.
- Break the sod prior to November 1st.

(Fall prep sites may require to be disked in the spring, as well, prior to planting)

Ground to be prepped by district in Spring (circle one):

YES

NO



 MCSCD Representative Signature

10/12/2021

 Date



 Producer's Signature

10/12/21

 Date

The MCSCD and NRCS does not recommend the planting of the following species due to low survivability rates and higher levels of management to maintain (The district will not replace the following trees if they do not survive):

- Juneberry _____
- Buffaloberry _____
- Hackberry _____
- Burr Oak _____
- Nanking Cherry _____
- Sand Cherry _____

I am planting one of the above mentioned species with the understanding that the MCSCD & NRCS does not recommend these species in McKenzie County and that the MCSCD does not guarantee tree survivability.

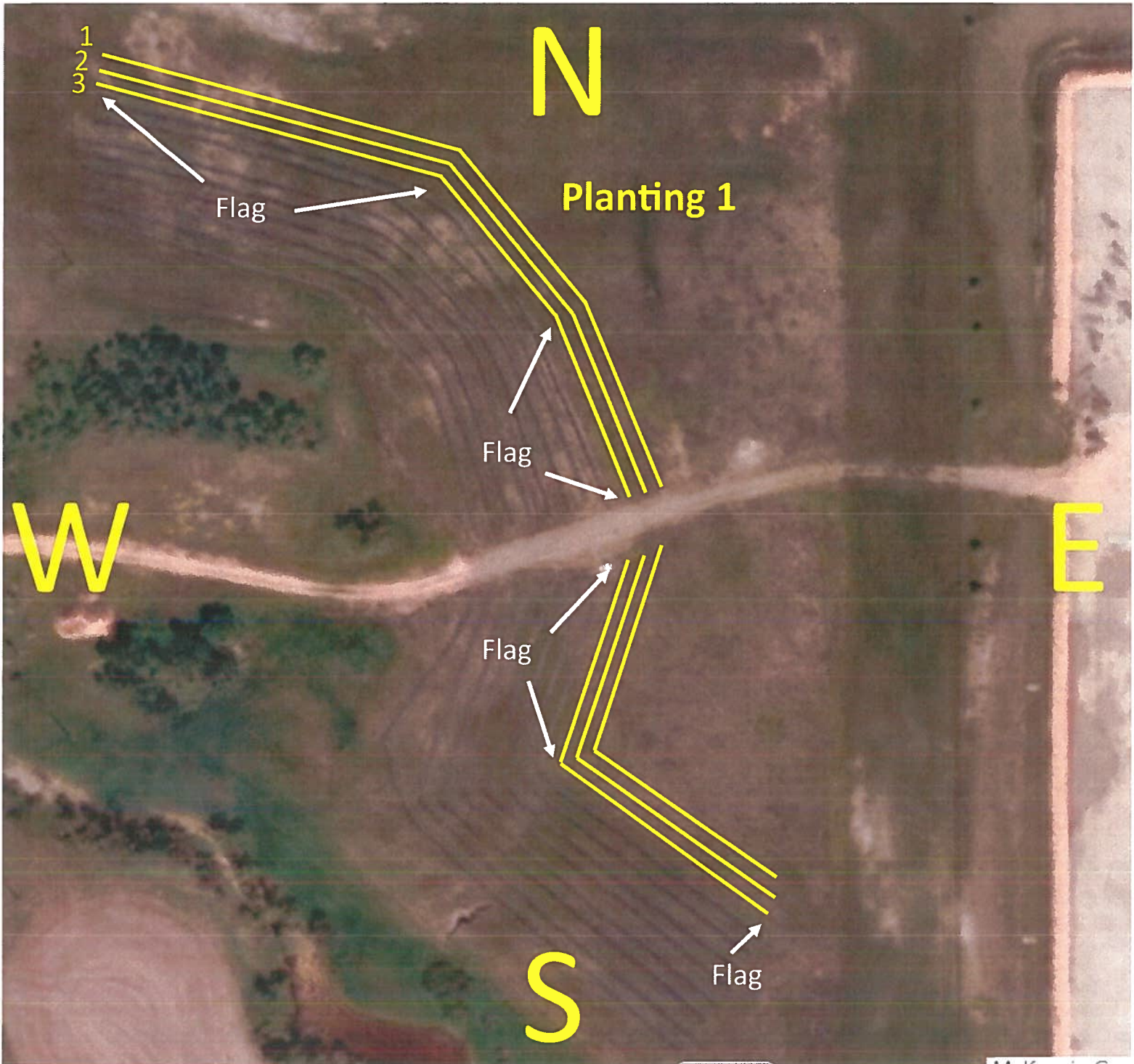
MCSCD Representative Signature

Date

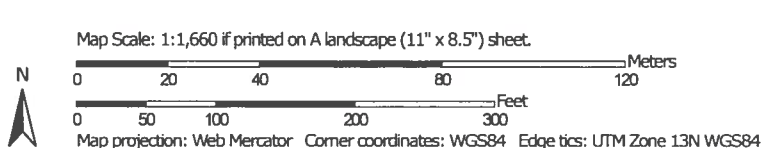
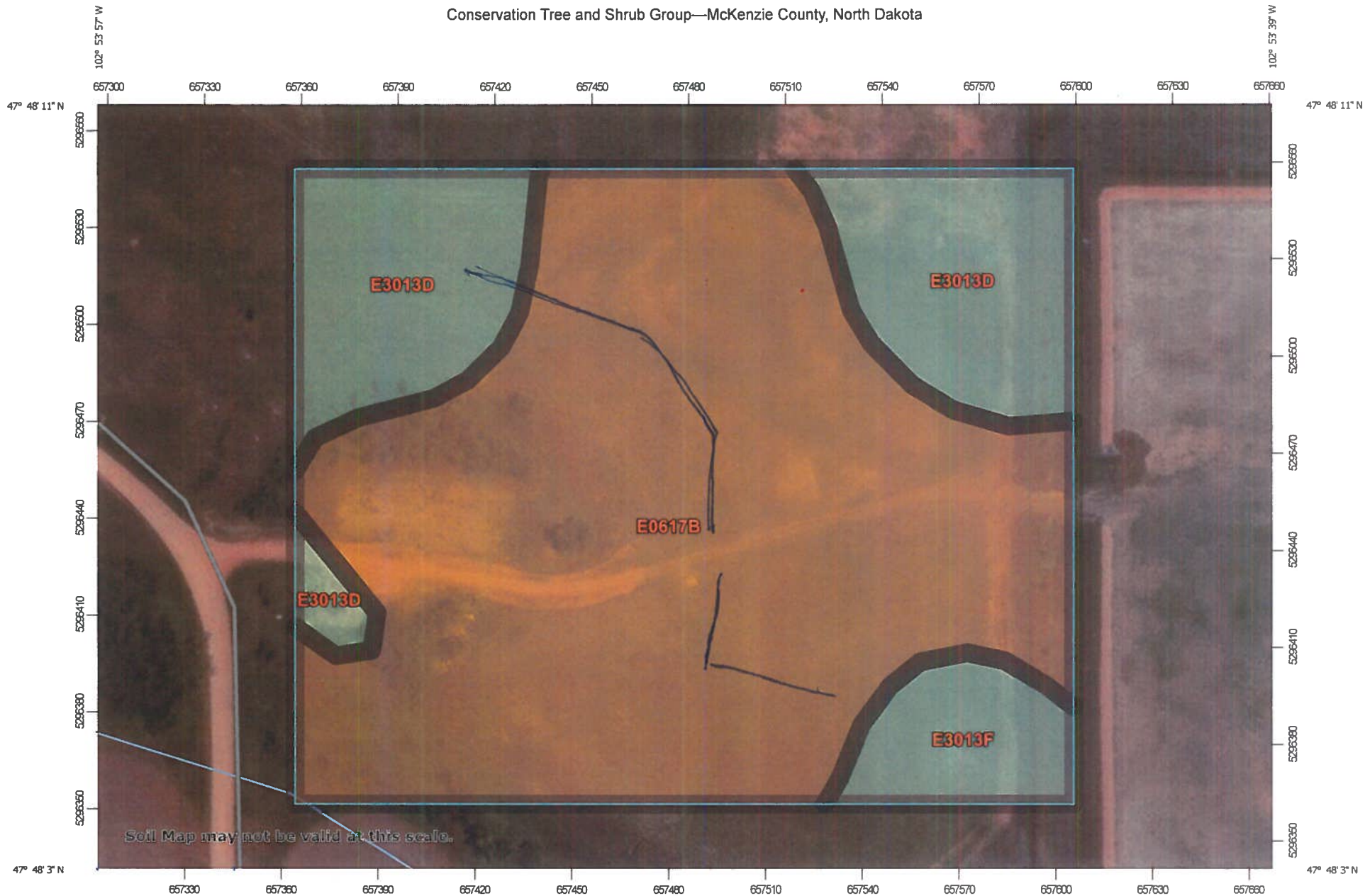
Producer's Signature

Date

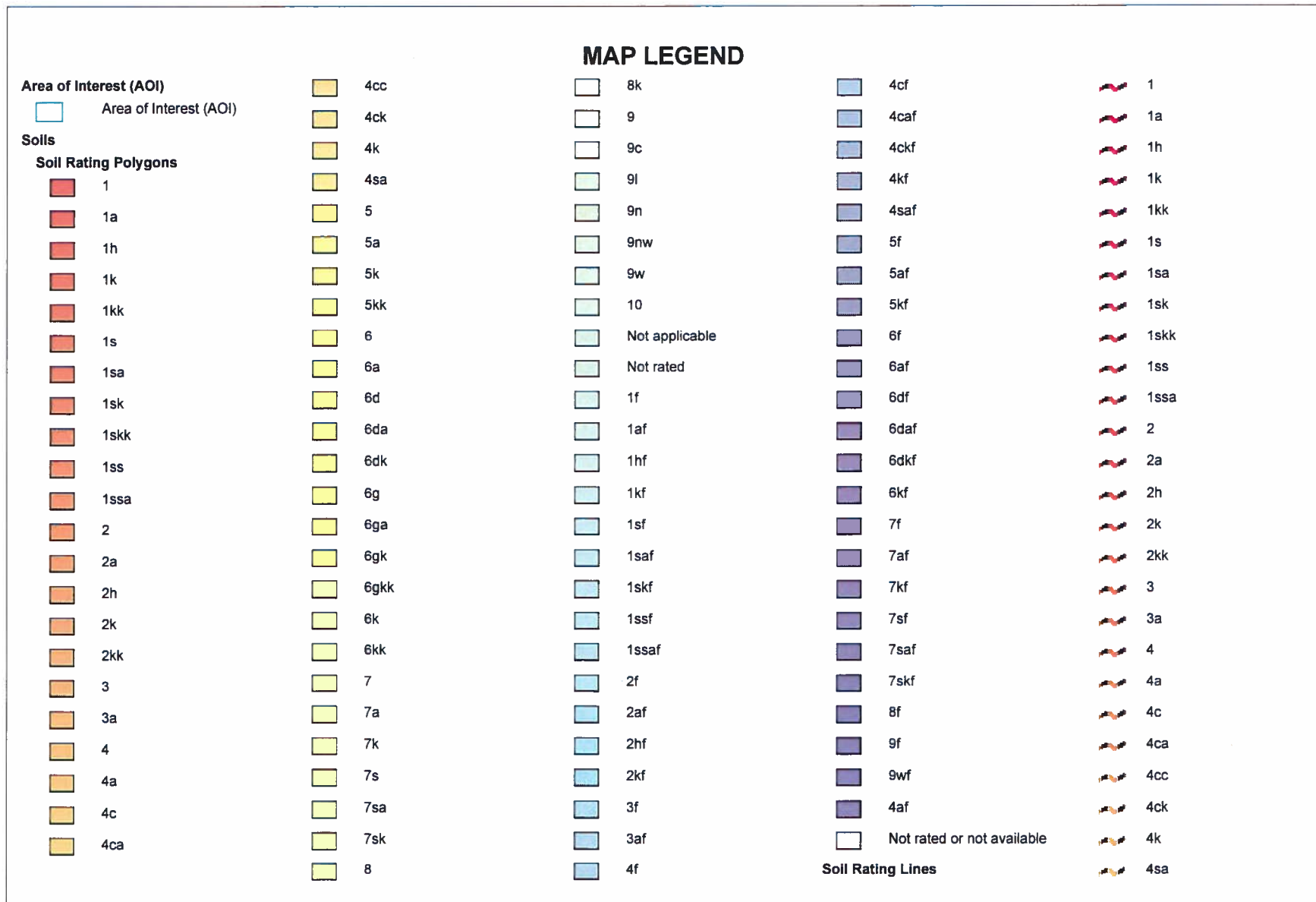
(Only sign if one of these species are included in the planting)



Conservation Tree and Shrub Group—McKenzie County, North Dakota



Conservation Tree and Shrub Group—McKenzie County, North Dakota



Conservation Tree and Shrub Group

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
E0617B	Belfield-Savage-Daglum complex, 2 to 6 percent slopes	4	8.4	71.0%
E3013D	Brandenburg-Searing-Dogtooth complex, 6 to 15 percent slopes	10	2.7	23.2%
E3013F	Brandenburg-Cabba-Dogtooth complex, 15 to 70 percent slopes	10	0.7	5.8%
Totals for Area of Interest			11.8	100.0%

Description

Each tree and shrub species has certain climatic and physiographic limits. Within these parameters, trees and shrubs may be well suited or poorly suited to a given environment because of climate or site or soil characteristics. On the basis of the performance of individual species to specific conditions of soil, climate, physiography, and management, Conservation Tree and Shrub Groups (CTSGs) have been developed. Individual soils have been grouped with similar soils into one of the 10 main CTSGs. Most of these main groups are further divided into subgroups.

This interpretation provides guidance in selecting the species best suited to each of the groups of soils within each vegetative zone. It also can be used for predicting survival, height, growth, species attributes, and effectiveness and for selecting species for windbreaks, riparian plantings, recreation and wildlife plantings, and ornamental or environmental plantings.

Tree and shrub species associated with each CTSG are broken down by vegetative zones (rainfall zones). These lists are available in the local office of the USDA, Natural Resources Conservation Service, or on the Web in the electronic Field Office Technical Guide. Because vegetative zones are rather large, climatic differences within a zone should be considered when species are recommended for planting. For example, some species adapted to the eastern end of a zone may be inadequately adapted to the western end. Care must be taken to ensure that conditions on individual sites are considered when species suitability and performance are determined. A case-by-case decision may be necessary to determine which CTSG is most appropriate when an individual site has characteristics that differ from those of the CTSG in which it occurs. These differences occur because of inclusions of other soils, site modifications (such as leveling and drainage manipulation), soil pH (calcareous sites), irrigation, soil amendments, or other factors.

Rating Options

Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified

Tie-break Rule: Lower

Landowner Concurrence Form to Install Structural or Vegetative Conservation Activities Clear Form

This form is used for the applicant to obtain written documentation of landowner concurrence for the purpose of installing structural or vegetative conservation activities on land they lease. Structural and vegetative conservation activities are those conservation activities with a lifespan greater than one year.

Applicant Name: Myles Fisher, Kinder Morgan, Inc.		Landowner Name: David Veeder		Date Prepared: 10/04/2021
Application No.		Farm Name (opt):		
Conservation Activity:	Farm No. & Tract No.	Field Nos.	Lifespan*(yrs)	
1. Tree Plan	NW4NW4 19-150-95			
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				

** The practice lifespan is the period in which the conservation practices are to be used and maintained for their intended purposes, as defined by NRCS standards.*

Landowner Concurrence

By signing this form, I, the landowner, hereby agree that the above-named applicant, if awarded a contract with the USDA Natural Resources Conservation Service (NRCS), has permission to install and maintain conservation activities on the land identified. I understand that I am not a party to any contract between NRCS and the applicant to install the above listed activities.

Landowner Signature: David Veeder **Print Name:** David A. Veeder **Date:** October 6, 2021

Non-Discrimination Statement

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident. Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English. To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at How to File a Program Discrimination Complaint and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights 1400 Independence Avenue, SW Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: program.intake@usda.gov. USDA is an equal opportunity provider, employer, and lender.