



April 9, 2025

Mr. Steve Kaul
Executive Secretary
North Dakota Public Service Commission
600 East Boulevard Ave., Dept 408
Bismarck, ND 58505-0480

Dear Mr. Kaul:

Re: Basin Electric Power Cooperative
345kV Mercer-McLean-Ward-Mountrail-Williams Cty
Siting Application
Case No: PU-24-361; OAH File No. 20250009

Enclosed for filing please find Basin Electric Power Cooperative's Proposed Findings of Fact, Conclusions of Law, and Order and North Dakota State Historical Preservation Office correspondence dated April 3, 2025. If you have any questions, please contact me at molson@bepc.com or (701)557-5719.

Sincerely,

Maggie Olson
Sr Staff Counsel

/mo

By email: ndpsc@nd.gov
oah@nd.gov
jschuh@nd.gov
brljohanson@nd.gov

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

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

Case No. PU-24-361

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

April 8, 2025

Appearances

Chair Randy Christmann, Commissioner Sheri Haugen-Hoffart, Commissioner Jill Kringstad.

Hope L. Hogan, Administrative Law Judge, Office of Administrative Hearings, 2911 North 14th Street, Suite 303, Bismarck, North Dakota 58503.

Brian L. Johnson, Special Assistant Attorney General, as Counsel for the North Dakota Public Service Commission, 600 E. Boulevard Avenue, Dept. 408, Bismarck, North Dakota 58505.

Maggie Olson, Attorney at Law, Basin Electric Power Cooperative, 1717 East Interstate Avenue, Bismarck, ND 58503.

Preliminary Statement

On October 24, 2024, Basin Electric Power Cooperative (Basin) filed a consolidated application for a certificate of corridor compatibility and a route permit (Application) concerning approximately 162 miles of 345-kV electric transmission line and associated facilities in Mercer, McLean, Ward, Mountrail, and Williams Counties, North Dakota.

On January 30, 2025, the Commission found the application for a certificate of corridor compatibility and a route permit complete, and issued a Notice of Filing and Notice of Public Hearing scheduling two hearings, one for February 26, 2025, at 10:00 a.m. Central Time at the Carl Bader Hall (Gymnasium), Underwood City Hall, 88 Lincoln Ave, Underwood, ND 58576, and the second for March 6, 2025, at 9:00 a.m. Central Time at Mountrail County South Complex, 8103 61st St NW, Stanley, ND 58784.

On February 26, 2025, after the conclusion of the hearing in Underwood, ND, the Commission learned that a publication error occurred, and the Notice of Filing and

Notice of Public Hearing did not publish twice in the Hazen Star as required by North Dakota Century Code Section 49-22-13(4).

On March 5, 2025, the Commission issued a Notice of Public Hearings (Notice), rescheduling the hearings for March 31, 2025, at 1:00 p.m. Central Time at the Carl Bader Hall (Gymnasium), Underwood City Hall, 88 Lincoln Ave, Underwood, ND 58576, and April 4, 2025, at 9:00 a.m. Central Time at Mountrail County South Complex, 8103 61st St NW, Stanley, ND 58784.

The Notice identified the following issues to be considered with respect to the Application:

1. Will construction, operation, and maintenance of the facility at the proposed location produce minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota?
2. Is the proposed facility compatible with the environmental preservation and the efficient use of resources?
3. Will construction, operation, and maintenance of the facility at the proposed location minimize adverse human and environmental impact while ensuring continuing system reliability and integrity and ensuring that energy needs are met and fulfilled in an orderly and timely fashion?

On March 31, 2025 and April 4, 2025, the hearings were held as scheduled.

Having allowed all interested persons an opportunity to be heard and having heard, reviewed, and considered all testimony and evidence presented, the Commission makes the following findings of fact:

Findings of Fact

1. Basin is a North Dakota cooperative association authorized to do business in the State of North Dakota since May 5, 1961, as evidenced by the corporate papers filed with the Commission on January 27, 2023 (see Case No. PU-23-42).

Size, Type, and Preferred Location of Facility

2. The Project will consist of approximately 162 miles of new, 345-kV electric transmission line and associated facilities to be located in Mercer, McLean, Ward, Mountrail, and Williams Counties, North Dakota. The Project will originate at the existing Leland Olds Station (LOS) substation, located approximately 5 miles southeast of Stanton in Mercer County, North Dakota, and terminates at the existing Tande substation, located approximately 4 miles east of Tioga in Mountrail County,

North Dakota (Project).

3. The Project consists of approximately 830 transmission structures, of which 223 will be constructed as 345-kV/230-kV double circuit and 53 constructed as 345-kV/115-kV double circuit. The Project will have drilled concrete piers for all structure foundations. Structure heights will range from 100 to 195 feet tall, varying based on required span distances and topography.
4. Basin seeks a Project corridor that varies from 150 to 250 feet wide. The majority of the requested corridor is 150 feet wide. However, Basin has requested the corridor to be 200 feet wide from structure 436-040 to 436-041, and 250 feet wide from structure 436-073 to 436-076 and from structure 436-017 to 436-020.
5. The Project will use an aluminum conductor of 1.72 inches in diameter with a composite carbon fiber conductor core. The minimum conductor clearance to ground will be 30 feet at all operating conditions:
6. The total cost of the Project is estimated to be \$360 million.

Study of Preferred Location

7. Basin initiated correspondence seeking comments or inquiring about permitting or other approval requirements from the following federal, state and local agencies regarding the Project:
 - a. Federal: (1) Federal Aviation Administration; (2) U.S. Army Corps of Engineers; (3) U.S. Department of Defense; and (4) U.S. Fish and Wildlife Service; (5) Minot Air Force Base; (6) Grand Forks Air Force Base; (7) U.S. Bureau of Land Management; (8) U.S. Department of Agriculture, Natural Resources Conservation Service; (9) Military Aviation and Installation Assurance Siting Clearinghouse
 - b. State: (1) North Dakota Office of Attorney General; (2) North Dakota Department of Career and Technical Education; (3) Job Service of North Dakota; (4) North Dakota Aeronautics Commission; (5) North Dakota Department of Commerce; (6) North Dakota Department of Environmental Quality; (7) North Dakota Department of Health and Human Services; (8) North Dakota Department of Transportation; (9) North Dakota Department of Trust Lands (Minerals Managements and School/Surface Trust); (10) North Dakota Energy Development Impact Office; (11) North Dakota Forest Service; (12) North Dakota Game and Fish Department; (13) North Dakota Geological Survey; (14) North Dakota Indian Affairs Commission; (15) North Dakota Industrial Commission; (16) North Dakota Labor Department; (17) North Dakota Office of the Governor; (18) North Dakota Parks and Recreation Department; (19) North Dakota State Water Commission (Department of Water Resources); (20) State Historical Society of North Dakota; (21) North Dakota Department of Agriculture; (22) North Dakota

Pipeline Authority; (23) North Dakota Transmission Authority.

- c. Local: (1) Mercer County Planning and Zoning Department; (2) Mercer County Commission; (3) Mercer County Auditor; (4) Mercer County Weed Board; (5) McLean County Planning and Zoning Department; (6) McLean County Commission; (7) McLean County Auditor; (8) Mercer County Weed Board; (9) Mountrail County Planning and Zoning Department; (10) Mountrail County Commission; (11) Mountrail County Auditor; (12) Mountrail County Weed Board; (13) Ward County Planning and Zoning Department; (14) Ward County Commission; (15) Ward County Auditor; (16) Ward County Weed Board; (17) Williams County Commission; (18) Williams County Auditor; (19) Williams County Weed Board; (20) ND District 2 State Representatives; (21) ND District 2 State Senators; (22) ND District 4 State Representatives; (23) ND District 4 State Senators; (24) ND District 6 State Representatives; (25) ND District 6 State Senators; (26) ND District 33 State Representatives; (27) ND District 33 State Senators.

8. Basin Conducted surveys for wildlife, threatened and endangered species, critical habitats, wetlands, waterbodies across a 300-foot-wide area centered on the Project route. Aerial raptor nest surveys were conducted across a two-mile survey area, centered on the Project route.

9. Basin conducted a Class I cultural resource literature search within a 3-mile-wide area, centered on the Project route.

10. Basin conducted a Class III cultural resource inventory along a 200-foot wide survey area along the Project route and submitted findings reports to the North Dakota State Preservation Office (NDSHPO) for 96.4% of the Project corridor. The NDSHPO reviewed the Project findings reports and determined that there are no significant sites affected, provided the cultural sites are avoided as described in the reports. Basin will conduct a Class III cultural resource inventory and submit a findings report to NDSHPO prior to construction on the remaining 3.6% of the Project corridor.

Siting Criteria

11. The Commission has developed criteria pursuant to North Dakota Century Code (NDCC) section 49-22-05.1 to guide the site, corridor, and route suitability evaluation and designation process. The criteria, as set forth in North Dakota Administrative Code (NDAC) section 69-06-08-02 are classified as Exclusion Areas, Avoidance Areas, Selection Criteria, and Policy Criteria.

12. Basin evaluated the Project with respect to the Exclusion, Avoidance, Selection, and Policy criteria of the Commission.

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

14. Areas critical to the life stages of threatened or endangered species are Exclusion Areas. Basin identified that the Project route spans critical habitat for the Piping Plover at the Missouri River crossing location and is within 1 mile of four other critical habitat locations. Basin has committed to conducting pre-construction presence/absence surveys during the timeframe recommended by the U.S. Fish and Wildlife Service and will delay construction if the species is present, therefor minimizing impact to the species.

15. Areas within 1,200 feet of the geographical center of an intercontinental ballistic missile (ICBM) launch or launch control facility. Basin identified two ICBM launch facilities within 1,200 feet of the route. Minot Air Force Base provided approval for the alignment. Basin Electric submitted a filing request to the Commission for an exemption from this exclusion area. The Commission approved this request on November 29, 2023.

16. 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. In determining whether an Avoidance Area should be designated for a transmission facility, the Commission may consider, among other things, the proposed management of adverse impacts, the orderly siting of facilities, system reliability and integrity, the efficient use of resources, and alternative routes.

17. Archeological sites are Avoidance Areas. Basin's surveys identified previously unidentified archeological sites within the Project corridor. Basin has designed the Project to avoid the archeological sites including a reasonable buffer to ensure the integrity of the sites.

18. The route being within 500 feet of a residence is an Avoidance Area. Basin identified five residences within 500 feet of the route. Basin obtained waivers from each resident.

19. No other Avoidance Areas are located in the Project corridor. No other Avoidance Areas will be crossed by the proposed route.

20. In accordance with the Commission's Selection Criteria set forth in NDAC Section 69-06-08-02(3), a transmission facility corridor or route shall be approved only if it is demonstrated that any significant adverse effects that will result from the location, construction, and maintenance of the transmission facility will be at an acceptable minimum, or that those effects will be managed and maintained at an acceptable minimum.

21. Basin has analyzed the impacts of the Project in relation to all of the relevant

Selection Criteria. No significant adverse impact will result from the location, construction, and operation of the Project.

22. The Commission's Policy Criteria are set forth in NDAC Section 69-06-08-02(4). The Commission may give preference to an applicant that will maximize benefits that result from the adoption of various policies and practices. There is no need for the Commission to give preference to the applicant in this proceeding.

Measures to Minimize Impact

23. Basin has agreed to a number of steps to mitigate the impact of the Project as indicated by the Certification Relating to Order Provisions - Transmission Facility Siting with accompanying Tree and Shrub Mitigation Specifications filed in this proceeding, which is incorporated by reference and attached to this Order.

24. Basin will implement appropriate measures to minimize avian collision risk with overhead transmission lines, consistent with the Avian Power Line Interaction Committee (APLIC) Reducing Avian Collisions with Power Lines (APLIC 2012), as outlined in Basin Electric's Avian and Bat Protection Plan.

25. The Project will be constructed according to standards of the Rural Utilities Service, the National Electric Safety Code, the Institute of Electrical and Electronics Engineers, the American Society of Civil Engineers, the American Institute of Steel Construction and the American Concrete Institute.

26. Basin will implement the following erosion and sediment control mitigation measures for the Project: excess subsoils and rocks will be hauled off-site to an approved landfill; erosion and sediment controls will be established prior to construction and thereafter maintained and controlled through application of a storm water pollution prevention plan; where appropriate, silt fences or other sediment control measures will be used to prevent sediment from moving off-site; maintenance will be scheduled during periods of minimum precipitation; temporary laydown areas will be located in previously disturbed areas and/or areas previously surveyed for cultural and biological resources.

27. Basin will submit the line route to local emergency agencies prior to any construction so first responders will have GPS coordinates to the site. The LOS and Tande substations both have a 911 address that will be communicated to all contractors working on those sites. Basin Electric has an OSHA-based safety program supported by the Energy Coalition for Contractor Safety for all contractors that work for the Cooperative.

28. Basin has requested authorization from the Commission to clear trees wider than 50 feet from structure 377-009 to 377-010, 377-010 to 377-011, 436-034 to 436-035, 436-112 to 436-113, 436-116 to 436-117, 436-117 to 436-118, 436-126 to 436-

127, 377-248 to 377-249, 377-260 to 377-261, 377-272 to 377-273, 378-082 to 378-083, 378-083 to 378-084, and 378-166 to 378-167.

From the foregoing Findings of Fact the Commission makes the following conclusions of law:

Conclusions of Law

1. The Commission has jurisdiction over Basin Electric Power Cooperative (Basin) and the subject matter of these applications under North Dakota Century Code chapter 49-22.
2. Basin is a utility as defined in North Dakota Century Code section 49-22-03(14).
3. The Project proposed by Basin is an electric transmission facility as defined in North Dakota Century Code section 49-22-03(6).
4. The construction, operation, and maintenance of the Project will produce minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota.
5. The Project is compatible with the environmental preservation and the efficient use of resources.
6. The Project will minimize adverse human and environmental impact while ensuring continuing system reliability and integrity and ensuring that energy needs are met and fulfilled in an orderly and timely fashion.

From the Findings of Fact and Conclusions of Law, the Commission makes the following order:

Order

The Commission orders:

1. Basin's consolidated application for a certificate of corridor compatibility and a route permit is granted.
2. Certificate of Corridor Compatibility No. _____ is issued to Basin Electric Power Cooperative designating a corridor for the construction, operation, and maintenance of approximately 162 miles of 345-kV electric transmission line and associated facilities in Mercer, McLean, Ward, Mountrail, and Williams Counties, North Dakota. For purposes of the Certificate, the designated corridor is 150 feet wide for the Project. However, the corridor is 200 feet wide from structure 436-040 to 436-041, and 250 feet wide from structure 436-073 to 436-076 and from structure 436-017 to 436-020.

3. Route Permit No. _____ is issued to Basin Electric Power Cooperative designating a route for the construction, operation, and maintenance of approximately 162 miles of 345-kV electric transmission line and associated facilities in Mercer, McLean, Ward, Mountrail, and Williams Counties, North Dakota. For purposes of the Permit, the designated route is the proposed route depicted in Hearing Exhibit No. 9.
4. The March 31, 2025 Certification Relating to Order Provisions - Transmission Facility Siting (Certification), with accompanying Tree and Shrub Mitigation Specifications, is incorporated by reference and attached to this Order.
5. Basin Electric Power Cooperative is authorized to clear trees wider than 50 feet from structure 377-009 to 377-010, 377-010 to 377-011, 436-034 to 436-035, 436-112 to 436-113, 436-116 to 436-117, 436-117 to 436-118, 436-126 to 436-127, 377-248 to 377-249, 377-260 to 377-261, 377-272 to 377-273, 378-082 to 378-083, 378-083 to 378-084, and 378-166 to 378-167.
6. To the extent that there are any conflicts or inconsistencies between Basin Electric Power Cooperative's Application in this proceeding and the Certification, the Certification provisions control.
7. Basin Electric Power Cooperative shall obtain all other necessary licenses and permits prior to commencing construction on such portion of the Project for which the license and/or permit is required and shall provide copies of such licenses and permits to the Commission prior to construction.
8. Basin Electric Power Cooperative is required to comply with all applicable laws, rules, and/or regulations in the event it desires to construct another or a different transmission facility than was specified in the Application within the corridor granted in this proceeding.

PUBLIC SERVICE COMMISSION

Sheri Haugen-Hoffart
Commissioner

Randy Christman
Chairman

Jill Kringstad
Commissioner



April 3, 2025

Damita Engel
Metcalf Archaeological Consultants
PO Box 2154
Bismarck, ND 58502

SHSND Ref.: 24-9097 Basin Electric Leland Olds Station to Tande 345-kV Transmission Project, PU-24-361 in portions of Mercer, McLean, Mountrail, Ward and Williams Counties, North Dakota

Dear Damita,

From your submission on behalf of Basin Electric Power Cooperative, it is our understanding that SHSND Ref: 24-9097 Basin Electric Leland Olds Station to Tande 345-kV Transmission Project involves construction of approximately 160 miles of new transmission line from the Leland Olds Station substation to the Tande Substation. Within volumes one and two of the cultural resources survey reports, 96.4% of the area proposed for the project has been surveyed. For the areas included in these reports, it is our determination that there are no significant sites affected provided the cultural sites are avoided as described in those reports. We look forward to reviewing the rest of the cultural survey (3.6%) in volume three.

Thank you for the opportunity to review this project under North Dakota cultural resources consultation. This letter does not serve as federal agency consultation or SHPO consultation for compliance with Section 106 of the National Historic Preservation Act of 1966, as amended, (36 CFR Part 800), or the National Environmental Policy Act, as amended, (42 U.S.C. §§ 4321- 4347). If you have any questions, please contact Lorna Meidinger, Lead Historic Preservation Specialist at lbmeidinger@nd.gov or (701) 328-2089.

Sincerely,

for William D. Peterson, PhD
Director, State Historical Society of North Dakota

24-9097