

Before the Public Service Commission
of
The State of North Dakota

In the Matter of the Application of
BASIN ELECTRIC POWER COOPERATIVE
For a Consolidated Certificate of Corridor Compatibility
and Route Permit for the
Neset to Northshore 230-kV Transmission Project

Case No. PU-21-49

Pre-filed Testimony
of
Shauna Laber

1 **I. Introduction**

2 Q.1. **Mrs. Laber, what is your name and business address?**

3 A.1. My name is Shauna Laber. My business address is 1717 East Interstate Avenue,
4 Bismarck, North Dakota.

5
6 Q.2. **What is your educational background and work experience?**

7 A.2. I earned a Bachelor of Science Degree in Economics as well as a Bachelor of Arts
8 Degree in Political Science from Arizona State University. I have previous work
9 experience in the copper mining industry at the Freeport MacMoRan Morenci mine
10 site and the aerospace industry prior to that. I am currently employed by Basin
11 Electric since 2009, and in the Right-of-Way Department since 2011. I have
12 personally acquired approximately two-hundred miles of transmission line easements
13 as well as supervised the reclamation contractors for those and many more miles of
14 new and existing transmission lines along with the associated access routes.

15
16 I also serve our community as a Water Manager on the Lower Heart Water Resource
17 District as well as a Commissioner on the Morton County Planning and Zoning
18 Commission. Formerly, I was elected as a Mandan, North Dakota City
19 Commissioner, serving from 2014 to 2018 and as well as a former commissioner on
20 the Mandan City Planning and Zoning from 2011 to 2019.

21
22 Q.3. **Are you a member of any professional associations?**

23 A.3. I am a member of the International Right-of-Way Association and I serve as a
24 member on several committees. I received my Senior Right-of-Way Agent
25 designation in 2016. It is the highest designation granted by the IRWA to members
26 who have achieved professional status through experience, education and
27 examination. I have over 180 hours of continuing education to-date in the field of
28 Property and Right-of-Way through the International Right-of-Way Association and
29 various other professional organizations.

30
31 Q.4 **What is your role in connection with the proposed Project?**

32 A.4 I am the Right-of-Way agent for this Project. Since the winter of 2019, I have worked
33 with property owners toward the goal of voluntarily acquiring the easements required

1 for this Project. I review all routing issues with the designated project manager and
2 transmission routing engineers as well as environmental compliance personnel. I will
3 oversee the reclamation of the corridor after completion of construction.

4 **II. Contact with Landowners**

5 **Q.5 Please summarize the extent of contacts that the Basin Electric's Right-of-Way**
6 **team has made with the landowners on the proposed route of the Project.**

7 A.5. In October 2019, I began contacting landowners along the route for survey
8 permission. In October 2020, I began acquiring easements for the Project. We have
9 contacted each and every landowner on the proposed route. Most of these contacts
10 were made in-person. Some landowners were contacted by phone or letter out of
11 necessity. Many have been contacted multiple times for reasons:

- 12 • To discuss the Project with them and to ask for consent to perform survey
13 activities.
- 14 • To notify when various field survey activities will take place.
- 15 • To review the route and discuss any issues they may have.
- 16 • Working out adjustments in routing where feasible.
- 17 • To negotiate the easement-this often takes several visits.
- 18 • To keep the landowner apprised of any changes in location or design of the
19 Project.

20
21 **Q.6. As part of your contacts and interactions with landowners, do you keep a**
22 **record of these conversations?**

23 A.6. Yes, I keep a detailed contact diary for each interaction.
24

25 **Q.7. How are landowner requests or comments handled?**

26 A.7. If the landowner has a specific concern with the route or structure locations during our
27 meetings, we show them the preliminary locations of the structures and discuss why
28 those locations were chosen. Should that landowner desire to shift one or more
29 specific structures, I discuss the request with Basin Electric engineering staff.
30

31 Shifts in structure locations specific to the route include accommodations to route the
32 line along a cattle water area rather than over it, place the line within a fence line,
33 avoid a potential future gravel extraction pit, avoid the fence line in some pasture

1 areas, align the structures with existing structures or within a tree row to avoid
2 obstacles to farm around, and to allow for future oil pads.

3
4 Due to the few requests for a complete reroute, Basin Electric has more extensively
5 evaluated several potential alternatives in the surrounding area by reviewing those
6 landowners' specific siting recommendations and requesting survey permission for
7 their proposed alternatives. I then took that information back to engineering staff for a
8 route review and field work to determine suitability and constructability for the Project.
9 Ultimately, Basin Electric cannot satisfy every landowner's concern, but we make
10 every effort to do so.

11
12 **Q.8. Please explain Basin Electric's policy regarding landowner relations when**
13 **Basin Electric needs to build electric utility facilities on their property.**

14 A.8. Basin Electric has a long-standing commitment to conduct business in an honest and
15 ethical manner, consistent with the expectations laid out in the Basin Electric
16 Standards of Conduct. Basin Electric's employees, contractors, and agents who
17 interact with members of the public in activities such as planning, real estate
18 transactions, and construction of transmission lines and other facilities are required to
19 act with honesty and integrity, treat people courteously, and conduct themselves in a
20 professional manner at all times.

21
22 **Q.9. Are the easements that will be obtained for the Project limited to a specific**
23 **purpose?**

24 A.9. Yes. The easements only allow Basin Electric the right to install, repair, replace and
25 maintain a single circuit transmission line and no other purposes are included or
26 allowed within that easement.

27
28 **Q.10. What activities will be restricted within the easement area?**

29 A.10. Basin Electric restricts placement of permanent structures under transmission lines,
30 planting trees, stockpiling materials under the line or any activity that would make
31 operating the line a safety hazard. There are, however, numerous compatible uses of
32 the corridor that do not interfere with the safe and reliable operation of our facilities.
33 Uses such as farming and ranching require no approval by Basin Electric.

34

1 Q.11. **What is the width of the corridor for the proposed Project?**
2 A.11. The width of the corridor is 150 feet for the northernmost alignment beginning at the
3 Neset Substation and narrowing to 125 feet beginning in Section 22 -R157N - R93W
4 at the angle point as the alignment turns south to the termination at the Northshore
5 Substation.

6
7 Q.12. **How many total landowners' properties would be crossed with the Project and
8 what percentage of the easements has Basin Electric acquired?**

9 A.12. We have 55 landowners in the proposed corridor and have signed easements with 50
10 of those or 85%. Due to the numerous re-routes and parcels with multiple owners,
11 we've had contact with approximately 70 landowners regarding this Project.

12
13 Q.13. **Does Basin Electric have the right of eminent domain with this Project?**

14 A.13. Yes. As a rural electric cooperative, Basin Electric is a utility and has the right of
15 eminent domain.

16
17 Q.14. **What is Basin Electric's position on the use of eminent domain?**

18 A.14. Basin Electric uses its right of eminent domain only as a last resort.

19 **III. Route Selection**

20 Q.15. **Mrs. Laber, would you please describe the various considerations Basin
21 Electric used to determine the proposed route.**

22 A.15. Many considerations were taken into account in the routing of this line. The
23 Commission's criteria, including Avoidance and Exclusion areas, topographic
24 features, farmsteads, oil well pads - including existing, permitted and planned; various
25 land uses, engineering constraints, access issues and landowner acceptance as well
26 as stated concerns were all a part of the process. Where feasible, many reroutes took
27 place along this line to minimize landowner concerns.

28
29 Q.16. **Can you describe the efforts Basin Electric has made to avoid impacts to oil
30 and gas activities during the siting of the Project?**

31 A.16. Throughout the permitting and planning process of the Project, we have been in
32 contact with the pipeline and oil pad operators to ensure that there are no conflicts
33 with existing or planned pads or pipelines. These discussions resulted in numerous

1 route and structure siting modifications as well as providing AC mitigation studies for
2 pipelines where requested. Basin Electric has applied with each known operator in
3 the Project area for crossing permits to avoid construction conflicts with oil and gas
4 activities.

5
6 **Q.17. Mrs. Laber, would you please describe the route for the Project and also some**
7 **of the alternate route segments which were considered.**

8 **A.17. *Segment 1 – Neset Substation Take Off Structure (TOS) to Angle Point 5***

9 This segment is a single circuit line with 150 feet right of way width from the TOS to
10 Angle Point (**AP**) 5 and is approximately 8.2 miles in length. The existing Neset
11 Substation is the point of beginning for this segment. The Neset Substation is located
12 2.5 miles northeast of Tioga in the SW/4 of Section 20, T157N, R94W in Mountrail
13 County.

14
15 Segment 1 begins at the take-off structure at the Neset substation and heads slightly
16 northeasterly for 500 feet to AP 1, which is also located in SW/4 of Section 20. The
17 route then proceeds east for 7.5 miles to AP 3 which is a very slight angle adjustment
18 to align AP 4 located along the quarter line in the west half of Section 21, T157N,
19 R93W. The route then takes a slight southeasterly diagonal for approximately 1,100
20 feet to AP 4 located in SE/4 of Section 21. This series of three diagonals is designed
21 to cross a large standing body of water. The route then proceeds east for one mile to
22 AP 5 located in the center of Section 22, which ends the portion of the route that
23 requires the 150 wide right of way.

24
25 A variation of this segment that would angle to the south in Section 20 was reviewed
26 by engineering and the adjacent landowners with no alignment reaching full
27 landowner agreement in this area due to a planned new home and unease with
28 structure location near the White Earth Valley. Basin Electric's engineering and right-
29 of-way teams determined this alignment to have the highest landowner consent of all
30 options reviewed as the landowners consistently request that the Project be routed
31 within the existing transmission line corridor of two other parallel 230kV transmission
32 line projects.

33
34 ***Segment 2 – Angle Point 5 to Angle Point 10***

1 This segment is approximately 5 miles in length. From AP 5 the route continues
2 southeasterly for 2.1 miles to AP 6 which is located in the NW/4 of Section 35,
3 T157N, R93W. This diagonal was necessary both to avoid a large area of pot holes
4 and crop land directly south, as well as directly utilizing the routing preferences within
5 the pasture land of the impacted owners. Another slight adjustment was made at AP
6 7 to accommodate a planned Hess well pad in this area.

7
8 The route continues due south on the 1/16th line for 2.3 miles to AP 8 located in the
9 SW/4 of Section 8, T156N, R93W. The alignment was necessary to avoid an existing
10 Hess well pad as well as the planned well pad in the north half of Section 5. The
11 route then continues southwesterly for .4 miles to AP 9, the location of the BNSF
12 approved crossing of their railroad system and avoid their switch gear. The route
13 continues south for approximately 500 feet to AP 10 in order to complete the crossing
14 of the railroad on the edge of a field in the NE1/4 of Section 17, T156N, R93W.

15
16 ***Segment 3 – Angle Point 10 to Angle Point 19***

17 This segment is approximately 4.3 miles in length. From AP 10, the route continues
18 southeasterly for 830 feet to AP 11 located in the E/2 of Section 17, T156N, R93W.
19 This diagonal was necessary due to avoid structures in a field, landowner feedback
20 and acceptance as well as to avoid a future cabin site to be located approximately
21 2,000 feet due south of AP 10 in Section 17.

22
23 From AP 11 the route proceeds southwesterly in order to return to the quarter line
24 alignment for 4.2 miles to AP 19 located in the N/2 of Section 5, T155N, R93W. This
25 alignment has quite a few slight angle adjustments to route around existing oil and
26 gas infrastructure as well as a non-participating landowner. This quarter line proved
27 to be a natural property division line, minimized cropland impact and had a good level
28 of landowner acceptance.

29
30 ***Segment 4 – Angle Point 19 to Angle Point 22***

31 This segment is approximately 5.2 miles in length. From AP 19, the route heads
32 southeast for 1,700 feet to align with the 1/16th line at AP 20 located in the SE/4 of
33 Section 5, T155N, R93W. This adjustment was necessary due to a very large well
34 pad on the quarter line in the S/2 of Section 5 and aligned with many property

1 ownership lines and field uses south of this point. From AP 20, the route heads in a
2 southern direction for 2.2 miles to AP 21 located in the SW/4 of Section 17, T155N,
3 R93W. From AP 21, the route heads due east for 2.6 miles to AP 22 located in the
4 SW/4 of Section 14, T155N, R93W which takes advantage of running along property
5 lines and natural land uses.

6
7 This series of angle points is the result of as many as 12 alternatives that were
8 studied in an effort to satisfy landowner concerns, occupied residences, various water
9 bodies and water filled pot holes, existing oil pads, a series of planned oil pad
10 expansions in Section 16, T155N, R93W, while also minimizing impacts to cropland
11 and addressing difficult terrain issues. This segment has a good percentage of
12 landowner approval. This section of the route follows a natural break in the terrain
13 for better access and constructability as all potential routes reviewed in the area to
14 the west have large ravines and a great deal of landowner resistance.

15
16 ***Segment 5 – Angle Point 22 to the Northshore Substation***

17 This segment is approximately 3.7 miles in length. From AP 22, the route heads in a
18 southeasterly direction for .2 miles to AP 23 located adjacent to the quarter line within
19 the S/2 of Section 14, T155N, R93W. This slight angle adjustment was required due
20 to oil pipelines and associated pipeline riser infrastructure occupying the quarter line
21 north of AP 15. From AP 15, the route continues in a southerly direction for 1.16
22 miles to AP 24 located in the NW/4 of Section 26, continuing southeast for .4 miles to
23 AP 25 located in the NE/4 of Section 26, continuing east for .32 miles to AP 26
24 located in the NW/4 of Section 25, T155N, R93W, and then continuing in a
25 southeastern direction for .7 miles to AP 27 located in the NW/4 of Section 36, then
26 due east with a slight line adjustment south to align and terminate at the Northshore
27 Substation.

28
29 This series of diagonals was necessary to avoid occupied residences, oil pads,
30 minimized terrain issues, and avoided a pipeline corridor and large body of water in
31 the east half Section 12 and 24. This alignment then adjusts the route far enough
32 south for the eventual tie into the Northshore Substation. This segment of the route
33 was selected with close interaction and direct input from the affected landowners and
34 a good level of acceptance for the route.

1 Many variations of this segment both up to 8 miles north just south of Highway 2 and
2 up to and including four to six miles east of these segments were reviewed by
3 engineering and the adjacent landowners with no alignment reaching full landowner
4 agreement in this area. With an equal amount of crop land and similar impacts, this
5 segment did not appear to present any more or less impact to farming or ranching
6 operations. The engineering and the right-of-way teams determined this alignment to
7 have the highest landowner consent of all options reviewed.

8
9 **Q.18. This Project involves one new substation. Does Basin Electric have rights to**
10 **this land?**

11 A.18. Yes. The land for the Northshore Substation site has been purchased.

12
13 **Q.19. Mrs. Laber, what is the role of the Property and Right-of-Way Department in**
14 **reclaiming the corridor at the completion of construction?**

15 A.19. The Property and Right-of-Way Department will oversee the entire reclamation
16 process. The reclamation contractor will report directly to me and I will be on site on a
17 regular basis to monitor progress and make sure reclamation is completed to
18 landowners and Basin Electric's satisfaction.

19
20 **Q.20. Mrs. Laber, can you please explain Basin Electric's reclamation practices for**
21 **transmission line corridors?**

22 A.20. The construction contractor will be responsible for re-grading all disturbed easement
23 and access areas. Basin Electric will then retain a local contractor who specializes in
24 the reclamation techniques required to re-establish the growth or cover all of the
25 disturbed areas of the Project.

26
27 In crop land, compaction will be addressed and landowners will be compensated for
28 damage to any crops during construction as well as any prevent plant situations due
29 to the construction activity. In pasture land, our reclamation contractor will re-seed to
30 the same species of grasses present prior to construction unless otherwise directed
31 by the owner. In CRP fields, we will replant the cover based on the local Mountrail
32 County USDA-FSA office rules and guidance. All damages associated with our
33 activities will be addressed with the landowner for settlement at completion of
34 construction.

1 Basin Electric will work with landowners regarding tree replacements. This will be
2 done according to the Commission's Tree and Shrub Mitigation Plan. Basin Electric
3 will be responsible for weeds by providing weed control within the easement area
4 during construction and reclamation as well as noxious weeds whenever necessary
5 during and after construction. During operation of the transmission line Basin Electric
6 will continue to reclaim the corridor and settle any damages caused during
7 maintenance activities.

8

9 Q.21. **Does this conclude your testimony?**

10 A.21. Yes.