

August 16, 2017

Darrell Nitschke  
Executive Director  
North Dakota Public Service Commission  
600 East Boulevard - Dept. 408  
Bismarck, ND 58505-0480



Re: Case No: PU-16-415

Dear Mr. Nitschke:

This letter is Basin Electric Power Cooperative's (Basin Electric) response to the correspondence from Mr. Matt Kelly on July 14, 2017, regarding reclamation issues on his clients Nevin and Nathan Dahl's (Dahl) land in McKenzie County associated with Basin Electric's AVS to Neset 345-kV Transmission Project (PU-11-696).

In Basin Electric's July 15, 2016, response to the Dahl's, Basin Electric pointed out that many of the Dahl's concerns raised were non-jurisdictional disputes over easement terms or were premature due to our reclamation/re-vegetation efforts were still on-going. Further, we suggested to Mr. Kelly that if there were further issues that needed to be addressed, that we could schedule a meeting on site with the Dahl's to address specific concerns. To date, with the exception of Mr. Kelly's July 14 correspondence filed with the North Dakota Public Service Commission (PSC), we have not heard from the Dahl's in over a year.

As stated in prior communications to the PSC and to the Dahl's, reclamation efforts are on-going and generally take some time, especially in cases of out of the ordinary weather conditions. Basin Electric staff has and continues to diligently monitor the reclamation efforts throughout the AVS-Neset Project and specifically on the Dahl's property. This is evidenced by a spring visit to the Dahl's property to assess the progress of the re-vegetation efforts, as we had promised in our last communication with the Dahl's in October 2016. Further, we assessed the reclamation efforts in June 2017 and then most recently in July 2017, after we received the recent letter from Mr. Kelly.

Based on our recent site inspection, we are satisfied with the reclamation done thus far, although there is one area approximately 3,400 square feet that will need to be over-seeded this fall. Finding areas that require over-seeding or weed management is not unique or unexpected on the Dahl property considering all the relevant factors including the marginal soil types present in the area and the minimal precipitation occurring in 2017. Our intention is to over-seed all identified areas on the project through a dormant seeding effort, if possible, or in the spring of 2018, if weather conditions are not conducive for a dormant seeding effort. Prior to over-seeding, the areas in question will be mowed for weed control.

5    **PU-16-415**    Filed: 8/16/2017    Pages: 5  
**Response to request to reassess reclamation of Dahl properties**

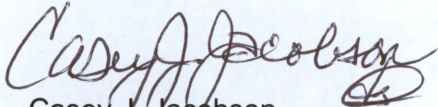
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Mr. Kelly's letter raises issues concerning trees/shrubs that need to be replaced. As with every other landowner on the Project, the Dahl's received a letter regarding their preference on settling replacement of trees/shrubs. To date, we have not heard from them regarding their replacement preference but we will follow-up with them. While we dispute their tree/shrub count, we are willing to use their count as the basis for replacement and assume this should settle this issue. Concerning Mr. Kelly's assertion that Basin Electric left a pile of cut trees and shrubs that needs to be removed, we did not observe such a pile during our most recent site visits but will certainly remove it, if the Dahl's can identify the precise location to us.

Further, there were a number of other issues related raised by the Dahl's in their recent correspondence which we believe are outside the PSC's jurisdiction. In connection with this letter, we have sent a letter to Mr. Kelly addressing these issues.

In closing, the construction of a significant project such as ours, cannot be done with zero impact as some have suggested. Basin Electric has and will continue to strive to get reclamation "right". In this case our reclamation efforts are still proceeding in these areas and we will continue to monitor and respond when necessary. After your review of Basin Electric's response outlined in the attached, should the PSC have further questions and or require additional information, please contact me at your convenience.

Sincerely,



Casey J. Jacobson  
Senior Staff Counsel

/ser

Enclosure - Stantec Reclamation Recommendations

cc: Mr. Matthew Kelly w/ attachments

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To:	Basin Electric Power Cooperative North Dakota	From:	Chuck Herrmann Stantec, Fort Collins, CO
File:	212205224	Date:	August 10, 2017

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**Reference: Basin Electric Power Cooperative AVS to Neseet 345-kV Transmission Project Structures 298-128 thru 298-137 - Reclamation Recommendations**

### BACKGROUND AND GENERAL INFORMATION

Basin Electric Power Cooperative (Basin Electric) is constructing, in sequential fashion, the AVS to Neseet 345-kV Transmission Project in northwestern North Dakota. Construction of the transmission Project segment 298 line is complete and reclamation and vegetation monitoring efforts are ongoing. This letter report provides information and recommendations based off of a July 27<sup>th</sup>, 2017 monitoring effort conducted by Stantec that can be applied for Structures 298 -128 thru 137.

### RECLAMATION RECOMMENDATIONS BY STRUCTURE

Based on field observations, Stantec has developed the following recommendations:

**Structures 128 and 129** – No further action required, all work areas and access paths are currently planted in wheat.

**Structures 130, 131, 132, 134, 135, 136, 137** – No other further action recommended at this time. Grass species have germinated as evident by seedlings observed in planting rows. Along with the seeding, natural regeneration of grass is also occurring. Grass coverage exceeds 70% cover. Straw wattle BMPs can be removed at structures 131, 132, 134, 135, 136, and 137 at this time. Some early pioneer broad-leaf weedy species are present within the previously disturbed areas. No County or State listed Noxious weeds were present. The early pioneer weedy species are expected to be out competed by native grasses in the coming growing seasons, however if grass coverage does not continue to increase, treatment of weedy species and over-seeding may be necessary.



Structure 298-132, View East – July 27, 2017

**Structure 133** – Mowing weedy species, over-seeding using a drill seeder, straw mulching, and replacing straw wattle BMPs is recommended due to poor grass germination and drought stress that appears to have killed young seedlings. Continued monitoring of this area will be required. Addition weed treatment and/or over-seeding may be necessary. The current bare/weedy soil area is 3,387 square feet.



Structure 298-133, View West – July 27, 2017

Future evaluations of the ROW vegetation will occur in fall of 2017 and again in the spring of 2018 and until the ROW is greater than 70 percent vegetated and comprised of perennial species. If these areas are not covered by perennial species, then reseeding may be necessary. Areas that do not meet reclamation standards should be reseeded by the reclamation contractor using the original reclamation seed mix and, at a minimum, include a site/seasonally-appropriate cover crop.

Areas that have been reclaimed in rangeland and currently are being grazed by livestock or are subjected to trampling by livestock should be closely monitored for seedling development. If seedling development is low, specific areas could be protected by installing cattle exclusion fencing along the perimeter of the reclaimed areas.



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### **WEED TREATMENTS**

The majority of weeds observed during the field review were annual agricultural weeds that are unsightly but do not necessarily warrant herbicide treatment. Reclamation areas with annual weeds would benefit from periodic mowing, prior to any reseeding activity. However, they pose minimal long-term issues for reclamation.

Please let us know if you and/or your selected contractors have additional questions. Thank you for the opportunity to assist with this project.

**STANTEC CONSULTING SERVICES INC.**

A handwritten signature in cursive script that reads "Chuck Herrmann".

Chuck Herrmann  
Project Manager  
Phone: (920) 428-1373  
Chuck.Herrmann@stantec.com