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July 9, 2021

—VIA EMAIL & U.S. MAIL—

Mr. Steven M. Kahl, Executive Secretary  
North Dakota Public Service Commission  
State Capitol Building, Dept. 408  
600 East Boulevard  
Bismarck, ND 58505-0480

RE: TREE AND SHRUB MITIGATION SPECIFICATIONS  
NOTICE OF NON-COMPLIANCE  
CASE NO. PU-13-64; PU-15-174

Dear Mr. Kahl:

Northern States Power Co., doing business as Xcel Energy, (the Company) received a June 15, 2021 Notice of Non-Compliance from Commission Staff relating to the Tree and Shrub Mitigation Specifications for the Company's Courtenay wind facility. The Notice indicated that the Commission "...has no record of documentation identifying the number and variety of trees and shrubs removed, no record of a mitigation plan for replacement plantings filed with the Commission for approval, and no record of the three annual inspections documenting the conditions/survival of plantings."

Staff requested in the letter that the Company file the needed documentation within 30 days of receipt of the letter, or by July 15, 2021.

Xcel Energy believes that the information regarding the removal and replacement of the trees and shrubs at the Courtenay facility was provided in its January 4, 2018 response to the Staff's *Post-Construction Inspection Report* dated October 2017. In the letter, the Company indicated that only one tree had been removed from the project site, and that the landowners had waived their right to the required two replacements of the tree on their property. Instead, the landowners requested that replacement trees be donated to the City of Wimbledon's Military Memorial (see Attachment). Xcel Energy planted 11 spruce trees at the memorial site and provided pictures with the January 4, 2018 letter of those trees surrounding the Memorial.

The Company regrets that it did not provide annual inspection reports in 2017, 2018, and 2019. Also attached to this letter are photos taken in 2021 of the replanted trees. Photo 1 shows 4 trees, and Photo 2 shows 7 trees. All 11 trees remain viable and have grown considerably. The replanting ratio of 11 to 1 clearly demonstrates a sustainable replanting appropriate for the given soil and growing conditions and has and will continue to benefit the environment and the community.

Please contact me if you have any questions about this information. Thank you.

SINCERELY,



DAVID H. SEDERQUIST  
SR. CONSULTANT, REGULATION & FINANCE

cc: Mr. Patrick Fahn



414 Nicollet Mall  
Minneapolis, Minnesota 55401-1993

August 19, 2016

Ralph and Sandra Dick  
9595 25<sup>th</sup> St. SE  
Wimbledon, ND 58492

**COURTENAY WIND FARM  
TREE REPLACEMENT  
NW1/4, SEC. 24, T143, R63, STUTSMAN COUNTY, ND**

Dear Ralph and Sandy;

During the 2015 wind farm construction season it was necessary to remove a tree on the above mentioned parcel of property. As a requirement of our site permit, Xcel Energy and its contractor, Wanzek Construction, are required to replace the trees that have been removed two for one.

In our discussions you have indicated you are agreeable to waive your rights to this replanting. Instead your replacement trees will be donated to the City of Wimbledon's memorial that is currently under construction. We want to thank you for your contribution to this project.

Thank you for your courtesy and cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chad Peterson', written over a horizontal line.

Chad Peterson  
Senior Land Rights Agent  
Siting and Land Rights Dept.  
612-330-7825  
[chad.t.peterson@xcelenergy.com](mailto:chad.t.peterson@xcelenergy.com)

**ACCEPTED:**

By A handwritten signature in black ink, appearing to read 'Ralph Dick', written over a horizontal line.  
Ralph Dick

cc: Jeff Berrington



Photo #1 – 4 trees



Photo #2 – 7 trees