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**From:** Charlie Johnson [<mailto:c-bjohnson@svtv.com>]

**Sent:** Wednesday, December 09, 2015 8:53 AM

**To:** 'Brett Koenecke'

**Cc:** ericssonlaw.com, <<mailto:rleric@ericssonlaw.com>>; Nelson, Chris; Hanson, Gary (PUC); Edwards, Kristen; 'Charlie Johnson'

**Subject:** organic certification and tiling

Dear Mr. Koenecke:

I still await formal answer to our letter of April 30<sup>th</sup>, 2015 written by Dick Ericsson, our attorney in regards to organic certification for the tract of land located in Orland Township, Lake County that I operate. I see by media accounts that DAP will route through the 160 acres that I operate without regard to organic standards that must be adhered to under federal standards, rules, and regulations. In our letter of April 30th, an organic mitigation plan approved by a similar PUC board in the state of Minnesota was sent as an attachment.

My certification, International Certification Services, out of Medina, ND has requested a written plan in order to determine certification on this tract for 2016 and the years beyond. What are needed are communication and a plan from Dakota Access Pipeline. Until we have a plan of operation, we have no firm idea what certification status will be on this tract. My goal is to keep organic certification loss restricted to the 150 feet corridor and for no longer than 3 years. There is always possibility of a less severe restriction but again a plan must be submitted and particulars followed through during and after construction. What certainly must be avoided is actions by DAP that will result in permanent loss of certification for either the corridor or the entire 160 acres.

The organic mitigation that we shared with you contained these major elements:

- 1) no topsoil will the farm nor will soil or material be transported on to this farm from other tracts
- 2) that drop cloths be placed on under all welding and painting procedures so as to avoid material spills onto the land
- 3) all refueling of equipment be done off site so as to prevent spills of oil and fuel
- 4) that no chemicals, solvents, or fuel be stored or routed through the tract
- 5) that no pesticide spraying be allowed during or after construction
- 6) that reseeding after construction will be done by me as operator-that no non organic seed be sown on the tract
- 7) that at cost to DAP, a organic inspector approved by International Certification Services, be on site during construction to monitor activity

Again, this is a template that we wish to have as a start to a written plan in order to maintain and preserve organic certification both short term and long term. We await your reply and expect a timely response. I have spoken with the landlord, Mr. Keppen. He is of understanding and shares my concern for preserving organic certification. Finally as a point of information and reminder, The Johnsons have farmed this land organically since 1991. We do have a long term written lease that provides organic certification as a basis for operation and that the lease can not be changed without approval by both parties.

Finally in terms of the field drain tiling on this tract. The Johnsons at their cost placed \$40,000 of tile on this tract in 2012. We anticipate that from 6 to 10 lines will be severed during construction. We expect as a minimum that tile bridges will be place under the point of severing. We expect no less so as to maintain the elevation, slope, and gravity flow of water.

Thank you for your attention to this matter.

Sincerely,

Charlie Johnson

Madison , SD

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