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March 24, 2022

—VIA EMAIL & U.S. MAIL—

Mr. Steven M. Kahl, Executive Director
North Dakota Public Service Commission
State Capitol Building, Dept. 408
600 East Boulevard
Bismarck, ND 58505-0480

RE: 230 kV TRANSMISSION LINE (MCHENRY & WARD COUNTIES)
REVEGETATION REPORT AND TREE AND SHRUB SURVIVAL INSPECTION
(CASE NO. PU-17-102)

Dear Mr. Kahl:

On January 13, 2022 Commission Staff sent a letter to Northern States Power Co., doing business as Xcel Energy, (the Company) regarding Reclamation and Revegetation and Tree and Shrub Mitigation Plan inspections for the Company's 230 kV transmission line in McHenry and Ward Counties (Certificate of Corridor Compatibility No. 200, Route Permit No. 211). In the letter, Staff requested: (1) the Company respond in writing to two areas of potential concern noted in the Reclamation and Revegetation Inspection Report filed by the Commission's third-party inspector, and (2) provide, by January 28, 2022, the tree and shrub annual survival inspection reports that should have been submitted by October 1, 2020 and October 1, 2021.

The Company regrets that Staff's January 13 letter was inadvertently missed and not discovered until a staff follow-up email was sent on February 10. Since that time, the Company has reviewed the findings of the Reclamation and Revegetation Inspection Report. In addition, we have been in contact with the Ward County Soil Conservation District (SCD) with whom Xcel Energy contracted to execute the project's Tree and Shrub Mitigation Plan and conduct the annual survival inspections.

Reclamation and Revegetation Inspection Report

On November 26, 2019, the Commission's third-party inspector filed a Reclamation and Revegetation Inspection Report for the project, and noted the following "Concerns and Correction Actions" on page 2:

“During the reclamation and revegetation inspection, as shown in photos 8 and 23, a few minor areas need correction. Otherwise, no concerns were observed at either substation site or the transmission line.”

Photo 8 (Attachment A to this letter) is of a bare spot in a soybean field; the photo was taken over one year after the Company’s construction and restoration activities were completed. The bare spot appears to be an area where flooding or retained water prevented soybean germination or growth and therefore is not the result of any unsuccessful restoration work. Photo 23 (also shown on Attachment A) is a picture of the McHenry substation, and the project work done there was completed by Great River Energy (GRE). We have been in contact with GRE on the sediment issue shown in the photo and GRE has field personnel checking on the site this week. They have committed to taking the steps necessary to remedy the issue.

Tree and Shrub Annual Survival Inspection Report

In January 2019, the Company contracted with the Ward Co. SCD to provide labor and equipment and work with property owners to 1) prepare sites for planting of trees, 2) furnish and plant trees, 3) furnish and apply fabric around new plantings, 4) provide a 3 year monitoring plan, and 5) perform site clean-up of planting areas. The planting was to occur in the spring of 2019.

According to the terms of the contract, the Ward Co. SCD was to provide three annual monitoring reports indicating the condition and numbers of surviving plants. The reports were to be submitted to Xcel Energy in September 2019, 2020, and 2021.

Upon being notified by Staff that inspection reports had not been filed, the Company contacted Ward Co. SCD to inquire about the status of the inspections and to request copies of the reports. Myers Stetson of the SCD indicated that survival inventories had not been conducted in 2020 and 2021.¹ Mr. Stetson conveyed that there were a number of “complicated” situations in working with landowners on re-planting trees, providing replacement trees for landowners who wanted to do their own planting for trees that did not survive the first year, and even a landowner who had a neighbor who objected to the planned planting. Mr. Stetson was unable to provide us with any documentation and indicated that discussions with landowners occurred over the phone. However, Mr. Stetson did volunteer to do a survivor inspection in the spring of 2022.

Proposed Resolution for Tree and Shrub Survivor Inspection Reporting

Given the situation, and the willingness of Ward Co. SCD to inventory the plantings this spring, we respectfully request the Commission amend its October 4, 2017 Order in this case to allow the Company to utilize the simplified Tree and Shrub Mitigation

¹ While the contract specified that a September 2019 inspection would be conducted, the siting certification requires the initial inspection to be performed no earlier than one year after the plantings. Thus, the first inspection was due in September 2020.

Specifications adopted by the Commission on March 13, 2019. As part of the required reporting, the Company would incorporate the findings of the spring 2022 inspection.

Normally, under the newer simplified process, a single survival inspection report would be filed two years after the tree and shrub plantings were completed (in this case the report would have been filed in October 2021). But, given the circumstances, Xcel Energy proposes to file a report with the Commission within 90 days of receiving the results of the 2022 survival inspection. In that report, Xcel Energy would provide the information required by the simplified method: (1) the number of surviving replacements, (2) how the plan created sustainable plantings appropriate for the local soil and growing conditions, and (3) how its Tree and Shrub Mitigation Plan provided long-term benefits to landowners, farmer and ranchers, the community, wildlife, and the environment.

The Company thanks the Commission and Staff for its consideration of this proposal to resolve the tree and shrub survival reporting requirements for the 230 kV Minot load serving transmission line project.

Please contact me if you have any questions about this petition. Thank you.

SINCERELY,

A handwritten signature in blue ink that reads "David H. Sederquist". The signature is written in a cursive style with a large initial "D".

DAVID H. SEDERQUIST
SR. CONSULTANT, REGULATION & FINANCE

cc: Mr. Patrick Fahn

Photo 8



Photo 23

