

November 6, 2017

Sara Cardwell  
North Dakota Public Service Commission  
600 East Boulevard, Dept 408  
Bismarck, ND 58505-0480



**Re: Dakota Access, LLC**  
**Case No. PU-14-842**

Dear Sara:

I am in receipt of your letter dated October 30, 2017, acknowledging receipt of Dakota Access, LLC's Tree and Shrub Baseline Planting Report ("Report") submitted to the North Dakota Public Service Commission.

Your letter requests verification that two-year-old saplings were planted as opposed to seedlings. As set forth in the Report, the trees planted were at least two-year-old saplings, which complies with Provision Number 11 of the Tree and Shrub Mitigation Specifications. Additionally, the Report indicates only the shrubs were seedlings, which is acceptable pursuant to Provision Number 11 allowing shrubs to be replaced with stem cuttings.

Should you need any additional information or further clarification, please advise.

Sincerely,

A handwritten signature in blue ink, appearing to read "Lawrence Bender", written over the word "Sincerely,".

LAWRENCE BENDER

LB/dmk

cc: Keegan Pieper  
Mike Futch

62658287.2

Attorneys & Advisors  
main 701.221.8700  
fax 701.221.8750  
fredlaw.com

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

**395 PU-14-842** Filed: 11/8/2017 Pages: 2  
**Response to 30 October 2017 letter requesting additional information re tree planting**

Dakota Access, LLC

Lawrence Bender, Fredrikson&Byron, P.A.



Public Service Commission  
State of North Dakota

COMMISSIONERS

Randy Christmann  
Julie Fedorchak  
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Executive Secretary  
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October 30, 2017

600 East Boulevard, Dept. 408  
Bismarck, North Dakota 58505-0480  
Web: [www.psc.nd.gov](http://www.psc.nd.gov)  
E-mail: [ndpsc@nd.gov](mailto:ndpsc@nd.gov)  
Phone: 701-328-2400  
ND Toll Free: 1-877-245-6685  
Fax: 701-328-2410  
TDD: 800-366-6888 or 711

Lawrence Bender  
Fredrikson & Byron, P. A.  
1133 College Drive, Suite 1000  
Bismarck, ND 58501-1215

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Re: **Case No. PU-14-842, Dakota Access, LLC  
Dakota Access Pipeline Project**

The North Dakota Public Service Commission acknowledges receipt of the Company's Tree and Shrub Baseline Planting Report received on September 29, 2017. Please verify that two-year-old saplings were planted and not seedlings as stated in the report. It is our understanding that machine planting was done wherever possible and the machine planters cannot plant two-year-old saplings, only seedlings. We believe that in order to establish the baseline, correct information should be provided.

We anticipate that the Company will provide its first inspection as to survivability of the plantings discussed in the above report no later than October 1 of 2018.

Additionally, as per the settlement agreement enacted between the Commission and the Company, we anticipate that the Company will be filing its tree and shrub mitigation plan for the planting of an additional 20,000 trees in the Spring of 2018.

I will be out for a couple of weeks and back in the office on November 13, 2017. If you have any questions regarding this letter, please contact me at 701-328-4153 on or after that date.

Sincerely,

Sara Cardwell  
Public Utility Analyst