

interoffice
MEMORANDUM

To: Commissioner Randy Christmann
Commissioner Julie Fedorchak
Commissioner Brian Kroshus

From: Sara Cardwell, Public Utility Analyst *sc*
by of

Subject: PU-14-842 Dakota Access, LLC, Dakota Access Pipeline Project
Tree and Shrub Mitigation Plan

Date: May 22, 2017

On April 25, 2017, Dakota Access, LLC, filed a tree and shrub mitigation plan in compliance with the Commission's Orders and the Certification Relating to Order Provisions, Transmission Facility Siting with accompanying Tree and Shrub Mitigation Specifications that the Company signed for this project.

The Company stated that 42,648 trees and shrubs were removed during construction necessitating the planting of 85,296 trees and shrubs to meet the 2:1 planting requirement.

Comments regarding the Company's Tree and Shrub Mitigation Plan were submitted by all intervenors represented by Derrick Braaten and Matt Kelly in this case on May 2, 2017.

On May 8, the Company submitted responses to the concerns expressed by the intervenors in this case. The Company is procuring the replacement plants through the Morton County Conservation District. The species selected are as recommended by the NDFS. Three Natural Resource Conservation Service (NRCS) Districts are carrying out the replanting efforts in Mercer, Morton and Emmons County. Plantings will follow NRCS standards and specifications as well as NDSU-North Dakota Forest Service guidelines and specific landowner requests.

The Staff also had two questions regarding the plan. The first was in regards to where Green Ash trees were going to be planted due to risks from the Emerald Ash Borer if it reaches the state. The Company provided maps showing where the plantings would be. Staff also contacted the Morton County NRCS office for additional information on the Green Ash plantings. According to the NRCS, the soils in western North Dakota limit the types of tall tree species that can be used with Green Ash being one of the few choices available. The NRCS recognizes the problem if the Emerald Ash Borer were to reach the state. Currently, there are no restrictions on planting Green Ash in the state.

Staff also asked the Company if the plan includes all areas and the total number of trees and shrubs removed. The Company confirmed that the plan does cover all areas. Therefore,

Staff recommends the plan be approved. A motion to approve the plan will be on the agenda for your consideration at the May 31, 2017 Commission meeting.