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December 4, 2020

*Via Electronic Mail*

Mr. Steve Kahl  
Executive Director  
North Dakota Public Service Commission  
600 E. Boulevard, Dept. 408  
Bismarck, ND 58505-0480  
[ndpsc@nd.gov](mailto:ndpsc@nd.gov)

**In re: Cenex Pipeline, LLC  
Tree and Shrub Mitigation Plan  
Case No. PU-17-097  
Our File No. 020836-000001**

Dear Mr. Kahl:

Enclosed for filing on behalf of Cenex Pipeline, LLC, please find a Memorandum regarding the Tree and Shrub Mitigation Plan in the above-referenced matter.

Please feel free to contact me with any questions.

Sincerely,



Casey A. Furey

CAF/lh  
Enc.

cc: Pat Fahn (via email)  
Robb Schwend (via email)  
Kari Carter (via email)



4585 Coleman Street  
Bismarck, ND 58503-0431  
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# Memorandum

**Date:** 12/4/2020  
**To:** North Dakota Public Service Commission  
**Copy to:** Robb Schwend, Cenex Pipeline, LLC  
**From:** Grady Wolf - KLJ  
**RE:** Tree and Shrub Mitigation Plan  
Cenex Pipeline, LLC. Liquid Petroleum Pipeline (Case No. PU-17-97)

## Remarks

### INTRODUCTION:

Cenex submitted a consolidated application for a Certificate of Corridor Compatibility and a Route Permit to the ND Public Service Commission (PSC) in March 2017 for the 149.7 miles of pipeline that would occur in ND. The ND PSC issued a Findings of Fact, Conclusions of Law and Order (Order) for the project (Case No. PU-17-97) on March 14, 2018, and as subsequently amended on September 26, 2018.

As outlined in the Order, trees and shrubs anticipated to be cleared must be inventoried before cutting. An updated tree and shrub sampling plan was submitted to the PSC October 4, 2019 (Docket No. 184). Removal of woody vegetation was observed and recorded in accordance with the sampling plan during the topsoil removal along the Right of Way (ROW) and throughout construction of the pipeline. Woody vegetation was identified, and the data was collected in the field utilizing a tablet and Trimble R1 Integrated GNSS System receiver. Location data is stored utilizing the esri ArcGIS online data management system.

### MITIGATION PLAN:

In keeping with the requirements outlined in the Order, Cenex will mitigate trees and shrubs removed during construction at a 2:1 ratio per the PSC Tree and Shrub Mitigation Specification. Cenex will partner with KC Harvey to facilitate the planting of trees. Due to timing of continued construction and reclamation of the pipeline ROW, KC Harvey intends to conduct mitigation plantings in the spring of 2021. All trees and shrubs disturbed as a result of construction will be replaced by the same or similar species. Non-native and invasive species would be mitigated with a native species appropriate for the site location and conditions as determined by KC Harvey and the landowner. Through correspondence with the North Dakota Forest Service (NDFS) it was determined that Burr oak, hackberry, or ponderosa pine are acceptable substitutes where applicable. Additionally, the NDFS recommended planting substitute species when applicable for green ash, indicating that species diversity is preferred for plantings. ***Please refer to attached Email Correspondence.*** The following table indicates the total quantity and species removed as well as anticipated plantings for each county.



Table 1, Tree and Shrub Removal and Replacement Numbers

TREES REMOVED DURING CONSTRUCTION		ANTICIPATED TREE REPLACEMENT (2:1) <sup>1</sup>	
SPECIES	QUANTITY	SPECIES	QUANTITY
<b>WILLIAMS COUNTY</b>			
American Elm	1	American Elm	2
Boxelder	3	Boxelder	6
Buffalo berry	755	Buffalo berry	1510
Caragana	313	NDSF approved replacement	626
Chokecherry	730	Chokecherry	1460
Eastern red cedar	50	Eastern red cedar	100
Elm	66	Elm	132
Green Ash	153	Green Ash	306
Hawthorn	380	Hawthorn	760
Honeysuckle	18	Honeysuckle	36
Juniper	2	Juniper	4
Ponderosa pine	23	Ponderosa pine	46
Russian olive	21	NDSF approved replacement	42
Serviceberry	4	Serviceberry	8
Siberian elm	59	NDSF approved replacement	118
Spruce	1	Spruce	2
<b>MOUNTRAIL COUNTY</b>			
Buffalo berry	330	Buffalo berry	660
Chokecherry	105	Chokecherry	210
Hawthorn	50	Hawthorn	100
<b>WARD COUNTY</b>			
Chokecherry	115	Chokecherry	230
Green ash	9	Green ash (may also plant NDSF Replacement)	18
Hawthorn	50	Hawthorn	100
silverberry	50	silverberry	100
<b>TOTAL</b>	<b>3,288</b>	<b>TOTAL</b>	<b>6,576</b>

<sup>1</sup>Anticipated tree replacement will be 2:1 for species impacted, however, site conditions, species availability, and landowner preference will be taken into consideration during planting.



### **Landowners and Offsite Mitigation:**

A total of 32 landowners had trees or shrubs removed from their property as a result of construction. Of those landowners affected by tree removal, 20 agreed to have the impacted trees and shrubs replaced on their property, while 12 landowners opted to have the trees and shrubs mitigated elsewhere. When possible, tree plantings will occur as close to the location of impact as possible while adhering to the Order's prescribed 20-30 feet clearance over the ROW. When trees or shrubs are unable to be planted near the original location, KC Harvey will coordinate with the landowner to find suitable locations for plantings.

Landowners who did not want trees and shrubs mitigated on their property signed a waiver. All trees and shrubs not mitigated on landowner property will be mitigated at a location(s) determined by Cenex and KC Harvey. Refer to the attached ***Landowner Tree Mitigation list*** for information regarding species, location, and desired mitigation.



## Email Correspondence

## Jeff Moss

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**From:** Lowstuter, Derek <derek.lowstuter@ndsu.edu>  
**Sent:** Wednesday, February 26, 2020 1:01 PM  
**To:** Jeff Moss  
**Subject:** RE: Project Tree Mitigation

Jeff,  
Green ash is the most common tree in North Dakota, and the most at risk for almost complete eradication due to a potential invasive pest. So it would be good to increase diversity, especially if new trees are being planted anyway. I would suggest using an alternative to green ash on sites where the soil allows. The trouble is that green ash is the only non-invasive deciduous tree for many soils in western ND. So, I suggest planting it where you have to, but plant an alternative when other options are available.

Thanks,  
Derek

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**From:** Jeff Moss <Jeffrey.Moss@kljeng.com>  
**Sent:** Wednesday, February 26, 2020 12:46 PM  
**To:** Lowstuter, Derek <derek.lowstuter@ndsu.edu>  
**Subject:** RE: Project Tree Mitigation

Derek,

Appreciate the response. Question, given that you are no longer recommending green ash due to the Emerald Ash Borer, would it be advisable to mitigate green ash impacts with the recommendations below or replace green ash with green ash at the required 2:1? Just looking for your thoughts.

Thanks!

Jeff Moss



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West Fargo, ND 58078-2650  
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**From:** Lowstuter, Derek <derek.lowstuter@ndsu.edu>  
**Sent:** Wednesday, February 26, 2020 12:02 PM  
**To:** Jeff Moss <Jeffrey.Moss@kljeng.com>  
**Subject:** RE: Project Tree Mitigation

Hello Jeff,

Yes, this is a fairly common question on mitigation projects involving the removal of Russian-olive and Siberian elm.

We previously recommended green ash, however, that is no longer recommended due to the threat of the Emerald Ash Borer. Some recommended potential replacements for Russian-olive, again site depending, are:  
*Celtis occidentalis* (Oahe and Prairie Harvest germplasm available)

*Quercus macrocarpa* (Ekalaka germplasm available)

*Pinus ponderosa*

Multiple willows and cottonwood are also possibilities on seasonally-wet sites.

There are certainly other possibilities, but these natives have demonstrated success on mitigation project sites.

Please let me know if you have any other questions.

Thanks,  
Derek

Derek Lowstuter, Forest Stewardship Manager

**NDSU-NORTH DAKOTA FOREST SERVICE**

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E-mail: [Derek.Lowstuter@ndsu.edu](mailto:Derek.Lowstuter@ndsu.edu)

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**From:** Jeff Moss <[Jeffrey.Moss@kljeng.com](mailto:Jeffrey.Moss@kljeng.com)>  
**Sent:** Wednesday, February 26, 2020 11:31 AM  
**To:** Lowstuter, Derek <[derek.lowstuter@ndsu.edu](mailto:derek.lowstuter@ndsu.edu)>  
**Subject:** Project Tree Mitigation

Good morning Derek,

You were cc'd on an email response earlier from Tom regarding tree mitigation for a project I am working on. I am looking for a tree replacement species for *Elaeagnus angustifolia*. While I understand that there are site specific factors that would determine success and may lean toward one species or another, I am looking for a "general" replacement species that can be utilized for planning purposes. Ultimately if a species is determined to not be well suited for the site we wouldn't replace it but we need to have an idea of what trees would be acceptable to replace the invasive species. If you have questions or would like to discuss further, please feel free to contact me.

Thanks,

Jeff Moss



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# Landowner Tree Mitigation List

## Landowner Tree Mitigation List

Landowner	Type	# Trees	Sec/T/R	County	Replant
Anderson, Douglas B	Chokecherry	5	34/156N/99W	Williams	Yes
Brathovde LP	Green Ash	8	7/153N/103W	Williams	Yes
Brathovde LP	Green Ash	7	7/153N/103W	Williams	Yes
Brose, Gene	Caragana	2	33/156N/98W	Williams	Yes
Brose, Gene	Caragana	3	33/156N/98W	Williams	Yes
Brose, Gene	Caragana	100	33/156N/98W	Williams	Yes
Brose, Gene	Caragana	200	33/156N/98W	Williams	Yes
Brose, Gene	Siberian Elm	2	33/156N/98W	Williams	Yes
Cornell Jr, Herbert R	Green Ash	10	1/155N/101W	Williams	Yes
Cornell Jr, Herbert R	Green Ash	4	1/155N/101W	Williams	Yes
Cornell Jr, Herbert R	Green Ash	6	1/155N/101W	Williams	Yes
Cornell Jr, Herbert R	Ponderosa pine	5	1/155N/101W	Williams	Yes
Cornell Jr, Herbert R	Siberian Elm	1	1/155N/101W	Williams	Yes
Cornell Jr, Herbert R	Siberian Elm	2	1/155N/101W	Williams	Yes
Durnel Properties	Chokecherry	100	9/154N/86W	Ward	Yes
Durnel Properties	Hawthorn	50	9/154N/86W	Ward	Yes
Durnel Properties	Silverberry	50	9/154N/86W	Ward	Yes
Frisinger family trust	Buffalo berry	5	10/155N/95W	Williams	No
Frisinger family trust	Buffalo berry	150	10/155N/95W	Williams	No
Frisinger family trust	Chokecherry	25	9/155N/95W	Williams	No
Frisinger family trust	Chokecherry	70	10/155N/95W	Williams	No
Frisinger family trust	Chokecherry	50	10/155N/95W	Williams	No
Frisinger family trust	Green Ash	15	10/155N/95W	Williams	No
Frisinger family trust	Hawthorn	50	9/155N/95W	Williams	No
Frisinger family trust	Hawthorn	20	9/155N/95W	Williams	No
Frisinger family trust	Hawthorn	15	10/155N/95W	Williams	No
Frisinger family trust	Hawthorn	30	10/155N/95W	Williams	No
Greenlee, Glenn & Cindy L	Buffalo berry	50	10/155N/95W	Williams	No
Greenlee, Glenn & Cindy L	Buffalo berry	50	10/155N/95W	Williams	No
Greenlee, Glenn & Cindy L	Buffalo berry	25	10/155N/95W	Williams	No
Greenlee, Glenn & Cindy L	Chokecherry	20	10/155N/95W	Williams	No
Greenlee, Glenn & Cindy L	Chokecherry	10	10/155N/95W	Williams	No
Greenlee, Glenn & Cindy L	Hawthorn	15	10/155N/95W	Williams	No
Harstad, Roger & Michelle	Chokecherry	5	28/155N/91W	Mountrail	Yes
Harstad, Roger & Michelle	Chokecherry	15	28/155N/91W	Mountrail	Yes
Hautveit, Thomas & Donna	Chokecherry	20	12/155N/95W	Williams	No
Hautveit, Thomas & Donna	Russian Olive	5	12/155N/95W	Williams	No
Hexom family trust	Green Ash	2	11/153N/104W	Williams	Yes
Iverson, Deon	Buffalo berry	1	2/155N/96W	Williams	No
Marshall, Jeanette	Green Ash	1	33/155N/84W	Ward	No
Marshall, Keith	Green Ash	3	35/155N/84W	Ward	No
Mcnamara, David	Buffalo berry	250	29/155N/91W	Mountrail	Yes
Metzger/Robinson partner.	Siberian Elm	2	34/156N/100W	Williams	No
Meyer, Curt & Summer	Buffalo berry	25	21/155N/94W	Mountrail	No
Meyer, Curt & Summer	Buffalo berry	30	21/155N/94W	Mountrail	No

## Landowner Tree Mitigation List

Meyer, Curt & Summer	Chokecherry	60	21/155N/94W	Mountrail	No
Meyer, Curt & Summer	Hawthorn	25	21/155N/94W	Mountrail	No
Moe, Leon G	Buffalo berry	100	9/155N/95W	Williams	No
Moe, Leon G	Buffalo berry	50	8/155N/95W	Williams	No
Moe, Leon G	Buffalo berry	200	8&9/155N/95W	Williams	No
Moe, Leon G	Chokecherry	100	9/155N/95W	Williams	No
Moe, Leon G	Green Ash	10	9/155N/95W	Williams	No
Moe, Leon G	Hawthorn	125	9/155N/95W	Williams	No
Mortenson, Dorothy (Life Est)	Chokecherry	12	32/156N/99W	Williams	Yes
Mortenson, Dorothy (Life Est)	Elm	28	32/156N/99W	Williams	Yes
Mortenson, Dorothy (Life Est)	Green Ash	4	32/156N/99W	Williams	Yes
Mortenson, Dorothy (Life Est)	Pine	10	32/156N/99W	Williams	Yes
Mortenson, Dorothy (Life Est)	Siberian Elm	6	32/156N/99W	Williams	Yes
Nehring, Dennis &Ce'dale	American Elm	1	33/154N/103W	Williams	Yes
Nehring, Dennis &Ce'dale	Buffalo berry	27	33/154N/103W	Williams	Yes
Nehring, Dennis &Ce'dale	Chokecherry	10	33/154N/103W	Williams	Yes
Nehring, Dennis &Ce'dale	Honeysuckle	12	33/154N/103W	Williams	Yes
Nehring, Dennis &Ce'dale	Juniper	2	33/154N/103W	Williams	Yes
Nehring, Dennis &Ce'dale	service berry	4	33/154N/103W	Williams	Yes
Nelson, Richard L	Buffalo berry	35	3/155N/96W	Williams	Yes
Nelson, Richard L	Chokecherry	150	3/155N/96W	Williams	Yes
Nelson, Richard L	Chokecherry	50	3/155N/96W	Williams	Yes
Nelson, Richard L	Chokecherry	2	3/155N/96W	Williams	Yes
Nelson, Richard L	Hawthorne	100	3/155N/96W	Williams	Yes
Oen, Myron	Boxelder	3	29/156N/97W	Williams	No
Oen, Myron	Green Ash	28	29/156N/97W	Williams	No
Oen, Myron	Honeysuckle	6	29/156N/97W	Williams	No
Oen, Myron	Spruce	1	29/156N/97W	Williams	No
OK Ranch LLLP	Buffalo berry	25	11/155N/95W	Williams	Yes
OK Ranch LLLP	Chokecherry	50	11/155N/95W	Williams	Yes
OK Ranch LLLP	Chokecherry	35	11/155N/95W	Williams	Yes
OK Ranch LLLP	East red cedar	50	11/155N/95W	Williams	Yes
Olsen, Randall	Buffalo berry	6	32/156N/96W	Williams	Yes
Olsen, Randall	Buffalo berry	30	32/156N/96W	Williams	Yes
Olsen, Randall	Chokecherry	7	33/156N/96W	Williams	Yes
Olsen, Randall	Chokecherry	25	33/156N/96W	Williams	Yes
Olsen, Randall	Chokecherry	15	33/156N/96W	Williams	Yes
Olsen, Randall	Chokecherry	5	33/156N/96W	Williams	Yes
Olsen, Randall	Green Ash	2	33/156N/96W	Williams	Yes
Olsen, Randall	Green Ash	3	33/156N/96W	Williams	Yes
Olsen, Randall	Ponderosa Pine	3	33/156N/96W	Williams	Yes
Olsen, Randall	Ponderosa Pine	3	33/156N/96W	Williams	Yes
Olsen, Randall	Ponderosa Pine	2	33/156N/96W	Williams	Yes
Owan, Michael	Elm	38	28/154N/103W	Williams	No
Parabar, LLP	Caragana	4	36/156N/98W	Williams	Yes
Parabar, LLP	Caragana	4	36/156N/98W	Williams	Yes
Parabar, LLP	Chokecherry	9	36/156N/98W	Williams	Yes

## Landowner Tree Mitigation List

Parabar, LLP	Green Ash	2	36/156N/98W	Williams	Yes
Parabar, LLP	Green Ash	6	36/156N/98W	Williams	Yes
Parabar, LLP	Green Ash	3	36/156N/98W	Williams	Yes
Parabar, LLP	Siberian Elm	4	36/156N/98W	Williams	Yes
Price, Virginia	Chokecherry	15	30/155N/83W	Ward	No
Price, Virginia	Green Ash	5	30/155N/83W	Ward	No
Rajkowski, James & Cornelia	Chokecherry	20	33/156N/97W	Williams	Yes
Reum, Ronald L	Chokecherry	25	32/155N/91W	Mountrail	Yes
Reum, Ronald L	Hawthorn	25	32/155N/91W	Mountrail	Yes
Roger, Olsen	Buffalo berry	1	28/154N/103W	Williams	Yes
Sally Iverson Living Trust	Chokecherry	25	7/155N/95W	Williams	Yes
Sally Iverson Living Trust	Chokecherry	15	7/155N/95W	Williams	Yes
Sally Iverson Living Trust	Hawthorn	25	7/155N/95W	Williams	Yes
Sally Iverson Living Trust	Siberian Elm	15	7/155N/95W	Williams	Yes
Thompson, Larry & Beverly	Buffalo berry	25	7/155N/94W	Mountrail	Yes
Viall, Ronald	Green Ash	3	25/156N/98W	Williams	Yes
Viall, Ronald	Green Ash	5	25/156N/98W	Williams	Yes
Viall, Ronald	Green Ash	9	30/156N/97W	Williams	Yes
Viall, Ronald	Green Ash	7	30/156N/97W	Williams	Yes
Viall, Ronald	Green Ash	19	30/156N/97W	Williams	Yes
Viall, Ronald	Russian Olive	2	30/156N/97W	Williams	Yes
Viall, Ronald	Russian Olive	14	30/156N/97W	Williams	Yes
Viall, Ronald	Siberian Elm	7	25/156N/98W	Williams	Yes
Viall, Ronald	Siberian Elm	2	30/156N/97W	Williams	Yes
Viall, Ronald	Siberian Elm	10	25/156N/98W	Williams	Yes
Viall, Ronald	Siberian Elm	2	30/156N/97W	Williams	Yes
Viall, Ronald	Siberian Elm	5	30/156N/97W	Williams	Yes
Viall, Ronald	Siberian Elm	1	30/156N/97W	Williams	Yes