

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
345-kV Mercer-McLean-Ward-Mountrail-Williams Cty
(Leland Olds Station to Tande 345-kV Transmission Project)

Case No. PU-24-361

Pre-filed Testimony
of
Nathan Kleyer

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I. **Introduction**

Q.1. **Please state your name, employer, and business address.**

A.1. My name is Nathan Kleyer. I am employed by Basin Electric Power Cooperative (“Basin Electric”). My business address is 1717 East Interstate Avenue, Bismarck, North Dakota.

Q.2. **What is your position with Basin Electric?**

A.2. I am a Senior Property and Right-of-Way Specialist. My responsibilities include overseeing the acquisition of easements and assisting with coordination for the construction and reclamation of electric transmission lines.

Q.3. **Please describe your educational and professional background.**

A.3. I am currently working towards completing my associate’s degree in Electric Power Technology from Bismarck State College. I have worked in land-rights within various industries for over sixteen years, including eight years in oil and gas and five years with rural water distribution. I have overseen the acquisition of easements and assisted with coordination for the construction and reclamation of hundreds of miles of pipelines in North Dakota and Montana.

This is the fourth transmission line project I have worked on since becoming employed by Basin Electric in 2022.

Q.4. **Are you a member of any professional associations?**

A.4. I am a member of the International Right of Way Association and am currently working towards my Senior Right-of-Way Agent designation through this association, which I expect to complete this year. To achieve this designation, one must complete 256 hours of coursework, pass tests for each course, and pass a comprehensive exam.

Q.5. **What is your role with respect to the Leland Olds Station to Tande 345-kV Transmission Line Project (the “Project”)?**

A.5. I am the Property and Right-of-Way (“ROW”) lead for the Project. We have also added a team of contracted agents through our ROW Consultant, HDR Engineering.

My role is to oversee the activity and progress of these agents and assist where necessary, although I have also been directly involved in negotiations with landowners on the Project. I communicate regularly with Basin Electric staff and other team members to stay informed so I can provide guidance to achieve the successful outcome of acquiring all necessary land rights. My field presence and interactions with landowners will increase as we move into construction and final reclamation.

Q.6. **Are you familiar with the contents of Basin Electric’s Consolidated Application for a Certificate of Corridor Compatibility and Route Permit for the Project (the “Application”)?**

A.6. Yes. I am familiar with the Application’s contents.

Q.7. **What is the purpose of your testimony?**

A.7. The purpose of my testimony is to provide information related to Basin Electric’s acquisition of ROW easements, the Project Route description, and post-construction reclamation activities. My testimony, together with the Application and other supporting evidence, will demonstrate that the Project will produce minimal adverse impacts on the environment and human welfare.

II. Landowner Contacts

Q.8. **Does Basin Electric’s ROW team coordinate with all the landowners along the Project Corridor?**

A.8. Basin Electric’s ROW team is responsible for contacts with the private landowners and the North Dakota Department of Trust Lands (“NDDTL”). Basin Electric’s Environmental team coordinates with the federal agencies, as addressed in Ryan King’s pre-filed testimony. (King Pre-filed Test., Section IV.)

Q.9. **Please summarize the ROW team’s contact with the landowners within the Project Corridor.**

A.9. The ROW team has contacted, or attempted to contact, every landowner on the Project Route. In 2022, the ROW team began contacting landowners along the Project Corridor to introduce the Project and seek survey permissions. In early 2023, we began acquiring options of easements for the Project. To date we have acquired 90% of the 271 easements or options of easement needed for the Project from

private landowners.

Most of our landowner contacts were made in-person. Where in-person contact was not possible, we contacted landowners by phone or letter. Many landowners have been contacted multiple times for various reasons, such as:

- To discuss the Project and ask for consent to perform survey activities.
- To notify when various field survey activities will take place.
- To review the route and discuss any issues or concerns they may have.
- Working out adjustments in routing where feasible.
- Identify and remedy any potential conflicts with construction and owner operations.
- To negotiate the easement, which often takes several visits.
- To keep the landowner apprised of any changes in location or design of the Project.

Frequent landowner contacts will continue throughout the construction, reclamation, and damage settlement phases of the Project.

Q.10. Do you keep a record of your contacts and interactions with landowners?

A.10. Yes, we keep a detailed contact diary for each interaction with every landowner as well as a complete file for every landowner parcel.

Q.11. How does the ROW team address landowner requests or comments?

A.11. The ROW team works cooperatively with landowners to try to address their requests or concerns. If a landowner has any questions regarding the route or structure locations, we let them know the structure locations are preliminary and discuss why those locations were chosen. Should that landowner desire to shift one or more specific structures or propose a route adjustment, we discuss the request with Basin Electric engineering staff to see what is feasible and share the results with the landowner.

Q.12. What types of adjustments has Basin Electric made to address landowner requests?

A.12. Basin Electric has made shifts in structure locations specific to the route, including accommodations to route the line within or near existing utility corridors, along

property lines, within fence lines, spot structures within tree rows, minimize impacts to farming and ranching operations, accommodate spacing for farm equipment sizes, and avoid existing or proposed oil and gas facilities.

Q.13. Are the easements that will be obtained for the Project limited to a specific purpose?

A.13. Yes. The easements only allow Basin Electric the right to access, install, repair, replace, and maintain the transmission line. No other purposes are included or allowed within that easement.

Q.14. What activities will be restricted within the easement area?

A.14. Basin Electric only restricts activities that would present a safety concern for the landowner or make operating the line a safety hazard. For example, placement of permanent structures under transmission lines, planting trees, and stockpiling materials under the line are not permitted. There are, however, numerous compatible uses of the Project Corridor that do not interfere with the safe and reliable operation of our facilities. Uses such as farming and ranching require no approval by Basin Electric.

Q.15. Does Basin Electric have the right of eminent domain with this Project? And if so, what is Basin Electric's position on the use of eminent domain?

A.15. Yes. As a rural electric cooperative, Basin Electric is a utility and does have the right of eminent domain. Basin Electric will only use the right of eminent domain as a last resort, and only after all other options have been explored.

III. Route Selection

Q.16. Are you familiar with the map that identified as Exhibit 9 to the pre-filed testimony?

A.16. Yes. Exhibit 9 includes a series of maps produced by Basin Electric showing the Project Route. The first sheet shows a key plan of the overall project, followed by four individual detailed segment maps to support my testimony.

Q.17. **Beginning on the most southern point shown on Segment 1 of Exhibit 9, please describe the Project Route and any significant alternate route segments Basin Electric considered for Segment 1: Leland Olds Station (“LOS”) Substation Take Off Structure to Angle Point at Structure 436-236.**

A.17. Segment 1 is approximately 42 miles in length. The newly constructed LOS 345-kV Substation (“LOS Substation”) is the starting point for this segment, this Substation is located approximately 5 miles Southeast of Stanton, ND in Mercer County.

Basin Electric evaluated several routing iterations to get the line from the LOS Substation to the north side of Lake Sakakawea. As part of this evaluation, we met with the area coal mining operators to avoid future conflicts. However, as discussed in Bobby Nasset’s pre-filed testimony, the existing transmission congestion and avoidance areas did not feasibly allow for a new transmission circuit. As a result, we elected to rebuild the existing LOS-Logan 230-kV line corridor as a double-circuit line for approximately 40 miles. (Nasset Pre-filed Test., Section IV.) The existing structures will be removed upon project energization.

Q.18. **Please continue with Segment 2: Structure 436-236 to 377-475 (Mountrail/Ward County Line).**

A.18. Segment 2 is approximately 49.8 miles in length. From structure 436-236, the line continues as a single 345-kV circuit west and north towards the new Crane Creek Substation. The landscape in this segment is heavily potholed with wetlands, posing challenges for structure siting and access. Occupied residences, wetland and grassland easements, intercontinental ballistic missile (“ICBM”) launch facilities, and existing infrastructure presented further obstacles.

There are two lengths within this segment that run along section lines. Both lengths are along undeveloped section lines and abide by county setbacks. Due to larger field sizes in the area, running along the section line as opposed to quarter lines, allowed us to avoid going through existing fields, reducing agricultural impact. The Project Route was selected based on landowner feedback and provided the most effective means of navigating encumbrances.

Q.19. Please continue with Segment 3: Structure 377-475 (Mountrail/Ward County line) to Structure 378-057.

A.19. Segment 3 is approximately 37 miles in length. Continuing West, this segment moves towards rougher terrain, as well as being heavily impacted by the oil and gas industry.

Of the alternate routes studied, the Project Route balanced landowner feedback, while avoiding impacts to existing infrastructure. Correspondence with oil and gas companies and pipeline operators further helped delineate the route. This served to negate any impact to existing infrastructure and ensure any necessary mitigation measures were addressed.

There is an approximate 7.5-mile segment in T153N-R89W and T153N-R90W which was moved a half mile north along a section line to accommodate planned land use, including future mining. The section line is largely undeveloped, and County setbacks are observed. This routing further helped minimize cropland impact.

Continuing West out of the Crane Creek Substation, Mountrail Williams Electric Cooperative's need for a new 115-kV circuit from Crane Creek to Satterthwaite made for an excellent opportunity for Basin Electric to work with its member coops in helping reduce impact by coordinating efforts to double circuit the approximate 11.4-mile portion, as discussed in Mr. Nasset's pre-filed testimony. (Nasset Pre-filed Test., Section IV.) Crossing the Little Knife River valley was our largest hurdle through this portion. Extensive landowner consultation took place, which led to the angled segment in T153N-R92W.

Q.20. Please continue with Segment 4: Structure 378-057 to Tande Substation.

A.20. Segment 4 is approximately 32.3 miles in length. Landowner and existing industry feedback assisted with the Project Route through this segment. The Project Route minimizes impact to cropland, avoids cultural sites, and avoids Dakota skipper habitat.

Crossing the White Earth River valley posed a great challenge due to many avoidance areas in the terrain classified as geologically unstable. This was accomplished through landowner consultation, which led to the angled segment

in T155N-R94W.

After getting through the valley, the chosen route north proved to be the least impactful, allowing us to reach our destination at Tande Substation.

IV. Reclamation

Q.21. What is the role of Basin Electric's ROW team in reclaiming the Project Corridor at the completion of construction?

A.21. The ROW team will oversee the entire reclamation process. A licensed and certified reclamation contractor will report directly to our Property and ROW team, and we will be on site on a regular basis to monitor progress and make sure reclamation is completed to landowners' and Basin Electric's satisfaction.

Q.22. Please describe the reclamation practices Basin Electric will follow for the Project Corridor.

A.22. Basin Electric will retain a licensed local contractor who specializes in the reclamation techniques required to stabilize the soils to re-establish the growth or cover in the disturbed areas of the Project, in consultation with the local Natural Resources Conservation Service ("NRCS")/Farm Service Agency ("FSA") offices. In pastureland, our reclamation contractor will re-seed to the same species of grasses present prior to construction unless otherwise directed by the landowner. In Conservation Reserve Program ("CRP") fields, we will replant the cover based on the local FSA office rules and guidance.

On all lands, compaction and grading will be addressed. Any rock (four inches in size or greater) brought to the surface while addressing compaction will be picked and taken off site or dumped at a site deemed acceptable by the landowner.

Disturbed areas will be monitored for erosion. Erosion control may include the installation and maintenance of necessary measures for temporary and permanent erosion, sedimentation, and dust control, as required by relevant agencies and the landowner. Basin Electric will complete inspection and maintenance to ensure compliance with Project reclamation specifications.

Basin Electric will work with landowners regarding tree replacements. This will be done according to the Commission's Tree and Shrub Mitigation Plan. Basin Electric will be responsible for weeds by providing weed control within the easement area during construction and reclamation.

Q.23. How will Basin Electric address landowner concerns during the Project's construction, reclamation, and operation?

A.23. All damages associated with our activities will be addressed with the landowner for settlement at the completion of construction. Basin Electric will compensate landowners for damage to any crops or pasture during construction, as well as any prevent-plant situations due to the construction activity. Landowners will be consulted throughout the reclamation process to ensure successful reclamation has taken place and any outstanding issues have been resolved. During operation of the transmission line, Basin Electric will continue to reclaim the Route Corridor and settle any damages caused by maintenance activities.

V. Conclusion

Q.24. Based on your knowledge of the Project, will the Project's construction, operation, and maintenance produce minimal adverse effects on the environment and human welfare?

A.24. Yes. The Project Route and Corridor were selected to minimize adverse effects to existing land uses, infrastructure, and environmental resources. Basin Electric has and will continue to work with landowners to address any concerns relating to the Project's construction, reclamation, and operation.

STATE OF NORTH DAKOTA
BEFORE THE
PUBLIC SERVICE COMMISSION

Basin Electric Power Cooperative)
345kV Mercer-McLean-Ward-Mountrail-Williams Cty)
Siting Application)

Case No: PU-24-361;
OAH File No. 20250009


**AFFIDAVIT OF
NATHAN KLEYER**

I, the undersigned, being duly sworn, state as follows: (1) I have read the pre-filed testimony and exhibits submitted in the above captioned matters under my name; (2) they were prepared by me or under my direction and I know their contents; and (3) they are true and correct to the best of my knowledge and belief.



Nathan Kleyer

Subscribed and sworn to before me, this 18th day of February 2025.



Notary Public
My Commission Expires:

