



# Public Service Commission State of North Dakota

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September 7, 2021

Wade C. Mann, Crowley Fleck PLLP  
100 West Broadway, Suite 250  
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RE: Case No. PU-19-294 (Docket 83)  
Denbury Green Pipeline – North Dakota, LLC  
12-Inch Cedar Hills Pipeline Project – Slope & Bowman  
Siting Application

Denbury's August 31, 2021 Technical Memorandum addressing the project's Tree and Shrub Mitigation Plan (Plan) included the following deficiencies that need to be corrected:

1. The Plan did not indicate how many shrubs were removed.
2. The Plan did not indicate the proposed number, variety, type, location, and approximate date for shrub plantings. Also, please include the number of shrubs removed both within a width of 50 feet and those within a width of 75 feet in the areas identified on the map set in Late-Filed Hearing Exhibit 8.
3. The Plan did not indicate the number of trees removed outside a width of 50 feet.
4. The Plan did not indicate the approximate date for tree plantings.
5. The Plan did not state that it would be conducted in accordance with the USDA-NRCS-North Dakota Field Office Technical Guide: Windbreak and Woodland Tree Care and Management.
6. The Plan incorrectly stated that the "[the] NDPSC Order, dated April 1, 2020, modified the Tree and Shrub Mitigation Specification dated February 3, 2020, to allow woody vegetation to be cleared up to 75 feet in areas identified on the map set in Late-Filed Hearing Exhibit 8". The following is Ordering Provision 4 from the Commission's April 1, 2020 Findings of Fact,

Conclusions of Law and Order, quoted below for reference (emphasis in bold):

“The Certification Relating to Order Provisions – Transmission Facility Siting with accompanying Tree and Shrub Mitigation Specifications executed February 3, 2020 is incorporated by reference and attached to this Order. The Tree and Shrub Mitigation Specifications **are modified to allow shrubs** to be cleared up to a width of 75 feet in the areas identified on the map set in Late-Filed Hearing Exhibit 8.”

7. The Plan did not state that the two-year summary report would report the number of surviving replacement trees and shrubs.

Please depict the removed trees and shrubs, and the replanted trees and shrubs, on the map set in Late-Filed Hearing Exhibit 8.

If you have any questions, please contact me at (701) 328-4153.

Best regards,

A handwritten signature in black ink, appearing to read 'Adam Renfandt', followed by a horizontal line.

Adam Renfandt  
Analyst, Public Utilities Division