

July 15, 2021

*Via Electronic Mail*

Mr. Patrick Fahn  
Director, Public Utilities Division  
North Dakota Public Service Commission  
600 E. Boulevard, Dept. 408  
Bismarck, ND 58505-0480  
pfahn@nd.gov  
ndpsc@nd.gov

In re: Oliver Wind III, LLC  
Oliver III Wind Energy Center  
Response to Notice of Noncompliance  
Case No. PU-16-123  
Our File No. 035218-000029

Dear Mr. Fahn:

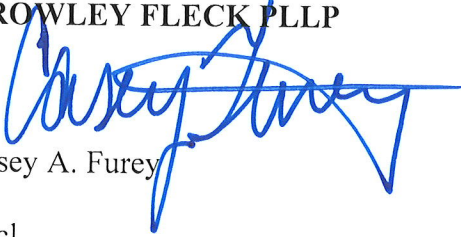
I am writing on behalf of Oliver Wind III, LLC (“Oliver Wind III”) regarding the Notice of Noncompliance filed in Case No. PU-16-123 as Docket No. 175 (the “Notice”) pertaining to tree and shrub mitigation for the Oliver Wind III Energy Center located in Oliver and Morton Counties, North Dakota (the “Wind Project”). In response to the Notice, please find enclosed an electronic copy of Oliver Wind III’s Tree and Shrub Mitigation Report for filing in the above-referenced matter. The enclosed report summarizes Oliver Wind III’s mitigation efforts and its plan to meet the objectives and goals of the Commission’s Tree and Shrub Mitigation Specifications.

As proposed in the Notice, Oliver Wind III respectfully requests the Commission amend and replace its existing Tree and Shrub Mitigation Specifications (Docket No. 87) with the Commission’s revised March 2019 Tree and Shrub Mitigation Specifications (“March 2019 Specifications”), which revises the process for mitigation reporting. In lieu of annual reporting, the Commission now requires one final report detailing an entity’s tree and shrub mitigation efforts and results. The purpose of Oliver Wind III’s amendment request is to align its reporting requirement consistent with the revised process outlined in the March 2019 Specifications.

Please do not hesitate to contact me with any additional questions.

Sincerely,

**CROWLEY FLECK PLLP**

A handwritten signature in blue ink, appearing to read "Casey A. Furey", is written over the printed name. The signature is stylized with a large, sweeping initial 'C' and a horizontal line extending to the right.

Casey A. Furey

Encl.

cc: Tracy Davis (*via email*)

**Oliver Wind III, LLC  
700 Universe Blvd.  
Juno Beach, FL 33408**

July 15, 2021

Mr. Steve Kahl  
Executive Director  
North Dakota Public Service Commission  
600 E. Boulevard, Dept. 408  
Bismarck, ND 585050-0480  
[ndpsc@nd.gov](mailto:ndpsc@nd.gov)

RE: Tree and Shrub Mitigation Report  
Oliver Wind III, LLC - Oliver III Wind Energy Center  
Case No. PU-16-123

Dear Mr. Kahl,

The following is provided on behalf of Oliver Wind III, LLC (“Oliver Wind III”) pertaining to Oliver Wind III’s Tree and Shrub Mitigation Plan for the Oliver Wind III Energy Center (the “Wind Project”) filed as Docket No. 140 in Case No. PU-16-123 (the “Mitigation Plan”). A total of 113 trees/shrubs were removed during construction of the Wind Project. In accordance with the Commission’s Tree and Shrub Mitigations Specifications, replacement is to occur at a 2:1 ratio for a total of 226 plantings.

Oliver Wind III’s Mitigation Plan initially proposed for replanting to commence in the spring/summer of 2017. Due to drought conditions, replanting was postponed until 2018. *See* Docket Nos. 144 & 145. In 2018, replanting commenced on A. Hagerott’s property. Please see the table below for details.

With respect to remaining replantings, Oliver Wind III has engaged a consultant to continue planting in spring 2022. To promote survivability, Oliver Wind III proposes to replant a total 250 shrubs, which exceeds the Commission’s 2:1 ratio. As described in the table below, D. Hagerott and Vogel have waived having additional shrubs replanted on their properties. Landowner Gerhardt has agreed to accept the additional plantings, and a total of 250 shrubs will be planted on Gerhardt’s property in 2022 to accommodate the planting season.

Landowner	Trees/Shrubs Removed	Replacement Trees/Shrubs Required (2:1)	Species Requested	Replacement Trees/Shrubs Surviving	Other
A. Hagerott	10	20	Scotch Pine	10	Replanting occurred in 2018
D. Hagerott	80	160	N/A	N/A	Waived by landowner
Gerhardt	22	44	Lilac shrub	TBD	250 shrubs to be replanted in spring/2022
Vogel	1	2	N/A	N/A	Waived by landowner
<b>Total</b>	<b>113</b>	<b>226</b>			

A final report detailing Oliver Wind III's tree and shrub mitigation efforts will be filed with the Commission in 2024.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Weyrauch', with a long horizontal flourish extending to the right.

Jeremy Weyrauch  
Site Manager