

July 26, 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: Savage Bakken Connector, LLC
Response to June 15, 2021 Notice of Noncompliance
Case No. PU-16-753
Our File No. 083350-000010

Dear Mr. Fahn:

I am writing on behalf of Savage Bakken Connector, LLC (“Savage”) in response to your June 15, 2021 Notice of Noncompliance (“Notice”) filed in Case No. PU-16-753 as Docket No. 77 pertaining to tree and shrub mitigation for Savage’s two-mile crude oil transmission pipeline in Williams County, North Dakota (the “Project”). In response to the Notice, please find enclosed an electronic copy of Savage’s 2021 Tree and Shrub Mitigation Report for filing in the above-referenced matter. The report explains that natural revegetation along the two-mile Project has successfully mitigated tree and shrub impacts from Project construction. Natural revegetation has surpassed the Commission’s 2:1 planting ratio and the 75% survivability target thus achieving the overall goals and objectives of the Commission’s mitigation specifications.

For the reasons outlined in the attached report, Savage requests the Commission grant its request for natural revegetation to serve as permissible mitigation for the Project. The Project’s March 2017 Tree and Shrub Mitigation Specifications (“2017 Specifications”) reference shrub replacement and instances in which natural regeneration must be allowed to occur. *See* Docket No. 45, 2017 Specifications, Paragraph No. 6. The above provision demonstrates the Commission has acknowledged the benefits of natural revegetation and that Savage’s request is consistent with mitigation methods recognized by the Commission. Additionally, Savage proposes to conduct another field inspection in 2022 to survey the status of revegetation and will file a report with the Commission detailing its findings by October 1, 2022.

In March 2019 after the Project's Order was issued, the Commission adopted revised Tree and Shrub Mitigation Specifications ("2019 Specifications"). As proposed in the Notice, Savage respectfully requests the Commission replace the Project's existing 2017 Specifications (Docket No. 45) with the revised 2019 Specifications. The 2019 Specifications update the process for mitigation reporting. In lieu of annual reporting, the Commission now requires one final report detailing results of tree and shrub mitigation. Savage proposes to meet this requirement through a subsequent field inventory and final report to be filed in 2022 as referenced above.

The purpose of the Commission's specifications is to mitigate tree and shrub impacts which the Project has successfully achieved through natural revegetation. The 2019 Specifications provide that the Commission will consider "as conditions warrant, mitigation plans that provide long-term wildlife habitat and conservation benefits but do not involve the replanting of tree and shrubs." Savage respectfully submits its mitigation request is reasonable and warranted under the circumstances and it falls within the scope of alternative plans the Commission may consider under the 2019 Specifications. *See* 2019 Specifications, Paragraph No. 6.

Please feel free to contact me with any questions.

Sincerely,



Casey A. Furey

CAF/lh

Encl.

cc: Steve Morrey (via email)

Memorandum

Date: 7/14/2021

To: Steve Morrey, Savage Services

From: Cassie Foster, KLJ

RE: Savage Services
Savage Petroleum Hub Interconnect
Tree and Shrub Mitigation Monitoring
Williams County, North Dakota



INTRODUCTION:

Savage Services (Savage) received the North Dakota Public Service Commission (PSC) Route Permit on March 1, 2017, to construct a crude oil pipeline and facility near Trenton, North Dakota (Case No. PU-16-753). Construction of the proposed project commenced and concluded in 2017. Upon completion of construction, reclamation efforts along the pipeline corridor commenced. The reclamation efforts included final grading, seeding and miscellaneous reclamation activities. These activities were completed in 2017. As a requirement of the Permit, planting of trees and shrubs was to be completed to offset impacts from the project.

A tree and shrub count was completed along the project corridor prior to and after construction activities in 2017. The count was completed to determine the number and species of trees and shrubs removed, as well as the location/landowner where the trees and shrubs were removed. Once impacts were identified, a Tree and Shrub Mitigation Plan (Mitigation Plan) was completed to describe how tree and shrub impacts would be mitigated. The Mitigation Plan was submitted to the PSC (Docket No. 64) and approved in September 2017 (Docket No. 67).

MITIGATION:

The Mitigation Plan proposed for planting to occur during the spring 2018 growing season and for tree and shrub plantings to be inspected annually for three years. The PSC's specifications provide that additional plantings may be required if the survival rate is less than 75% after three years. The Mitigation Plan identified 143 trees removed during project construction. In accordance with the PSC's 2:1 planting ratio, 212 trees were proposed to be



replaced. Therefore, the project would need to have 159 trees surviving at the end of the third year to reach a 75% survival rate. *Please refer to Figure 1* for a table of trees removed and proposed to be replaced as contained within the Mitigation Plan.

Nute Bishop (KLJ) conducted a field survey on July 9, 2021 to document tree reestablishment per the approved mitigation plan.

RESULTS:

Although the 2021 field survey determined that no trees were replanted by hand, natural recruitment of trees from adjacent seed stock and reestablishment from root balls left in place during grubbing activities have allowed 490 trees (472 cottonwood, 14 green ash, and 4 Russian olive) to reestablish within the previously disturbed area. The reestablishment of 490 trees is over double the amount of trees originally proposed to be planted (212) and equates to an approximate 230% survival rate, triple the PSC's target survival rate. *Please See Figure 2* for reestablishment success.

Due to the successful regeneration of trees from those grubbed during construction, Savage requests approval from the PSC to consider naturally regenerated trees as meeting mitigation requirements identified in the Permit. At this time, no remedial actions or additional plantings are proposed by Savage for the 2022 growing season.

Savage proposes to monitor the trees naturally reestablished again in 2022 and provide a final report by October 1, 2022. If you have any questions regarding these surveys, please feel free to call me at 701-355-8748 or email at cassie.foster@kljeng.com.

Cassie Foster - KLJ

Common Name	Number Observed	Number Removed	2:1 Ratio for Replanting
Boxelder	1	0	-
Peachleaf willow	2	0	-
Russian olive	4	0	-
Chokecherry	9	0	-
Siberian elm	9	0	-
Green ash	26	14	28
Eastern cottonwood	92	92	184
Total	143	106	212

Figure 1, Proposed Tree Mitigation Requirements

Species	Cottonwood				Green Ash	Russian Olive	Total Trees
	Seedling	1" DBH	2" DBH	3"DBH	1" DBH	2" DBH	
Total	48	201	215	8	14	4	490
	Total for each species			472	14	4	

Figure 2, 2021 Tree Establishment

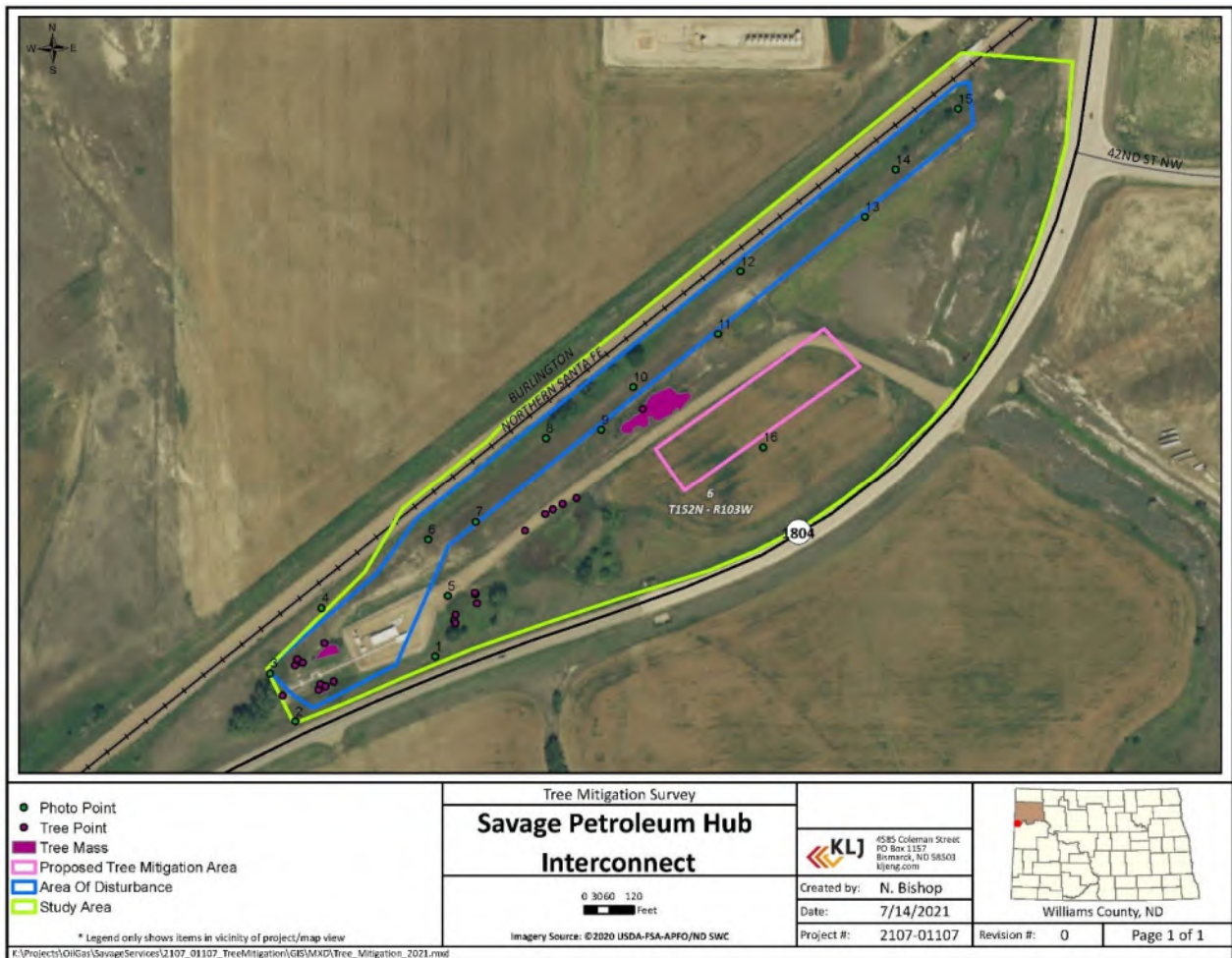


Figure 3: Tree Establishment Map

Selected Photos From the Study Area-Additional Photos Available Upon Request



Study Area Photo Point 2, View Northeast



Study Area Photo Point 4, View South



Study Area Photo Point 9, View Northeast



Study Area Photo Point 12, View Southwest



Study Area Photo Point 14, View Northeast