



414 Nicollet Mall
Minneapolis, MN 55401

June 17, 2022

Via Email and U.S. Mail

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

**Re: Tree and Shrub Inspections at Foxtail Wind Center
Case No. PU-17-284**

Dear Mr. Kahl:

On September 22, 2021, the Commission amended its January 31, 2018 Order in Case No. PU-17-284 to replace the Tree and Shrub Mitigation Specifications adopted in that Order with the Commission's new version of the Tree and Shrub Mitigation Specifications adopted on March 13, 2019. The amended Order requires Northern States Power (NSP) to file a report documenting how its Tree and Shrub Plan achieved sustainable plantings, appropriate for the local soil and growing conditions, that will provide long-term benefits to landowners, farmers, ranchers, the community, wildlife, and the environment, and report the number of surviving replacement trees and shrubs.

In 2019, Xcel Energy contracted with AECOM to coordinate a Tree and Shrub Plan. AECOM worked with the James River Soil Conservation District (JRSCD) to locate the ideal planting locations. JRSCD worked directly with local landowners to find the best locations for the plantings based on soil conditions and the landowners' input.

In June 2020, the JRSCD planted 2,481 trees and shrubs, or 141 more than the minimum of 2,340 plants indicated in the initial Tree and Shrub Plan. Shortly after planting, weed barriers were applied by JRSCD at each site. The plantings were designed to provide multiple benefits. First, they were intended to serve as windbreaks, prevent erosion, retain moisture, and as a result, help to increase crop and pasture yields. Second, wildlife was to benefit from the food, cover, and additional habitat. And third, landowners would benefit from increased privacy and aesthetics.

Unfortunately, shortly after the trees and shrubs were planted, the weather conditions in the state of North Dakota made it difficult for newly planted trees and shrubs to survive. Specifically, between March 9, 2021 through August 24, 2021, North Dakota experienced 16 consecutive weeks of drought. In August 2021, at the request of Xcel

Energy, JRSCD conducted an inspection of the plantings. In the three fields accessible for inspection, 50 to 75 percent of the plantings had died or were missing (likely consumed by wildlife). In two fields, all the plantings were found to be dead or missing, and three other fields were not counted due to overgrown weeds. At the Company's request, the JRSCD verbally agreed to conduct another inspection in the spring after we switched to the Commission's revised mitigation specifications. However, JRSCD staff later informed us they would not be able to perform the inspection due to staffing issues, inclement weather, and the already low survival rate observed during the August 2021 inspection. Based on the survival rate during the August 2021 inspection, JRSCD did not believe that an additional inspection would offer any value.

At best, the Company estimates that approximately 5 percent, or about 125 trees and shrubs, are surviving based primarily on the August 2021 JRSCD survival check. The drought conditions were certainly a key factor in the poor survival rate of the newly planted trees and shrubs. Had the weather conditions been more cooperative, we believe the survival rate would have been much higher.

In 2018, Xcel Energy entered into a Memorandum of Understanding with Ducks Unlimited (DU) resulting in a \$557,000 payment to a Conservation Fund to be used for the purchase of U.S. Fish and Wildlife Service grassland easements as offsets for the impact to unbroken prairie habitat by the Foxtail Wind Energy Center. While this payment was not part of an alternative approach to a Tree and Shrub Plan, this funding provides long-term wildlife and conservation benefits, an option that the Commission may consider as satisfaction of the requirements included in their new March 13, 2019 Tree and Shrub Mitigation Specifications.

Please feel free to contact me at (517) 402-1963 or shannon.whiton@xcelenergy.com should you have any questions.

Sincerely,

/s/

Shannon Whiton
Environmental Analyst

cc: Victor Schock