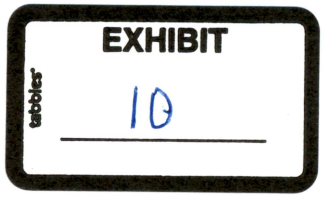
Before the Public Service Commission
of
The State of North Dakota

In the Matter of the Application of
BASIN ELECTRIC POWER COOPERATIVE
Consolidated Application
for a Certificate of Corridor Compatibility and Route Permit
Roundup to Kummer Ridge 345-kV Transmission Project

Case No. PU-23-361

Pre-filed Testimony
of
Erin Fox Dukart



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

A.1. My name is Erin Fox 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 Roundup to Kummer Ridge 345-kV Transmission Project (Project)?**

A.3. I am responsible for the overall preparation and coordination of the environmental analysis of this Project within Basin Electric and through our consultant, Western EcoSystems Technology (WEST), in Bismarck. 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 methodology used to delineate the proposed corridor and route and to demonstrate, with respect to environmental considerations, that the corridor and route are 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. **What is the size of the corridor in this Project?**

A.5. The Project Corridor is 125–350 feet wide. This is the same easement width that will be used for construction and maintenance of the life of the Project. The Project Corridor encompasses the Project Route.

Q.6. **Did Basin Electric incorporate public input in the route selection process?**

A.6. Yes. Basin Electric and its representatives contacted key local, state, tribal and federal agencies for assistance in identifying concerns or issues within the study area and landowners as my colleague Mr. Murray will describe in his forthcoming testimony.

II. Exclusion and Avoidance Areas

Q.7. **Please describe what an "Exclusion Area" is.**

A.7. An Exclusion Area is a geographical area that must be excluded in the consideration of a route for a transmission facility.

Q.8. **Does the corridor contain any Exclusion Areas?**

A.8. Yes.

Q.9. **Please describe the Exclusion Area present along the Project Route.**

A.9. The route includes suitable habitat for the Dakota skipper and northern long-eared bat.

Q.10. **Why should the Commission approve the Project when it includes an Exclusion Area?**

A.10. The Project is outside the designated critical habitat of the Dakota skipper and there is no designated critical habitat of the northern long-eared bat.

Q.11. **Please describe what an "Avoidance Area" is.**

A.12. 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.13. **Does the corridor contain any Avoidance Areas?**

A.13. Yes.

Q.14. **Please provide some additional detail on this issue.**

A.14. There are archaeological sites present in the Project corridor as identified through a Class I Literature Review and Class III Cultural Resources Inventory. The Project has

been designed to avoid all cultural resources. The Project Route also contains areas that have been designated as geologically unstable. However, the Project Route is the most viable route alternative .It is the most direct route that also minimizes impacts to the environment as described in the Commission's the exclusion, avoidance, selection, and policy criteria.

Q.15. **Has the entire route been surveyed for cultural resources?**

A.15. Yes.

Q.16. **Has Basin Electric received approval from the State Historical Preservation Office for the cultural resources report?**

A.16. No. The State Historical Society of North Dakota (**SHPO**) has reviewed and provided concurrence on the original cultural resources report. A cultural resources report covering additional areas has been prepared and submitted to the SHPO for review and concurrence. The additional report and future correspondence with State Historical Society of North Dakota (SHSND) will be filed with the Commission to document that the Project will not adversely affect cultural resources.

Q.17. **Has Basin Electric considered minimization of visual impacts associated with the Project?**

A.17. Yes. The Project will be visible to landowners and travelers along roadways. Existing transmission lines, oil and gas well pads, and roads are present in the viewshed. The landscape has been altered by previous development including; oil and gas exploration and production infrastructure, roads, large rural water holding and pumping facilities, cellular towers, and other transmission lines. Because of the gently rolling terrain in the corridor, the transmission structures will be visible in the general area of the line route; however, the overall character of the land would not be significantly changed.

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

Q.18. **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.18. Yes. Basin Electric addresses these issues in its application. Based on the careful analyses presented in the application, the Project will not have any significant impacts to public health and welfare, ratural resources, or the environment.

Q.19. **Please describe the technologies Basin Electric used to minimize adverse environmental effects.**

A.19. The Project utilizes the most recent transmission technologies and systems that minimize impacts to the environment. Specifically, the incorporation of self-supporting single-pole and H-frame structures will minimize the impact to current land uses, as well as minimize the impacts to biological and cultural resources.

Q.20. **Please explain the alternatives analyzed and rejected.**

A.20. Basin Electric evaluated several alternative routes in the area, including an option approximately three miles west of the proposed route. That alternative required more structures and permanent impacts to the area including more vegetation clearing and ground disturbance.

Q.21. **Did Basin Electric evaluate irreversible and irretrievable commitment of natural resources?**

A.21. Yes. There are few commitments of resources associated with this Project that are irreversible and irretrievable. Those resources are primarily related to construction, such as construction aggregate, concrete, steel, and hydrocarbon fuel.

Q.22. **Would the Project have a significant effect on scenic areas, historic sites and structures, and paleontological or archaeological sites?**

A.22. There are no designated scenic areas, historic sites and structures, or paleontological sites that would be affected by the Project. As previously noted, all significant archaeological sites will be avoided.

Q.23. **What are the effects on biological resources within the route?**

A.23. Basin Electric has implemented measures to avoid and minimize effects to biological resources as discussed in Chapter 5 of the Application. The impact of the Project on biological resources is expected to be minimal. The Project will be designed to minimize impacts to avian species as well as other sensitive species.

Q.24. **Did the environmental studies for the Project address any concerns for threatened or endangered species?**

A.24. Yes. Of particular interest for this Project are the endangered whooping crane, endangered northern long-eared bat, and the threatened Dakota skipper.

Q.25. **Would you please elaborate**?

A.25. The Project is located within the 75% occurrence frequency band of the whooping crane migration corridor as defined by the United States Fish and Wildlife Service (**USFWS**) This entire corridor area includes a swath of the central U.S. and extends from south-central North Dakota along the Missouri River to northwest North Dakota through Mountrail County. Power lines represent a documented collision mortality risk for whooping cranes. Standard measures to minimize avian collision risk with overhead transmission lines (i.e., line marking) will be utilized, which is an Avian Power Line Interaction Committee (**APLIC**) Best Management Practice employed by many utilities constructing new transmission lines in the whooping crane migration corridor.

Q.26. **Please describe measures being taken to protect the northern long-eared bat (NLEB).**

A.26. The Project would require tree clearing totaling 10.4 acres for structure placement. To reduce the potential to impact to the NLEB at the tree clearing locations, Basin Electric has committed to conducting tree clearing activities from November 1 to March 31. If localized tree clearing activities could not be conducted during this window, presence or absence surveys would occur, and tree removal would happen immediately following a negative survey.

Q.27. **Please describe the measures that will be taken to protect the Dakota skipper.**

A.27. The Dakota skipper is a small butterfly (approximate 1-inch wingspan) that lives in high-quality mixed- and tall-grass prairie characterized by rolling hills topography. Basin Electric retained Western EcoSystems Technology, Inc. (**WEST**) to conduct a Dakota skipper habitat assessment for the Project.

The WEST study indicated there are no publicly available records of the Dakota

Skipper occurring within the Project area or immediate vicinity, and that the closest designated critical habitat to the Project area is 13 miles to the southwest. The WEST report concluded the temporary impacts due construction of the Project are unlikely to impact the species. The assessment of habitat within the project corridor was used to divide habitat into one of two basic habitat groups: grassland habitat and unsuitable habitat. To minimize the impacts to foraging or dispersing adult Dakota skippers, a 500-meter avoidance buffer will be placed around suitable habitat locations. Basin Electric has included an exhibit to illustrate the the buffer areas. Existing surfaced roads within the buffers may be used for travel, but construction within the buffers will not occur during the flight window. Dust abatement may be necessary on gravel surfaced roads during the flight window. The flight period is typically 14 days long between the dates of June 10 to July 25. Dates may be adjusted based on annual observations by the USFWS.

Q.28. **Does the Project impact existing development plans of the state, local government, and private entities at or in the vicinity of the route?**

A.28. No. Public and agency correspondence as of November 2023 is included in the application as Appendix G.

Q.29. **Has the Project addressed issues raised by agencies?**

A.29. Yes. Basin Electric contacted jurisdictional federal, tribal, state, and local agencies for comment. The agencies' comments varied according to function and jurisdiction, but generally emphasized a desire to minimize impacts to environmental resources, which Basin Electric has done by incorporating the suggested mitigation measures into the Project. No agency raised any specific problems with the Project. The route that is presented here is a work product of input from multiple local, county, state and federal offices, as well as the multiple landowners. Basin Electric believes that this route is a balance between a viable, cost-effective project and one that satisfactorily minimizes impacts.

Q.30. **Can you please explain the consultation with federal agencies to date?**

A.30. In compliance with the National Environmental Policy Act (**NEPA**), the Bureau of Indian Affairs (**BIA**) and the Bureau of Land Management (**BLM**) both require Environmental Assessments (**EA**) and Findings of No Significant Impacts (**FONSI**)

prior to issuing easements on parcels that they manage. Originally, Basin Electric was working with the BIA and the BLM on a joint EA for both agencies. However, given the differences between the NEPA implementation policies for the two agencies, the BIA and the BLM ultimately decided that it would be preferable for each agency to develop their own EA and issue their own FONSI. The BIA has issued its FONSI which is included in the application.

The BLM is in the process of developing their EA and completing consultation with area tribes. Basin Electric anticipates the BLM to issue their FONSI in March of 2024.

A Section 7 consultation with the U.S. Fish and Wildlife Service was also done. The results of this consultation are included in the application. An eagle nest is located within 660 feet of the Project corridor. Therefore, Basin Electric has also applied for an eagle nest disturbance permit with the U.S. Fish and Wildlife Service. This permit is anticipated in February, 2024.

The project is planning to utilize a small portion of an existing road on US Army Corp of Engineers' land. The US Army Corp of Engineers is in the process of drafting a real estate license for the usage of this road.

IV. Selection Criteria

Q.31. **How does the route demonstrate that significant adverse effects, if any, upon agricultural production and ranching, will be kept to an acceptable minimum?**

A.31. In selecting the final route, Basin Electric attempted to select a route that would minimize impact to agricultural production and minimal to negligible effects are anticipated. The construction and operation of this Project will have minimal effect upon agriculture production. Temporary construction disturbances will be confined to the right-of-way and access roads. Further, landowners will be compensated for crop loss that occurs as a result of construction. The transmission lines are a compatible use with existing farms and ranches. The Project will not displace any farms or ranches.

Q.32. **What impact will construction and operation of the Project have on surface draining and flow patterns?**

A.32. The Project will be designed in such a manner that runoff from the upper portions of the watershed can flow unrestricted to the lower portion of the watershed. No impacts to surface drainage or flow patterns are expected.

Q.33. **Do you anticipate any significant adverse effects on noise-sensitive land uses resulting from the location, construction, and maintenance of the transmission line?**

A.33. There may be temporary noise impacts would result from construction activities. Temporary construction noise would be limited to no more than a few days at any particular location along the line and would be mitigated by scheduling work to daylight hours, particularly when near sensitive receptors. Once the Project is operational there will be a minimal amount of sound as a result of corona effects which occur when air molecules near conducting wire are ionized due to changes in the electric field intensity at the conductor surface. The sound may be noticeable when conductors are wet as a result of precipitation.

Q.34. **Will the Project have any visual impacts to the adjacent areas?**

A.34. The Project will be visible to landowners and travelers along roadways. Existing transmission lines, oil and gas well pads, and roads are already present in the viewshed.

Q.35. **Do you anticipate any significant impacts on areas of extractive or storage resources?**

A.35. The Project would not directly affect any wells or drill rigs, because the Project has been designed to avoid these areas and provide sufficient clearance for well maintenance and operation.

Q.36. **Do you anticipate any significant impacts on wetlands woodlands or wooded areas?**

A.36. The Project will avoid direct impacts to all wetlands. Any trees or shrubs removed will be replaced consistent with the Commission's Tree and Shrub Mitigation Specifications.

Q.37. **Will the Project effect radio and television reception, and other communication**

or electronic control facilities?

A.37. No, the Project is not anticipated to affect radio, television, communication, or other electronic control facilities.

Q.38. **Will the Project affect human health and safety, animal health and safety, or plant life?**

A.38. The Project is not anticipated to have an effect on human or animal health and safety but will have a negligible effect on plant life where the structures are installed. Basin Electric will replace trees and shrubs consistent with the Commission's Tree and Shrub Mitigation Specifications.

Q.39. **Are there any additional permits needed to begin construction of the Project?**

A.39. The McKenzie County Conditional Use Permit was submitted on January 12, 2024 and is pending. An Environmental Assessment is under review by the Bureau of Land Management and a Finding of No Significant Impacts remains outstanding as well as an eagle disturbance permit from the US Fish and Wildlife Service. Additionally, a real estate license is being drafted by the US Army Corp of Engineers for access along an existing road. Upon receipt, all permits will be filed with the Commission.

Q.40. **Are the proposed facilities compatible with the environmental preservation and the efficient use of resources?**

A.40. Yes.