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May 1, 2017

Executive Secretary
Public Service Commission
State Capitol
600 E Boulevard Avenue, Dept. 408
Bismarck, ND 58505-0480



Re: CASE NO. PU-14-842
Western Plains Consulting, Inc. Comments on the North Dakota Tree
and Shrub Replacement Plan

Dear Commissioners:

Enclosed herewith are comments filed on behalf of all Intervenors represented by myself and Matt Kelly in Case No. PU-14-842.

Sincerely,

A handwritten signature in blue ink, appearing to read "Derrick Braaten".

Derrick Braaten

Enclosures

283 **PU-14-842** Filed: 5/2/2017 Pages: 5
Comments on the Tree and Shrub Replacement Plan

Thirty-four Petitioners (Schultz Petitions) Intervenors
Derrick Braaten & Matt Kelly, Attorneys

**Western Plains Consulting, Inc. Comments on the
North Dakota Tree and Shrub Replacement Plan
for the Dakota Access Pipeline Project**

April 28, 2017

Prepared by:

Mark A. Anderson,
Senior Natural Resource Specialist
Western Plains Consulting, Inc.
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Prepared for:

Baumstark Braaten Law Partners
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Derrick Braaten, J.D.
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Western Plains Consulting, Inc. (WPC) has reviewed the North Dakota Tree and Shrub Replacement Plan developed by KC HARVEY ENVIRONMENTAL, LLC for the Dakota Access Pipeline project. The comments are a brief summary, not detailed explanations.

1. All tree/shrub mitigation plantings should follow NRCS standards and specifications. The specifications are available on line at <https://efotg.sc.egov.usda.gov> .
2. According to the DAP tree and shrub replacement plan developed by K.C. Harvey Environmental, the mitigation plantings will include far fewer species than were removed from natural areas. If replanting is done in the future, an effort should be made to plant native species that are not replaced in 2017.
3. The 2:1 replacement ratio should not simply be a stem count replacement. Considering the lack of diversity in the mitigation plantings, a 2:1 spatial (canopy) coverage replacement is also suggested by WPC to compensate for the lack of diversity in the mitigation plantings.
4. The Windbreak Suitability Group (WSG) of each planned mitigation planting site should be determined/verified on-Site by a professional soil classifier, to enable selection of species adapted to the soil. There is a real risk of tree planners relying on the NRCS Web Soil Survey and assuming the WSG of the major soil component(s) in a soil map unit are applicable to the entire soil map unit. This flawed approach can result in trees being planted on an inclusion soil (i.e., a minority area within a soil map unit) that is a different WSG than the dominant component(s). The result could be non-adapted trees being planted and growing well for five or ten years, then dying. That is a huge waste of time, effort and expense with no quick or easy fix. Who – if anyone – would be responsible for remediating such a failure?

WPC is aware of at least one case where non-adapted trees were planned by a DAP sub-contractor and this scenario was very likely to occur, had it not been brought to our attention.

Please let me know if you have any questions regarding this matter.

/ s /

Mark A. Anderson
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Western Plains Consulting, Inc.
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**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF NORTH DAKOTA**

**Dakota Access, LLC
Dakota Access Pipeline Project
Siting Application**

CASE NO. PU-14-842

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the following document:

- Western Plains Consulting, Inc. Comments on the North Dakota Tree and Shrub Replacement Plan

was on the 1st day of May, 2017 served by placing the same in the United States mail, postage prepaid, properly addressed to the following:

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