

EXHIBIT H

2018 Tree Replacement Summary



13100 Northwest Freeway
Suite 150
Houston, Texas 77040

Mr. Jonathan Minton
Energy Transfer Partners
1300 Main Street
Houston, TX 77002

**RE: Settlement Agreement Tree Replacement Effort 2018
Dakota Access Pipeline Project
North Dakota**

Mr. Minton,

As you are aware, on September 20, 2017, Dakota Access Pipeline, LLC, (Dakota Access) entered into a Settlement Agreement with the North Dakota Public Services Commission (PSC) to settle certain disputes between Dakota Access and the PSC relative to construction of the Dakota Access Pipeline Project in North Dakota. Paragraph 11 (b) of the Settlement Agreement provides that Dakota Access will “plant, or pay for planting of, twenty thousand (20,000) trees in consultation with various county soil conservation districts (SCDs) traversed by the Pipeline by December 31, 2018.” The 20,000 trees to be provided by Dakota Access were limited by Section 11(b) of the Settlement Agreement to two-year old saplings of the following species: Amur maple, Black Hills Spruce, Boxelder, Bur oak, Colorado blue spruce, Eastern red cedar, Hackberry, Green Ash, Native Cottonwood, Paper birch, Peachleaf willow, Ponderosa Pine, Quaking aspen, Rocky Mountain juniper, and Sharpleaf Willow. Dakota Access has engaged Perennial Environmental Services, LLC (Perennial) to coordinate the settlement planting with the SCDs on their behalf. This letter serves to provide Dakota Access with a summary of the settlement tree planting effort in 2018 and planned efforts for 2019 that are needed in order for Dakota Access to fulfill their commitments.

Following the issuance of the Settlement Agreement, Perennial, on behalf of Dakota Access, reached out to all SCDs crossed by the Project to coordinate tree plantings for 2018. In November of 2017, after preliminary discussions with representatives from each SCD regarding their resources and capabilities for planting efforts in 2018, a tentative number of trees was requested of each SCD. The requested number of trees totaled 22,000 trees to include a 10% contingency (**Table 1, Column C**). Of the seven counties crossed, six SCDs accepted funds from Dakota Access and were able to perform plantings within their respective county. One SCD, McKenzie County, responded that they would not be able to supply Dakota Access tree plantings because they found the 15 tree species identified in the Paragraph 11(b) of the Settlement Agreement to be largely unsuitable for planting in their County. Due to factors including limited staff/equipment and difficulty finding willing landowners or suitable planting conditions, the number of tree plantings that each SCD was able to provide in 2018 varied significantly.

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Following the 2018 planting season, each SCD reported the results of their planting effort in 2018 to Perennial. All tree plantings that occurred in 2018 are summarized in **Table 1, Column D**. In total, 8,790 trees were planted in 2018 by SCDs on behalf of Dakota Access which is short of the 20,000 trees agreed to in the Settlement Agreement by 11,210 trees.

Per the Settlement Agreement (Paragraph 11 (c)), “In the event Dakota Access is unable, due to supply of 2-year-old saplings or other market conditions to procure the entire 20,000 trees referenced in 11(b) for planting on or before December 31, 2018, Dakota Access' obligation shall extend into the following year until such time as Dakota Access has provided and planted or caused to be planted the total aggregate quantity required.” In order to reach 20,000 trees by December 31, 2019, Perennial has, once again, engaged all SCDs that were willing to plant trees in 2018 and requested that they expand their efforts in 2019. All six SCDs have agreed to accept payment from Dakota Access and plant additional trees. The number of trees each SCDs has agreed to plant in 2019 is found in **Table 1, Column E**. The projected plantings for 2019 totals 16,747 trees.

Table 1: 2018 Dakota Access Settlement Tree Planting Summary

A County	B Soil Conservation District Contact	C Number of Trees Requested of Each SCD (Requested in 2017)	D 2018 Tree Planting Numbers (Actual)	E 2019 Proposed Numbers (Planned)	F Projected Total Tree Plantings (2018 Actual + 2019 Planned)
Mountrail	Pam Germundson 701-628-2151 Pam.Germundson@nd.nacdnet.net	1,000	978	1571	2,549
Williams	Sue Zavalney and Molly Jugovic 701-572-6729 sue.zavalney@nd.nacdnet.net molly.jugavic@nd.nacdnet.net	2,000	452	3,007	3,459
McKenzie	Jackie Cargo 701-842-3628 jacqlyn.heins@nd.nacdnet.net	4,000	0	0	0
Dunn	Kaylee Stein 701-764-5646 Kaylee.Stein@nd.nacdnet.net	5,000	1,119	2,000	3,119
Mercer	Sarah Tunge 701-873-2101 sarah.tunge@nd.nacdnet.net	4,000	3,001	1,000	4,001



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<u>A</u> County	<u>B</u> Soil Conservation District Contact	<u>C</u> Number of Trees Requested of Each SCD (Requested in 2017)	<u>D</u> 2018 Tree Planting Numbers (Actual)	<u>E</u> 2019 Proposed Numbers (Planned)	<u>F</u> Projected Total Tree Plantings (2018 Actual + 2019 Planned)
Morton	Beth McCleary and Brandon Schafer 701-667-1163 brandon.schafer@nd.nacdnet.net beth.mccleary@nd.nacdnet.net	3,000	362	369	731
Emmons	Rhonda Kelsch 701-254-4653 Rhonda.Kelsch@ND.nacdnet.net	3,000	2,878	8,800	11,678
Totals		22,000	8,790	16,747	25,537

In summary, 8,790 settlement trees were planted by SCDs on behalf of Dakota Access in 2018. SCDs have committed to planting an additional 16,747 trees in 2019 amounting to a projected total of 25,537 trees. The projected total for 2019 includes a 28% contingency for unforeseen issues with the 2019 tree planting effort. Thus, Dakota Access' commitment to plant 20,000 trees is expected to be fulfilled prior to December 31, 2019.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan Fredland".

Jonathan Fredland
Environmental Project Manager