

Before the Public Service Commission
of
The State of North Dakota

In the Matter of the Application of
BASIN ELECTRIC POWER COOPERATIVE

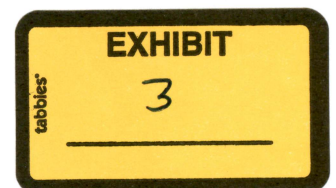
Consolidated Application to the North Dakota Public Service Commission for a
Certificate of Corridor Compatibility and Route Permit
Pioneer Generation Station to Judson Substation 345-kV Transmission Line Project
Williams County, North Dakota

Case No. PU-23-338

Pre-filed Testimony
of
Erin Dukart

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Exhibit 3 - Pre-filed Testimony of Erin Dukart

Basin Electric Power Cooperative



Q.1. Please state your name, address, and occupation.

A.1. My name is Erin Dukart. My business address is 1717 East Interstate Avenue, Bismarck, North Dakota. I am employed by Basin Electric Power Cooperative (“**Basin Electric**”) as the Director of Environmental Services.

Q.2. Would you please state your educational background and professional experience?

A. 2. I earned a Bachelor of Science degree from the University of North Dakota, Grand Forks in 2002 with a major in Biology. From 2002 to 2008, I worked as an Epidemiologist for the North Dakota State Department of Health, Division of Disease Control. I was hired by Basin Electric in October 2008, and have worked on a variety of transmission and energy conversion facility siting applications.

Q.3. What have been your responsibilities in connection with the Pioneer Generation Station to Judson Project (“Project”)?

A.3. I am responsible for the overall preparation and coordination of the environmental analysis of this Project. This involved working with an interdisciplinary consultant team, contacting and meeting with public officials, coordinating activities with other Basin Electric departments as well as reviewing and coordinating reports supporting the Public Service Commission (“**Commission**”) application.

Q.4. What is the purpose of your testimony in this proceeding?

A.4. I will describe the environmental considerations Basin Electric addressed in selecting the proposed Project route in accordance with the North Dakota Energy Conversion and Transmission Facility Siting Act and the Commission’s rules and regulations.

I. Corridor and Route Selection

Q.5. The North Dakota Energy Conversion and Transmission Facility Siting Act (Act) discusses corridors and routes for transmission lines, can you please describe corridors and routes?

A.5. The Act defines a corridor as the area of land where a designated route may be established for an electric transmission facility and a route is the location of an electric transmission facility within a designated corridor.

Q.6. What is the size of the corridor in this Project?

A.6. The corridor is 14.6 miles long and 150 feet wide. This is also the easement width that will be used for construction and maintenance for the life of the Project. As the corridor encompasses the route, throughout the rest of my testimony when referring to the corridor, I will be referring to the route and corridor.

Q.7. Would you please describe the width and length requirements for a transmission corridor as described in the North Dakota Administrative Code?

A.7. The width of a corridor must be at least ten percent of its length, but not less than one mile or greater than six miles unless otherwise determined by the Commission.

Q.8. Why is it appropriate for the Commission to approve the proposed 150 foot corridor?

A.8. Basin Electric proposed a one-mile-wide study area, with a 150-foot-wide Project Corridor, the combination of which provides sufficient information for the Commission to evaluate the factors addressed in the Act. Utilizing a corridor width equal to the width of the right-of-way also helps avoid the confusion or uncertainty for landowners, agencies, and governmental representatives that could occur with a wider corridor. Thus, under the circumstances presented, it is appropriate for the Commission to approve the 150-foot corridor width.

Q.9. Would you please provide a general description of the terrain along the proposed route?

A.9. The route lies entirely within Williams County, North Dakota. Starting at Pioneer Generation Station, the route proceeds from northwest to southeast. The Project area crosses gently rolling uplands north of the Missouri River and Painted Woods Creek towards the southern end. About three-quarters of the area is comprised of cultivated fields and the remainder is primarily prairie grasslands. There are very few, if any, significant topographic changes.

The corridor crosses lands predominately owned by private entities and individuals. Approximately one mile of the route cross mineral trust lands which are managed by the North Dakota Department of Trust Lands. There are no federally owned or managed land segments crossed by the Project.

Q.10. Who participated in the route selection process?

A.10. A multidisciplinary team at Basin Electric including Environmental Services, Engineering, and Right-of-Way personnel worked together in the route selection process as well as Basin Electric's consultant, Merjent.

Q.11. Would you describe Basin Electric's general philosophy in the selection of the route?

A.11. The goal of the route selection process is to locate a suitable line route between the two end points while adhering to the Commission's Avoidance and Exclusion Area criteria to minimize environmental, cultural, socioeconomic impacts, and reduce costs associated with engineering and construction. Landowners' preferences for the proposed route location strongly influenced the selection of the Project route.

Q.12. Did Basin Electric incorporate public input in the route selection process?

A.12. Yes. Basin Electric and its representatives contacted all required local, state, and federal agencies for assistance in identifying concerns or issues within the study area. Basin Electric has maintained close coordination with landowners throughout the process via in-person meetings, mailers, and phone calls. Each landowner received a pamphlet that detailed specific information about the Project.

II. Exclusion and Avoidance Areas

Q.13. Please describe what an "Exclusion Area" is.

A.13. An Exclusion Area is a geographical area that must be excluded in the consideration of a route for a transmission facility.

Q.14. Please describe what an "Avoidance Area" is.

A.14. An Avoidance Area is a geographical area that may not be considered in the routing of a transmission facility unless the applicant shows that under the circumstances there is no reasonable alternative.

Q.15. What direction do the Act and the Commission's Siting Rules provide regarding Exclusion and Avoidance Areas?

A.15. The North Dakota Administrative Code provides that, "[e]xclusion and avoidance Areas may be located within a corridor, but at no given point may such an area or

areas encompass more than fifty percent of the corridor width unless there is no reasonable alternative.”

Q.16. **Does the corridor contain any Exclusion Areas?**

A.16. No.

Q.17. **Does the corridor contain any Avoidance Areas?**

A.17. Yes. One homestead is located within 500 feet of the Project Corridor but is greater than 500 feet from the route. Basin Electric has obtained a landowner waiver for this property.

Q.18. **Has the entire route been surveyed for cultural resources?**

A.18. Yes. Since the application was submitted, the entire route has been surveyed for cultural resources. Basin Electric will submit an addendum to the cultural resources survey once it is finalized.

Q.19. **Has the State Historical Preservation Office (SHPO) reviewed the cultural resources report and provided concurrence?**

A.19. The SHPO has reviewed and provided concurrence on the original cultural resources report. A second addendum cultural resources report is being prepared and will be submitted to the State Historical Society of North Dakota for review and concurrence. The addendum report and future correspondence with SHPO will be filed with the Commission to document that the Project will not adversely affect cultural resources.

Q.20. **Does Basin Electric anticipate visual impacts in the area of the Project?**

A.20. No. The Project will be visible to landowners and travelers along roadways. There are existing transmission lines, oil and gas well pads, and roads already present in the viewshed.

III. Factors to be considered in evaluating applications and designation of sites, corridors, and routes

Q.21. **Did Basin Electric evaluate the impacts to public health and welfare, natural resources and the environment that could be expected from the location, construction, and operation of the Project?**

A.21. Yes. Based on the careful analyses presented in the application, the Project will not

have any significant impacts to public health and welfare, natural resources, or the environment. Basin Electric expects the Project will have positive impacts to the local area.

Q.22. Did Basin Electric evaluate the irreversible and irretrievable commitment of natural resources?

A.22. Yes. There are few commitments of resources associated with this Project that are irreversible and irretrievable, but these include resources primarily related to construction.

Q.23. Did Basin Electric evaluate direct and indirect economic impacts of the Project?

A.23. Yes. Basin Electric expects the Project to create positive economic impacts. Some direct and indirect economic impacts of the Project include payments to participating landowners, employment opportunities, transmission line tax payments to the state of North Dakota based on mileage and voltage, as well as sales and use taxes on materials.

Q.24. Does the Project impact existing development plans of the state, local government, and private entities at or in the vicinity of the route?

A.24. No conflicts are anticipated with existing state, local government, or private entities' development plans. Basin Electric and its representatives contacted key local, state, and federal agencies for assistance in identifying concerns or issues within the study area. Public and agency correspondence received as of September 2023 are included in the application. Basin Electric will continue to meet with various state and county officials as the Project moves forward.

Q.25. Would the Project have a significant effect on scenic areas, historic sites and structures, and paleontological or archaeological sites?

A.25. There are no designated scenic areas that will be affected by the Project. Basin Electric's consultant Metcalf Archaeological Consultants, Inc. conducted a Class I Literature Review and the Class III Cultural Resources Inventory and determined that any archaeological sites are outside the Project Corridor, or are found to be not significant. Once received, the final addendum will be submitted to the Commission's docket.

Q.26. Did the environmental studies for the Project address any concerns for threatened or endangered species?

A.26. WEST Associates conducted a natural resource inventory of a 530-acre area (**Survey Area**) which included an evaluation of habitat for federally listed species.

Assessments for federally listed threatened and endangered species were conducted by evaluating historic accounts and reported occurrences of listed species within the area of the proposed Project. A desktop evaluation was conducted, which was augmented with a field evaluation to confirm the presence or absence of potentially suitable habitat for federally listed species within the Survey Area. Prior to field surveys, the United States Fish and Wildlife Service (USFWS) Information for Planning and Conservation tool was reviewed and indicated that six threatened, endangered, and candidate species could potentially occur within the Survey Area and Williams County including the northern long-eared bat, piping plover, red knot, whooping crane, Dakota skipper, and monarch butterfly. West Associates conducted surveys for bald eagle and raptor nests. After consultation, the North Dakota Parks and Recreation Department determined there are no plant species or other significant ecological communities known to occur within a mile of the Project.

Basin Electric will implement the following mitigation measures for the Project on a site-specific and species-specific basis, in coordination with applicable state and federal agencies as appropriate:

- Prior to surface disturbance activities during the migratory bird (not including raptors) breeding season (April 15 through July 15), a qualified biologist will survey suitable habitat within the Corridor. If active nests are located, or other evidence of nesting is observed, appropriate protection measures, including establishment of buffer areas and constraint periods, will be implemented until the young have fledged and dispersed from the nest area.
- If construction is to occur during the breeding season for raptors (February 1 through August 15), prior to construction activities, raptor breeding surveys will be conducted by a qualified biologist through areas of suitable nesting habitat to identify any active nest sites within 0.5 mile (1.0 mile for bald eagles) of the Project Corridor. If applicable, appropriate protection

measures, including seasonal constraints and establishment of buffer areas will be implemented at active nest sites until the young have fledged and have dispersed from the nest area.

- Standard measures to minimize avian collision risk with overhead transmission lines, as outlined in the Avian Power Line Interaction Committee (APLIC) Reducing Avian Collisions with Power Lines (APLIC 2012), have been examined and appropriate measures developed as outlined in Basin Electric's Avian and Bat Protection Plan is included in Appendix E.
- Holes that are drilled or excavated for foundation construction and left unattended overnight will be marked and secured with temporary fencing and plywood covers to reduce the potential for livestock and wildlife entering the holes and for public safety.

Q.27. Has the Project addressed issues raised by agencies?

A.27. Yes. Basin Electric contacted jurisdictional federal, state, and local agencies for comment. No agency raised any specific problems with the Project. Basin Electric believes that this route is a balance between a viable, cost-effective project and one that satisfactorily minimizes impacts.

Q.28. Will the Project have any impacts to the operation of airports?

A.28. There are no public or private airports airstrips within the Study Area. The closest airport or airstrip is the Williston Basin International Airport northwest of Williston, North Dakota which is located approximately 5 miles northeast of the Project route. There may be spray planes used for aerial application of pesticides or fertilizer operated by local spray plane operators within the Study Area.

Q.29. Is Basin Electric's proposed route based solely on economic considerations?

A.29. No.

IV. Selection Criteria

Q.30. Have there been any concerns raised about potential impacts to agricultural production or family farms and ranches?

A.30. No. There are no anticipated effects to agricultural production, family farms or

ranches. Basin Electric will schedule construction activities during periods when agricultural activities are minimal or alternatively, the landowner will be compensated. Landowners would be compensated for crop and forage loss that occurs as a result of construction and maintenance activities, and damage to soils would be redressed. Transmission lines are generally compatible with existing family farms and ranches, and the Project will not displace any farms or ranches.

Q.31. What impact will construction and operation of the Project have on irrigation, surface drainage, and flow patterns?

A.31. Because there is no known irrigation in the study area, the Project is not anticipated to effect irrigation. The Project has been designed in a manner that runoff can flow unrestricted through the watershed.

Q.32. Do you anticipate the Project will have any significant adverse effects on noise-sensitive lands or visual impacts?

A.32. No. Upon operation there may be a minimal amount of sound if air molecules near a conducting wire are ionized due to changes in the electric field intensity at the conductor surface. The sound would be most noticeable when a conductor is wet as a result of precipitation. The Project will be visible to landowners and travelers along roadways but no significant visual effects are anticipated. There are existing transmission lines, oil and gas well pads, and roads present in the watershed.

Q.33. Does Basin Electric anticipate any significant impacts on areas of extractive or storage resources?

A.33. No. Basin Electric designed the Project Corridor and Route to avoid extractive and storage resources or provide for sufficient clearance for well maintenance and operation.

Q.34. Do you anticipate any significant impacts on wetlands, woodlands or wooded areas?

A.34. No. Basin Electric designed the Project to avoid all wetlands. Trees and shrubs will be replaced in accordance with the Commission's Tree and Shrub Mitigation Specifications.

Q.35. Will the Project effect radio and television reception, or other communication facilities?

A.35. The Project is not anticipated to affect radio, television, communication, or other electronic control facilities.

Q.36. Does Basin Electric expect the Project may affect human health and safety, animal health and safety, or plant life?

A.36. No. Basin Electric will comply with or exceed the National Electrical Safety Code (**NESC**) standards and inspect the lines through the life of the Project to maintain integrity, avoiding impacts to human health and safety. Construction work will be coordinated with landowners to avoid impacts to livestock. Basin Electric is committed to mitigating potential impacts to wildlife as described in the application. Damage to plant life is anticipated to be negligible. The transmission line structures will result in less than one acre of permanent ground disturbance. Any temporarily disturbed areas will be restored as practicable. Basin Electric will replace trees and shrubs consistent with the Commission's Tree and Shrub Mitigation Specifications.

Q.37. Will the Project violate any city or county zoning ordinances?

A.37. No. Transmission lines are a permitted use for all zoning districts within Williams County.

Q.38. Are there any additional permits needed to begin construction of the Project?

A.38. No.

Q.39. Are the proposed facilities compatible with the environmental preservation and the efficient use of resources?

A.39. Yes

Q.40. Does this conclude your testimony?

A.40. Yes