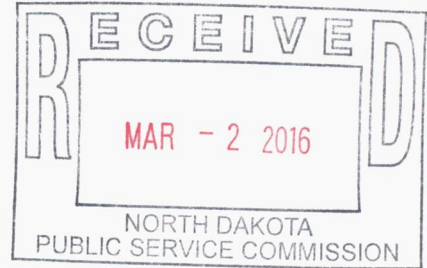


March 2, 2016

VIA HAND DELIVERY

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



**RE: BAKKEN OIL EXPRESS, LLC
CASE NUMBER PU-13-825**

Dear Mr. Nitschke:

Enclosed for filing, please find an original and ten (10) copies of the Tree and Shrub Mitigation Plan for Bakken Oil Express, LLC in the above-referenced matter.

Also enclosed is a CD containing the above-referenced document in PDF format. If you should have any questions, please advise.

Sincerely,

A handwritten signature in blue ink, appearing to read "L. Bender".

LAWRENCE BENDER

LB/dmk
Enclosures

cc: Julie Prescott (*via e-mail*)
Nick Anderson (*via e-mail*)

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Attorneys & Advisors
main 701.221.8700
fax 701.221.8750
www.fredlaw.com

Fredrikson & Byron, P.A.
1133 College Drive
Bismarck, North D. 58501-1215

105 PU-13-825 Filed: 3/2/2016
Tree and shrub mitigation plan

Pages: 3

**Bakken Oil Express, LLC
16-Inch Crude Oil Pipeline Project (PU-13-825)
Dunn and Stark County, North Dakota**

Introduction

Bakken Oil Express, LLC (BOE) received the Public Service Commission Route Permit (Permit # 161) on December 30, 2013, to construct a 38 mile, sixteen-inch diameter, crude oil pipeline from Killdeer to Dickinson, North Dakota (Case No. PU-13-825). Construction of the proposed project commenced on January 13, 2014, with final ROW clean-up occurring on September 13, 2014. Upon completion of construction, reclamation efforts along the pipeline corridor commenced. Between October and November 2014, the reclamation efforts included final grading, seeding and miscellaneous reclamation activities. These activities were completed in 2015.

As part of the reclamation activities, BOE will mitigate for tree and shrub impacts. A tree and shrub count was completed along the corridor prior to and after construction activities to determine the number and species of trees and shrubs removed, as well as the location/landowner where the trees and shrubs were removed. *Please refer to Table 1, Identified Tree and Shrubs and Impacts.*

Mitigation Plan

The following strategy will be used for mitigation and monitoring for tree and shrub replacements:

- Once the project is complete and final tree and shrub impacts are known, each landowner will be contacted regarding trees and shrubs removed from their property. They will be informed of mitigation requirements and offered options for potential mitigation. Each landowner will have the right to accept or refuse mitigation or request alternative species to be mitigated.
- Mitigation for trees will be proposed at a 2:1 ratio (two trees replaced for every tree removed) and 1:1 ratio for shrubs (one shrub replanted for every shrub removed) for all woody species greater than one inch diameter at breast height (dbh).
- Landowners must be given the option of having replacement trees and shrubs planted on the landowner's property, either on or off the right-of-way; however, tree and shrub replacement would not be conducted within a 20 to 30 foot wide path over the pipeline per regulations set forth by the U.S. Department of Transportation. The landowner must also be given the opportunity to waive those options in order to have replacement trees and shrubs planted off the landowner's property.
- Tree and shrub replacements will be inspected annually, in September, for three years. The first annual inspection would occur in September 2016. A report of each annual inspection would be submitted to the Commission by October 1 of each year, documenting the condition of plantings and any woodlands work completed as of September of each year. If after the third annual report the survival rate is less than 75%, the mitigation plan will be reviewed and additional plantings may be required.

Species	Inventory (Number of Individuals)	Impacts (Number of Individuals)	Mitigation (Number of Individuals) ¹
American Elm (<i>Ulmus americana</i>)	21	4	4 (Replaced with Siberian Elm)
Black Willow (<i>Salix nigra</i>)	1	0	0
Boxelder (<i>Acer negundo</i>)	2	0	0
Choke Cherry (<i>Prunus virginiana</i>)	196	19	38
Peachleaf Willow (<i>Salix amygdaloides</i>)	4	2	4
Green Ash (<i>Fraxinus pennsylvanica</i>)	159	13	26
Japanese Elm (<i>Ulmus davidiana</i>)	6	0	0
Juneberry (<i>Amelanchier alnifolia</i>)	155	12	12
Prairie Rose (<i>Rosa arkansana</i>)	1,174	156	156 (Replaced with Hansen's Hedge Rose)
Roundleaf Hawthorn (<i>Crataegus lumaria</i>)	29	29	44 (Replaced with Arnold Hawthorn)
Russian Olive (<i>Elaeagnus angustifolia</i>)	396	24	48
Scotch Pine (<i>Pinus sylvestris</i>)	1	0	0
Siberian Peashrub – AKA Caragana (<i>Caragana arborescens</i>)	44	30	58

¹ Landowners were given the option to waive mitigation of all or specific species, and/or request and alternative species be replaced. The Dunn County Soil Conservation District was unable to order American elm, prairie rose or roundleaf hawthorn; therefore, an alternative of those species was selected.