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November 19, 2024

Via Hand Delivery & Electronic Mail

Mr. Steve Kahl
North Dakota Public Service Commission
600 E. Boulevard, Dept. 408
Bismarck, ND 58505-0480
ndpsc@nd.gov

In re: Northern Divide Energy Storage, LLC
Burke County
Siting Application

Dear Mr. Kahl:

Enclosed for filing please find the following:

1) Northern Divide Energy Storage, LLC's Application for a Certificate of Site Compatibility in Burke County, North Dakota (8 copies).

2) NextEra Energy Resources Development LLC's check in the amount of $64,150.00 for the Commission's filing fee set forth under N.D.C.C. § 49-22-22(1)(a). The current estimated cost of project investment is estimated to be $128,300,000.00.[1]

3) Publication Map (8 copies).

4) Notice of Appearance.

We are also enclosing a USB containing project GIS and an electronic version of the application for your convenience. An administrative filing fee check will subsequently be filed with the Commission pursuant to N.D.C.C. § 49-22-22(4).

Please feel free to contact me if you have any questions. Thank you.

[1] The estimated cost of project investment was rounded in the siting application for ease of reference.

Sincerely,

Casey A. Furey

CAF/lh
Enc.

cc: Tracy Davis (via email)
Clint Scherb (via email)
Dina Brown (via email)
Erik Edison (via email)

APPLICATION FOR A CERTIFICATE OF SITE COMPATIBILITY

Northern Divide Energy Storage

BURKE COUNTY, NORTH DAKOTA

SUBMITTED TO:

North Dakota Public Service Commission

SUBMITTED BY:

Northern Divide Energy Storage, LLC
700 Universe Boulevard
Juno Beach, Florida 33408

PREPARED BY:

Merjent, Inc.
1 Main Street SE, Suite 300
Minneapolis, Minnesota 55414

NOVEMBER 2024

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ACRONYMS AND ABBREVIATIONS

AC	alternating current
Basin Electric	Basin Electric Power Cooperative
BESS	Battery Energy Storage System
BGEPA	Bald and Golden Eagle Protection Act
BMPs	best management practices
BMS	battery management system
Certificate	Certificate of Site Compatibility
Commission or PSC	North Dakota Public Service Commission
dBA	decibel, A-weighted
DC	direct current
dbh	diameter at breast height
EMF	electromagnetic fields
ERP	Emergency Response Plan
ESA	Energy Storage Agreement
FEMA	Federal Emergency Management Agency
IPaC	Information for Planning and Consultation
kV	kilovolt
MBTA	Migratory Bird Treaty Act
MW	megawatt
N.D. Admin. Code	North Dakota Administrative Code
N.D.C.C.	North Dakota Century Code
NASS	National Agricultural Statistics Service
ND	North Dakota
NDDEQ	North Dakota Department of Environmental Quality
NDDOT	North Dakota Department of Transportation
NDDTL	North Dakota Department of Trust Lands
NDDMR	North Dakota Department of Mineral Resources
NDDWR	North Dakota Department of Water Resources
NDGFD	North Dakota Game and Fish Department
NDGIS	North Dakota GIS Hub Data Portal
NDGS	North Dakota Geological Survey
NDLMI	Job Service North Dakota Labor Market Information Center
NDOGD	North Dakota Oil and Gas Division
NDPRD	North Dakota Parks and Recreation Department
NDRAM	North Dakota Risk Assessment MapService
NEC	National Electric Code
NextEra Energy Resources	NextEra Energy Resources, LLC
NFIP	National Flood Insurance Program
NFPA	National Fire Protection Association
NHD	National Hydrography Dataset
NIEHS	National Institute of Environmental Health Sciences
NPDES	National Pollutant Discharge Elimination System
NRCS	Natural Resources Conservation Service
NWI	National Wetlands Inventory
Northern Divide Energy Storage	Northern Divide Energy Storage, LLC
O&M	operations and maintenance
PCS	power conversion system
PLC	programmable logic controller

PLOTS	Private Land Open to Sportsmen
PPA	power purchase agreement
Project	Northern Divide Energy Storage
SCADA	Supervisory Control and Data Acquisition
SHSND	State Historical Society of North Dakota
SHPO	State Historic Preservation Office
Siting Act	Energy Conversion and Transmission Facility Siting Act
SPP	Southwest Power Pool
SPCC	Spill Prevention, Control, and Countermeasure
SWPPP	Storm Water Pollution Prevention Plan
USACE	U.S. Army Corps of Engineers
USDA	U.S. Department of Agriculture
USDHS	U.S. Department of Homeland Security
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Survey
Wind Energy Center	Northern Divide Wind Energy Center

APPLICATION CHECKLIST

State Authority and Description	Section Addressed
North Dakota Administrative Code Chapter 69-06-04-01. Application. 2. Contents.	
1. The application must contain:	
a. A description of:	
(1) The type of energy conversion facility proposed	1.0
(2) The gross design capacity	1.0
(3) The net design capacity	1.0
(4) The estimated thermal efficiency of the energy conversion process and the assumptions upon which the estimate is based	NA
(5) The number of acres that the proposed facility will occupy	1.0, 1.4, 4.6
(6) The anticipated time schedule for:	1.3
(a) Obtaining the certificate of site compatibility	1.3
(b) Completing land acquisition	1.3
(c) Starting construction	1.3
(d) Completing construction	1.3
(e) Testing operations	1.3
(f) Commencing commercial production	1.3
(g) Beginning any expansions or additions	1.3
b. Copies of any evaluative studies or assessments of the environmental impact of the proposed facility submitted to any federal, regional, state, or local agency.	Appendices B, C, D
c. An analysis of the need for the proposed facility based on present and projected demand for the product or products to be produced by the proposed facility, including the most recent system studies supporting the analysis of the need.	1.2.1
d. A description of any feasible alternative methods of serving the need.	1.2.3
e. A study area that includes the proposed facility site, of sufficient size to enable the commission to evaluate the factors addressed in N.D.C.C. Section 49-22-09.	1.4, all figures
f. A discussion of the utility's policies and commitments to limit the environmental impact of its facilities, including copies of board resolutions and management directives.	Appendix A
g. A map identifying the criteria that provides the basis for the specific location of the proposed facility within the study area.	All figures
h. A discussion of the criteria evaluated within the study area, including exclusion areas, avoidance areas, selection criteria, policy criteria, design and construction limitations, and economic considerations.	2.1, 2.2, 2.3, 2.4, 2.6, 2.7
i. A discussion of the mitigative measures that the applicant will take to minimize adverse impacts which result from the location, construction, and operation of the proposed facility.	6.1.2, 6.2.2, 6.3.2, 6.4.2, 6.5.2, 6.6.2, 6.7.2, 6.8.2
j. The qualifications of each person involved in the facility site location study.	9.0
k. A map of the study area showing the location of the proposed facility and the criteria evaluated.	All figures
l. An eight and one-half-inch by eleven-inch black and white map suitable for newspaper publication depicting the site area.	Electronically provided

State Authority and Description	Section Addressed
m. A discussion of present and future natural resource development in the area.	1.4, 6.5.1
n. Map and GIS requirements. The applicant shall provide information that is complete, current, presented clearly and concisely, and supported by appropriate references to technical and other written material available to the commission.	All figures, GIS provided
North Dakota Administrative Code Chapter 69-06-08-01. Energy conversion facility siting criteria.	
The following criteria must guide and govern the preparation of the inventory of exclusion and avoidance areas, and the site suitability evaluation process.	
(1) Exclusion areas. The following geographical areas must be excluded in the consideration of a site for an energy conversion facility.	2.1, Figure 2.1-1
(2) Additional exclusion areas for wind energy conversion facilities.	NA
(3) Avoidance areas. The following geographical areas may not be approved as a site for an energy conversion facility unless the applicant shows that under the circumstances there is no reasonable alternative.	2.2, Figure 2.2-1
(4) Additional avoidance areas for wind energy conversion facilities.	NA
(5) Selection criteria. A site may be approved in an area only when it is demonstrated to the commission by the applicant that any significant adverse effects resulting from the location, construction, and operation of the facility in that area as they relate to the following, will be at an acceptable minimum, or that those effects will be managed and maintained at an acceptable minimum.	2.3
(6) Policy criteria. The commission may give preference to an applicant that will maximize benefits that result from the adoption of the following policies and practices, and in a proper case may require the adoption of such policies and practices. The commission may also give preference to an applicant that will maximize interstate benefits.	2.4
North Dakota Century Code 49-22-08. Application for a certificate - Notice of filing - Amendment - Designation of a site or corridor.	
1. An application for a certificate shall be in such form as the commission may prescribe, containing the following information:	
a. A description of the size and type of facility.	1.0
b. A summary of any studies which have been made of the environmental impact of the facility.	Appendices B, C, D
c. A statement explaining the need for the facility.	1.2.1
d. An identification of the location of the preferred site for any energy conversion facility.	1.4
e. An identification of the location of the preferred corridor for any transmission facility.	NA
f. A description of the merits and detriments of any location identified and a comprehensive analysis with supporting data showing the reasons why the preferred location is best suited for the facility.	1.0, 1.2.1, 1.4
g. A description of mitigative measures that will be taken to minimize all foreseen adverse impacts resulting from the location, construction, and operation of the proposed facility.	6.1.2, 6.2.2, 6.3.2, 6.4.2, 6.5.2, 6.6.2, 6.7.2, 6.8.2
h. An evaluation of the proposed site or corridor with regard to the applicable considerations set out in section 49-22-09 and the criteria established pursuant to section 49-22-05.1.	2.1, 2.2, 2.5
i. Such other information as the applicant may consider relevant or the commission may require.	1.2.2, 3.0, 4.0, 5.0, 8.0
North Dakota Century Code 49-22-09. Factors to be considered in evaluating applications and designation of sites, corridors, and routes.	
1. The commission shall be guided by, but is not limited to, the following considerations, where applicable, to aid the evaluation and designation of sites, corridors, and routes:	

State Authority and Description	Section Addressed
a. Available research and investigations relating to the effects of the location, construction, and operation of the proposed facility on public health and welfare, natural resources, and the environment.	2.5
b. The effects of new energy conversion and transmission technologies and systems designed to minimize adverse environmental effects.	2.5
c. The potential for beneficial uses of waste energy from a proposed energy conversion facility.	2.5
d. Adverse direct and indirect environmental effects which cannot be avoided should the proposed site or route be designated.	2.5
e. Alternatives to the proposed site, corridor, or route which are developed during the hearing process and which minimize adverse effects.	2.5
f. Irreversible and irretrievable commitments of natural resources should the proposed site, corridor, or route be designated.	2.5
g. The direct and indirect economic impacts of the proposed facility.	2.5
h. Existing plans of the state, local government, and private entities for other developments at or in the vicinity of the proposed site, corridor, or route.	2.5
i. The effect of the proposed site or route on existing scenic areas, historic sites and structures, and paleontological or archaeological sites.	2.5
j. The effect of the proposed site or route on areas which are unique because of biological wealth or because they are habitats for rare and endangered species.	2.5
k. Problems raised by federal agencies, other state agencies, and local entities.	2.5
3. Before the commencement of operations of the proposed facility, the applicant shall inform the commission that the applicant has executed or filed an unexecuted generation interconnection agreement, or comparable transmission services agreement, with the affected regional transmission organization or transmission owner.	2.5

1.0 INTRODUCTION

Northern Divide Energy Storage, LLC (Northern Divide Energy Storage), a wholly owned, indirect subsidiary of NextEra Energy Resources, LLC (NextEra Energy Resources), respectfully submits this application for a Certificate of Site Compatibility (Certificate) to the North Dakota Public Service Commission (Commission or PSC) to construct the Northern Divide Energy Storage Project (Project). The Project will be a 100-megawatt (MW) battery energy storage system (BESS) with a four-hour duration to store excess energy available on the grid. The Project is proposed to be located adjacent to the existing Northern Divide Wind Energy Center (Wind Energy Center), which is owned and operated by Northern Divide Storage's affiliate, Northern Divide Wind, LLC (Northern Divide Wind). The Project Area encompasses approximately 20 acres in Burke County, North Dakota (Figure 1.0-1). Northern Divide Energy Storage expects to start construction in the second quarter of 2025 with commercial operation anticipated in the second quarter of 2026. The anticipated lifespan of the Project is 25 years.

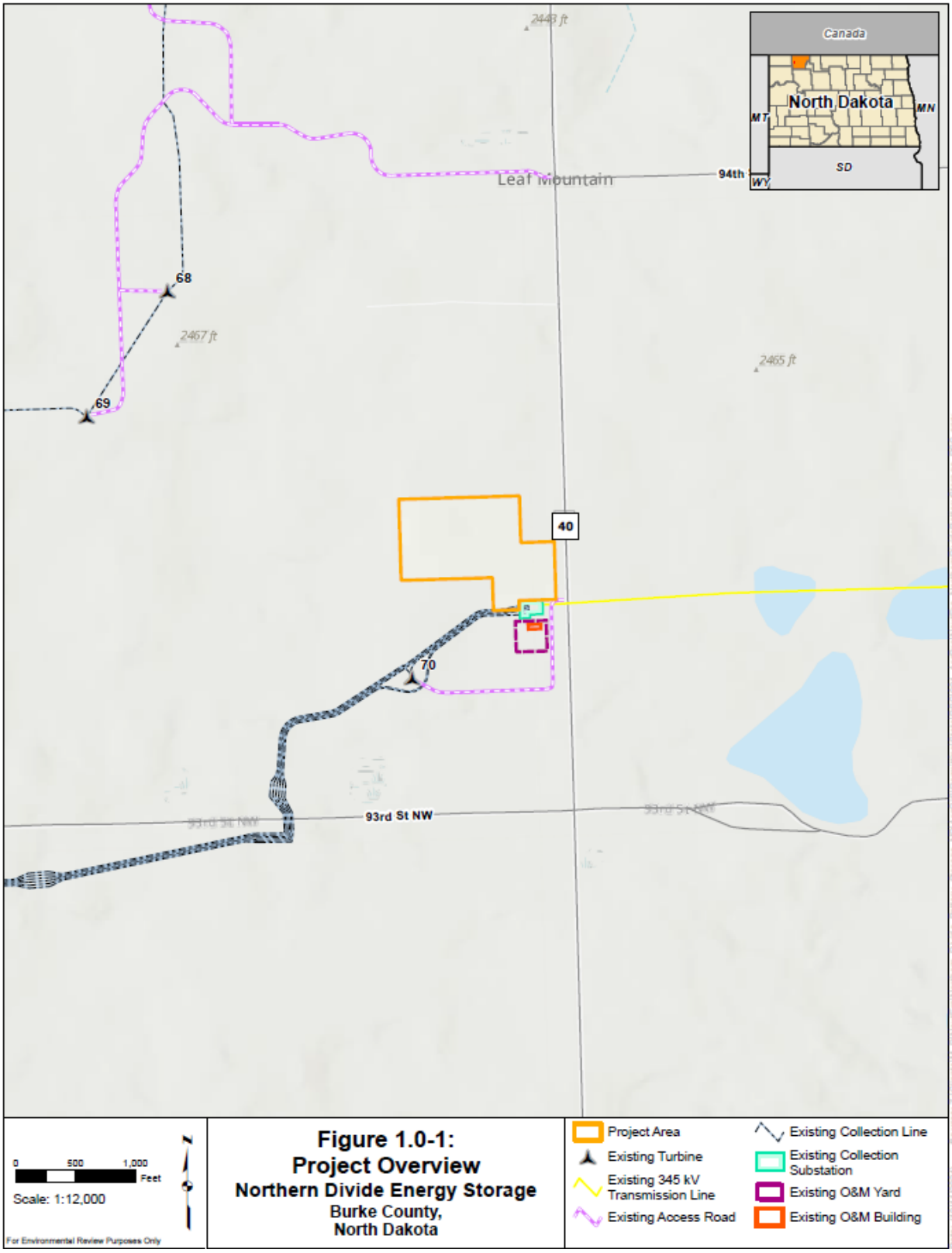
The Project includes a 100-MW, four-hour duration BESS facility with associated inverters, transformers, underground cables, and other ancillary facilities, such as fencing, roads, and a supervisory control and data acquisition (SCADA) system. The Project will connect to the existing Northern Divide Wind 345-kilovolt (kV) collection substation.

The Project will be capable of storing excess power from the grid when production exceeds system demand (oversupply). If the grid has excess energy (e.g., during periods of low demand), this energy will be absorbed by the Project for later release. The Project will provide additional reliability for and deliverability to the grid by having the ability to store low-cost excess generation (relative to load) and inject it onto the grid at times of increased demand.

The North Dakota Energy Conversion and Transmission Facility Siting Act (Siting Act), North Dakota Century Code (N.D.C.C.) Chapter 49-22 requires the proponent of a utility-scale energy storage plant designed for operation as a grid resource and capable of 5 MW or more of rated power capacity to obtain a Certificate from the Commission in order to locate, construct, and operate the facility in the state of North Dakota. An application for a Certificate must meet certain criteria set forth in the Siting Act, as well as in North Dakota Administrative Code (N.D. Admin. Code) Chapter 69-06-08. An energy storage facility is required to be sited in an orderly manner compatible with environmental preservation and the efficient use of resources (N.D.C.C. Section 49-22-02).

In this application, Northern Divide Energy Storage presents the information required by the Siting Act and the Commission's siting rules. Northern Divide Energy Storage has considered the exclusion and avoidance areas, selection criteria, and policy criteria in the design of the Project, in accordance with N.D.C.C. Chapter 49-22 and N.D. Admin. Code Chapter 69-06-08. Information regarding Project design, construction, and operation has been included in this application to allow a thorough understanding of the Project and to aid in review by the Commission, regulatory agencies, and the public.

Northern Divide Energy Storage seeks a Certificate for the Project Area, rather than for specific infrastructure locations. This process allows flexibility in determining the final equipment layout in the site plan as the design is finalized and specific technology is selected. A pre-construction conference call will be held with Commission staff to ensure that the final Project site plan conforms to the Certificate requirements. This siting process is consistent with North Dakota siting rules, Commission precedent, and provides Northern Divide Energy Storage with the flexibility necessary to develop a timely, safe, cost-effective project in an environmentally responsible manner.


Canada
North Dakota
MT
MN
SD
WY
94th
Leaf Mountain
2443 ft
2467 ft
2465 ft
68
69
70
40
93rd St NW
0 500 1,000 Feet
Scale: 1:12,000
For Environmental Review Purposes Only
Figure 1.0-1:
Project Overview
Northern Divide Energy Storage
Burke County,
North Dakota
Project Area
Existing Turbine
Existing 345 kV Transmission Line
Existing Access Road
Existing Collection Line
Existing Collection Substation
Existing O&M Yard
Existing O&M Building

1.1 APPLICANT INFORMATION

Northern Divide Energy Storage will be responsible for constructing, owning, operating, and maintaining the Project, as well as fulfilling all conditions set forth by the Commission if the Commission grants the requested Certificate. Northern Divide Energy Storage will secure a third-party engineering, procurement, and construction (EPC) contractor to manage and complete construction of the Project.

NextEra Energy Resources, through its subsidiaries and affiliates, develops renewable energy projects throughout the United States and Canada. NextEra Energy Resources is a world leader in battery energy storage, with more than 2.6 gigawatts of operational energy storage capacity. NextEra Energy Resources is also the world's largest generator of renewable energy from the sun and wind, operating more than 20,000 MW of emissions-free wind energy in North America. In North Dakota, NextEra Energy Resources subsidiaries own and/or operate 15 wind facilities (which generate approximately 1,615 MW) and two gas pipelines, with an additional up to 900 MW of wind energy currently in development. Since 2003, NextEra Energy Resources' subsidiaries have been helping fuel North Dakota's economic growth, improving quality of life, and moving our country toward energy independence. NextEra Energy Resources' subsidiaries design, construct, and operate their facilities in an environmentally sound and responsible manner. Appendix A describes Northern Divide Energy Storage's commitments to avoid and minimize environmental impacts.

1.2 PURPOSE AND NEED

1.2.1 Statement of Need

A Surplus Interconnection Service Generator Interconnection Agreement was entered into by Southwest Power Pool (SPP), Basin Electric Power Cooperative (Basin Electric), and Northern Divide Energy Storage on December 1, 2023.

The Northern Divide Energy Storage Agreement (ESA) and Northern Divide Wind Power Purchase Agreement (PPA) have both been executed with Basin Electric. The PPA is a 30-year agreement, with the Wind Energy Center achieving commercial operation on December 22, 2020. The Project, scheduled to begin operations in May 2026, will align with the Wind Energy Center, meaning that by the time the Project becomes operational, the PPA will be approximately 5.5 years into its 30-year term.

The ESA, which has a term of 24.5 years, will cover the full offtake of Northern Divide Energy Storage, complementing the PPA. This agreement is expected to alleviate transmission congestion and mitigate pricing volatility.

The Project is being developed alongside the operational Northern Divide Wind Energy Center. Basin Electric has requested additional capacity to meet growing demand and SPP requirements. The Project will share the Wind Energy Center's collection substation and point of interconnection, which has been studied by SPP.

1.2.2 Grid Resilience

Utility scale BESS facilities enhance grid resilience during extreme weather events and disruptions by providing immediate backup power, stabilizing grid operations, and integrating renewable energy. BESS facilities can store energy during low demand and release it during peak demand, maintaining grid stability and reducing outages. BESS facilities also support critical infrastructure

during emergencies. Quick response times and demand management capabilities make BESS essential for ensuring continuous, reliable power, even in adverse conditions.

1.2.3 Alternative Methods to Service the Need

Due to the unique challenges and requirements of energy storage as it relates to energy generated by a wind facility, it is unlikely that alternative technologies, such as hydrogen storage, compressed air energy storage, flywheel energy storage, pumped hydro storage, thermal energy storage, or natural gas/biogas backup, would fully replicate the capabilities and versatility provided by a BESS. The intermittent and variable nature of wind power generation demands a storage solution that can rapidly respond to fluctuations in both generation and demand. While these alternative technologies offer their own merits, including sustainability and dispatchable power, the specific demands of seamless integration with a wind facility may limit their effectiveness in meeting the storage needs essential for a reliable and stable energy supply. Therefore, it is unlikely that an alternative to a BESS would meet the same need.

1.3 SCHEDULE

A summary of the anticipated schedule for the Project is provided in Table 1.3-1.

TABLE 1.3-1
Anticipated Time Schedule

Activity	**Anticipated Time**
Land acquisition	Complete
Obtaining the Certificate of Site Compatibility	April 2025
Starting construction	June 2025
Completing construction	February 2026
Integration, commissioning, and testing operations	February through May 2026
Commencing commercial operation	May 2026
Beginning any expansions or additions	Northern Divide Energy Storage does not propose any additions or expansions to the Project at this time. Should Northern Divide Energy Storage seek to develop adjacent areas in the future, all necessary permits and approvals would be obtained to allow such an expansion.

1.4 PROJECT LOCATION

The Project will be located on approximately 20 acres west of and adjacent to North Dakota (ND) Highway 40 (Figure 1.4-1). The Project Area is located in the Southeast Quarter (SE1/4) of Section 17, Township 161 North, Range 93 West in Burke County, North Dakota. The Project Area is located approximately nine miles south of Columbus, 14 miles northeast of McGregor, and 15 miles northwest of Powers Lake. All facilities will be on private land. Northern Divide Energy Storage has executed a Purchase and Sale Agreement with the private landowner. Additionally, Northern Divide Energy Storage will enter into an easement agreement with Northern Divide Wind to connect the BESS to the existing substation via an underground collection system and to utilize the existing driveway on ND Highway 40 for access to the Project.

Northern Divide Energy Storage selected the Project location based on its proximity to the Wind Energy Center infrastructure, including the existing collection substation and Northern Divide Wind 345-kV transmission line. By siting the Project adjacent to the existing Wind Energy Center, Northern Divide Energy Storage aimed to minimize impacts on the surrounding community,

enhance operational efficiency, and condense development into a compact area. The Project Area is adjacent to the collection substation and approximately 800 feet north of the nearest turbine (Figure 1.4-1).

Northern Divide Energy Storage also reviewed a one-mile buffer around the Project Area, referred to as the Study Area, for relevant sections in the environmental analysis (refer to Section 6.0).


Canada
North Dakota
MN
MT
SD
WY
40
70
0 200 400
Feet
Scale: 1:4,800
For Environmental Review Purposes Only
Figure 1.4-1:
Project Location (Aerial)
Northern Divide Energy Storage
Burke County,
North Dakota
Project Area
Existing Turbine
Existing 345 kV Transmission Line
Existing Access Road
Existing Collection Line
Existing Collection Substation
Existing O&M Yard
Existing O&M Building

2.0 SITE SELECTION CRITERIA

Northern Divide Energy Storage selected the Project Area by considering various factors, such as siting criteria outlined in N.D. Admin. Code 69-06-08-01, considerations specified in N.D.C.C. 49-22-09, proximity to the existing Wind Energy Center, design and construction limitations, economics, site inspections and studies, landowner participation, and communications with local, state, and federal agencies.

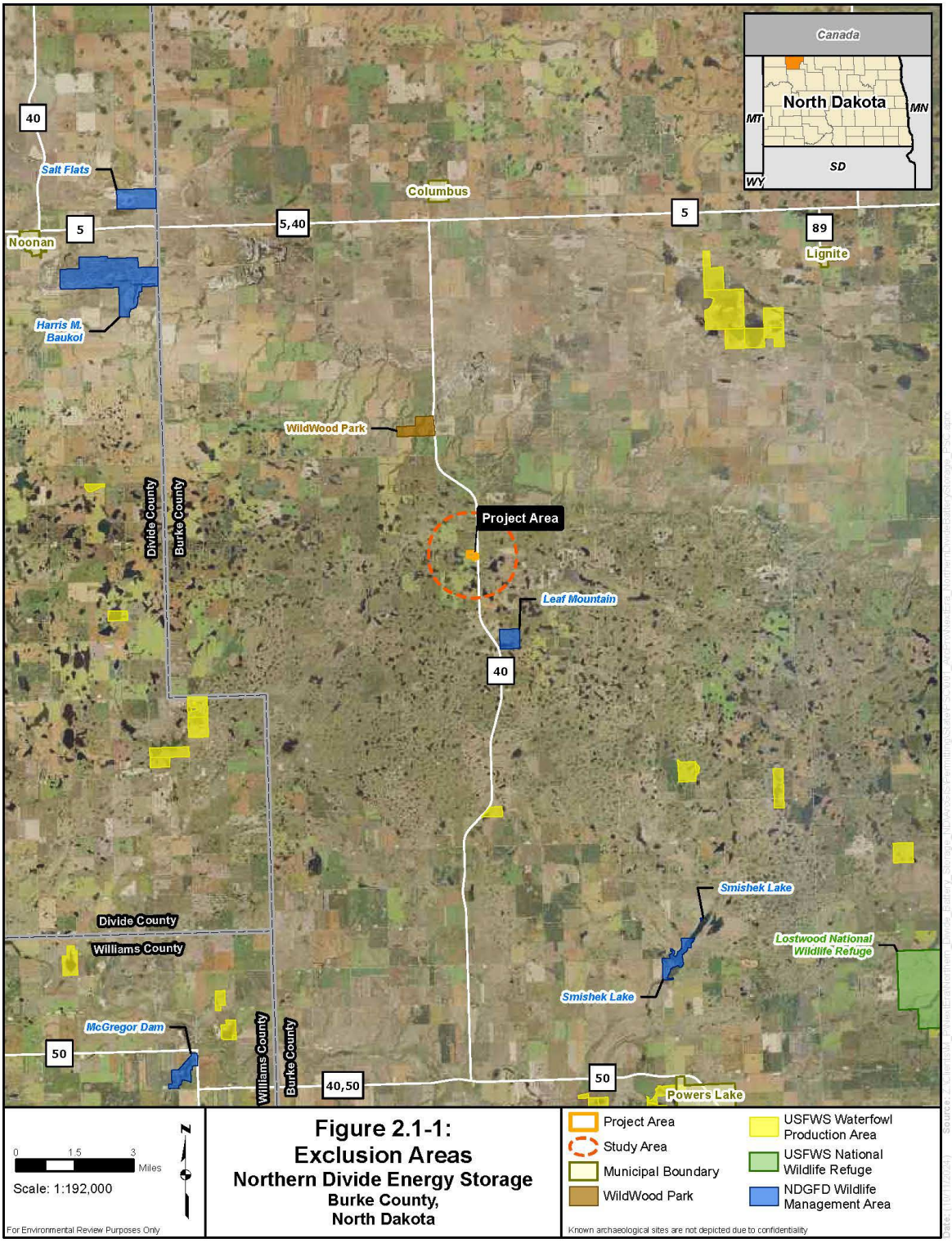
2.1 EXCLUSION AREAS

N.D. Admin. Code 69-06-08-01(1) stipulates that certain "geographical areas must be excluded in the consideration of a site for an energy conversion facility." Table 4.1-1 outlines the geographic areas identified in N.D. Admin. Code 69-06-08-01(1) and provides a description of how the Project excludes these specific geographical areas. Exclusion areas in the Project Area, Study Area, and surrounding area are shown on Figure 2.1-1. N.D. Admin. Code 69-06-08-01(2), which includes additional exclusion areas that are specific to wind energy conversion facilities, does not apply to the Project, as it is not a wind energy conversion facility and is therefore not included in Table 2.1-1.

TABLE 2.1-1

Exclusion Areas

North Dakota Administrative Code 69-06-08-01(1)	Description if Present in or Applicable to the Project	Section Addressed
1. Exclusion areas.		
a. Designated or registered national: parks; memorial parks; historic sites and landmarks; natural landmarks; historic districts; monuments; wilderness areas; wildlife areas; wild, scenic, or recreational rivers; wildlife refuges; and grasslands.	Not present. The Project Area is not located within any federal lands or areas.	6.5
b. Designated or registered state: parks; forests; forest management lands; historic sites; monuments; historical markers; archaeological sites; grasslands; wild, scenic, or recreational rivers; game refuges; game management areas; management areas; and nature preserves.	Not present. The Project Area is not located within any state lands or areas.	6.5
c. County parks and recreational areas; municipal parks; parks owned or administered by other governmental subdivisions; hardwood draws; and enrolled woodlands.	Not present. The Project Area is not located within parks owned or administered by various government entities, hardwood draws, or enrolled woodlands	6.5, 6.8
d. Areas critical to the life stages of threatened or endangered animal or plant species.	Not present. No areas critical to the life stage of threatened or endangered species are identified within the Project Area.	6.8, Appendix D
e. Areas where animal or plant species that are unique or rare to this state will be irreversibly damaged.	Not present. No state unique or rare animal or plant areas are identified within the Project Area.	6.8, Appendix D
f. Areas within 1,200 feet of the geographic center of an intercontinental ballistic missile launch or launch control facility.	Not present. The nearest intercontinental ballistic missile launch or launch control facility is approximately 15 miles east of the Project Area.	6.3
g. Areas within thirty feet [9.14 meters] on either side of a direct line between an intercontinental ballistic missile launch facility and a missile alert or launch control facilities to avoid microwave interference. This restriction only applies to aboveground structures, not to surface features, such as roads, or belowground infrastructure.	Not present. The nearest intercontinental ballistic missile launch facility, missile alert facility, or launch control facility is approximately 15 miles east of the Project Area.	6.3

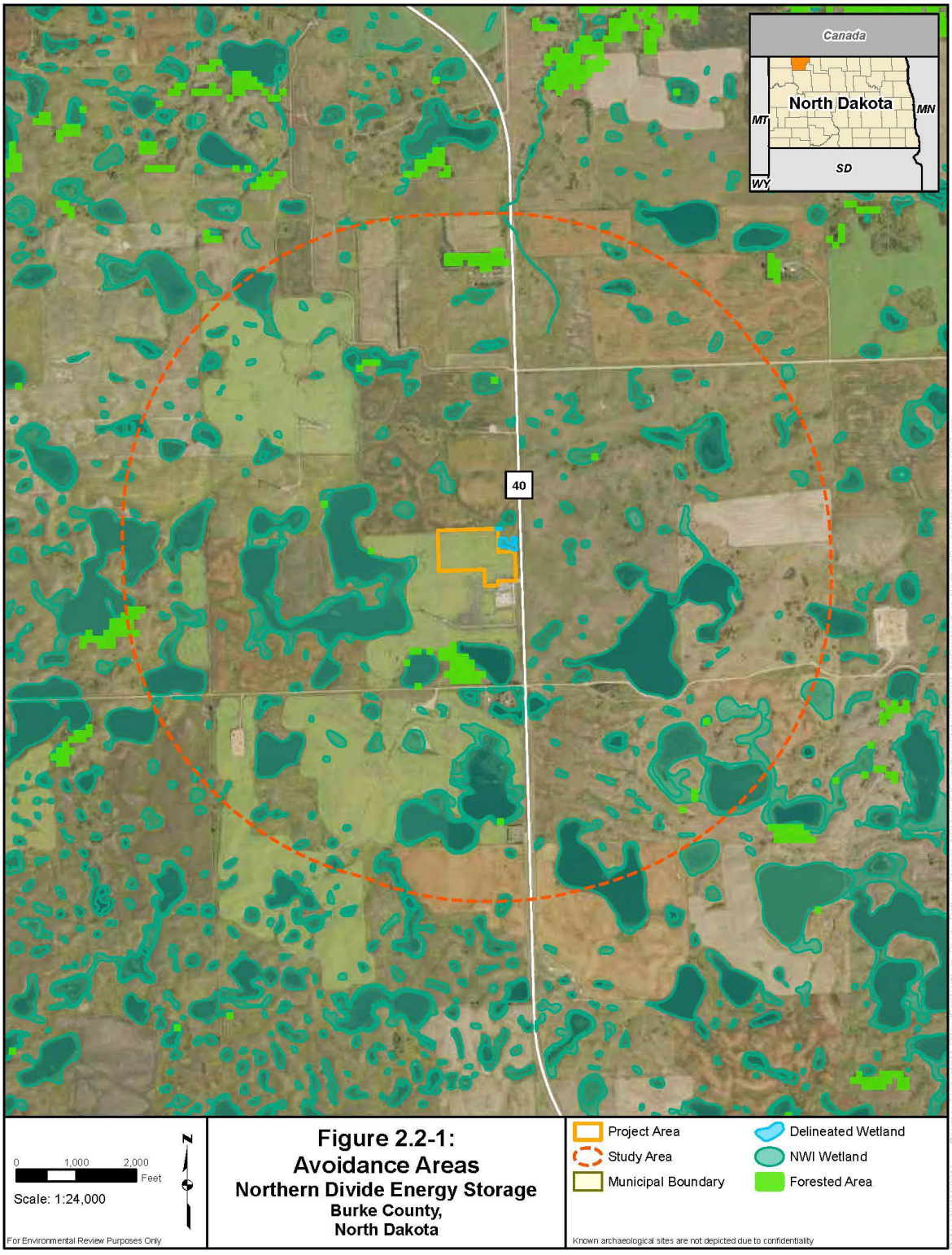

Canada
North Dakota
MT
MN
SD
WY
40
Salt Flats
Columbus
5
5,40
5
89
Noonan
Lignite
Harris M. Baukol
WildWood Park
Divide County
Burke County
Project Area
Leaf Mountain
40
Smishek Lake
Lostwood National Wildlife Refuge
Divide County
Williams County
Smishek Lake
McGregor Dam
50
Williams County
Burke County
40,50
50
Powers Lake
0 1.5 3 Miles
Scale: 1:192,000
For Environmental Review Purposes Only
Figure 2.1-1:
Exclusion Areas
Northern Divide Energy Storage
Burke County,
North Dakota
Project Area
Study Area
Municipal Boundary
WildWood Park
USFWS Waterfowl Production Area
USFWS National Wildlife Refuge
NDGFD Wildlife Management Area
Known archaeological sites are not depicted due to confidentiality

2.2 AVOIDANCE AREAS

N.D. Admin. Code 69-06-08-01(3) stipulates that specified "geographical areas may not be approved as a site for an energy conversion 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 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 sites. Economic considerations alone will not justify approval of these areas. A buffer zone of a reasonable width to protect the integrity of the area must be included. Natural screening may be considered in determining the width of the buffer zone." Table 2.2-1 outlines the geographic areas identified in N.D. Admin. Code 69-06-08-01(3) and provides a description of how the Project avoids these specific geographical areas. Avoidance areas in the Project Area, Study Area, and surrounding area are shown on Figure 2.2-1. N.D. Admin. Code 69-06-08-01(4).

TABLE 2.2-1
Avoidance Areas

North Dakota Administrative Code 69-06-08-01(3)	Description if Present in or Applicable to the Project	Proposed Buffer Zone	Section Addressed
3. Avoidance areas.			
a. Historical resources which are not designated as exclusion areas.	Not present. Within the Project Area there are no historical resources which are not designated as exclusion areas.	No impacts are anticipated, and no buffer zone is proposed.	6.4, Appendix C
b. Areas within the city limits of a city or the boundaries of a military installation.	Not present. Within the Project Area there are no cities or city limits or boundaries of a military installation.	No impacts are anticipated, and no buffer zone is proposed.	6.3
c. Areas within known floodplains as defined by the geographical boundaries of the hundred-year flood.	Not present. No Federal Emergency Management Agency flood rating maps have been developed for the area.	No impacts are anticipated, and no buffer zone is proposed.	6.7
d. Areas that are geologically unstable.	Not present. A geotechnical survey has been conducted for the Project and will be used to inform design. The geotechnical surveys did not encounter karstic features or voids. The Project Area is not located within any landslide deposits, as indicated by the North Dakota Geological Survey's landslide mapping program.	No impacts are anticipated, and no buffer zone is proposed.	6.6, 7.2.10, Appendix E11
e. Woodlands and wetlands.	The Project avoids impacts to trees/shrubs and for any potential unforeseen impacts will comply with the Commission's Tree and Shrub Mitigation Specifications. Impacts to wetlands will be avoided.	No impacts are anticipated, and no buffer zone is proposed.	6.7, 6.8
f. Areas of recreational significance which are not designated as exclusion areas.	Not present. Within the Project Area there are no areas of recreational significance which are not designated as exclusion areas.	No impacts are anticipated, and no buffer zone is proposed.	6.5


Canada
North Dakota
MT
MN
SD
WY
40
0 1,000 2,000
Feet
Scale: 1:24,000
For Environmental Review Purposes Only
Figure 2.2-1:
Avoidance Areas
Northern Divide Energy Storage
Burke County,
North Dakota
Project Area
Study Area
Municipal Boundary
Delineated Wetland
NWI Wetland
Forested Area
Known archaeological sites are not depicted due to confidentiality

2.3 SELECTION CRITERIA

N.D. Admin. Code 69-06-08-01(5) stipulates that "a site shall be approved in an area only when it is demonstrated to the commission by the applicant that any significant adverse effects resulting from the location, construction, and operation of the facility in that area as they relate to the following, will be at an acceptable minimum, or that those effects will be managed and maintained at an acceptable minimum." Table 2.3-1 outlines the areas identified in N.D. Admin. Code 69-06-08-01(5) and provides a description of how the Project avoids adverse effects from the facility's location, construction, and operation and how they will be kept at an acceptable minimum or managed effectively.

TABLE 2.3-1

Selection Criteria

North Dakota Administrative Code 69-06-08-01(5)	Description of Project Effect	Section Addressed
5. Selection criteria.		
a. The impact upon agriculture:		
(1) Agricultural production.	Negligible/minimal effect anticipated. The Project will be located entirely within an agriculture field, with only the land necessary for operations being permanently affected. The Project will impact agricultural production by changing the Project location's land use from agricultural production to industrial operations.	6.5, 6.8
(2) Family farms and ranches.	No adverse effect anticipated. The Project will be located entirely within an agriculture field. The Project location's land use will change from agricultural production to industrial operations.	6.5, 6.8
(3) Land which the owner demonstrates has soil, topography, drainage, and an available water supply that cause the land to be economically suitable for irrigation.	No adverse effect anticipated. No irrigation occurs within the Project Area. The landowner has not expressed concerns related to the land being economically suitable for irrigation within the Project Area.	NA
(4) Surface drainage patterns and ground water flow patterns.	No adverse effect anticipated. The Project will be designed to facilitate unrestricted flow of surface drainage and surface groundwater from the upper portions to the lower portion of the watershed.	6.7
(5) The agricultural quality of the cropland.	Negligible/minimal effect anticipated. The Project will be located entirely within an agriculture field, with only the land necessary for operations being permanently affected. The Project location's land use will change from agricultural production to industrial operations. Temporarily disturbed areas will be restored as practicable. In the event of soil compaction during construction, Northern Divide Energy Storage will address and alleviate the compaction.	6.5, 6.8
b. The impact upon the availability and adequacy of:		
(1) Law enforcement	No adverse effect anticipated.	6.2
(2) School systems and education programs	No adverse effect anticipated.	NA
(3) Governmental services and facilities	No adverse effect anticipated.	6.2
(4) General and mental health care facilities	No adverse effect anticipated.	NA
(5) Recreational programs and facilities	Negligible/minimal effect anticipated. Recreational impacts will be auditory and visual in nature and limited to individuals using land in and near the Project Area for hunting, fishing, or nature observation.	6.5

TABLE 2.3-1

Selection Criteria

North Dakota Administrative Code 69-06-08-01(5)	Description of Project Effect	Section Addressed
(6) Transportation facilities and networks	Negligible/minimal effect anticipated. Vehicle traffic will experience a temporary increase during construction. During Project operations and maintenance, road use will generally be similar to other area traffic.	6.2
(7) Retail service facilities	No adverse effect anticipated. Local services such as motels, restaurants, and convenience stores are likely to experience an increase in business during Project construction.	NA
(8) Utility services	No adverse effect anticipated. Northern Divide Energy Storage will coordinate with Basin Electric Power Cooperative and the local utilities for utility services.	1.2.1, 6.2
c. The impact upon:		
(1) Local institutions	No adverse effect anticipated.	Not applicable
(2) Noise-sensitive land uses	Negligible/minimal effect anticipated. Noise sensitive land uses near the Project include inhabited residences and community buildings. Acoustic modeling results indicated that predicted sound limits will not exceed 45 dBA within 100 feet of an inhabited residence or community building in both a Project-only scenario and cumulative operational scenario with the Wind Energy Center.	6.3, Appendix B
(3) Light-sensitive land uses	Negligible/minimal effect anticipated. Light sensitive land uses near the Project include inhabited residences. Lighting will be only in areas where it is required for safety, security, or operations.	3.5.5
(4) Rural residences and businesses	Negligible/minimal effect anticipated. The nearest rural residence is located approximately 0.8 miles north of the Project. Rural businesses such as motels, restaurants, and convenience stores are likely to experience an increase in business during Project construction.	6.1
(5) Aquifers	No adverse effect anticipated. NDDWR data was reviewed and identified that two holes were drilled just south of the Project Area. The holes were drilled to a depth of 200 and 400 feet, and no static water was observed at either well (NDDWR 2024). During geotechnical surveys, no groundwater was encountered in bores that were between 20 and 40 feet below ground surface.	6.7
(6) Human health and safety	Negligible/minimal effect anticipated. General safety risks related to the construction and operation of an industrial site are anticipated and will be mitigated in accordance with workplace safety regulations.	6.3
(7) Animal health and safety	Negligible/minimal effect anticipated. The Project will be located entirely within an agriculture field. The Project will negligibly impact animal health and safety by changing the Project location's land use from agricultural production to industrial operations.	6.8
(8) Plant life	Negligible/minimal effect anticipated. The Project will be located entirely within an agriculture field. The Project will impact plant life by changing the Project location's land use from agricultural production to industrial operations. However, no grassland habitat will be impacted by the Project.	6.8
(9) Temporary and permanent housing	No adverse effect anticipated. Temporary housing such as motels are likely to experience an increase in business during Project construction. Permanent housing such as residences are likely to not experience any change.	6.1
(10) Temporary and permanent skilled and unskilled labor	No adverse effect anticipated. The Project will create up to approximately 20 temporary construction jobs for the approximately eight-month construction period. The Project will require one to two full time employees during operations and maintenance.	6.1
d. The cumulative effects of the location of the facility in relation to existing and planned facilities and other industrial development.	No adverse effect anticipated. The Project has been sited to avoid conflict with existing development plans of federal, state, local, and private businesses (where known), addressing potential cumulative effects on surrounding infrastructures. The Project is strategically positioned to complement the existing Wind Energy Center, minimizing cumulative effects.	NA

TABLE 2.3-1

Selection Criteria

North Dakota Administrative Code 69-06-08-01(5)	Description of Project Effect	Section Addressed
e. The impact upon military installations, assets, and operations.	No adverse effect anticipated. No military installations, assets, or operations occur within the vicinity of the Project Area.	6.3

2.4 POLICY CRITERIA

N.D. Admin. Code 69-06-08-01(6) states that "(t)he commission may give preference to an applicant that will maximize benefits that result from the adoption of the following policies and practices, and in a proper case may require the adoption of such policies and practices. The commission may also give preference to an applicant that will maximize interstate benefits." Table 2.4-1 summarizes how the Project will comply with the policy criteria specified in N.D. Admin. Code 69-06-08-01(6).

TABLE 2.4-1

Policy Criteria

North Dakota Administrative Code 69-06-08-01(6)	Description of Project Adoption	Section Addressed
6. Policy Criteria		
a. Recycling of the conversion byproducts and effluents.	The Project is designed in a manner that does not necessitate the recycling of conversion byproducts and effluents.	NA
b. Energy conservation through location, process, and design.	The Project optimizes energy conservation through its location by strategically placing it next to the existing Wind Energy Center, which collocates with existing infrastructure and allows surplus energy to be efficiently stored. Additionally, the Project's energy-efficient design and streamlined processes enhance overall energy conservation by minimizing energy losses during storage and distribution, ensuring that stored energy is utilized with maximum efficiency.	NA
c. Training and utilization of available labor in this state for the general and specialized skills required.	Northern Divide Energy Storage has utilized several local firms in developing and studying the Project and compiling this application and will continue to use local labor to the extent practicable.	6.1
d. Use of a primary energy source or raw material located within the state.	The energy source of the Project will come from surplus energy on the grid.	NA
e. Not relocating residents.	The Project will not cause any residents to be relocated, and there are no residences within the Project Area.	NA
f. The dedication of an area adjacent to the facility to land uses such as recreation, agriculture, or wildlife management.	Northern Divide Energy Storage will not dedicate any areas to other uses as part of the Project.	NA
g. Economies of construction and operation.	The Project will achieve economies of construction and operation through strategic planning and efficiency measures. By optimizing construction processes and implementing cost-effective operational strategies, the Project aims to minimize expenses and enhance overall economic efficiency throughout its operation lifecycle.	2.7
h. Secondary uses of appropriate associated facilities for recreation and the enhancement of wildlife.	The Project does not include associated facilities that would be appropriate for recreation or enhancement of wildlife.	NA
i. Use of citizen coordinating committees.	The use of citizen coordinating committees is not anticipated for this Project.	NA

TABLE 2.4-1

Policy Criteria

North Dakota Administrative Code 69-06-08-01(6)	Description of Project Adoption	Section Addressed
j. A commitment of a portion of the energy produced for use in this state.	Electric energy released by the Project is managed by Basin Electric Power Cooperative will be sent to the local electrical grid.	NA
k. Labor relations.	Labor relations will not be negatively affected by the Project.	NA
l. The coordination of facilities.	The Project will coordinate with existing facilities by seamlessly integrating with the existing Wind Energy Center, utilizing the existing transmission line, connecting to the pre-existing wind collection substation, and collaborating with the operations and maintenance facility. This coordinated effort ensures optimal utilization of resources, improves overall system efficiency, and facilitates a cohesive and integrated energy infrastructure.	NA
m. Monitoring of impacts.	The construction contractor will employ best management practices during construction to monitor soil impacts and segregate topsoil. A storm water pollution prevention plan will be prepared for the Project.	6.5.2, 6.6.2, 6.7.2
n. A commitment to installing light mitigation technology for wind energy conversion facilities subject to commercial availability and federal aviation administration approval.	Not applicable.	NA

2.5 FACTORS TO BE CONSIDERED

N.D.C.C. 49-22-09 states that "(t)he commission shall be guided by, but is not limited to, the following considerations, where applicable, to aid the evaluation and designation of sites, corridors, and routes." Table 2.5-1 provides the considerations specified in N.D.C.C. 49-22-09 and an evaluation of each consideration specific to the Project.

TABLE 2.5-1

Factors to be Considered

Consideration	Evaluation	Section Addressed
1. The commission shall be guided by, but is not limited to, the following considerations, where applicable, to aid the evaluation and designation of sites, corridors, and routes:		
a. Available research and investigations relating to the effects of the location, construction, and operation of the proposed facility on public health and welfare, natural resources, and the environment.	Research and investigations relating to the effects of the location, construction, and operation of the proposed facility on public health and welfare, natural resources, and the environment are included throughout this application and appendices.	Throughout the application
b. The effects of new energy conversion and transmission technologies and systems designed to minimize adverse environmental effects.	Northern Divide Energy Storage will utilize the most current available technologies to site, construct, and operate the Project to minimize or avoid potential adverse environmental impacts. Section 3.0 includes a description of the Project design technologies. Mitigation, minimization, and/or avoidance measures to be implemented for each resource are described in each corresponding subsection within Section 6.0.	3.0, 6.1.2, 6.2.2, 6.3.2, 6.4.2, 6.5.2, 6.6.2, 6.7.2, 6.8.2
c. The potential for beneficial uses of waste energy from a proposed energy conversion facility.	Not applicable. Energy storage does not produce waste energy. Therefore, the Project does not have the potential for beneficial use of waste energy.	NA

TABLE 2.5-1

Factors to be Considered

Consideration	Evaluation	Section Addressed
d. Adverse direct and indirect environmental effects which cannot be avoided should the proposed site be designated.	Adverse direct and indirect environmental effects which cannot be avoided should the proposed site be designated include permanent impacts to cropland that will remain for the life of the Project. Impacts for each resource are described in each corresponding subsection within Section 6.0.	6.1.2, 6.2.2, 6.3.2, 6.4.2, 6.5.2, 6.6.2, 6.7.2, 6.8.2
e. Alternatives to the proposed site which are developed during the hearing process and which minimize adverse effects.	Northern Divide Energy Storage believes that the proposed site is the most viable alternative. A description of the site selection criteria and considerations used to select the proposed site are discussed in Section 2.0. Alternative methods to service the need are described in Section 1.2.3.	1.2.3, 2.0
f. Irreversible and irretrievable commitments of natural resources should the proposed site be designated.	Irreversible and irretrievable resource commitments are related to the use of nonrenewable resources and the effects that the use of these resources would have on future generations. Irreversible effects primarily result from use or destruction of a specific resource that cannot be replaced within a reasonable time frame. Irretrievable resource commitments involve the loss in value of an affected resource that cannot be restored as a result of the action. There are few commitments of natural resources associated with the construction and operation of the Project that are irreversible and irretrievable. Irreversible and irretrievable natural resources are primarily related to the construction and operation of the Project. The proposed Project would result in the conversion of approximately 11.5 acres of cropland for the construction and operation of the Project. This land would be unavailable for agricultural production for the life of the Project.	6.5
g. The direct and indirect economic impacts of the proposed facility.	Northern Divide Energy Storage will purchase the land where the Project is located, providing a benefit to the landowner. The Project will create approximately one to two full-time O&M jobs, who are expected to reside locally. The Project will create up to 20 temporary construction jobs during the approximately eight-month construction period. Socioeconomic impacts associated with the Project are expected to be positive, with an influx of wages and expenditures made at local businesses during the construction period.	2.7, 6.1
h. Existing plans of the state, local government, and private entities for other developments at or in the vicinity of the proposed site, corridor, or route.	The proposed site does not include any existing plans of the state, local government, or private entities for other developments. Correspondence with the state and local government are summarized in Section 7.0 and Appendix E3 includes copies of the correspondence.	7.0, Appendix E3
i. The effect of the proposed site on existing scenic areas, historic sites and structures, and paleontological or archaeological sites.	No effect anticipated as all historic sites, historic structures, and archaeological sites identified through a Class I Literature Search and a Class III Cultural Resources Inventory, and all designated scenic areas and known paleontological sites will be avoided. A description of cultural resources is included in Section 6.4 and Appendix C.	6.4, Appendix C
j. The effect of the proposed site on areas which are unique because of biological wealth or because they are habitats for rare and endangered species.	No effect anticipated as all threatened and endangered species habitats identified through the U.S. Fish and Wildlife Service Information for Planning and Consultation tool will be avoided. No habitat for threatened or endangered species was identified during surveys. A description of rare and unique natural resources is included in Section 6.8 and Appendix D.	6.8, Appendix D
k. Problems raised by federal agencies, other state agencies, and local entities.	As part of development of the Project, Northern Divide Energy Storage and its representatives have maintained close coordination with federal agencies, state agencies, and local entities through a combination of in-person meetings, emails, mailers, and phone calls. Correspondence with federal agencies, other state agencies, and local entities are summarized in Section 7.0 and Appendix E includes copies of the correspondence.	7.0, Appendix E

2.6 DESIGN AND CONSTRUCTION LIMITATIONS

The Project will be designed and constructed in accordance with industry standards and regulatory requirements, ensuring safety, efficiency, and environmental compliance. Design considerations will include factors such as capacity, voltage requirements, integration with the existing grid infrastructure, and safety features, such as fire protection systems and emergency shutdown protocols. Construction limitations will be managed through planning, adhering to construction schedules, and quality control measures to ensure that the Project meets all specified design criteria and operational expectations.

2.7 ECONOMIC CONSIDERATIONS

Economics were considered when selecting a location for the Project. The Project will create approximately one to two full-time operations and maintenance (O&M) jobs. These employees are expected to reside locally. Additionally, the Project will create up to 20 temporary construction jobs during the approximately eight-month construction period.

The estimated total cost to construct the Project is approximately $130 million.

2.8 COUNTY CRITERIA

Per Northern Divide Energy Storage's commitment to transparency and community involvement, Northern Divide Energy Storage has conducted meetings with the Burke County Planning and Zoning Department and County Commission to provide comprehensive updates on the Project's progress. Northern Divide Energy Storage is prioritizing close coordination with Burke County throughout development.

Northern Divide Energy Storage gave a presentation about the Project to the Burke County Planning and Zoning Board and the Burke County Commissioners on February 21, 2023, and, again, on May 21, 2024. On August 29, 2024, Northern Divide Energy Storage met with the Burke County Planning and Zoning Commission to discuss various topics, including development, permitting, economics, environmental and safety concerns, employment, community involvement, zoning ordinances, public education, and the Conditional Use Permit. Northern Divide Energy Storage will continue to meet with county officials as the Project moves forward for any necessary local construction permits (e.g., building permits, road use agreements).

The Project has been designed to comply with or exceed the regulations required by the Zoning Regulations of Burke County, North Dakota. A conditional use permit application for the Project is being submitted to Burke County. The conditional use permit will be submitted to the Commission after it is issued.

3.0 PROJECT DESIGN

The Project is designed to enhance grid stability and optimize energy distribution through the strategic storage and release of electrical power. The flow of energy between the grid and the Project is managed dynamically. When the grid has excess energy (e.g., during periods of low demand), this energy will be absorbed by the BESS for later distribution. When the grid has capacity for additional energy, the Project will supply energy directly to the grid. This system ensures that energy is efficiently transferred and stored, minimizing waste and allowing for flexible energy dispatch during times of high or low demand. The market settlement process will track and reconcile energy transactions, ensuring proper compensation for stored and discharged energy in accordance with market rules.

The Project includes the construction of energy storage system cabinets, which will house the battery modules. These cabinets are equipped with battery management systems (BMS) that continuously monitor and regulate critical parameters, such as voltage, temperature, and state of charge, to maintain operational integrity and safety.

The Project will also include the construction of a Power Conversion System (PCS) to convert the direct current (DC) stored within the BESS to alternating current (AC) suitable for grid integration. The PCS will ensure the efficient and reliable transfer of energy between the BESS and the grid. Additionally, an electrical collection system will be constructed to connect the BESS to the Wind Energy Center's existing collection substation. The collection system will facilitate the efficient transfer of energy from the Project to the grid. The existing collection substation will undergo minor modifications to accommodate this connection. A preliminary site design is illustrated in Figure 3.0-1; this preliminary design is subject to change as detailed design progresses.

The energy supplied to the BESS will originate from the grid through the collection substation and transmission line shared with the Wind Energy Center. The activity of the Wind Energy Center and BESS will be accounted for individually. The Wind Energy Center will deliver all energy to the SPP system, and the BESS will withdraw all energy from the SPP system. The energy is stored until the BESS receives a dispatch signal and then the energy is transmitted to the grid via the existing collection substation and transmission line to the Basin Electric Tande Substation. The simplified process flow is depicted in Figure 3.0-2.

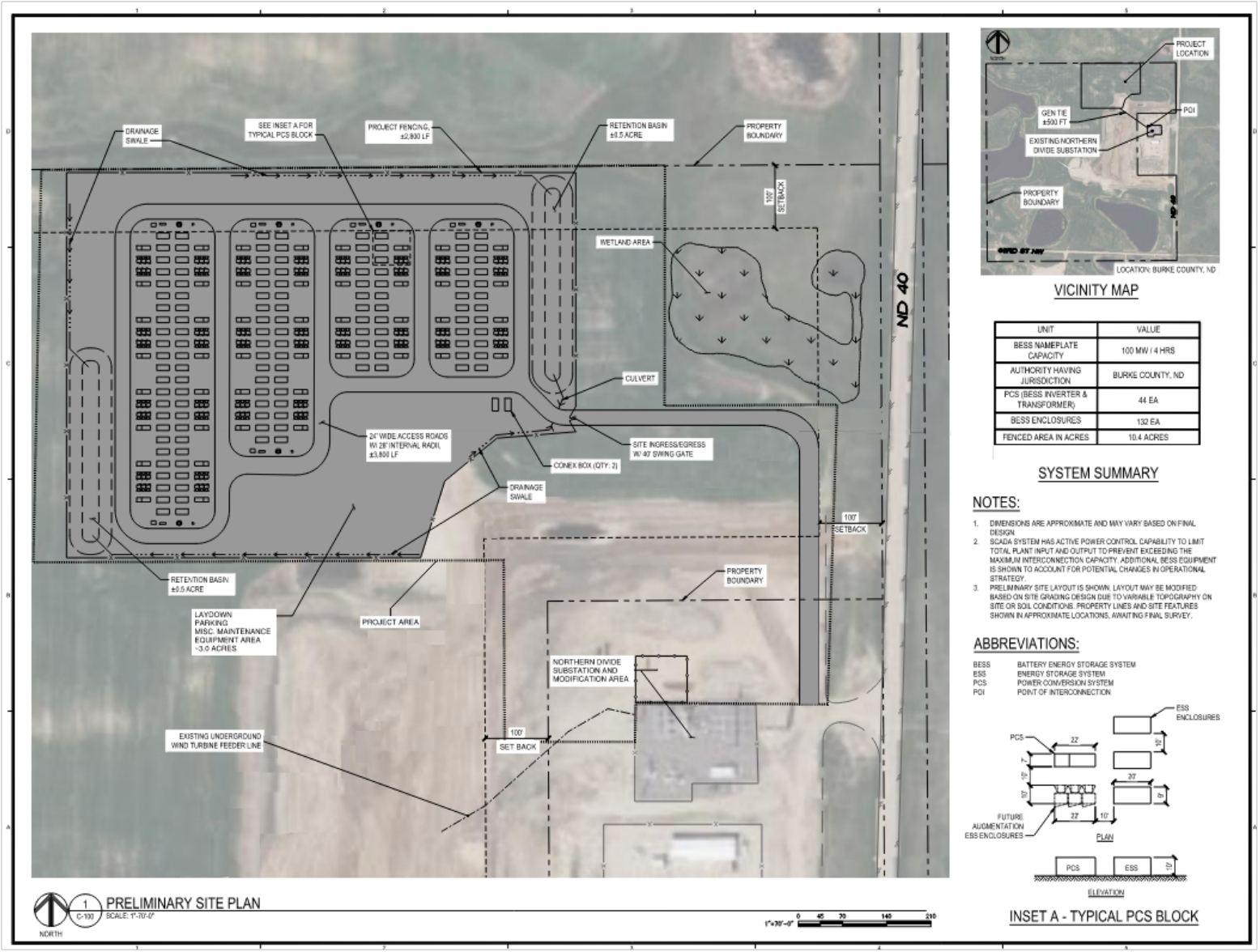


Figure 3.0-1 Preliminary Site Plan

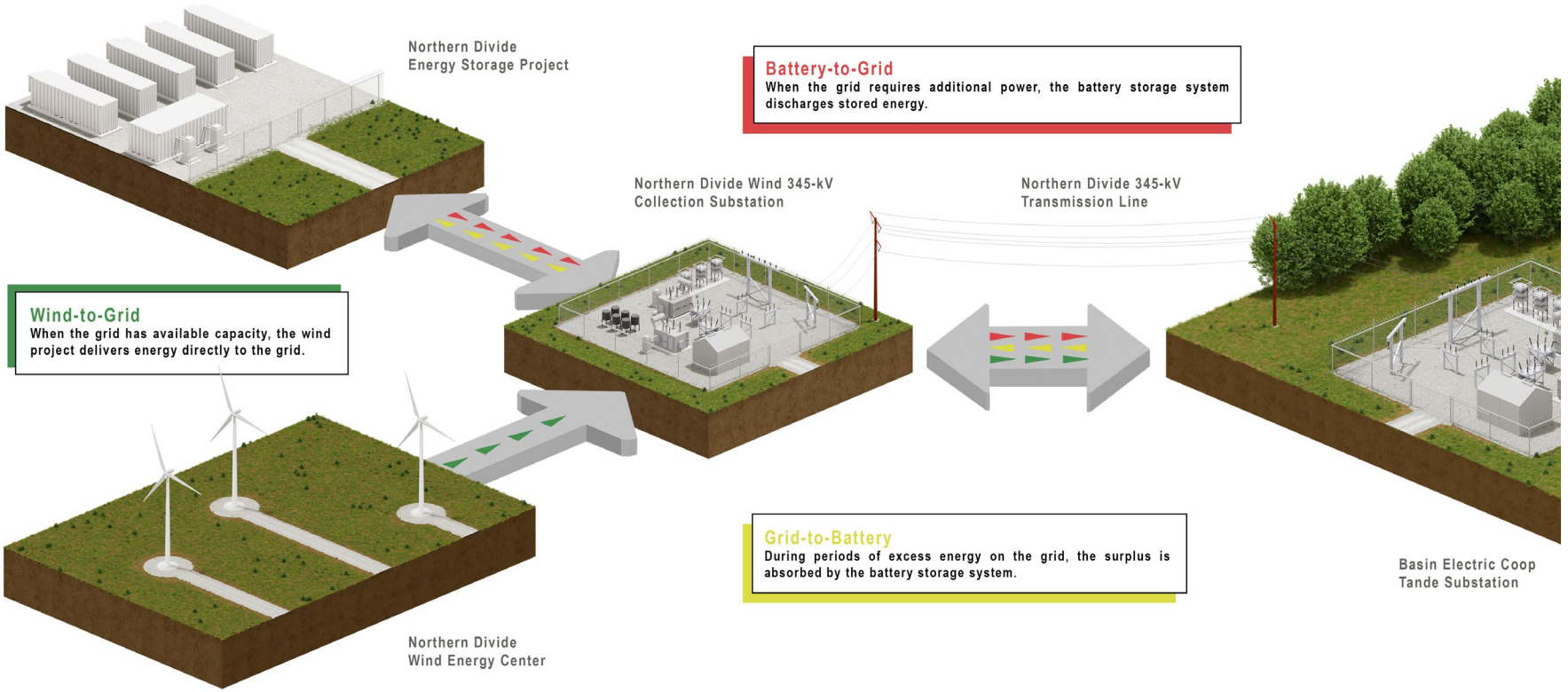


Figure 3.0-2 Battery Energy Storage System Path of Energy Diagram

3.1 BATTERY ENERGY STORAGE SYSTEM

3.1.1 Battery Modules

Individual lithium-ion, or similar technology, battery cells form the core of the BESS. Battery cells are assembled either in series or parallel in sealed battery modules. The BESS will include battery modules in self-supporting racks that are electrically connected either in series or parallel. Individual self-supporting racks are then connected in series or parallel to deliver the BESS power rating. Northern Divide Energy Storage has not finalized the battery type for the Project and will select the battery type based on the technology available at the time of procurement and prior to construction. Battery replacement is not anticipated for the Project unless it is for maintenance of defective components.

3.1.2 Energy Storage System Cabinets and Battery Management Systems

Multiple self-contained energy storage system cabinets will house the batteries and the battery management systems (BMS). The BMS is used in conjunction with the site-wide programmable logic controller (PLC) to monitor battery voltage, current, temperature, charge, discharge, thermal management, fault diagnosis, and more. Together, the BMS and PLC are a multi-level control system designed to provide a hierarchical system of controls for the battery modules and PCS up to the point of connection with the collection substation. The BMS and PLC ensure that the BESS effectively responds to dispatch instructions and provide a secondary safety system designed to safely shut down the BESS in the event of an emergency. Examples of a BESS and self-contained energy storage system cabinets are shown in Figure 3.1.2-1.

Each self-contained energy storage system cabinet will be equipped with a thermal management system for thermal management of the batteries. Power for the thermal management systems will be provided through excess capacity in the batteries when charging and discharging or via the grid when idle. Northern Divide Energy Storage anticipates 90 to 130 BESS enclosures depending on final design.

Figure 3.1.2-1 Battery Energy Storage System Example

3.2 POWER CONVERSION SYSTEM

The PCS will be located in the BESS and will consist of an inverter, protection equipment, DC and AC circuit breakers, filter equipment, equipment terminals, and a connection cabling system. Electric energy is transferred from the existing power grid to the batteries during a battery charging cycle and from the batteries to the grid during a battery discharge cycle. The PCS converts electric energy from AC to DC when energy is transferred from the grid to the battery and from DC to AC when energy is transferred from the battery to the grid. The energy conversion is enabled by a bidirectional inverter that connects the DC battery system to the AC electrical grid. The PCS will also include a transformer that converts the AC side output of the inverter to medium AC voltage to increase the overall efficiency of the BESS and to protect the PCS in the event of system electrical faults. Northern Divide Energy Storage anticipates 30 to 60 PCS units depending on final design.

3.3 CONNECTION TO THE EXISTING FACILITY

Northern Divide Energy Storage will connect to the existing collection substation by installing the necessary control and safety equipment to ensure the safe transfer of energy between the collection substation and the Project. The installation may include support structures, circuit breakers, and reactors, with the design of the interconnection adhering to the Engineer of Record design. Construction of the safety and control equipment will be within the Project Area, will be completed within the same timeframe as the Project, and will eliminate the need to construct a duplicate substation facility, thereby reducing the Project's overall impact.

3.4 ANCILLARY FACILITIES

3.4.1 Supervisory Control and Data Acquisition System

The Project will generally operate without onsite personnel, with operational control and 24/7 monitoring performed off-site through the SCADA system. The SCADA and associated systems will monitor key battery metrics, including state of charge, battery health, current, voltage, temperature, and alarm indicators for off-normal conditions. In the event of an anomaly or issue with a battery unit, the SCADA system will immediately alert trained personnel. If necessary, the BESS can be remotely shut down. See Section 5.1 for additional details about how the SCADA system functions as it relates to operations and maintenance.

3.4.2 Electrical Collection System

The electrical collection system will transmit electricity from the collection substation to the BESS when charging and from the Project to the collection substation when discharging. Energy to and from the batteries will be routed through a series of underground collection lines, which make up the electrical collection system. The electrical collection system will be designed to meet applicable requirements of the National Electrical Safety Code. The electrical collection system will be directly buried.

3.4.3 Site Access and Parking

Access to the Project will be provided via an approximately 500-foot driveway extending west from an existing driveway off of ND Highway 40 to the Project. The access road will have either a gravel or aggregate base, depending on the findings of site-specific geotechnical studies and the final geotechnical report. The entrance to the Project will feature a swing gate that will be locked for security. Site access will comply with North Dakota Department of Transportation (NDDOT)

regulations, including obtaining a road approach/access permit from NDDOT if modifications are needed for the existing driveway off ND Highway 40. Onsite parking spaces will be provided in open gravel areas, offering limited parking necessary for O&M personnel when onsite.

3.4.4 Fencing and Security

Permanent security fencing will be installed along the perimeter of the BESS site, consisting of an estimated 6-foot-tall chain-link fence topped with a 1-foot section of three-strand barbed wire. The fencing will be installed in accordance with industry standards and will comply with the National Electrical Code. The fencing will be designed to prevent the public from gaining access to electrical equipment. Access to the BESS will be facilitated through a secured drive-through swing gate.

3.4.5 Signage

Warning signs indicating high voltage at the BESS will be posted at the access gate and at intervals along the perimeter fencing. The entrance gate off ND Highway 40 will feature a sign reading "Northern Divide Energy Storage." Additionally, emergency services and safety signs will be placed throughout the BESS site as needed. Signage will include Northern Divide Energy Storage's contact information for first responders.

3.4.6 Stormwater Facilities

Northern Divide Energy Storage will manage stormwater in the BESS site through the installation of stormwater management facilities (e.g., retention basins). These facilities will be designed to control runoff and reduce erosion during periods of heavy rainfall. The locations of these facilities will be within the Project Area and are to be determined depending on final design.

3.5 TEMPORARY FACILITIES

Temporary facilities may be required for the construction phase of the Project, such as a concrete batch plant, construction laydown area for any equipment and construction management facility, and/or intersection improvements to facilitate over-length turning. Any temporarily affected areas will be restored to preconstruction conditions, to the extent practicable after construction has been completed.

3.6 COMPLIANCE WITH INDUSTRY STANDARDS AND SAFETY CODES

Northern Divide Energy Storage will ensure that all aspects of the Project comply with established industry standards and safety codes to safeguard the surrounding community and the environment. The safety of the O&M staff, neighbors, and the public is the highest priority.

Northern Divide Energy Storage will comply with the National Electric Code (NEC), also referred to as National Fire Protection Association (NFPA) 70, which defines comprehensive standards for the safe installation of electrical wiring and equipment. NEC is designed to protect people and property from electrical hazards. Northern Divide Energy Storage will meet NEC requirements by ensuring the proper installation of all electrical conductors, equipment, and raceways associated with the Project. Procedures will be updated regularly to reflect the most current NEC revisions, which are updated every three years to incorporate new technologies and safety measures.

Northern Divide Energy Storage will comply with NFPA 855, the Standard for the Installation of Stationary Energy Storage Systems. This includes implementing all necessary precautions to

ensure the safety of BESS installations by minimizing risks associated with fire, electrical hazards, and system failures. Northern Divide Energy Storage will design the system according to safety standards, ensuring that County and industry setbacks between the energy storage units and surrounding properties are met, and installing fire protection systems. Security barriers and access controls will be installed in accordance with NFPA 855 guidelines to enhance operational safety and prevent unauthorized access.

Northern Divide Energy Storage's energy storage system will be certified under UL 9540, the standard for verifying the safety of energy storage systems and equipment. UL 9540 certification ensures that the Project meets the required safety standards for fire, electrical, mechanical, and environmental hazards. Northern Divide Energy Storage will ensure that its systems undergo comprehensive testing and meet nationally recognized safety protocols as prescribed by UL 9540.

Through compliance with NFPA 70, NFPA 855, and UL 9540, Northern Divide Energy Storage will construct and operate the Project in full adherence to industry standards for safety and reliability.

3.7 PROJECT FOOTPRINT IMPACT

Within the Project Area, permanent effects refer to the final operational footprint, which includes components such as the energy storage system cabinets, an access road, and the PCS. These permanent features will occupy approximately 10 acres. These effects will persist for the operational life of the Project and will be removed at the time of decommissioning of the Project.

Temporary effects are associated with construction activities, such as the installation of underground systems and the use of construction laydown areas. These areas are expected to be reclaimed following the completion of construction.

Overall, the estimated footprint of the Project during construction, including both temporary and permanent effects, will cover approximately 11.5 acres. Of this, 1.5 acres are expected to be reclaimed after construction is complete, while 10 acres will remain as permanent operational effects.

4.0 CONSTRUCTION

4.1 SUPPLY CHAIN

Through the company's integrated supply chain, NextEra Energy Resources' subsidiaries work with established and reputable vendors, prioritizing Project suitability, availability, and cost, and NextEra Energy Resources' subsidiaries' contracts mandate that all battery supplies and components be produced without the use of forced labor. Additionally, these contracts require the battery suppliers to adhere to a non-forced labor compliance program and provide documentation of the supply chain, from raw materials to finished products.

4.2 CONSTRUCTION ACCESS AND DELIVERIES

Material and equipment needed to construct the BESS will reach the site through on-road truck delivery on ND Highway 40. The majority of truck deliveries will be for BESS components (e.g., energy storage system cabinets and controller, PCSs) and aggregate material (e.g., gravel, rock).

Typically, components will be hauled to the site using low-bed transfer trucks. Low-bed transport trucks also would transport construction equipment to the BESS site, unless the equipment can be driven (e.g., boom trucks). The size of low-bed transport trucks used will depend on the component or equipment being transported. Aggregate material would be delivered via bottom dump trucks or transfer trucks.

4.3 SITE PREPARATION

Construction will begin with site preparation. Although the Project site is fairly level, grading and minor earthwork will occur to support the installation of storm water management facilities (i.e., retention basins), perimeter fencing, foundations, and an access road. Road surfaces will be at-grade to allow water to sheet flow across the site. During site preparation, temporary staging area(s) will be designated within the BESS site to serve as the storage area(s) for materials and equipment during construction. The construction contractor will determine the specific location of temporary staging area(s).

Site preparation and grading will be accomplished using various equipment that could include scrapers, graders, dozers, compaction equipment, and water trucks (to control dust). Water consumption during construction would be needed for dust suppression and earthwork. Water would likely be delivered by truck from an off-site source or through an onsite well.

4.4 COMPONENT INSTALLATION

The BESS components will be off-loaded from low-bed transport trucks and installed using cranes, boom trucks, forklifts, rubber-tired loaders, rubber-tired backhoes, and other small- to medium-sized construction equipment, as needed. Equipment foundations for the energy storage system will either be poured concrete or driven pilings.

4.5 PERSONNEL AND TRAFFIC

Construction is anticipated to require up to 20 construction workers per day. The maximum average daily number of one-way worker vehicle trips would be 20. Northern Divide Energy Storage anticipates that construction crews would work 8 to 10 hours per day, with work occurring Monday through Friday. Overtime and weekend work would be used only as necessary to meet scheduled

milestones or to accelerate the construction schedule. Northern Divide Energy Storage will comply with applicable North Dakota labor laws.

5.0 OPERATIONS, MAINTENANCE, AND DECOMMISSIONING

5.1 OPERATIONS AND MAINTENANCE

The Project will operate 365 days per year and be monitored remotely through a SCADA system. NextEra Energy Resources operates a control center in the U.S. that monitors the readiness of its subsidiaries' energy storage facilities nationwide 24/7. If an issue is detected at a BESS location, the system can be shut down remotely, and a technician can be deployed to resolve the issue.

Typically, one major maintenance inspection of the BESS occurs annually. Only occasional, onsite maintenance is expected to be required following commissioning, including replacement of inverter power modules and filters, and miscellaneous electrical repairs on an as-needed basis. During normal O&M, Northern Divide Energy Storage anticipates one to two workers will inspect the site approximately one to two times per week. Inspection scheduling and monitoring will be supported by the control center's SCADA system, which tracks system performance and flags any irregularities for prompt on-site evaluation.

To maintain the Project's required energy capacity over its operational life, periodic battery augmentation will be planned to offset the gradual capacity reduction in the original battery systems. Battery systems are initially sized to meet the full nameplate energy requirement from the start of operations, accounting for auxiliary loads and other energy losses. However, as batteries naturally degrade over time, new units will be integrated within the existing footprint to uphold the contracted energy levels. The facility's design supports augmentation, with additional batteries expected approximately every 3 to 4 years, depending on usage and findings from routine inspections. These inspections are part of a preventive maintenance program to ensure optimal performance.

5.2 DECOMMISSIONING

The Project will be recycled at the end of its life, as most of its components are recyclable. The materials used in battery energy storage facilities retain value even after more than 20 years of use. Many of NextEra Energy Resources' subsidiaries' battery-manufacturing suppliers offer to reclaim their lithium batteries for recycling, allowing the parts to be reused in new products. In addition to being repurposed for new battery cells, recycled materials can be utilized in a variety of consumer products, including lithium grease, concrete additives, and some glass products. NextEra Energy Resources' subsidiaries require vendors to provide recycling certificates to ensure compliance with all applicable regulations in the recycling and disposal of battery storage equipment. In line with U.S. Environmental Protection Agency guidelines, batteries are not disposed of in municipal landfills. The disposal requirements for lithium-ion batteries are outlined in Part 273 of Title 40 of the Code of Federal Regulations.

Fuel, hydraulic fluids, and oils will be transferred directly to a tanker truck from the respective tanks and vessels. Storage tanks and vessels will be rinsed and transferred to tanker trucks. Other items that are not feasible to remove at the point of generation, such as lubricants, paints, and solvents, will be kept in a locked utility structure with integral secondary containment that meets applicable requirements for hazardous waste storage until removal for proper disposal and recycling. It is anticipated that all oils and batteries will be recycled at an appropriate facility. Site personnel involved in handling these materials will be trained to properly handle them. Transportation of the removed hazardous materials will comply with applicable regulations for transporting hazardous materials, including those set by the U.S. Department of Transportation and U.S. Environmental Protection Agency.

Consistent with best practices and industry standards, Northern Divide Energy Storage will engage a North Dakota-licensed engineer to develop a comprehensive decommissioning plan. The decommissioning plan will outline the process for retiring the Project at the end of its useful life and include a cost estimate based on the parameters of the plan. The decommissioning plan will generally align with Northern Divide Wind's Wind Energy Center Decommissioning Plan and Cost Estimate and will include the following requirements:

- Decommissioning will begin within 12 months after the Project's useful life ends and will be completed within 24 months once initiated.
- Removal of above-surface facilities and infrastructure that have no ongoing purpose.
- Removal of underground cables to a depth of 24 inches (2 feet).
- Removal of foundations, buildings, and ancillary equipment to a depth of 48 inches (4 feet).
- The site will be graded to restore the area to near as practicable to pre-construction conditions, with topsoil respread to the pre-disturbance depth.
- Grading and reseeding will follow Natural Resource Conservation Service recommendations.

6.0 ENVIRONMENTAL ANALYSIS

6.1 SOCIOECONOMICS

6.1.1 Description of Resources

According to Job Service North Dakota Labor Market Information Center (NDLMI), Burke County's 2023 resident population was 2,134, a one-year numeric decrease of 2 or a change of less than 0.1 percent (NDLMI 2023). The unemployment rate for Burke County in July 2024 was 2.3 percent. One year prior, the unemployment rate was 1.3 percent. There were 10 job openings in Burke County in August 2024. On average in the first quarter of 2024, the private industry in Burke County employing the largest number of workers was wholesale trade. The private industry with the highest average weekly wage in the first quarter of 2024 was mining, quarrying, and oil and gas extraction.

In Burke County, oil and gas development activity has had a large effect on the local economy. In October 2023, Burke County ranked sixth in barrels of oil produced per county in North Dakota with 293,345 barrels produced (North Dakota Department of Mineral Resources (NDDMR) 2023a) and ranked sixth in gas produced per county in North Dakota with 600,495 thousand cubic feet produced (NDDMR 2023b).

In Burke County, wind energy production has had a recent effect on the local economy through job creation and additional local tax revenue. In 2020 the Wind Energy Center began commercial operations. As of October 2024, the Wind Energy Center employs five people who reside locally. The Wind Energy Center is tied for the fourth-largest nameplate capacity among wind energy facilities in North Dakota, boasting a capacity of 200 MW with 64 wind turbines.

In Burke County, agriculture is an important part of the economy with 422 farms located in the county (U.S. Department of Agriculture (USDA), National Agricultural Statistics Service (NASS) 2022). According to the 2022 Census of Agriculture, the total market value of agricultural products produced in Burke County was $116,656,000, 90 percent of which was from crops and 10 percent from livestock sales. The primary livestock in Burke County is cattle and the principal crops include wheat, oats, and corn.

In September 2024, Burke County had 10 homes for sale in the towns of Bowbells, Columbus, Flaxton, Portal, Lignite, and Powers Lake (Zillow 2024). U.S. Census Bureau data from the 2020 census indicates there are approximately 424 vacant housing units in Burke County (U.S. Census Bureau 2020). Lodging facilities in Burke County include hotels in Bowbells, Kenmare, and Powers Lake.

6.1.2 Impacts/Mitigation

The Project will have positive economic impacts for the local population, including payment for the purchase of the land, employment, and property and sales tax revenue. Economic losses from farmland that is taken out of production for operation of the Project are anticipated to be minimal in comparison to the additional income provided by the Project. Northern Divide Energy Storage will purchase the land where the Project is located, providing a benefit to the landowner. Northern Divide Energy Storage estimates that the total cost for the Project will be approximately $130 million.

Businesses and oil and gas development near the Project would not be significantly disrupted by construction or operation of the Project. The Project will create up to 20 temporary construction jobs during the approximately eight-month construction period. To the extent that local construction contractors are used for portions of the construction, total wages and salaries paid to construction

contractors and workers in Burke County will contribute to the total personal income of the region. Expenditures made for equipment, energy, fuel, operating supplies, and other products and services will benefit businesses in the county and state. During construction, out-of-town laborers will likely use lodging facilities in and around the cities of Bowbells, Kenmare, Powers Lake, Tioga, and Crosby.

It is likely that general skilled labor is available either in the county or the state to serve the basic infrastructure and site development needs. Specialized labor will be required for certain components of Project development. It is likely that this labor will be imported from other areas of the state or from other states, as the relatively short duration of construction does not warrant special training of local or regional labor. Balancing the use of local construction contractors and imported specialized construction contractors will likely alleviate any labor relations issues.

The Project will create approximately one to two full-time O&M jobs. These employees are expected to reside locally. Operation of the proposed Project would not result in a large increase in the number of permanent residents in the communities near the Study Area.

Long-term beneficial impacts to Burke County's tax base will contribute to the local economy as a result of the construction and operation of the Project. Socioeconomic impacts associated with the Project are expected to be positive, with an influx of wages and expenditures made at local businesses during the construction period. Based on this assessment, Northern Divide Energy Storage has concluded that no mitigation measures are required.

6.2 PUBLIC SERVICES

6.2.1 Description of Resources

Local Government Services

Within the Study Area is a network of established roads and utilities that provide access and necessary services to cities, communities, homesteads, and farms. There are no incorporated or unincorporated cities within the Study Area. The Study Area is located approximately 8 miles south of Columbus, 13 miles northeast of McGregor, and 14 miles northwest of Powers Lake. The county seat of Burke County is Bowbells.

Electrical Service

Burke-Divide Electric Co-Op, Inc. (Burke-Divide Electric Co-Op) provides rural electrical service in the Study Area.

Roads and Traffic

Public roads within and near the Study Area are ND Highway 40, county roads, township roads, section lines, private roads, wind turbine access roads, and oil and gas access roads. The Study Area lies in the NDDOT District Boundary of Williston, North Dakota. The traffic volume on ND Highway 40, south of 93rd St NW, averaged approximately 430 vehicles per day in 2023 (NDDOT 2024).

Water Supply

The Western Area Water Supply Authority supplies potable water to communities near the Study Area. Northern Divide Energy Storage will evaluate obtaining water for construction from an onsite

water well or obtain water from a nearby source and truck the water to the construction site. Northern Divide Energy Storage will obtain the appropriate permits, agreements, and/or approvals as necessary for water needed onsite.

Cell Service

In Burke County, ND, cell service is supported by several major carriers with coverage that includes both urban and rural areas. Verizon and AT&T are the primary providers offering coverage throughout the region.

6.2.2 Impacts/Mitigation

Local Government Services

No impact to local government services is anticipated. Therefore, Northern Divide Energy Storage has determined that no mitigation is required.

Electrical Service

The Project will self-supply electricity stored from the BESS during active operation or use station service from Burke-Divide Electric Co-Op while idle. Therefore, Northern Divide Energy Storage has determined that no mitigation is required.

Roads and Traffic

Northern Divide Energy Storage will coordinate with Burke County to obtain the necessary road use agreement and the NDDOT to obtain an approach permit for the access road. Additional operating permits will be issued by the state or county for over-sized truck movements.

There will be a temporary increase in vehicular traffic during construction activities. The maximum construction workforce is expected to generate approximately 20 additional one-way vehicle trips per day on each road near the Study Area. While there may be some noticeable increase in heavy vehicle traffic in discrete locations for limited amounts of time, any impacts to public use of roadways in the Study Area will be negligible and temporary, resolving with the completion of construction. Specific truck routes will be dictated by delivery location. Therefore, Northern Divide Energy Storage has determined that no mitigation is required.

Water Supply

Construction is not expected to significantly impact local water supply. Construction will require water for foundations, backfill, and compaction; road construction; and dust control. Water needed for construction of the Project will be dependent on final site investigation and weather. The operation of the Project is not anticipated to require appropriation of surface water or permanent dewatering.

The abandonment of wells is not anticipated. However, in the event wells are abandoned, they will be sealed as required by North Dakota law. No effects on the water supply are anticipated, and therefore, Northern Divide Energy Storage has determined that no mitigation is required.

Cell Service

BESS facilities do not cause disruptions in cellular phone signals. BESS facilities operate within a different frequency range than cellular phone signals, ensuring there is no interference. No impact to existing cell service is anticipated, and therefore, Northern Divide Energy Storage has determined that no mitigation is required.

6.3 HEALTH AND SAFETY

6.3.1 Description of Resources

Sound

The existing acoustic environment is defined primarily by the presence of the Wind Energy Center, traffic sounds from the nearby highway, sounds from intermittent aircraft overflights, and sound from agricultural operations. In addition to anthropogenic sound sources, the windy conditions of this site define a somewhat elevated ambient sound level, which increases with wind speed. Windy conditions can generate sound caused by the rustling of grass and tree leaves and wind interaction with natural or man-made formations/structures.

Electromagnetic Field

Power frequency electric and magnetic fields (EMF) are created wherever electricity flows, which includes the wiring in homes and schools, power lines, and electrical equipment and devices. Leading U.S. and international scientific organizations, such as the National Cancer Institute and the World Health Organization, have evaluated EMF research. These organizations generally conclude that overall, the body of scientific research does not show that exposure to EMF causes or contributes to any type of cancer, disease, or illness (National Institute of Environmental Health Sciences (NIEHS) 1999).

Hazardous Materials/Hazardous Waste

Potentially hazardous materials associated with the Project include the batteries, as well as fluids and chemicals used in cooling systems and fire protection equipment. The primary hazardous materials in a BESS are the electrolytes within the batteries, which can vary depending on the battery chemistry but often include lithium-based compounds. In addition to the batteries, the cooling systems may use glycol or other refrigerants, and fire protection systems may contain fire suppression chemical agents.

Public Safety

The Study Area is located in a region characterized by low population density, and there are no cities or towns within the Study Area. The Study Area falls within the jurisdiction of Powers Lake emergency medical services boundary and Columbus fire response boundary. Both boundaries determine the designated ambulance response service and fire department service for incidents reported through the 9-1-1 emergency system. The nearest hospitals are Saint Lukes Hospital in Crosby, North Dakota and Tioga Medical Center in Tioga, North Dakota.

Military Operations

No military installations, assets, or operations are present within the Study Area. The Project is not near an intercontinental ballistic missile facility. The nearest facility is located approximately 14 miles east of the Study Area.

6.3.2 Impacts/Mitigation

Sound

The Commission does not have established sound level limits for an energy storage facility. The Commission's rules, N.D. Admin. Code Section 69-06-08-01(4), specify that sound levels from a wind facility may not exceed 45 A-weighted decibels (dBA) within 100 feet of an inhabited residence or a community building, and the Burke County Zoning Regulations include special provisions for the siting, construction, and operation of wind energy facilities with respect to sound levels in the Wind Turbine Regulations under Article 2, Section 12(7)(11)(j). While these state and local regulatory limits do not apply to the Project, Northern Divide Energy Storage accounted for these regulatory standards when developing the design goal of 45 dBA at 100 feet from identified noise-sensitive receptors, which is the most stringent of the two regulatory limits. A predictive operational acoustic model was completed for two operating scenarios: Project-only operations and the cumulative effect of Project operations plus the existing Wind Energy Center. The predictive operational acoustical modeling demonstrated that the Project will not generate exceedances of the Commission threshold within 100 feet of the studied receptor locations in both the Project-only and Project and wind facility cumulative operational scenarios (Appendix B).

Project construction may cause short-term, but unavoidable sound impacts. The sound levels resulting from construction activities vary significantly depending on several factors, such as the type and age of equipment, the specific equipment manufacturer and model, the operations being performed, and the overall condition of the equipment and exhaust system mufflers.

Construction activity will generate traffic that may temporarily increase sound, such as trucks traveling to and from the site on public roads. Traffic sound is categorized into two types: sound from temporary traffic during delivery, haulage of components, and construction, and sound from ongoing operations and maintenance activities, which is expected to be minor. Based on this assessment, Northern Divide Energy Storage has concluded that no mitigation measures are required.

Electromagnetic Fields

Low-level power frequency EMF will occur around the BESS (in the battery cells and inverters), along the collector lines, and at the collection substation. All Project facilities will be located away from residences as required by state and county regulations. At these distances, EMF levels will be below background levels. Given the above, there are no adverse impacts to residences, and therefore, Northern Divide Energy Storage has determined that no mitigation is required.

Hazardous Materials/Hazardous Waste

Northern Divide Energy Storage will conduct a Phase I Environmental Site Assessment; the results will be used to avoid and minimize risk associated with potential recognized environmental conditions in the Project Area and surrounding areas. Significant findings are not anticipated due to the known historic uses of the property.

As with any construction activity, there is the possibility of accidentally spilling fuel, hydraulic fluid, or other hazardous substances during construction. Any petroleum waste generated will be handled and disposed of in accordance with local, state, and federal regulations.

If construction or operation of the Project involves storing more than 1,320 gallons of oil or other hazardous substances, a Spill Prevention, Control, and Countermeasure (SPCC) Plan will be required. This plan would outline the procedures for safe storage, spill prevention practices, and emergency response protocols to ensure environmental safety. The need for an SPCC Plan will be assessed based on the final design of the Project.

Public Safety

Project construction and operation will have minimal impacts to the security and safety of the local communities. Security measures will be taken during the construction and operation of the Project, including temporary and permanent (safety) fencing, warning signs, and locks on equipment. The safety of the O&M staff, neighbors, and the public is the highest priority.

Northern Divide Energy Storage will implement several measures to mitigate risks to public safety. Batteries used at the Project will undergo rigorous industry testing and certification to ensure that cell and module designs are robust. Each container will be equipped with fire protection and control systems that comply with NFPA standards. The Project will have a thermal management system to maintain operations within a prescribed temperature range. The Project will utilize sensors to detect and alarm in the event of abnormal conditions, and each battery energy storage system will be equipped with a BMS that can automatically shut down an affected unit.

Northern Divide Energy Storage has prepared a draft Emergency Response Plan (ERP). Please refer to Appendix F for the draft Emergency Response Plan. Northern Divide Energy Storage has engaged with and will continue to engage with local first responders and fire officials to coordinate response efforts in the unlikely event of a fire. This coordination includes the following key actions:

- Orientation: A general orientation of the Project will be provided to first responders once key design details and access points have been established.

- ERP Training: Northern Divide Energy Storage, in collaboration with the Power Generation Division (PGD) of NextEra Energy Resources, will conduct ERP training closer to the commissioning phase of the Project. This training will help prepare first responders for managing potential incidents at the Project.

- Annual Refresher ERP Training: To maintain readiness, Northern Divide Energy Storage will offer annual refresher ERP training, as required by NFPA and IFC. This ensures ongoing preparedness and reinforces best practices for safety and fire protection systems at the Project.

Within 24 hours of the occurrence of an extraordinary event, Northern Divide Storage will notify the Burke County Emergency Manager and the Commission. Extraordinary events include, but are not limited to, fires, collector or feeder line failure, or injured facility worker or private person. Northern Divide Energy Storage will, within 30 calendar days of an extraordinary event, submit a report to the County Emergency Manager describing the cause of the occurrence and the steps taken to avoid future occurrences.

Northern Divide Energy Storage will provide educational material to landowners near the Project and, upon request, to other interested people about the Project.

Military Operations

No military installations, assets, or operations are present within the Study Area. Therefore, Northern Divide Energy Storage has determined that no mitigation is required.

6.4 CULTURAL RESOURCES

6.4.1 Description of Resources

A Class I and Class III cultural resources inventory was conducted for the Project Area. The Class I inventory involved a review of documentation on file at the North Dakota State Historic Preservation Office (SHPO), regarding archaeological or historic sites and historic architectural resources that may exist within one mile of the Project Area. This inventory also included a review of previous cultural resources inventories conducted within the same radius. The Class III inventory encompassed a pedestrian survey of the entire Project Area. No cultural resources were identified during the Class III inventory. A redacted version of the Class I and Class III Cultural Resources Inventory report is provided in Appendix C.

The Class I and Class III inventory report for the Project was submitted to the North Dakota SHPO. In a letter dated January 9, 2024, the State Historical Society of North Dakota (SHSND) determined that there are “no significant sites affected by this project provided it takes place in the location and in the manner described”. A copy of SHSND’s effect determinations letter is provided in Appendix E3.

6.4.2 Impacts/Mitigation

No archaeological or historic sites, or historic architectural resources were identified during the Class III inventory of the Project Area. As a result, the construction and operation of the Project will not affect historic properties listed in, eligible for, or potentially eligible for listing in the National Register of Historic Places. Before construction begins, Northern Divide Energy Storage will prepare an Unanticipated Discoveries Plan, which will outline the steps to be taken if previously unrecorded cultural resources or human remains are encountered during construction.

6.5 LAND USE

6.5.1 Description of Resources

The Study Area is located in rural North Dakota in an area comprised primarily of cultivated land. The Study Area and surrounding landscape is primarily agricultural, with fields dedicated to the production of crops such as wheat, canola, and soybeans, along with rangeland used for cattle grazing. Additionally, the Study Area includes the existing Wind Energy Center and associated collection substation and O&M facility. The Project Area is located adjacent to ND Highway 40.

The Study Area is in the Northern Missouri Plateau Class IV ecoregion, which is a more detailed ecoregion (Bryce et al. 1996). The Northern Missouri Coteau lies in a transition zone to a more boreal climate to the north and a more arid climate to the west. Willow and aspen, southern outliers of aspen parkland to the north, may occur at wetland margins. Rough fescue, also a northern species, appears in grassland associations. Wetlands tend to dry out earlier in the summer than on the Missouri Coteau to the south and east. Mixed dryland agriculture is the major land use.

Public Lands

The Study Area is not located within any designated or registered national sites, including parks, memorial parks, historic sites and landmarks, natural landmarks, historic districts, monuments, wilderness areas, wildlife areas, wild, scenic, or recreational rivers, wildlife refuges, and grasslands (North Dakota GIS Hub Data Portal (NDGIS) 2024). The Study Area is not located within any designated or registered state sites, such as parks, forests, forest management lands, historic sites, monuments, historical markers, grasslands, wild, scenic, or recreational rivers, game refuges, game management areas, management areas, or nature preserves. The Study Area is not located within any county parks and recreational areas, municipal parks, parks administered by other governmental subdivisions, hardwood draws, or enrolled woodlands.

School trust land properties, which are managed by the North Dakota Department of Trust Lands (NDDTL), are located adjacent to the Project Area to the east, across ND Highway 40 within the Study Area (NDGIS 2024) (Figure 6.5.2). These lands are dedicated to producing income for the schools and designated trust funds of North Dakota. School trust land is generally open to walk-in public use; however, lessees may restrict access if livestock are present.

The Project Area is not located within any federal, state, or local land (NDGIS 2024).

Recreation Areas

The closest county park is WildWood Park, which is managed by the Columbus Park District, located approximately 2 miles northwest of the Study Area. The Study Area is approximately 13 miles northwest of the Lostwood National Wildlife Refuge and the Lostwood Wilderness Area (NDGIS 2024). The closest North Dakota Game and Fish Department (NDGFD)-managed land to the Study Area is the Leaf Mountain Wildlife Management Area, which is located approximately 1 mile southeast of the Study Area. Wildlife Management Areas are dedicated to public use and wildlife habitat management.

Easements and Agreements

Within the Study Area, there are no Private Land Open to Sportsmen (PLOTS) easements (NDGIS 2024); within the Project Area, there are no lands or waters (wetland or grassland easements) administered by the U.S. Fish and Wildlife Service (USFWS 2024a) (Figure 6.5.1).

6.5.2 Impacts/Mitigation

Once construction activities have been completed, temporary construction areas will be able to be restored to their previous use. Northern Divide Energy Storage will protect existing trees and shrubs by avoiding tree removal whenever possible. Based on recent surveys and the preliminary design, no tree and shrub removal is anticipated. If removal is necessary, Northern Divide Energy Storage will replace trees and shrubs consistent with the Commission's Tree and Shrub Mitigation Specifications.

Northern Divide Energy Storage proposes the following mitigation measures:

- Site the Project off public recreational lands.
- Develop and implement a noxious weed prevention plan.
- Avoid all direct, permanent impacts to unbroken grassland.

- Provide construction contractors with static constraint maps and facilitate compliance through onsite environmental construction monitoring.

Public Lands

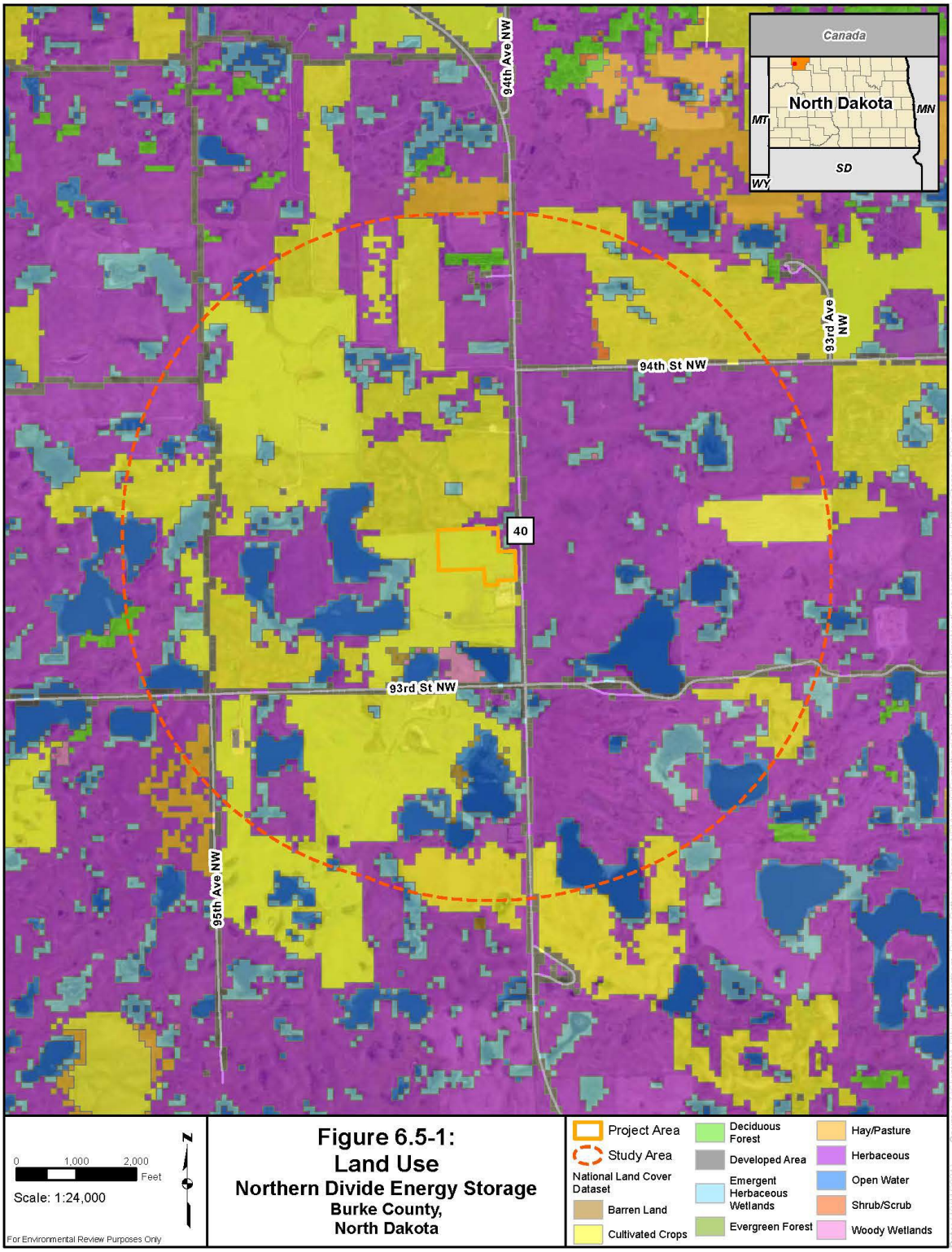
No Project facilities are located on public lands. Any potential impacts to public lands would be visual in nature and would conform with existing development in the surrounding landscape. Therefore, Northern Divide Energy Storage has determined that no mitigation is required.

Recreation Areas

No Project facilities are located in recreation areas. Visual impacts to recreation areas are unlikely since the closest recreation area is located approximately 2 miles southeast of the Project Area. Therefore, Northern Divide Energy Storage has determined that no mitigation is required.

Easements and Agreements

No Project facilities are located on PLOTS or USFWS easements. Therefore, Northern Divide Energy Storage has determined that no mitigation is required.


Canada
North Dakota
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94th Ave NW
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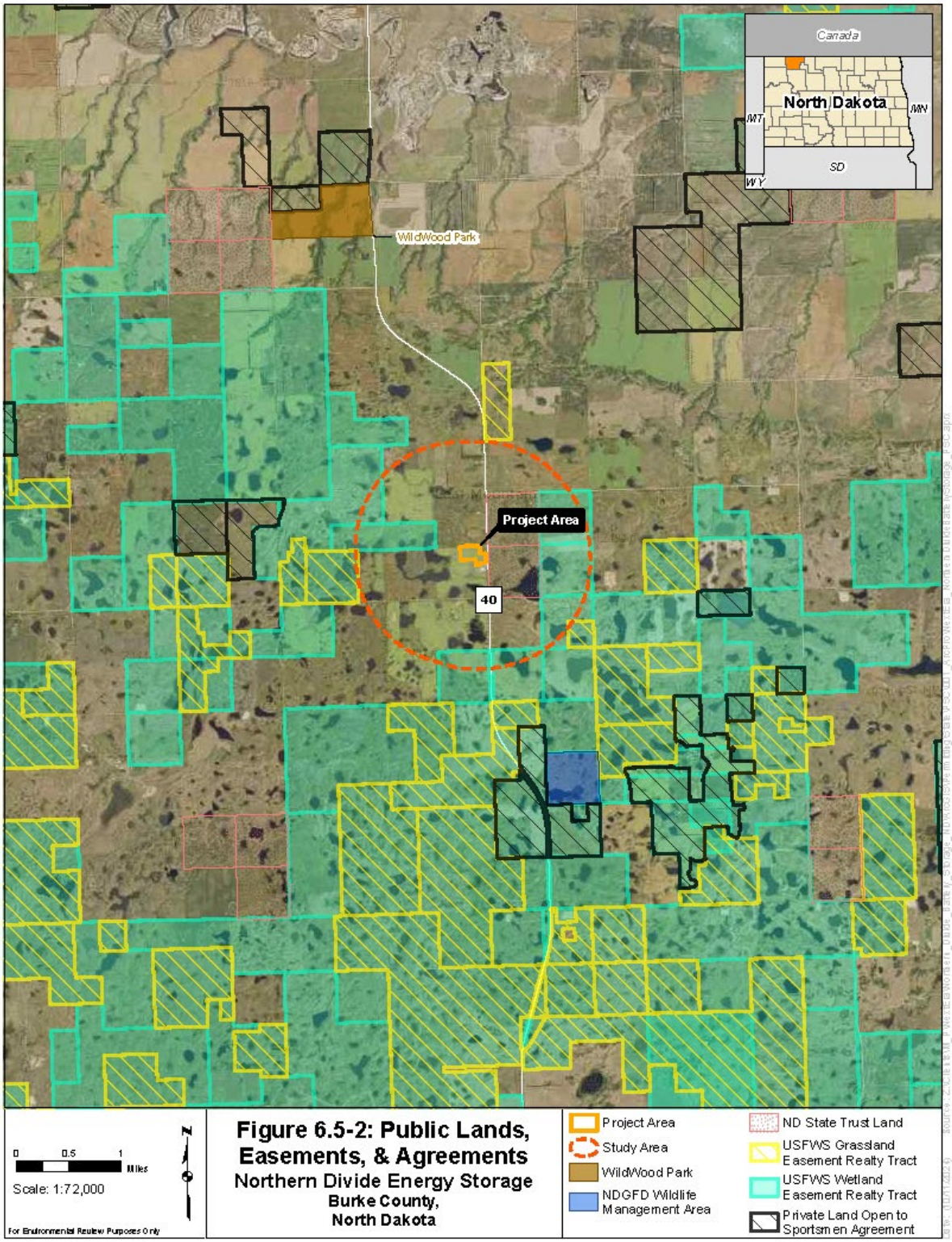
40
0 1,000 2,000 Feet
Scale: 1:24,000
For Environmental Review Purposes Only
Figure 6.5-1:
Land Use
Northern Divide Energy Storage
Burke County,
North Dakota
Project Area
Study Area
National Land Cover Dataset
Barren Land
Cultivated Crops
Deciduous Forest
Developed Area
Emergent Herbaceous Wetlands
Evergreen Forest
Hay/Pasture
Herbaceous
Open Water
Shrub/Scrub
Woody Wetlands


Canada
North Dakota
MT
MN
SD
WY
WildWood Park
Project Area
40
0 0.5 1 Miles
Scale: 1:72,000
N
For Environmental Review Purposes Only
Figure 6.5-2: Public Lands, Easements, & Agreements
Northern Divide Energy Storage
Burke County, North Dakota
Project Area
Study Area
WildWood Park
NDGFD Wildlife Management Area
ND State Trust Land
USFWS Grassland Easement Realty Tract
USFWS Wetland Easement Realty Tract
Private Land Open to Sportsmen Agreement

6.6 GEOLOGICAL RESOURCES

6.6.1 Description of Resources

Geology and Soils

The Study Area is situated within the Northern Missouri Coteau, a region characterized by its distinctive glacial geology (Bryce et al. 1996). The area predominantly consists of glacial drift deposits from the last ice age, underlain by bedrock formations from the Upper Cretaceous period. The surface geology includes a mix of till, glacial outwash, and lacustrine sediments, shaped by historical glaciation events that created the rolling topography typical of this region.

The glacial till is composed primarily of clay, silt, sand, and gravel, with occasional larger boulders scattered throughout. Beneath the till, the underlying bedrock formations include the Hell Creek and Fox Hills Formations, consisting of sandstone, siltstone, and mudstone.

The region's topography is marked by numerous prairie potholes and wetlands, formed as a result of glacial retreat and water accumulation in depressions left by ice blocks. These features are prevalent across the Coteau and contribute to the area’s unique hydrology. Soil characteristics within the Project Area were assessed using the Natural Resources Conservation Service (NRCS) Web Soil Survey. The database provides a description of the soils present and information about their unique properties and productivity (Soil Survey Staff 2024). Through the database, four soil types are found within the Project Area. The dominant soil map units found within the Project Area are classified as loams and clay loams.

A topographic survey of the Project Area was conducted by the contracted Professional Land Surveyor. The surveyed topographic features show elevation ranges from 2,456 to 2,436 feet above mean sea level.

Mineral Resources

The Study Area contains no active sand, gravel, or coal mines (Anderson 2012). Within the Study Area there is one active oil and gas well called Olson 11-20H which is located 0.8 miles southwest of the Project Area (North Dakota Oil and Gas Division (NDOGD) 2024). The Study Area is not located within an area of economic coal deposits or area of mined coal as mapped by the North Dakota Geological Survey (NDGS 2006).

Landslide Deposits

The Study Area avoids unstable land surfaces and geologic hazards, including landslide deposits mapped by the North Dakota Geological Survey (NDGS 2007).

Geotechnical Study

Northern Divide Energy Storage completed a subsurface exploration and geotechnical engineering study for the Project. The purpose of the study was to:

- Explore subsurface soil, bedrock, and groundwater conditions.
- Conduct field and laboratory tests to characterize the subsurface soil and bedrock properties at selected locations across the site.
- Install piles and conduct load tests to assess geotechnical parameters.

- Provide geotechnical engineering recommendations for the design and construction of foundation systems and access roadways.

6.6.2 Impacts/Mitigation

Geology and Soils

Impacts to soils will be limited to areas removed from their current use by the occupancy of Project structures. Soil disturbance activities including grading for the roads and associated facilities, and excavation activities for foundations and underground collection lines have the potential to contribute to soil erosion through the exposure of soils. Areas temporarily affected during construction will be restored to preconstruction conditions, to the extent practicable after construction has been completed.

Northern Divide Energy Storage proposes the following mitigative measures:

- Use the Project Storm Water Pollution Prevention Plan (SWPPP) during construction to mitigate disturbed soils and prevent erosion.
- Maintain appropriate water and soil conservation practices during construction through the implementation of best management practices (BMPs). These practices include silt fencing, temporary reseeding, permanent seeding, mulching, filter strips, erosion blankets, grassed waterways and sod stabilization, and separation of topsoil and subsoil.
- Utilize standard dust control measures to reduce generation of fugitive dust due to surface disturbance.

The maximum depth of construction is estimated at 12 to 15 feet below ground surface. This depth may vary depending on final Project design. No impacts to geological resources are anticipated due to the limited depth of Project construction.

Mineral Resources

No existing mines or coal leases will be impacted by the Project. Therefore, Northern Divide Energy Storage has determined that no mitigation is required.

Landslide Deposits

No existing unstable land surfaces, geologic hazards, or landslide deposits will be impacted by the Project. Therefore, Northern Divide Energy Storage has determined that no mitigation is required.

Geotechnical Study

The geotechnical study provided insights into the soil, bedrock, and groundwater conditions across the site that will inform final design. While the study identified variations in subsurface properties, no significant geotechnical issues were found that would prevent the Project from being constructed. Based on this assessment, Northern Divide Energy Storage has concluded that no mitigation measures are required.

6.7 WATER RESOURCES

6.7.1 Description of Resources

Groundwater

The Study Area does not overlap any aquifers (North Dakota Department of Water Resources (NDDWR) 2024). Two holes were drilled just south of the Project Area, presumably as part of the Wind Energy Center O&M facility. The holes were drilled to a depth of 200 and 400 feet, and no static water was observed at either well. During geotechnical surveys, no groundwater was encountered in bores that were between 20 and 40 feet below ground surface.

Surface Waters

The Project Area does not contain any wetlands, but the surrounding landscape within the Study Area contains small, isolated prairie pothole wetlands. No waterways or streams are located within the Project Area. The Study Area is located on the border between two watersheds, White Earth Creek and Upper White Earth Creek, near the transition from the Northern Missouri Coteau to the Northern Dark Brown Prairie. This transition lies along one of North America's continental divides, the Northern Divide (aka Laurentian Divide), which separates the Hudson Bay watershed to the north and Gulf of Mexico watershed to the south.

A wetlands and other waters delineation survey was conducted in support of the Project (Appendix D). Wetlands and other waters delineations followed methodology from the U.S. Army Corps of Engineers (USACE) Wetlands Delineation Manual (Environmental Laboratory 1987) and Regional Supplement to the USACE Wetland Delineation Manual: Great Plains Region (Version 2.0) (USACE 2010). The USFWS National Wetlands Inventory (NWI) and U.S Geological Survey National Hydrography Dataset (NHD) were used to identify potential surface waters within the Project Area as a precursor for field delineations (USFWS 2024c, U.S. Geological Survey (USGS) 2024). Wetlands and other waters delineated in support of the Project are shown on Figure 2.2-1 and are described in the Natural Resources Inventory Report in Appendix D.

A drainage analysis was conducted in support of the Project. The report concluded that, based on available Base Level Engineering data and topography, an area in the northeast, just outside the Project, tends to pond water to depths exceeding 2 feet and should be avoided by development. Outside of that area, flow depths and velocities across the Project site are generally less than 1 foot and 2 feet per second, respectively and do not present a problem for this development.

Floodplains

No digital data for Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps are available for the Study Area (U.S. Department of Homeland Security (USDHS), FEMA 2024). North Dakota Department of Water Resources (NDDWR) Risk Assessment MapService (NDRAM) Base Level Engineering flood data is present within the wetland located northeast of the Project Area and in pothole wetlands and low areas outside of the Project Area but within the Study Area (NDDWR, NDRAM 2024).

6.7.2 Impacts/Mitigation

Groundwater

Temporary dewatering of groundwater (*i.e.*, locally lowering groundwater levels in the vicinity of the excavation) may be required during construction of foundations. If dewatering of excavations is necessary during foundation construction and the water is known to be uncontaminated, all water would be discharged according to items outlined in the SWPPP. If discharge water is suspected to be contaminated, an application for a temporary discharge permit (NDG-070000) will be submitted to the North Dakota Department of Environmental Quality (NDDEQ).

If shallow groundwater is disturbed by construction, it is anticipated that it would resume its natural course of flow upon construction completion and would not be significantly impacted. Based on the relatively small amount of increased impervious surface, the Project would not contribute to significant impacts on groundwater flow or recharge.

Groundwater contamination risk is minimized by the multiple layers of containment within battery energy storage systems. Each individual battery cell is separated and pressure-sealed, and several battery cells are contained within a larger battery module. These modules are housed in fully enclosed containers. Under normal operation and decommissioning, all battery materials are contained. Multiple layers of safety protocols and protections are implemented to prevent any environmental contamination. Based on this assessment, Northern Divide Energy Storage has concluded that no mitigation measures are required.

Surface Waters

The Project will not require appropriation of surface water or permanent dewatering. The Project has been designed to avoid impacts to wetlands and other surface waters.

Northern Divide Energy Storage proposes the following avoidance and mitigation measures:

- The Project will be designed to avoid impacts to wetlands and other waters.
- The Project will be built to allow unrestricted flow of stormwater runoff.
- Wetlands will be delineated and flagged prior to construction when in close proximity to construction.
- Northern Divide Energy Storage will maintain appropriate water and soil conservation practices during construction through the implementation of BMPs outlined in the SWPPP. These practices include silt fencing, temporary reseeding, permanent seeding, mulching, filter strips, erosion blankets, grassed waterways, and sod stabilization.
- Coverage under the NDDEQ's National Pollutant Discharge Elimination System (NPDES) general construction permit will be obtained prior to the start of construction.
- Northern Divide Energy Storage will provide construction contractors with static constraint maps and ensure compliance through onsite environmental construction monitoring.

Floodplains

Project facilities will be located and constructed in such a manner that no impacts are anticipated to floodplains based on the FEMA Flood Insurance Rate Maps and NDDWR Base Level

Engineering flood data. Based on this assessment, Northern Divide Energy Storage has concluded that no mitigation measures are required.

6.8 WILDLIFE AND RARE AND UNIQUE NATURAL RESOURCES

6.8.1 Description of Resources

Avian Species

Migratory birds are federally protected under the Migratory Bird Treaty Act (MBTA), and bald eagles are protected under the MBTA and Bald and Golden Eagle Protection Act (BGEPA). According to the MBTA, it is illegal to "pursue; hunt; take; capture; kill; attempt to take, capture, or kill; possess; offer for sale; and export, import, or transport birds, their parts (e.g., feathers), and active nests (and the eggs or young within)." BGEPA protects and conserves bald eagles (*Haliaeetus leucocephalus*) and golden eagles (*Aquila chrysaetos*) from intentional take of an individual bird, chick, egg, or nest, including alternate and inactive nests. Unlike the MBTA, BGEPA prohibits disturbance that may lead to biologically significant impacts, such as interference with feeding, sheltering, roosting, and breeding or abandonment of a nest.

Avian species are common visitors to agricultural fields. According to a 2009 study, at least 30 North Dakota bird species use agricultural fields. Horned lark (*Eremophila alpestris*), killdeer (*Charadrius vociferus*), red-winged blackbird (*Agelaius phoeniceus*), and Canada goose (*Branta canadensis*) where observed most often in an agricultural field (Galle et al. 2009). No trees or forested areas are present within the Project Area; therefore, avian species that use trees or forested areas as habitat are unlikely to be present. Similarly, because of the lack of open water and absence of wetlands in the Project Area, no wetland- or water-dependent avian species are likely to be limited or absent, including waterfowl and waterbirds. Species of migratory birds associated with grassland would also be limited or absent. Wetlands are located within the Study Area and may provide suitable habitat for migratory birds, including ducks.

A line-of-sight and public road survey for nesting raptors was conducted for the Study Area. The survey used 10x power magnification binoculars to scan tree lines and wooded areas from the Project Area and public roads. The raptor nest survey identified two non-eagle raptor nests within the Study Area. The non-eagle raptor nests were unoccupied at the time of the surveys. No raptor nests were documented within the Project Area.

Federally Listed Species

The USFWS Information for Planning and Consultation (IPaC) tool was reviewed to determine if federally listed threatened and endangered species or their designated critical habitat have been previously documented within the Project Area (USFWS 2024b). IPaC indicated that five federally listed threatened and endangered species have been previously documented within the Project Area. These species include northern long-eared bat (*Myotis septentrionalis*), piping plover (*Charadrius melodus*), red knot (*Calidris canutus rufa*), whooping crane (*Grus Americana*), and Dakota skipper (*Hesperia dacotae*). USFWS designated critical habitat is not present within the Project Area or Study Area.

Prior to field surveys, background data was collected for preliminary review and to aid in the field inventory of biological resources for each species. Field evaluations were conducted to confirm the presence or absence of potentially suitable habitat for the federally listed species within the Project Area on October 13, 2023.

The northern long-eared bat is listed as endangered under the federal Endangered Species Act. No trees greater than 3-inches diameter at breast height (dbh) were present within the Project Area;

therefore, no potential suitable habitat for the northern long-eared bat is present within the Project Area. There is no northern long-eared bat suitable roosting or foraging habitat in the Project Area and no known hibernacula in North Dakota. Occurrence of the species in North Dakota is expected to be uncommon or rare, and the likelihood of the species occurring in the Project Area during the summer residency period is low due to the lack of potentially suitable roosting and foraging habitat. Due to the limited amount of forested habitat within the Project Area, the northern long-eared bat's likelihood of occurrence within the Project Area is low.

The piping plover is listed as threatened under the Endangered Species Act. The closest federally designated critical habitat is at Thompson Lake located approximately 17 miles southeast of the Study Area (NDGIS 2024). The Study Area is located outside the primary range and within the possible range of the piping plover (Dyke et al. 2015). There were no sandy or gravelly beaches, sandbars, or alkaline wetlands delineated within the Project Area. With the absence of preferred nesting habitat, it is unlikely that piping plovers may occur within the Project Area. There was no piping plover potential habitat observed during field surveys within the Project Area.

The red knot is listed as threatened under the Endangered Species Act. There were no sandy or gravelly beaches, sandbars, or alkaline wetlands delineated within the Project Area. With the absence of preferred nesting habitat, it is unlikely that red knots may occur within the Project Area. There were no potential red knot stopover sites observed during field surveys within the Project Area.

The whooping crane is listed as endangered under the Endangered Species Act. The Project Area is located within the defined 50 percent occurrence frequency band of the whooping crane migration corridor (Pearse et al. 2018). Although suitable habitat for the whooping crane was identified around the Project Area and it is possible that whooping cranes may occur within the Project Area, these habitat features are not necessarily unique within the landscape.

The Dakota skipper is listed as threatened under the Endangered Species Act. No observations of Dakota skipper at the township level have occurred historically within the last 30 years in the Project Area (USFWS 2022). The Project Area contains cropland and therefore potential preferred habitat is not likely to be present. There was no Dakota skipper potential preferred habitat observed during field surveys.

Grasslands and Woodlands

The Project location was strategically chosen to avoid impacting unbroken grassland and woodland areas, focusing instead on placement within existing cropland. The selected Project Area consists of cropland, which reduces the potential for habitat fragmentation and maintains the ecological integrity of the surrounding grasslands.

6.8.2 Impacts/Mitigation

Northern Divide Energy Storage conducted environmental studies and designed the Project so that the Project would have minimal environmental impacts. The Project is sited in existing cropland, adjacent to existing energy infrastructure, which minimizes impacts to wildlife. USFWS designated critical habitat is not present within the Project Area or Study Area. The siting of the Project avoids impacts to native habitats that wildlife species rely on, such as unbroken grassland, woodlands, and wetlands.

Additionally, Northern Divide Energy Storage proposes the following mitigative measures:

- Northern Divide Energy Storage will conduct a pre-construction raptor nest survey within one mile of the Project Area to identify if new raptor nests have been built prior to

construction; Northern Divide Energy Storage will also complete a nest clearance survey of the Project Area prior to construction to avoid impacts to nesting migratory birds.

- Northern Divide Energy Storage will provide construction contractors with training, spatial data and static constraints maps that identify where construction equipment is restricted.
- Northern Divide Energy Storage will educate construction contractors about threatened and endangered species and if any are identified construction activities will halt until the species passes through the Project Area.

7.0 STAKEHOLDER ENGAGEMENT

As part of development of the Project, Northern Divide Energy Storage and its representatives have maintained close coordination with agencies, as well as other groups and organizations through a combination of in-person meetings, mailers, and phone calls.

7.1 PROJECT NOTIFICATION LETTERS

In June 2024, Northern Divide Energy Storage distributed Project notification letters to local, state, and federal agencies and stakeholders in accordance with N.D. Admin. Code 69-06-01-05. These letters provided the following: a detailed overview of the Project; a request of information concerning any sensitive resources, ongoing or planned development, or property interests within or near the Study Area that the agency may possess; asked for relevant permits; and enclosed a Study Area map.

Table 7.1-1 provided below details the specifics of the Project notification exchange between Northern Divide Energy Storage and the stakeholders per N.D. Admin. Code 69-06-01-05. Appendix E1 contains a template of the notification letter.

TABLE 7.1-1

Project Notification Letters

Stakeholder Per North Dakota Administrative Code 69-06-01-05	Letter Sent	Response Received	Section Addressed
North Dakota Aeronautics Commission	June 25, 2024	No response	NA
North Dakota Attorney General	June 25, 2024	No response	NA
North Dakota Department of Agriculture	June 25, 2024	No response	NA
North Dakota Department of Health	June 25, 2024	No response	NA
North Dakota Department of Human Services	June 25, 2024	No response	NA
North Dakota Department of Labor and Human Rights	June 25, 2024	No response	NA
North Dakota Department of Career and Technical Education	June 25, 2024	No response	NA
North Dakota Department of Commerce	June 25, 2024	No response	NA
Energy Infrastructure and Impact Office	June 25, 2024	No response	NA
North Dakota Game and Fish Department	June 25, 2024	July 22, 2024	7.2.11, Appendix E12
North Dakota Industrial Commission	June 25, 2024	No response	NA
Office of Governor Doug Burgum	June 25, 2024	No response	NA
North Dakota Department of Transportation	June 25, 2024	July 16, 2024, September 5, 2024	7.2.1, Appendix E2
State Historical Society of North Dakota	June 25, 2024	July 30, 2024	7.2.2, Appendix E3
North Dakota Indian Affairs Commission	June 25, 2024	No response	NA
Job Service North Dakota	June 25, 2024	No response	NA
North Dakota Department of Trust Lands	June 25, 2024	July 9, 2024	7.2.3, Appendix E4
North Dakota Parks and Recreation Department	June 25, 2024	July 18, 2024	7.2.4, Appendix E5
Natural Resources Conservation Service	June 25, 2024	July 8, 2024	7.2.5, Appendix E6
North Dakota Department of Water Resources	June 25, 2024	July 22, 2024	7.2.6, Appendix E7
U.S. Department of Defense	June 25, 2024	No response	NA
U.S. Fish and Wildlife Service	June 25, 2024	No response	NA
U.S. Army Corps of Engineers	June 25, 2024	August 1, 2024	7.2.7, Appendix E8

TABLE 7.1-1

Project Notification Letters

Stakeholder Per North Dakota Administrative Code 69-06-01-05	Letter Sent	Response Received	Section Addressed
Federal Aviation Administration	June 25, 2024	No response	NA
Burke County	June 25, 2024	July 26, 2024	7.2.8, Appendix E9
North Dakota Transmission Authority	June 25, 2024	No response	NA
North Dakota Pipeline Authority	June 25, 2024	No response	NA
North Dakota Department of Environmental Quality	June 25, 2024	July 18, 2024	7.2.9, Appendix E10
North Dakota Geological Survey	June 25, 2024	July 2, 2024	7.2.10, Appendix E11
North Dakota Forest Service	June 25, 2024	No response	NA
Bureau of Land Management	June 25, 2024	No response	NA
Military Aviation and Installation Assurance Siting Clearinghouse	June 25, 2024	No response	NA
91st Missile Maintenance Squadron	June 25, 2024	No response	NA
Minot Air Force Base	June 25, 2024	No response	NA
Grand Forks Air Force Base	June 25, 2024	No response	NA

7.2 STAKEHOLDER CORRESPONDENCE SUMMARIES

The following sections provide high-level summaries of stakeholder outreach activities conducted throughout the development of the Project, including through the notification letters. Where applicable, the section includes a conclusion outlining how the Northern Divide Energy Storage conformed to any specific requests, approvals, or feedback received during the outreach process. Stakeholder meetings were conducted through a blend of in-person sessions and virtual platforms, supported by ongoing email communications that facilitated discussions, updates, and clarifications throughout the development of the Project. Appendices E2-12 contains copies of notification letter responses, high-level stakeholder correspondence, meeting notes, and other correspondence received to date.

7.2.1 North Dakota Department of Transportation

On July 16, 2024, the NDDOT responded to the notification letter, requesting additional information to assess the Project's effect on NDDOT highways. Specifically, the NDDOT inquired whether the Project would require direct access from ND Highway 40 or if its boundary would be adjacent to the NDDOT right-of-way.

On August 22, 2024, Northern Divide Energy Storage responded stating how close to ND Highway 40 the project will be and that the Project will require direct access of ND Highway 40.

On September 5, 2024, the NDDOT responded and encouraged Northern Divide Energy Storage to contact the Williston District Engineer to determine if the Project can have direct access to ND Highway 40. The NDDOT also recommended reviewing the NDDOT Traffic operations manual. Based on the response from the NDDOT, Northern Divide Energy Storage removed the original driveway presented to the NDDOT to now utilize the existing driveway from ND Highway 40 for the Wind Energy Center O&M facility and collection substation.

Copies of correspondence between NDDOT and Northern Divide Energy Storage and NDDOT's response to the notification letter are provided in Appendix E2.

7.2.2 State Historical Society of North Dakota

On January 9, 2024, the SHSND responded to the Northern Divide Energy Storage Class I and Class II Cultural Resources Inventory report and found it acceptable. The SHSND determined that there are “no significant sites affected by this project provided it takes place in the location and in the manner described”.

On July 30, 2024, the SHSND responded to the notification letter, recommending a Class III (pedestrian survey) of cultural resources in all portions of the project area not previously surveyed. Northern Divide Energy Storage responded and clarified that the Class III pedestrian survey has already been completed for the Project and clarified any confusion around the company LLC and survey coverage.

Copies of SHSND’s effect determinations letter, response to the notification letter, and correspondence between SHSND and Northern Divide Energy Storage is provided in Appendix E3.

7.2.3 North Dakota Department of Trust Lands

On July 9, 2024, the North Dakota Department of Trust Lands (NDDTL) responded to the notification letter, stating that any proposed projects, such as this one, crossing NDDTL-managed property need to apply for a Right of Way and would be subject to review and approval by the Board of University and School Lands.

On July 11, 2024, Northern Divide Energy Storage responded stating that Project development is planned outside of the NDDTL managed land.

Copies of correspondence between NDDTL and Northern Divide Energy Storage and NDDTL’s response to the notification letter are provided in Appendix E4.

7.2.4 North Dakota Parks and Recreation Department

On July 18, 2024, the North Dakota Parks and Recreation Department (NDPRD) responded to the notification letter. The NDPRD reviewed the Project Study Area and stated that the Project does not appear to affect properties NDPRD owns, leases, or manages, and, also, the Project does not appear to affect any properties protected under Section 6(f) of the Land and Water Conservation Fund. A review was conducted of the North Dakota Natural Heritage biological conservation database to query if any current or historical plant or animal species of concern or other significant ecological communities are known to occur within an approximate one-mile radius of the Study Area. The review concluded that no known plant and animal species of concern or significant ecological communities are documented within or immediately adjacent to the Study Area.

A copy of NDPRD’s response to the notification letter is provided in Appendix E5.

7.2.5 Natural Resources Conservation Service

On July 8, 2024, the Natural Resources Conservation Service (NRCS) responded to the notification letter. The NRCS stated that it appears the Project is not supported by federal funding; therefore, Farmland Protection Policy Act does not apply, and no further action is needed.

A copy of NRCS’s response to the notification letter is provided in Appendix E6.

7.2.6 North Dakota Department of Water Resources

On July 22, 2024, the NDDWR responded to the notification letter, reviewed the environmental impacts associated with the Project, and provided the following comments. No conditional or temporary permit for water appropriation is required. No FEMA National Flood Insurance Program (NFIP) floodplains are identified or mapped at the Project location. No permits relative to the NFIP are likely required based on the current Flood Insurance Rate Map and State minimum standards though flood risk is noted through the NDRAM and Base Level Engineering data, which should be considered in the design process. NFIP permitting decisions fall under the authority of local floodplain administrators. The NDDWR Engineering and Permitting Section determined that no drainage or construction permits are required if no watercourses are modified (i.e., deepened, widened, rerouted, etc.) and no ponds, sloughs, or lakes with a drainage area of 80 acres or more are drained. NDDWR advised to coordinate with the local floodplain administrators of the zoning authorities impacted.

On September 17, 2024, Northern Divide Energy Storage met with Burke County to confirm that no floodplain permit or map requirement is needed for the Project.

A copy of NDDWR's response to the notification letter is provided in Appendix E7.

7.2.7 United Stated Army Corps of Engineers

On August 1, 2024, the USACE responded to the notification letter, outlining that a permit is required if there is a discharge of dredge or fill material into waters of the United States, including rivers, streams, and adjacent wetlands. The USACE provided guidance on the permit application process and emphasized the importance of accurately describing the proposed work and construction methodology. The USACE also requested that all submissions be sent electronically to the North Dakota Regulatory office.

Northern Divide Energy Storage does not anticipate needing a permit from the USACE.

A copy of USACE's response to the notification letter is provided in Appendix E8.

7.2.8 Burke County

Northern Divide Energy Storage gave a presentation about the Project to the Burke County Planning and Zoning Board and the Burke County Commissioners on February 21, 2023, and again on May 21, 2024.

On July 26, 2024, the Burke County Planning and Zoning Board responded to the notification letter and requested that a representative attend a planning and zoning meeting to further discuss the Project. Northern Divide Energy Storage responded stating a response is forthcoming and additional questions are welcome.

On August 29, 2024, Northern Divide Energy Storage met with the Burke County Planning and Zoning Board to discuss various topics, including development, permitting, economics, environmental and safety concerns, employment, community involvement, zoning ordinances, public education, and the Conditional Use Permit.

On September 17, 2024, Northern Divide Energy Storage met with the Burke County Planning and Zoning Administrator to discuss the Project including permit requirements for the Conditional Use Permit.

Copies of correspondence between Burke County and Northern Divide Energy Storage and Burke County's response to the notification letter is provided in Appendix E9.

7.2.9 North Dakota Department of Environmental Quality

On July 18, 2024, the North Dakota Department of Environmental Quality (NDDEQ) responded to the notification letter and reviewed the Project with respect to possible environmental impacts. The NDDEQ emphasized the importance of minimizing fugitive dust emissions during construction and addressing any complaints efficiently. Care must be taken during construction near water bodies to prevent adverse effects, including minimal disturbance of stream beds and banks, as well as the prevention of oil and grease spills. Projects disturbing one or more acres require a stormwater permit until vegetation or other permanent cover is re-established. The NDDEQ encourages efforts to reduce, reuse, and recycle solid waste materials. The USACE may require a water quality certification if the Project is subject to Section 404 permitting. The NDDEQ noted it owns no land in or adjacent to the Project, and it believes the proposed activities are consistent with the State Implementation Plan for the Control of Air Pollution for North Dakota.

Northern Divide Energy Storage will follow the NDDEQ recommendations including obtaining a stormwater permit.

A copy of NDDEQ's response to the notification letter is provided in Appendix E10.

7.2.10 North Dakota Geological Survey

On July 2, 2024, the North Dakota Geological Survey (NDGS) responded to the notification letter, stating that no specific property interests exist in this area and that there are no mapped landslides or other geologic hazards to note at this location.

Copies of correspondence between NDGS and Northern Divide Energy Storage and NDGS's response to the notification letter is provided in Appendix E11.

7.2.11 North Dakota Game Fish Department & U.S. Fish and Wildlife Service

On March 15, 2023, Northern Divide Energy Storage attended a meeting with the NDGFD to discuss proposed NextEra Energy Resources development projects in North Dakota, including the Project.

On June 13, 2024, Northern Divide Energy Storage attended a meeting with the NDGFD and USFWS to discuss proposed NextEra Energy Resources development projects in North Dakota, including the Project.

On June 27, 2024, Northern Divide Energy Storage held a virtual conference call with the USFWS to discuss proposed NextEra Energy Resources development projects in North Dakota, including the Project.

On July 22, 2024, the NDGFD responded to the notification letter, highlighting the importance of responsibly developing energy projects, particularly with the introduction of new technologies like battery storage in North Dakota. The NDGFD emphasized the need for thorough due diligence in site selection and construction to minimize potential risks to wildlife. The NDGFD provided recommendations to avoid and mitigate impacts, including adhering to specific site selection criteria, consolidating facilities to reduce habitat fragmentation, and considering wildlife-friendly plantings. Additionally, the NDGFD stressed the importance of developing safety and recycling plans for the batteries and requested to be kept informed throughout the project's progress to offer informed feedback to the North Dakota Public Service Commission.

On August 21, 2024, Northern Divide Energy Storage attended a meeting with the USFWS to discuss proposed NextEra Energy Resources development projects in North Dakota, including the Project. Northern Divide Energy Storage noted that the Project is located on cropland and adjacent to the existing collection substation, with no foreseeable wildlife issues. Northern Divide Energy Storage requested that the USFWS provide written comments. During the meeting, the USFWS inquired about potential concerns regarding leaks and stated their primary concerns are the Project's footprint and the timing of construction. Northern Divide Energy Storage clarified that the main potential concerns, although unlikely to occur, are related to fire and safety. It was explained that the components are contained within modular units, so any such fire would be confined to the unit.

On November 5, 2024, Northern Divide Energy Storage responded to the NDGFD's letter from July 22, 2024. The response letter addressed each of the NDGFD's points in detail. Northern Divide Energy Storage stated that the Project will comply with North Dakota Administrative Code Section 69-06-08-01. Regarding adherence to the *Wind Energy Development in North Dakota – Best Management Practices*, Northern Divide Energy Storage selected a site within existing cropland and adjacent to current energy infrastructure to reduce potential effects on wildlife. Northern Divide Energy Storage confirmed that the Project avoids unstable land surfaces, state and federal lands, and wetlands, and it does not include a drain tile system. The Project design consolidates facilities and access roads to reduce habitat fragmentation. Fencing will meet NFPA 70 standards, also known as the National Electrical Code, and no lighting is planned. Northern Divide Energy Storage will implement a noxious weed management plan. The Project will not impact unbroken grasslands, wetlands, or woodlands as it is located on cropland and therefore, Northern Divide Energy Storage does not anticipate the need for voluntary offsets. Safety plans will be developed to address potential risks from the batteries, including fire hazards and chemical leakage. Northern Divide Energy Storage also intends to recycle lithium-ion batteries, as many of the components can be repurposed from spent batteries for use in new products.

Copies of correspondence between NDGFD and Northern Divide Energy Storage and NDGFD's response to the notification letter is provided in Appendix E12.

7.2.12 Local Emergency and Fire Services

On September 24, 2024, Northern Divide Energy Storage attended a meeting with the Burke County Emergency Response Planning Committee in Powers Lake to introduce the Project. The Burke County Emergency Response Planning Committee did not raise any concerns related to the Project at the meeting.

8.0 POTENTIAL PERMITS AND APPROVALS

Table 8.0-1 outlines the federal, state, and county permits or approvals that have been identified as potentially required for the construction and operation of the Project. Permits dependent on the final Project layout will be applied for after receiving Commission approval, but prior to construction.

TABLE 8.0-1

Potential Permits and Approvals Required for Construction and Operation

Agency	Type of Approval	Status*	Need
Federal Approvals			
U.S. Environmental Protection Agency	Spill Prevention, Control, and Countermeasure Plan	3	Required if more than 1,320 gallons of oil storage is located onsite.
U.S. Fish and Wildlife Service (USFWS)	Special Use Permit	N/A	Not required as no USFWS easements are present.
U.S. Army Corps of Engineers (USACE)	Nationwide Permit (NWP)	N/A	Not required. North Plains does not anticipate impacts to wetlands or Section 10 waters.
	Section 404 Permit	N/A	
	Section 10 permit	N/A	
State of North Dakota			
North Dakota Department of Environmental Quality	National Pollutant Discharge Elimination System Permit: General Construction Storm Water	3	Required for disturbance of over one acre of land and a stormwater pollution prevention plan must be prepared.
North Dakota Department of Transportation	Road Approach/Access Permit	N/A	Not required as the Project will utilize the existing approach on ND Highway 40.
North Dakota Department of Trust Lands	Rights-of-Way Easement and special access request	N/A	Not required as the Project is sited off of school trust lands.
North Dakota Department of Water Resources	Drainage Permit	N/A	Not required as the Project will not be required to drain a pond, slough, lake or sheetwater, or any series thereof, that has a watershed area (*i.e.*, drainage area) of 80 acres or more.
	Conditional or Temporary Permit for water appropriation	N/A	Not required. No water appropriation will be required.
	Water Permit	3	Required if drilling a well.
North Dakota Highway Patrol	Overheight/Overweight Permit	3	Required for hauling construction equipment and materials on State Highways.
North Dakota Public Service Commission	Certificate of Site Compatibility	2	Required for a utility-scale energy storage plant designed for operation as a grid resource and capable of 5 megawatts or more of rated power capacity.
	Ten-Year Plan	2	Required for a utility that owns or operates, or plans within the next ten years to own, operate, or start construction on any facility shall develop a ten-year plan. In accordance with N.D.C.C. Section 49-22-04 and N.D. Admin. Chapter 69-06-02, Northern Divide Energy Storage will file a Ten-Year Plan for the Project with the Commission.
State Historical Society of North Dakota (SHSND)	Review of Effect Determinations	1	Required for construction of the Project. The North Dakota SHSND determined that there are "no significant sites affected by this project provided it takes place in the location and in the manner described."
Local Permits			
Burke County	Conditional Use Permit	3	Required to construct, operate or maintain the Project.
	Building Permit	3	Required for construction of the Project.
	Road Use Agreement	3	Required for use of county roads during construction of the Project.

TABLE 8.0-1

Potential Permits and Approvals Required for Construction and Operation

Agency	Type of Approval	Status*	Need
*Status Explanation: 1 Completed and approved, 2 Applied and/or decision pending, 3 Will apply for prior to construction as applicable			

9.0 QUALIFICATIONS OF CONTRIBUTORS

The qualifications of each significant contributor involved in the facility site location study and this application are provided below in Table 9.0-1.

TABLE 9.0-1

Qualifications of Contributors

Name and Project Role	Education and Professional Experience
Clay Cameron Director of Project Development NextEra Energy Resources, LLC	Mr. Cameron has over 25 years of experience in project management, including development, construction, budgeting, financial reporting, and federal, state, and local permitting and compliance. His responsibilities include financial feasibility analysis, cost and schedule management, and coordination of functional project teams and customer relationships. He has over 15 years of experience in the utility industry including roles of increasing responsibility in community development, engineering & construction, and project development. He studied business management at Louisiana State University and holds a State of Florida General Contractor license.
Clint Scherb Lead Project Manager Development NextEra Energy Resources, LLC	Clint Scherb has almost 10 years of Management experience as an entrepreneur, consultant, disaster relief logistician, project manager, and energy infrastructure developer. Prior experience includes 8 years of service in the United States Marine Corps, as an "ANGLICO Marine", and 12 years in Law Enforcement as a Road Patrol Deputy, SWAT Team member, and Presidential/ Dignitary "Counter Assault Team" Operator. He studied business at Florida Atlantic University.
Sarah Montone Project Developer NextEra Energy Resources, LLC	Ms. Montone has eight years of experience in project management, including development, audit, and vehicle line planning. She has two years of utility industry project development experience. She has a Bachelor of Science and a Master of Business Administration from the University of Detroit Mercy.
Dina Brown Environmental Services Project Manager NextEra Energy Resources, LLC	Ms. Brown has over 25 years of environmental experience in the planning, permitting, management and closure of energy industry projects. She has had direct responsibility for permitting and compliance with the Clean Water Act, National Environmental Policy Act, Resource Conservation and Recovery Act, Endangered Species Act, National Historic Preservation Act, Clean Air Act, as well as numerous state regulatory programs. Her primary responsibility is the permitting and licensing of projects on private and public lands in compliance with federal and state environmental laws. She has a Master of Science in Forest Science from Oregon State University and a Bachelor of Science in Civil/Environmental Engineering from Texas A&M University. She is a Certified Professional Soil Scientist.
Alexander Murphy Sr Project Management Consultant NextEra Energy Resources, LLC	Mr. Murphy brings three years of sourcing experience with National Grid, where he managed an annual spend exceeding $140 million across three states in the Northeast. Additionally, he has three years of project management experience with National Grid. In this role, he oversaw the development, scheduling, budgeting, permitting, procurement, construction, and commissioning of large-scale power utility projects. He manages BESS projects within the Engineering and Construction Business Unit and holds a Bachelor of Science in Business Management from Worcester Polytechnic Institute, a PMP certification, and a graduate certificate in Construction Project Management.
Joseph Block Project Manager NextEra Energy Resources, LLC	Mr. Block is a seasoned military veteran with 17 years of expertise in technical and project management. He is responsible for the daily coordination of internal and external resources, supporting activities in Development, Engineering, Estimating, Supply Chain, Scheduling, and Construction for Battery Energy Storage System projects within the Engineering and Construction Business Unit. With six years of experience in designing and managing utility-scale renewable power infrastructure, he has led projects from feasibility through to operation and maintenance. He also brings program and portfolio management expertise gained from roles across business, operations, academia, and technical sectors, including 10 years of service in the Department of Homeland Security and U.S. Coast Guard, as well as experience as an entrepreneur. Mr. Block holds a PMP certification, a Bachelor of Science in Electrical Engineering with an emphasis in Energy Systems and Power Electronics, and a minor in Energy Economics from the Colorado School of Mines.
Tracy Davis Managing Attorney NextEra Energy Resources, LLC	Ms. Davis has over 20 years of experience practicing energy regulatory law and has served as in-house counsel for NextEra Energy Resources for the past ten years. Her responsibilities include representation of NextEra Energy Resources subsidiaries and affiliates before state regulatory commissions, including the North Dakota Public Service Commission. She has a Bachelor of Arts and a Doctor of Jurisprudence from the University of Texas at Austin.

TABLE 9.0-1

Qualifications of Contributors

Name and Project Role	Education and Professional Experience
Lindsey Churchill, PhD, PWS Project Manager Merjent, Inc.	Dr. Churchill has 16 years of environmental permitting experience in wetland and natural resources. Her responsibilities included project management, application preparation, and oversight of surveys. She has a PhD in Natural Resources Management from North Dakota State University, a Master of Science in Natural Resources Management from NDSU, and Bachelor of Science in biology and mathematics from the University of Jamestown. She is registered as a Professional Wetland Scientist and a USACE-certified wetland delineator.
Dirk Churchill Environmental Specialist Merjent, Inc	Mr. Churchill has 12 years of experience in environmental assessment, permitting, and compliance services. His responsibilities included application preparation and leading wetland surveys. He has a Bachelor of Science in Natural Resources from North Dakota State University. He is a USACE-certified wetland delineator.
Jim Heideman GIS Analyst Merjent, Inc.	Mr. Heideman is a GIS Specialist with 12 years of experience in environmental consulting, focusing on cultural resource management and environmental permitting. He has been the GIS lead scopes with the role of creating/managing spatial data, publishing and hosting ArcGIS Online services, post-processing and analyzing spatial data, and preparing technical report figures.

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Appendix A

Northern Divide Energy Storage, LLC Practices and Commitment to the Environment

Northern Divide Energy Storage, LLC Practices and Commitment to the Environment

Northern Divide Energy Storage, LLC (Northern Divide Storage), a wholly owned, indirect subsidiary of NextEra Energy Resources, LLC (NextEra Energy Resources), is committed to identifying, avoiding, and minimizing impacts to environmental and cultural resources throughout the life of the Northern Divide Storage Project (Project). Northern Divide Storage, as part of the NextEra Energy Resources family, is directed to:

- design, construct, operate, and maintain its facilities in an environmentally sound and responsible manner;
- prevent pollution, minimize waste, and conserve natural resources;
- avoid, minimize, and/or mitigate impacts to habitat and wildlife; and,
- engage stakeholders to build trust and work together toward common goals for environmental stewardship and protection.

Throughout project development, Northern Divide Storage has conducted environmental reviews following federal and state agency rules, guidance, and recommendations. Project development will continue to involve ongoing data collection and coordination with federal, state, and local agencies to ensure that the Project complies with environmental laws and minimizes its environmental footprint to the greatest extent practicable.

Appendix B
Acoustic Assessment

Northern Divide Energy Storage BESS

Acoustic Assessment

Merjent, Inc.

October 29, 2024

Delivering a better world

Prepared by	Checked by	Verified by	Approved by
Dylan Blackwell, Senior Acoustics and Noise Control Specialist			

Revision History

Revision	Revision date	Details	Authorized	Name	Position

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1. Introduction

Northern Divide Energy Storage, LLC, a wholly-owned, indirect subsidiary of NextEra Energy Resources, LLC, has begun an evaluation of a battery energy storage system (BESS) site in Burke County, North Dakota (Project). The analyses contained in this report were conducted with the goal of evaluating sound levels at nearby residences.

The Project includes approximately 132 battery storage units with associated inverters. In addition to the sound contribution of the Project operations, nearby existing wind turbines generating the energy to be stored at the Project site and an associated substation are also sources to be considered in the cumulative assessment of noise levels at receptors. The following analysis examines two operating scenarios: Project-only operations and the cumulative effect of Project operations with the existing turbines.

1.1 Study Area and Existing Environment

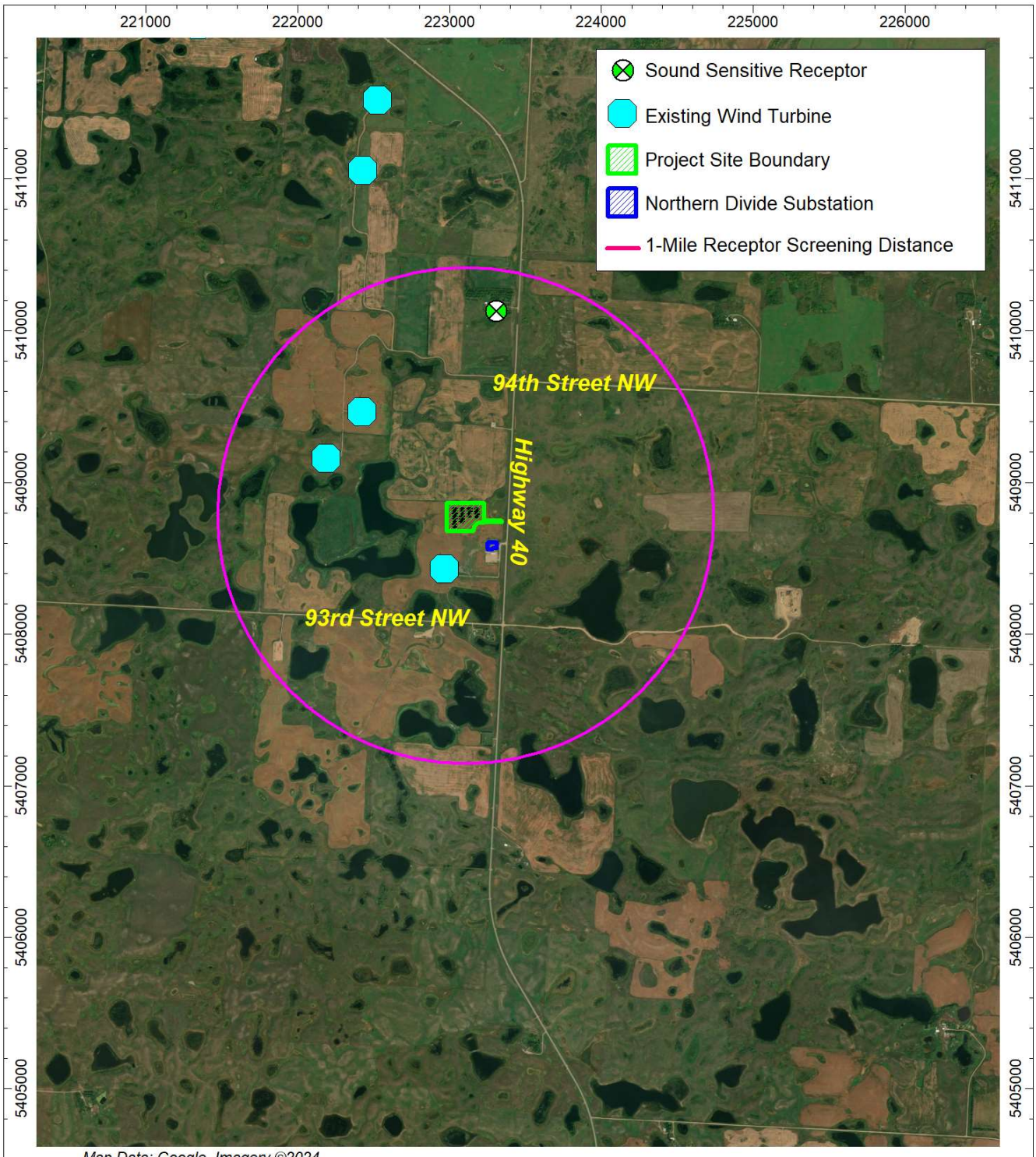
The Project area encompasses approximately 10.75 acres in Burke County. The total acoustic assessment study area encompasses approximately 6,600 acres, located along Highway 40 near the intersection of Highway 40 and 93rd Street NW. Major roadways in the project vicinity include: Highway 40, 93rd Street NW, and 94th Street NW. The nearest noise-sensitive area is adjacent to Highway 40, as shown in **Figure 1**.

A one-mile distance from the Project boundary was selected as the study area for impact analyses with regards to Project operations. A one-mile distance is generally considered appropriate in the determination of noise effects. At this distance, attenuation of the noise from air and ground absorption will typically decrease the noise contribution to below the background sound level of a very quiet, rural area. Times when a one-mile study area might not be deemed appropriate are when there are significant topographical changes, hard-packed ground or asphalt such that ground absorption is negligible, or a combination of extremely loud and directional sources. The Project design, vicinity, and equipment do not exhibit these characteristics and thus a one-mile distance was considered appropriate.

The land uses within the study area are primarily agricultural, with one rural farmstead residence within the one-mile screening distance. The landowner of this residence is a participant with the Northern Divide Wind project (wind turbines in the vicinity of the project), but is not a participant with the Northern Divide Energy Storage BESS project. The topography in this region is characterized by rolling, grassy terrain, interspersed with natural lakes and ponds.

The identified sound-sensitive land use within the screening distance is a rural farmstead residence. Determination of habitable structures for existing structures was limited to publicly available knowledge via aerial imagery databases.

Burke County would generally be considered a rural agricultural area and would therefore be expected to have low ambient sound levels. Existing sound sources in the area are likely dominated by traffic sound from nearby roadways, sounds from agricultural operations, natural wind-generated sounds, and sounds from wind turbine operations.



N	Date Created: 08/19/2024 Created by: DMB	**Figure 1** **Sound-Sensitive Receptor Location**
AECOM Delivering a better world Acoustics & Noise Control Practice		**Northern Divide BESS** **Burke County, ND**

1.2 Acoustic Terminology

For purposes of document brevity, AECOM assumes the reader is familiar with basic acoustical principles. Readers desiring an expanded introduction to acoustics fundamentals beyond what is presented in this section should consult industry-accepted reference texts such as *Noise & Vibration Control Engineering* (Beranek & Ver 1992) or *Engineering Noise Control* (Bies & Hansen 2003). Fundamental concepts and terms related to acoustics, as discussed in this technical report, are summarized in the following paragraphs.

Sound is a physical phenomenon consisting of minute vibrations that travel through a medium, such as air, and are sensed by the human ear. Sound is generally characterized by several variables, including frequency and intensity. Frequency describes the pitch of the sound and is measured in cycles per second of Hertz (Hz), while intensity describes the sound's 'loudness' and is measured in decibels (dB) using a logarithmic scale.

Sound level is typically expressed by reference to a known standard. This report refers to both sound pressure level (SPL) and sound power level (PWL). In expressing sound pressure on a logarithmic scale, the sound pressure is compared to a reference value of 20 microPascals (µPa). SPL depends not only on the power of the source, but also on the distance from the source and the acoustical characteristics of the space surrounding the source. Unlike sound pressure, which varies with distance from a source, sound power is the acoustic power of a source typically expressed in Watts. Sound power is the acoustic power radiated from a source, expressed in decibels as a sound power level (PWL) using a reference power value of 10^{-12} Watts.

Due to its definition with respect to a reference sound pressure, a sound level of 0 dB is not the complete absence of sound, but instead the approximate threshold of average healthy human hearing and is barely audible under extremely quiet listening conditions. Normal speech has a sound level of approximately 60 dB. Sound levels above approximately 110 dB begin to be felt inside the human ear as discomfort and eventually pain at 120 dB and higher levels. The minimum change in the sound level of individual events that an average human ear can detect under laboratory conditions is about 1 to 2 dB. A 3 to 5 dB change, on the other hand, is readily perceived under most circumstances. A change in sound level of about 10 dB is usually perceived by the average person as a doubling (or if decreased by 10 dB, halving) of the sound's loudness, even though the actual change in sound energy is an order of magnitude.

Due to the logarithmic nature of the decibel unit, sound levels cannot be added or subtracted directly and are somewhat cumbersome to handle mathematically; however, some simple rules are useful in dealing with sound levels. First, if a sound's intensity is doubled, the sound level increases by 3 dB, regardless of the initial sound level. For example: 60 dB + 60 dB = 63 dB, and 80 dB + 80 dB = 83 dB.

Hertz is a measure of how many times each second the crest of a sound pressure wave passes a fixed point. For example, when a drummer beats a drum, the skin of the drum vibrates a number of times per second. When the drum skin vibrates 100 times per second, it generates a sound pressure wave that is oscillating at 100 Hz, and this pressure oscillation is perceived by the ear / brain as a tonal pitch of 100 Hz. Sound frequencies between 20 and 20,000 Hz are within the range of sensitivity of the best human ear.

Sound from a tuning fork contains a single frequency (a pure tone); however, most sounds one hears in the environment do not consist of a single frequency, but rather a broad band of frequencies differing in sound level. The method commonly used to quantify environmental sounds consists of evaluating all frequencies of a sound according to a weighting system that represents human hearing, which is less sensitive at low frequencies and extremely high frequencies than at the mid-range frequencies. This is called "A-weighting," and the decibel

level measured is called the A-weighted sound level (dBA). In practice, the sound level of a source is conveniently measured using a sound level meter that includes a filter corresponding to the dBA curve of frequency-dependent adjustments.

Although dBA may adequately indicate the level of environmental sound at any instant in time, community sound levels vary continuously. Most environmental sounds include a mixture of sounds from distant sources that creates a relatively steady background sound, in which no particular source is identifiable. A single descriptor, called the equivalent sound level (L_{eq}), may be used to describe sound that is changing in level. L_{eq} is the energy-mean dBA during a measured time interval. It is the "equivalent" constant sound level that would have to be produced by a given source to equal the acoustic energy contained in the fluctuating sound level measured. In addition to the energy-average level, it is often desirable to know the acoustic range of the sound source being measured. This is accomplished through the maximum (L_{max}) and minimum (L_{min}) indicators that represent the root-mean-square maximum and minimum sound levels measured during the monitoring interval. The L_{min} value obtained for a particular monitoring location is often called the "acoustic floor" for that location.

2. Regulatory Setting & Acoustic Impact Criteria

A review was conducted of Federal, State, and Local laws, ordinances, regulations, and standards (LORS), applicable to sound levels generated by Project construction and operation. This review did not identify any applicable LORS at the federal level. At the state level, North Dakota Administrative Code (N.D.A.C.) Section 69-06-08-01(4) establishes a sound limit of 45 dBA within 100 feet of an inhabited residence or community building that applies to wind energy conversion facilities but has not established sound level limits that apply to battery energy storage facilities. At the local level, Burke County utilizes U.S. Environmental Protection Agency guidance for Wind Turbine operations. While these state and local regulatory limits do not apply to the Project, these regulatory standards were accounted for when developing the design goal of 45 dBA at 100 feet from identified noise-sensitive receptors.

2.1 State of North Dakota

The N.D.A.C. Section 69-06-08-01(4) reads as follows:

> *A wind energy conversion facility site must not include a geographic area where, due to operation of the facility, the sound within one hundred feet of an inhabited residence or a community building will exceed forty-five dBA. The sound level avoidance area criteria may be waived in writing by the owner of the occupied residence or the community building.*

Project aerial mapping was reviewed to identify structures, including residential and community buildings, within the Project impact vicinity. Design goal sound levels were determined to be 45 dBA at a minimum distance of 100 feet from residential structures based upon the N.D.A.C. regulatory standards.

2.2 Burke County

The Project and associated noise-sensitive receptor are located within the municipality of Burke County. The Burke County Zoning Regulations (Burke 1996) include special provisions for the siting, construction, and operation of wind energy facilities with respect to sound levels in the Wind Turbine Regulations under Article 2, Section 12(7)(11)(j), as follows:

> *This ordinance adopts EPA guidelines on noise levels. The guidelines are contained in the EPA publication, Information on Levels of Environmental Noise Requisite to Protect Public*

> *Health and Welfare with an Adequate Margin of Safety. Operation of the wind energy facility must not cause any EPA level for activity interference or hearing loss to be exceeded either inside or within 50 feet of an occupied structure.*

The U.S. Environmental Protection Agency (EPA) publication referenced in the Burke County Zoning Regulations address issues of community noise (EPA 1974). Commonly referred to as the "Levels Document," this federal guidance recommends a 24-hour day-night sound level (L_{dn}) limit of 55 dBA at the exterior and 45 dBA at the interior of studied residential receptors. The Levels Document states that exterior-to-interior sound levels are generally reduced by approximately 15 dBA, assuming standard building construction and partly-open windows. On account of this characteristic, exterior sound level impacts would occur well-before interior sound level impacts arise. Therefore, only exterior sound levels are analyzed.

When converted to the standardized energy equivalent level (L_{eq}) metric used in this assessment, the Burke County exterior sound level limit of 55 dBA L_{dn} equates to a 24-hour continuous sound level of 49 dBA L_{eq}.

While the ordinance does not apply directly to the Project facilities and equipment, the Project has considered the sound level requirements for this evaluation. As the design sound level target based upon the N.D.A.C. requirements is more stringent than the Burke County Zoning Regulations, a design target of 45 dBA at 100 feet from residential structures will additionally account for the Burke County zoning regulatory standard of 49 dBA at 50 feet from 'occupied structures.'

3. Sound Prediction Methodology & Results

3.1 Modeling Software and Calculation Methods

The DataKustik CadnaA® Noise Prediction Model (Version 2023) was used to estimate the aggregate SPL from the proposed Project operation layout and existing wind turbine units at the identified noise-sensitive receptor. CadnaA is a Windows®-based software program that predicts sound levels near sound sources based on the ISO 9613-2 standard for outdoor sound propagation calculation. The model uses these industry-accepted propagation algorithms and accepts octave-band (1/1) and one-third octave band (1/3) PWL (in dB re: one picoWatt) provided by equipment manufacturers and other sources.

The software calculations account for classical sound wave geometric divergence, reflection off of surfaces, source directivity, meteorological effects, and attenuation factors resulting from air absorption, basic ground effects, and barrier / shielding from structures and / or topography. Topographical information was imported into the model using reference United States Geographical Survey (USGS) Three-Dimensional Elevation Program (3DEP) data to accurately represent existing topography in the Project area.

3.2 Modeling Input Parameters

Due to the prevalence of wind turbines in the cumulative noise analysis scenario, predictive noise models were designed to conform with the ANSI/ACP 111-1 (2022) Wind Turbine Sound Modeling standard (ACP 2022) and follow recommendations from the Institute of Acoustics (IOA 2013).

3.2.1 Predictive Model Configuration Settings

The sound propagation prediction model developed for this analysis assumed an outdoor air temperature of 50 degrees Fahrenheit (ºF) and a relative humidity of 70%.

The average ground absorption coefficient, which can range from zero (0, for acoustically reflective surfaces, such as water or pavement) to unity (1, for acoustically absorptive ground coverings, such as loose, porous soils or snow), was set to an average of 0.5. This input parameter is notably conservative in comparison to actual site conditions which are expected to exhibit higher ground absorption coefficients of 0.7 to 0.9 due to the prevalence of natural grasslands, agricultural soils, and seasonal snow cover.

With respect to wind speed and direction, the ISO 9613-2 standard conservatively assumes that the receptor is located downwind from each sound-producing source. Acknowledged as a physical impossibility (*i.e.*, because wind is experienced as having direction), this downwind assumption is intended to represent worst-case meteorological conditions, such as moderate temperature inversions. Such conditions are assumed to be valid for the study of WTG operation sound, which assumes operation under wind conditions at which the “maximum [rotor] rotational speed” is expected, coinciding with maximum power production per tower.

3.2.2 Receiver Input

A representative receiver point was modeled at the identified residential structure in the study area. The receiver point was modeled at a height of 4 meters (relative to ground), which could be typical of the height of a second-story listener and is recommended for sound modeling that involves wind turbines, as it reduces the influence of ground absorption factors that may be misrepresented in prediction results. Per the Commission sound limit regulation, sound levels from Project operations are to be assessed “within 100 feet of an inhabited residence,” thus, the modeled receiver point was placed 100 feet toward the direction of the Project site.

3.2.3 Source Input

The Project plans to install Ener C+ battery storage units and Power Electronics power conversion system (PCS) units. In addition to the project noise-generating equipment, ten existing GE 2.72 MW wind turbines with low-noise trailing edge (LNTE) blade technology were included in the noise model. Performance specifications and proprietary sound data for the proposed Project equipment and existing wind turbines were provided by the manufacturers for the purpose of this study.

The sound pressure level data received for the battery storage units was used to calibrate the source sound power levels in the model. It was assumed, based upon the received data, that the highest concentration of sound generation would come from the chiller section of the BESS module. Two louver sources were modeled on each battery storage unit, one on the short dimension of the unit and one on the long dimension of the unit, comprising a corner. These two sources were then globally adjusted to match the sound pressure level data provided in the test report.

Table 1 displays the various sound power level inputs for each piece of Project equipment, as well as the existing wind turbines.

Table 1. Octave-Band Sound Power Level Model Inputs

Source	A-Weighted Octave-Band Center Frequency, Hz									Sum dB(A)
	31.5	63	125	250	500	1000	2000	4000	8000	
GE 2.72 MW Wind Turbine with LNTE	82	91	96	99	103	105	103	95	77	110
Ener C+ Chiller Louver, Long Dimension	50	48	53	65	74	71	67	63	59	77
Ener C+ Chiller Louver, Short Dimension	45	56	68	77	85	87	84	78	70	91
PCS Gen 3	59	73	83	89	90	92	93	88	79	98
Substation Transformer	82	88	90	85	85	79	74	69	62	94

3.2.4 Modeled Scenarios

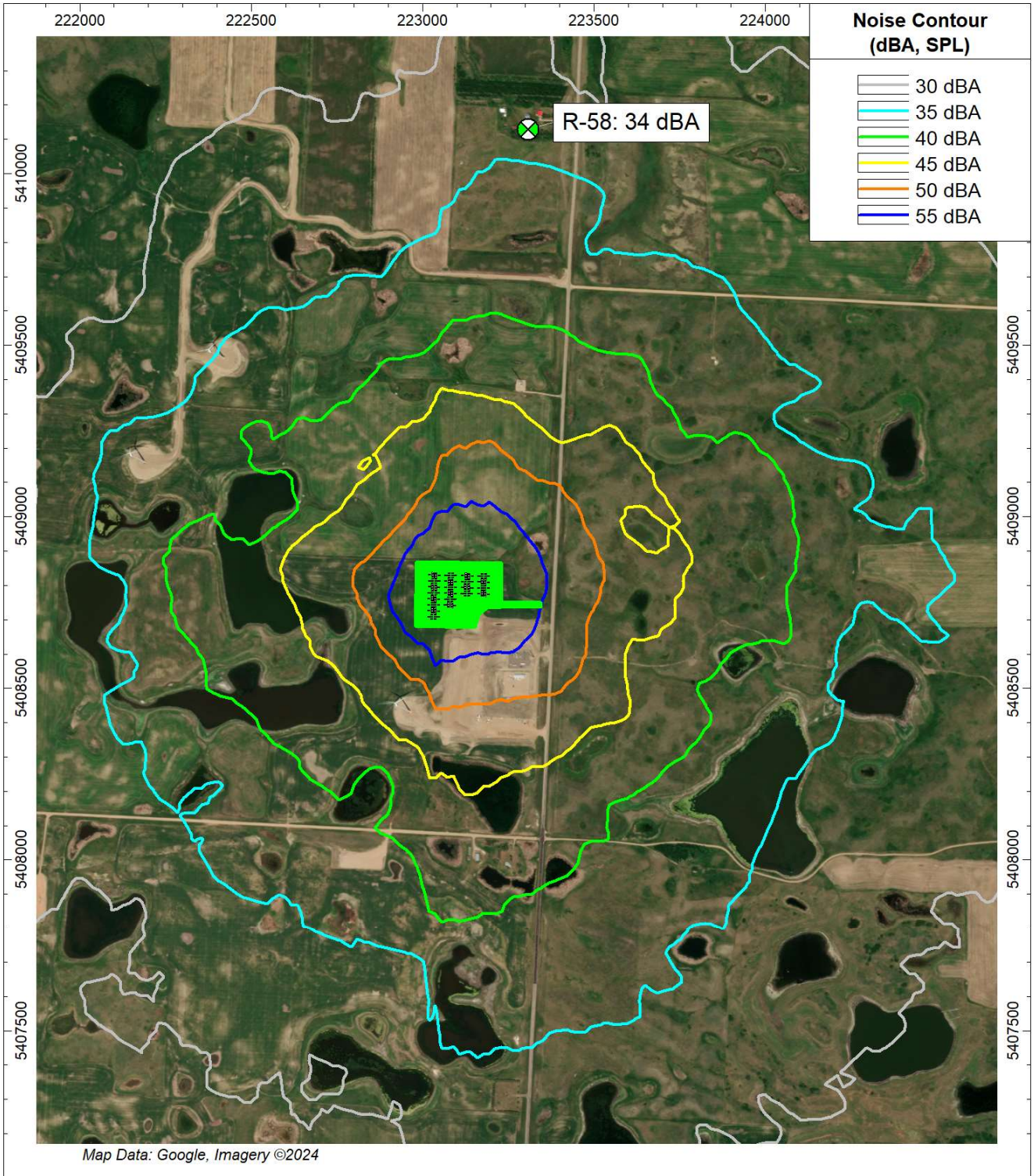
The predictive acoustic assessment reviewed two modeling scenarios: one only considering operational noise of the Project, and one accounting for the cumulative effects of the existing wind turbines. A scenario analyzing the cumulative effect of wind turbine and Project operations was considered due to no current background sound level data being available, such that noise increases at the noise-sensitive receptor from Project operations can be evaluated, and the wind facility being constructed by the same entity proposing the Project. The scenario that includes wind turbine operational noise assumes that all wind turbines will be operating concurrently at maximum rotational wind speed.

3.3 Modeling Results

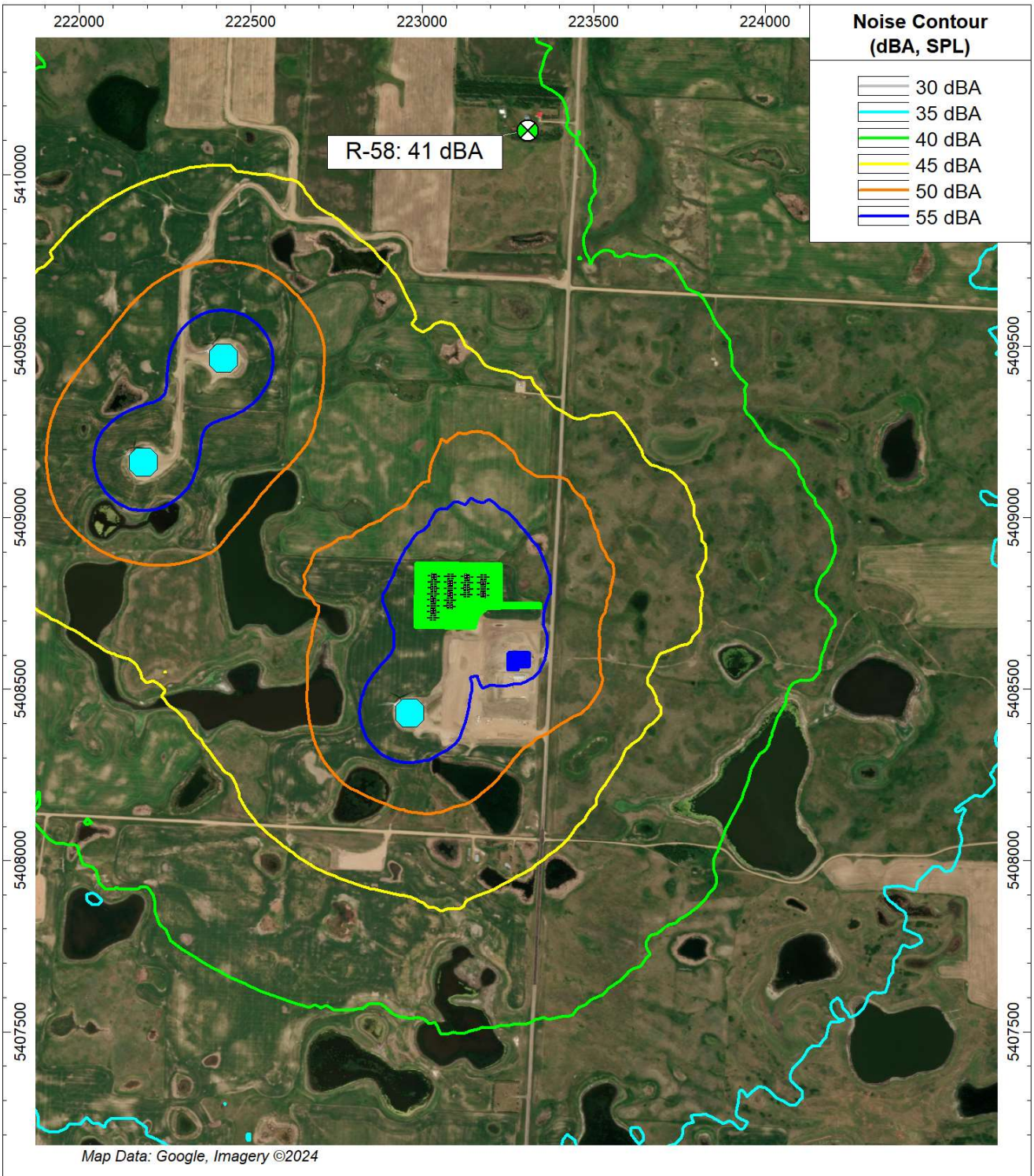
Predicted sound levels in this section are presented in tabulated form in **Table 2** and as sound level contour plots in **Figure 2** and **Figure 3**, which depict the propagation of Project operational sound upon the Project area as color-coded isopleths (Project-attributed sound level "contours").

Table 2. Summary of Predicted Operational Sound Levels

Receptor ID	Address	Approximate Distance to Project (ft)	Project-Only Noise Level, dB(A)	Cumulative Noise Level, dB(A)
R-58	9429 Highway 40 Columbus, ND 58727	4271	34	41



N	Date Created: 08/19/2024	**Figure 2**
	Created by: DMB	**Northern Divide BESS** **Project-Only Operational Noise**
AECOM Delivering a better world Acoustics & Noise Control Practice		**Predicted Project Operation Noise Contours** **Burke County, ND**



N	Date Created: 08/19/2024	**Figure 3**
	Created by: DMB	**Northern Divide BESS** **Cumulative Operational Noise**
AECOM Delivering a better world Acoustics & Noise Control Practice		**Predicted Project Operation Noise Contours** **Burke County, ND**

4. Conclusions

Project operational sound has been predicted and assessed against the 45 dBA sound level design goal. The predictive operational acoustical modeling, performed with CadnaA software (and its algorithm basis per ISO 9613-2) and inclusive of conservative parameter assumptions and uncertainty corrections (for turbines), demonstrates that the Project will not generate exceedances of the 45 dBA design target within 100 feet of the studied receptor location in both the Project-Only and Cumulative operational scenarios.

Appendix A Glossary of Acoustical Terminology

- **Sound** – For this analysis, sound is a physical phenomenon generated by vibrations that result in waves that travel through a medium, such as air, and result in auditory perception by the human brain.
- **Noise** – Noise typically is regarded as unwanted or disruptive sound. Whether something is perceived as a noise event is influenced by the type of sound, the perceived importance of the sound, and its appropriateness in the setting, the time of day, and the type of activity during which the noise occurs and the sensitivity of the listener. Local jurisdictions may have legal definitions of what constitutes “noise” and such environmental parameters to consider.
- **Frequency** – Sound frequency is measured in hertz (Hz), which is a measure of how many times each second the crest of a sound pressure wave passes a fixed point. For example, when a drummer beats a drum, the skin of the drum vibrates a number of times per second. When the drum skin vibrates 100 times per second, it generates a sound pressure wave that is oscillating at 100 Hz, and this pressure oscillation is perceived by the ear/brain as a tonal pitch of 100 Hz. Sound frequencies between 20 and 20,000 Hz are within the range of sensitivity of the best human ear.
- **Amplitude or Level** – Amplitude is measured in decibels (dB), using a logarithmic scale. A sound level of zero dB is approximately the threshold of human hearing and is barely audible under approximately 60 dB. Sound levels above approximately 110 dB begin to be felt inside the human ear as discomfort and eventually pain at 120 dB and higher levels. The minimum change in the sound level of individual events that an average human ear can detect is about 1 to 2 dB. A 3 to 5 dB change is readily perceived. A change in sound level of about 10 dB is usually perceived by the average person as a doubling (or if decreasing by 10 dB, halving) of the sound’s loudness.
- **Sound Pressure** – Sound level is usually expressed by reference to a known standard. This document refers to sound pressure level (SPL), which is expressed on a logarithmic scale with respect to a reference value of 20 micropascals. SPL depends not only on the power of the source, but also on the distance from the source and the acoustical characteristics of the space surrounding the source.
- **Sound Power** – Unlike sound pressure, which varies with distance from a source, sound power (and its counterpart sound power level) is the acoustic power of a source, typically expressed in Watts.
- **A-Weighting** – Sound from a tuning fork contains a single frequency (a pure tone); however, most sounds one hears in the environment do not consist of a single frequency. Instead, they are composed of a broad band of frequencies differing in sound level. The method commonly used to quantify environmental sounds consists of evaluating all frequencies of a sound according to a weighting system that reflects the typical frequency-dependent sensitivity of average healthy human hearing at moderate sound levels. This is called “A-weighting,” and the decibel level measured is referred to as dBA. In practice, the level of a sound source conveniently is measured using a sound level meter (SLM) that includes a filter corresponding to the dBA “curve” of decibel adjustment per octave band center frequency from a “flat” or unweighted SPL.
- **Equivalent Sound Level (L_{eq})** – Environmental sound levels vary continuously and include a mixture of sound from near and distant sources. A single descriptor, L_{eq}, may be used to describe such sound that is changing in level from one moment to another. L_{eq} is the energy-average sound level during a measured time interval. It is the “equivalent” constant

sound level that would have to be produced by a single, steady source to equal the acoustic energy contained in the fluctuating sound level measured over a specified period of time.

- **Statistical Sound Level (L_n)** – A sound level exceeded for a cumulative "n" percentage of a measurement or studied time period, such as L_{10}, L_{50}, or L_{90}. The L_{50} value is often referred to as the "median" sound level, while L_{90} is commonly called the "background" level, as it typically represents acoustical contribution from continuous or "steady-state" sound sources and the perceived indistinct din of background sound due to the amalgamation of many contributing distant sound sources in the environment.
- **Day-Night Average Sound Level (L_{dn})** – L_{dn} represents the average sound level for a 24-hour day and is calculated by adding a 10-dB penalty only to sound levels during the nighttime period (10 p.m. to 7 a.m.). This metric commonly is used when assessing noise exposure in communities.

Common Outdoor Activities	Noise Level (dBA)	Common Indoor Activities
	110	Rock band
Jet flyover at 1,000 feet		
	100	
Gas lawnmower at 3 feet		
	90	
Diesel truck at 50 feet at 50 mph		Food blender at 3 feet
	80	Garbage disposal at 3 feet
Noisy urban area, daytime		
Gas lawnmower, 100 feet	**70**	Vacuum cleaner at 10 feet
Commercial area		Normal speech at 3 feet
Heavy traffic at 300 feet	**60**	
		Large business office
Quiet urban daytime	**50**	Dishwasher in next room
Quiet urban nighttime	**40**	Theater, large conference room (background)
Quiet suburban nighttime		
	30	Library
Quiet rural nighttime		Bedroom at night, concert hall (background)
	20	
		Broadcast/recording studio
	10	
	0	

Appendix C

Cultural Resources Report

MANUSCRIPT DATA RECORD FORM

1. Manuscript Number: [SHPO assigns]
2. SHPO Reference #:
3. Author(s): Damien Reinhart
4. Title: A Class I and Class III Cultural Resources Inventory of NextEra's Proposed Northern Divide Battery Energy Storage System, Burke County, North Dakota
5. Report Date: December 7, 2023
6. Number of Pages: 10
7. Type – I, T, E, O: I

   I=Inventory; T=Formal Testing; E=Excavation; O=Other
8. List formally tested or excavated sites (not probes):
9. Acres: 2.5
10. List the legal description* and study unit. For study unit assignment, use the township tables in the *State Plan*, http://history.nd.gov/hp/stateplan_arch.html.
    Study Units: LM, CB, KN, HE, SM, GA, JA, GR, NR, SR, SO, SH, YE

*For *inventory*, *formal testing* and *excavation* projects, *list the CLASS III legal locations only*.

County	Township	Range	Section	Study Unit
BK	161N	93W	17	SR

Negative Class III Survey Form Report
(for surveys 40 acres or less)

Cultural Resource Report Information

Report Title: A Class I and Class III Cultural Resources Inventory of NextEra's Proposed Northern Divide Battery Energy Storage System, Burke County, North Dakota

Funding/Permitting Agency(s): NextEra Energy, Inc. (NextEra)

Cultural Resource Firm/Federal Agency/State Agency: Merjent, Inc./North Dakota Public Service Commission (PSC)

Report Author: Damien Reinhart

Principal Investigator (Signature and Title): Damien Reinhart Principal Investigator

Report Date: December 7, 2023

Field Personnel: Damien Reinhart

Survey Date: October 18, 2023

Location Information and Survey Conditions

County: Burke

USGS 7.5' Topographic Quadrangle(s): Columbus SE

Project Type/Title: Battery Energy Storage System

Section: 17 Township: 161N Range: 93W

Project Description and Purpose: The proposed Northern Divide Battery Energy Storage System (BESS) (Project) is in Burke County, North Dakota. The Project will store and distribute energy generated by the existing Northern Divide Wind Energy Center. The Project will consist of lithium-ion batteries, battery storage containers, inverters, a supervisory control and data acquisition system, a substation/switchyard, fencing, and access roads. The Project will also include a less than 500-foot-long 345-kilovolt (kV) overhead generation tie line, which would extend to the adjacent Northern Divide Wind 345-kV collection substation.

General Project Location (Directions to Project area): The Project area is located approximately 14 miles northwest of Powers Lake, North Dakota. Access to the Project area is achieved from Highway 40, via a west, along the gravel access road to the existing collection substation.

APE Area (Acres): 32.2 Number of Acres Surveyed: 2.5

Instructions: Submission of this report must include: 1) a paper copy, 2) a PDF version, and 3) the corresponding shapefiles. Submit to the Archaeology & Historic Preservation Division of the State Historical Society of North Dakota at 612 E Boulevard Ave, Bismarck, ND 58505.

Topography: The landscape surrounding the Project area is gently to moderately rolling and is surrounded by agricultural fields along the northern margins of the Project area.

Soils: Soil consisted of what appeared to be well-drained loams and clay loams throughout the Project area.

Current and Historical Land Use: Mr. Reinhart observed previous disturbance within the Project area and focused survey area mostly related to agriculture, as witnessed by the recently harvested soybean field and field clearing piles located within and just outside of the currently Project area.

Vegetation (including % visibility): Vegetation within the Project area consisted completely of recently harvested agricultural fields, which allowed for a bare ground surface visibility (GSV) averaging 70 percent, with some exposed soils showing a GSV of 100 percent. Some spots had lower GSV due to chaff from harvested soybeans; however, these areas were more scrutinized during the pedestrian inventory. Most of the Project area, excluding the northwest corner, had been previously subjected to Class III pedestrian survey, with no historic properties being identified. These previously surveyed areas were not reevaluated in the current survey. Much of the southeastern Project area has been previously disturbed by construction of the existing Northern Divide Wind Energy Center operations and maintenance facility and collection substation.

Environmental Limitations to Survey: No limitations beyond safety protocols being followed for proximity to an electrical substation. Those areas have obviously been disturbed for several years. The skies were overcast with a light fog that began lifting during the inventory, light winds, and cool temperatures. The area has received light rain the day before; however, the fields had largely dried by morning.

Surface and/or Minerals Ownership: Private landowner and private energy.

Other comments: None.

Background and Survey Information

Historic Plats/Atlases/Sources: Historic General Land Office (GLO) maps were also reviewed for the Project area and no evidence of the built environment was identified (see Figure 2). Aerial imagery was viewed for the years 1946, 1961, 1995, 2019, and 2020. No structures were visible on the aerial imagery until 2021, when the current Northern Divide Wind Energy Center including the nearby operations and maintenance facility, collection substation and wind turbines were constructed. The 1946, 1961, 1995, and 2019 aerial images show the Project area being used strictly for agriculture, with indications of field clearing piles and low-lying wet areas that had been left unplanted. This information can be found on the ND Historical Map & Aerial Dissemination Service website at: https://aerial.dwr.nd.gov.

Study Unit: Souris River Study Unit

Previous Sites within APE[1]: None.

Previous Sites outside APE within 1 mile: Eleven sites, 20 pre-contact site leads, two architectural site leads, four pre-contact isolated finds, one multi-component pre-contact and historic isolated find, four historic isolated finds, one historic site lead, and [redacted] have been recorded within 1 mile of the Project area. All the tribally identified sites are recommended for avoidance by development. The same is recommended for sites 32BK00313 and 32BK00314, which are architectural farm sites currently unevaluated pertaining to eligibility for listing on the National Register of Historic Places (NRHP). Architectural farm sites 32BK00033, 32BK00199, 32BK00200, 32BK00201, 32BK00202, 32BK00251, 32BK00254, 32BK00308, and 32BK00323 are recommended Not Eligible for listing on the NRHP. The 20 pre-contact site leads consisting of cultural materials scatters are unevaluated pending a more comprehensive recording process and background research (Table 1). Architectural site lead 32BKX0992 (church) was recommended Not Eligible for listing on the NRHP, while architectural site lead 32BLX1078 is a farmstead that is unevaluated. Historic site lead 32BKX1069 is unevaluated as well; however, the remaining 9 isolated finds are all recommended as Not Eligible for listing on the NRHP. None of the proposed infrastructure that will be constructed for the Project area expected to exceed the current height of what is present within the Project area. None of the previously recorded sites would have their integrity affected and there would be no adverse effects that would alter previous recommendations of eligibility for listing on the NRHP.

The overall site assemblage within 1 mile of the Project area reflects the Euro-American settlement of rural North Dakota at the turn of the 20th century with 19 (including one multi-component isolated find) resources consisting of farms or cultural material linked to Euro-American farming settlement. The 25 other archaeological site leads and isolated finds (including one multi-component isolated find), and [redacted] have been identified in the 1-mile search area. This indicates moderate to high potential for Pre-contact archaeological resources in the Project area related to Pre-contact resource procurement (i.e., small-scale lithic reduction and/or upland game hunting). Most of these sites were identified in undeveloped landscapes that have remained largely unchanged since they were deposited. The Project area and survey area consist of active agricultural fields and areas previously disturbed by the construction of energy infrastructure. The likelihood of intact stone features is diminished; however, lithics and other artifacts may still be present in agricultural fields. Historic GLO maps were also reviewed for the Project area and no evidence of the built environment was identified (see Figure 2).

TABLE 1

Previously Identified Archaeological and Historic Sites within 1 Mile of the Project Area

SITE	Site Type
32BK00033	Historic-foundation, cultural material scatter (not eligible)
32BK00199	Architectural-farm (not eligible)
32BK00200	Architectural-windmill (not eligible)
32BK00201	Architectural-farm (not eligible)
32BK00202	Architectural-farm (not eligible)
32BK00251	Historic-foundation, cultural material scatter (not eligible)
32BK00254	Historic-cultural material scatter (not eligible)
32BK00308	Architectural-farm (not eligible)

[1] Any project that includes a site, site lead, or isolated find within the APE is considered a positive find requires a full report.

Instructions: Submission of this report must include: 1) a paper copy, 2) a PDF version, and 3) the corresponding shapefiles. Submit to the Archaeology & Historic Preservation Division of the State Historical Society of North Dakota at 612 E Boulevard Ave, Bismarck, ND 58505.

TABLE 1

Previously Identified Archaeological and Historic Sites within 1 Mile of the Project Area

SITE	Site Type
32BK00313	Architectural-farm (unevaluated)
32BK00314	Architectural-granary (unevaluated)
32BK00323	Architectural-farm (not eligible)
32BKX0684	Pre-contact site lead-cultural material scatter (unevaluated)
32BKX0685	Pre-contact site lead-cultural material scatter (unevaluated)
32BKX0686	Pre-contact site lead-cultural material scatter (unevaluated)
32BKX0687	Pre-contact site lead-cultural material scatter (unevaluated)
32BKX0688	Pre-contact site lead-cultural material scatter (unevaluated)
32BKX0689	Pre-contact site lead-cultural material scatter (unevaluated)
32BKX0690	Pre-contact site lead-cultural material scatter (unevaluated)
32BKX0691	Pre-contact site lead-cultural material scatter (unevaluated)
32BKX0692	Pre-contact site lead-cultural material scatter (unevaluated)
32BKX0700	Pre-contact site lead-cultural material scatter (unevaluated)
32BKX0701	Pre-contact site lead-cultural material scatter (unevaluated)
32BKX0702	Pre-contact site lead-cultural material scatter (unevaluated)
32BKX0703	Pre-contact site lead-cultural material scatter (unevaluated)
32BKX0704	Pre-contact site lead-cultural material scatter (unevaluated)
32BKX0705	Pre-contact site lead-cultural material scatter (unevaluated)
32BKX0706	Pre-contact site lead-cultural material scatter (unevaluated)
32BKX0707	Pre-contact site lead-cultural material scatter (unevaluated)
32BKX0708	Pre-contact site lead-cultural material scatter (unevaluated)
32BKX0709	Pre-contact site lead-cultural material scatter (unevaluated)
32BKX0992	Architectural site lead-Bethlehem Lutheran Church, cemetery (not eligible)
32BKX1022	Pre-contact isolated find-chipped stone (not eligible)
32BKX1023	Pre-contact isolated find-chipped stone (not eligible)
32BKX1031	Prehistoric and Historic isolated find-chipped stone, whiteware (not eligible)
32BKX1033	Historic isolated find-cultural material scatter (not eligible)
32BKX1039	Pre-contact isolated find-chipped stone (not eligible)
32BKX1045	Historic isolated find-cultural material scatter (not eligible)
32BKX1046	Historic isolated find-cultural material scatter (not eligible)
32BKX1048	Pre-contact site lead-chipped stone (unevaluated)
32BKX1063	Historic isolated find-glass (not eligible)
32BKX1065	Pre-contact isolated find-chipped stone (not eligible)
32BKX1069	Historic site lead-foundation (unevaluated)
32BKX1078	Architectural site lead-farm (unevaluated)
CHFBK0048	**Redacted**
CHFBK0049	**Redacted**
CHFBK0055	**Redacted**
CHFBK0056	**Redacted**
CHFBK0080	**Redacted**
CHFBK0094	**Redacted**
CHFBK0119	**Redacted**
CHFBK0120	**Redacted**
CHFBK0121	**Redacted**
CHFBK0125	**Redacted**
CHFBK0142	**Redacted**
CHFBK0143	**Redacted**
CHFBK0144	**Redacted**
CHFBK0145	**Redacted**
CHFBK0146	**Redacted**

Previous Surveys within APE: Six previous surveys (including a 1937 report by Thad Hecker) appear to have been conducted within the Project area from the records kept at the files present at the State Historical Society of North Dakota (018240, 018693, 018694, 018911, 019118, and 019175). Five of the six surveys pertain to inventories conducted for the Northern Divide Wind Energy Center (Figure 1).

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Previous Surveys outside APE within 1 mile: The search results indicate that 7 previous cultural resource inventories were conducted outside of the Project area but within 1 mile, for a total of 13 previous surveys. The previous surveys took place between 1937 and 2021 (Table 2). Inventories were conducted primarily in support of historic structure surveys for wind farm development, wind energy, electrical transmission lines, telecommunications, and a general archaeological inventory done of the Souris River study unit in 1937.

TABLE 2

Previous Inventories within 1 Mile of the Project Area

Manuscript no.	Title	Author	Year
007117	Burke-Divide Electric Cooperative, Inc. Electric Facilities Replacement Project in Burke and Divide Counties, ND UW #2002	Wermers, Greg L. – Primary Author	1997
010473	Cultural Resources Inventory for Northwest Communication Cooperative's Columbus Rural Guyed Communication Tower Burke Co., ND T161N, R93W, Sec 16 TCNS ID38304	Carpenter, Mark – Primary Author	2008
013608	Basin Electric Power Cooperative's Columbus Microwave Tower: A Class III Cultural Resource Inventory in Burke County, North Dakota	Kinsey, Matthew – Primary Author	2012
018155	Burke County Wind Energy Center: A Class II and III Architectural Survey in Burke and Divide Counties, North Dakota	Sakariassen, Emily – Primary Author	2018
018240	Burke County Wind Energy Center: A Class III Cultural Resource Inventory in Burke County, North Dakota	(McCarthy, Melinda M. – Primary Author) (Bender, Marcia L., Huling, Christina, and Neumiller, Alex – Contributing Authors)	2019
018693	Northern Divide Wind Energy Center: A Class III Cultural Resource Inventory in Burke County, North Dakota	(McCarthy, Melinda M. – Primary Author) (Bender, Marcia L., Huling, Christina, and Neumiller, Alex – Contributing Authors)	2020
018694	Northern Divide Transmission Line: A Class III Cultural Resource Inventory in Burke and Mountrail Counties, North Dakota	(Huling, Christina – Primary Author) McCarthy, Melinda M., Bender, Marcia L., and Cassidy-Neumiller, Alexander – Contributing Authors)	2020
018709	A Class II/III Architectural Survey – Northern Divide Wind Energy Center in Burke and Divide Counties, North Dakota	No Author	2020
018809	Northern Divide Wind Energy Center and Transmission Line Addendum: A Class III Cultural Resource Inventory in Burke County, North Dakota	(McCarthy, Melinda M. – Primary Author) (Huling, Christina – Contributing Author)	2020
018896	Northern Divide Wind Energy Center and Transmission Line Negative Survey Addendum: A Class III Cultural Resource Inventory in Burke County, North Dakota	(McCarthy, Melinda M. – Primary Author) Pace, Rebecca – Contributing Author)	2020
018911	Northern Divide Wind Energy Center Crane Path and Collection Line Addendum: A Class III Intensive Cultural Resource Inventory in Burke County, North Dakota	(Huling, Christina – Primary Author) (McCarthy, Melinda M. – Contributing Author)	2020
019118	Northern Divide Transmission Line Fall 2020 Addendum: A Class III Intensive Cultural Resource Inventory in Burke and Mountrail Counties, North Dakota	(Huling, Christina – Primary Author) (McCarthy, Melinda M. – Contributing Author)	2021
019175	Thad. Hecker Survey Documentation	Hecker, Thad C. -Primary Author	1937

Date of File Search: August 8, 2023

Instructions: Submission of this report must include: 1) a paper copy, 2) a PDF version, and 3) the corresponding shapefiles. Submit to the Archaeology & Historic Preservation Division of the State Historical Society of North Dakota at 612 E Boulevard Ave, Bismarck, ND 58505.

Survey Methodology (transect intervals): Merjent Archaeologist, Damien Reinhart, conducted a Class III cultural resources inventory within the portions of the Project area that had not been inventoried during previous surveys on October 18, 2023. The pedestrian survey was conducted with transects spaced no more than 15 meters apart.

Shovel/Auger Probing Methodology: No sites were identified; therefore, no site evaluations were performed. Merjent followed the North Dakota SHPO Guidelines Manual for Cultural Resource Inventory Projects and was prepared to excavate shovel tests, should GSV be deemed too low to allow for a good faith effort to identify historic properties. The GSV was generally above 50 percent and, in many instances, 75-100 percent; hence, no shovel tests for low GSV were performed.

Area Surveyed (Acres): 2.5

Time Expended (Person Hours): 2 hours.

Recommendation: No cultural resources were observed during the inventory. Merjent recommends that the Project be granted a determination of *No Historic Properties Affected* and clearance to proceed as proposed.

Other Comments: Photographs were taken, and global positioning system (GPS) routes and points were recorded. Notes were taken during the inventory and all photographs, GPS and geographic information systems data, and field notes are on file at Merjent's office in Minneapolis, Minnesota. A map of the Project area is attached to this report (Figure 3), as are photographs of the Project location.

Required Attachments

USGS 7.5' Topographic Quadrangle Map(s) Showing: 1) Project Location; 2) Previously Recorded Sites; 3) Previously Conducted Surveys.
Project Map(s) Depicting: 1) APE; 2) Survey Limits
Project Overview Photograph(s) Showing Field Conditions

Instructions: Submission of this report must include: 1) a paper copy, 2) a PDF version, and 3) the corresponding shapefiles. Submit to the Archaeology & Historic Preservation Division of the State Historical Society of North Dakota at 612 E Boulevard Ave, Bismarck, ND 58505.

Photo 1. Overview of survey area, from center of northwest block, facing north.
Photographed by D. Reinhart on October 18, 2023.
Image has not been altered.

Photo 2. Overview of survey area from southwest corner, facing east.
Photographed by D. Reinhart on October 18, 2023.
Image has not been altered.

Figure 1: Project Location and Previous Cultural Resources
This figure has been redacted due to the sensitive nature of the cultural resource locations.

Contains Privileged Information
Do Not Distribute

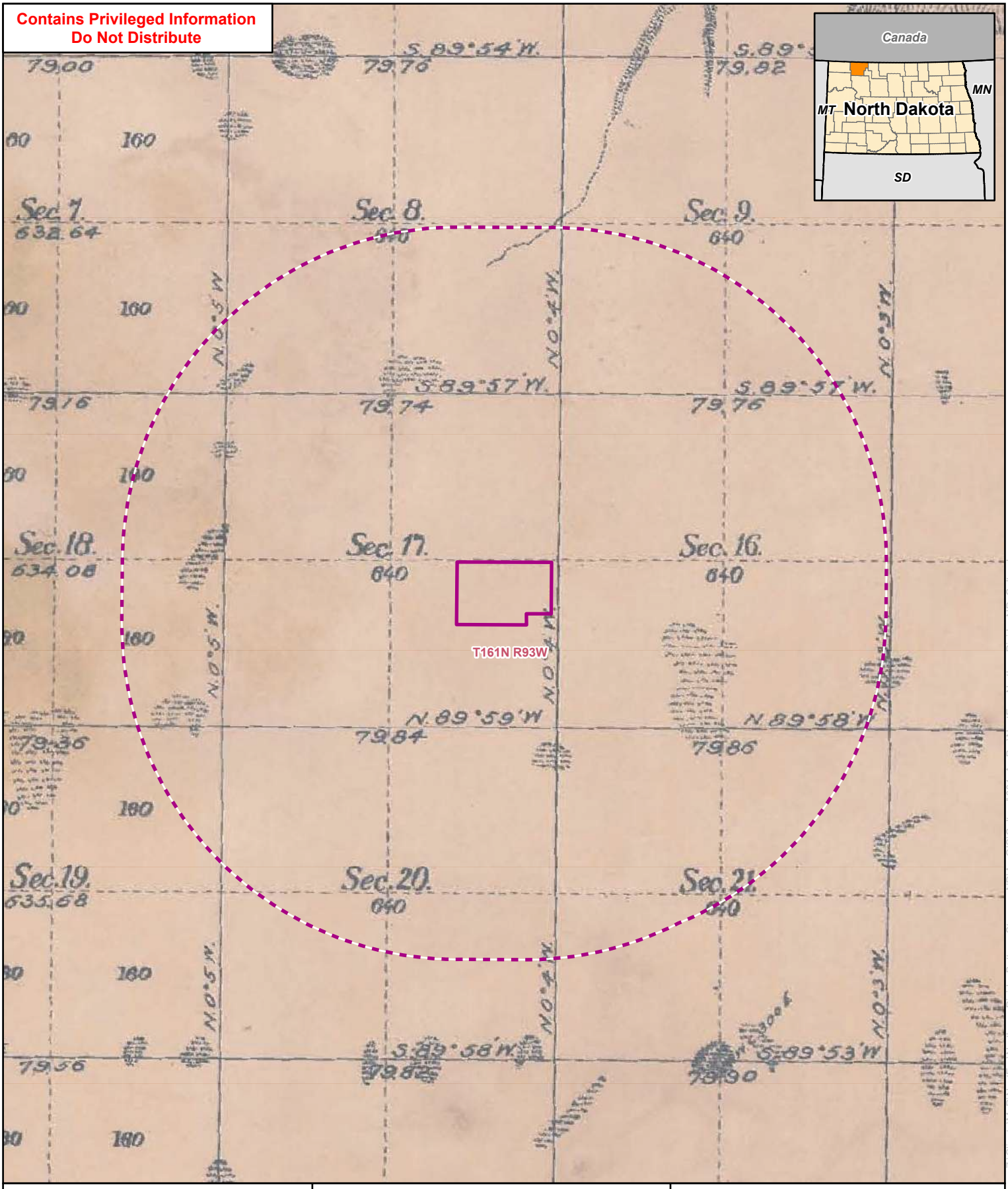

Figure 2: 1895 GLO Map
Northern Divide
Battery Energy Storage System
Burke County, North Dakota

Project Area
One-Mile Buffer
Township Boundary

Source: Z:\Clients\M_P\NextEra\Northern_Divide_Battery_Storage_ND\ArcGIS\Cultural\001_ArcPro\NextEra_NorthernDivide_ND_Cultural.aprx
Date: (11/14/2023)

Figure 2: Survey Results
This figure has been redacted due to the sensitive nature of the cultural resource locations.

Appendix D

Natural Resources Inventory Report

Natural Resources Inventory Report

Northern Divide Energy Storage

BURKE COUNTY, NORTH DAKOTA

PREPARED FOR:

Northern Divide Energy Storage, LLC
700 Universe Boulevard
Juno Beach, Florida 33408

PREPARED BY:

Merjent, Inc.
1 Main Street SE, Suite 300
Minneapolis, Minnesota 55414

SEPTEMBER 2024

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ACRONYMS AND ABBREVIATIONS

BGEPA	Bald and Golden Eagle Protection Act
CFR	Code of Federal Regulation
Commission	North Dakota Public Service Commission
dbh	diameter-at-breast height
GIS	geographic information system
GPS	Global Positioning System
IPaC	Information for Planning and Consultation
kV	kilovolt
Merjent	Merjent, Inc.
NHD	National Hydrography Dataset
Northern Divide Energy Storage	Northern Divide Energy Storage, LLC
NRCS	Natural Resources Conservation Service
NWI	National Wetlands Inventory
Pf	Palustrine Farmed
Project	Northern Divide Energy Storage
USACE	U.S. Army Corps of Engineers
USDA	U.S. Department of Agriculture
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Survey

1.0 INTRODUCTION

Northern Divide Energy Storage, LLC (Northern Divide Energy Storage), a wholly owned, indirect subsidiary of NextEra Energy Resources, LLC, is proposing to construct and operate the Northern Divide Energy Storage (Project) in Burke County, North Dakota. The Project includes a 100-MW 4-hour duration battery energy storage system facility with associated inverters, transformers, underground cables, and other ancillary facilities such as fencing, roads, and a supervisory control and data acquisition system. The Project will interconnect to the existing Northern Divide Wind, LLC 345-kilovolt collection substation.

Merjent, Inc. (Merjent) provided natural resources inventory services in support of the Project including the Project's application to the North Dakota Public Service Commission (Commission) for a Certificate of Site Compatibility, which included a wetland and other waters determination survey, federally listed species evaluation, tree and shrub inventory, and ground-based line-of-sight raptor nest survey. The area where surveys were conducted includes any location where potential Project infrastructure could be sited and is referred to as the Study Area and is shown on Figure 1.

The Study Area is approximately 32 acres in Burke County, North Dakota. All facilities will be on private land. The Project Area is located in the Southeast Quarter (SE1/4) of Section 17, Township 161 North, Range 93 West. The Project Area is located approximately nine miles south of Columbus, 14 miles northeast of McGregor, and 15 miles northwest of Powers Lake. The Study Area is located adjacent to Highway 40 and Northern Divide Wind 345-kV collection substation and operations and maintenance facility.

Representative photographs collected during the natural resources inventory field surveys are included in Appendix A. Geospatial field data was collected using an Android tablet paired with a Trimble R1 GNSS Receiver Global Positioning System (GPS) unit capable of recording data to sub-meter accuracy. Presented in this report is the background, methods, results, and summary of the natural resources inventory.

2.0 BACKGROUND

2.1 WETLAND AND OTHER WATERS

Wetlands are defined in the 1977 Executive Order 11990 – Protection of wetlands and in Section 404 of the Clean Water Act of 1986, as areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. The three parameters that define a wetland, as outlined in the U.S. Army Corps of Engineers (USACE) Wetland Delineation Manual, are hydric soils, hydrophytic vegetation, and hydrology (Environmental Laboratory 1987). Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, and river overflows. The functions of wetlands include providing habitat for wildlife, improving water quality through filtration and purification, storing floodwaters, and recharging groundwater.

In addition to federal regulations, North Dakota, in accordance with its Administrative Code (Section 69-06-08-01(3)), stipulates that wetlands and woodlands are an avoidance area for projects that require a Certificate of Site Compatibility from the Commission. Projects may only impact wetlands or woodlands if there is no reasonable alternative.

2.2 FEDERALLY LISTED SPECIES EVALUATION

The U.S. Fish and Wildlife Service (USFWS) administers the Endangered Species Act of 1973, which establishes protection of species federally listed as threatened and endangered and their associated designated critical habitats. An endangered species is a species that is in danger of extinction throughout all or a significant portion of its range. A threatened species is a species that is likely to become endangered in the foreseeable future. Critical habitat for these species can be designated if that habitat includes specific areas that are occupied by a species at the time of listing or unoccupied areas that are considered essential to the conservation of a species. North Dakota does not have a state threatened and endangered species list; however, it recognizes those federally listed under the Endangered Species Act.

In addition to federal regulations, North Dakota, in accordance with its Administrative Code (Section 69-06-08-01(1)), recognizes and addresses critical areas for threatened or endangered animals and plant species, including those crucial for their life stages and those where irreversible damage to unique or rare species might occur. Furthermore, the North Dakota Century Code (Section 49-22-09(1)) mandates the consideration of the proposed site's impact on areas uniquely rich in biological diversity or serving as habitats for rare and endangered species.

The USFWS Information for Planning and Consultation (IPaC) tool was reviewed to determine if federally listed threatened and endangered species or their designated critical habitat have been previously documented within the Study Area (USFWS 2024a). IPaC indicated that five federally listed threatened and endangered species have been previously documented within the Study Area. These species include northern long-eared bat (*Myotis septentrionalis*, endangered), piping plover (*Charadrius melodus*, threatened), red knot (*Calidris canutus rufa*, threatened), whooping crane (*Grus Americana*, endangered), and Dakota skipper (*Hesperia dacotae*, threatened). The Study Area is not within designated critical habitat.

2.2.1 Northern Long-Eared Bat

Northern long-eared bat generally roosts in trees under loose bark or within holes, hibernates within caves and mine shafts, and occupies forested habitats between mid-May and mid-August, depending on latitude (USFWS 2014, Dyke et al. 2015). The northern long-eared bat prefers large, contiguous tracks of upland forested habitat during the summer residency period. Natural roosting habitats in the Study Area is limited to individual trees near a wetland.

The northern long-eared bat has only been identified in a few locations in North Dakota including forested habitat in the Turtle Mountains and the riparian corridors of the Little Missouri and Missouri rivers (Dyke et al. 2015). The habitat use of the northern long-eared bat in North Dakota has not been thoroughly documented and it is unknown whether they are overwinter residents (Gillam et al. 2016). The Study Area and all of North Dakota is within the northern long-eared bat range. The closest primary range of the northern long-eared bat is along the Missouri River located approximately 42 miles south of the Study Area.

According to the Range-wide Indiana Bat & Northern Long-eared Bat Guidelines (USFWS 2024b), northern long-eared bat suitable summer habitat consists of a variety of forested/wooded habitats. Forests and woodlots, as well as fencerows, riparian forests, and other wooded corridors, provide habitat for northern long-eared bat roosting, foraging, and commuting, and are considered suitable summer habitat. Since northern long-eared bats also use open areas adjacent to suitable forest habitat, a 1,000-foot buffer is applied to suitable summer habitat. All forested areas within or intersecting this buffer, are considered potentially suitable summer habitat for northern long-eared bat. Individual trees located outside the 1,000-foot buffer are considered unsuitable habitat for northern long-eared bat, per supporting research. Trees in highly developed urban areas and

sapling patches or wooded areas containing only trees less than 3-inch diameter-at-breast height (dbh) are also considered unsuitable habitat. The NLEB does not have designated critical habitat.

2.2.2 Piping Plover

The preferred habitat of piping plover is generally characterized as exposed, sparsely vegetated shores and islands of shallow, alkali lakes and impoundments for breeding including salt-encrusted, alkali, or sub-saline semi-permanent lakes, ponds, and rivers with wide shorelines of gravel, sand, or pebbles (Dyke et al. 2015). The piping plover nest in the sand or shoreline, generally near an object such as a clump of grass, rock, or small log but never in heavy vegetation. Piping plover forage on fly larvae, beetles, crustaceans, mollusks, and other small animals near the shoreline or sometimes by the nest.

Critical habitat has been federally designated for the piping plover in North Dakota mainly along the shores of the Missouri River and wildlife refuge areas. Key areas and conditions for piping plover in North Dakota include the Alkali Lakes Core Area, which follows the Missouri Coteau landform from central North Dakota to northeast Montana (Dyke et al. 2015).

2.2.3 Red Knot

The red knot is noted for its long-distance migrations of more than 9,000 miles between circumpolar breeding habitats and marine wintering habitats in southern latitudes of South America (USFWS 2024d). Most of the known migration routes for the rufa subspecies are along coastal regions of Canada and the United States; however, an interior migratory route was identified to and from the Arctic passing through Saskatchewan and Alberta Canada through the Great Plains states to non-breeding areas mostly in Texas and Louisiana along coastal areas of the Gulf of Mexico.

Critical habitat has been federally proposed for the red knot, although there is no proposed critical habitat in North Dakota (USFWS 2021). In North Dakota during migration, both alkaline and freshwater lakes have been used by red knots. The observations of red knots in North Dakota are scattered throughout the state. Red knots have been observed in the Missouri River system as well as sewage lagoons and large permanent freshwater wetlands. There are no stopover sites consistently used by red knots in North Dakota. The entire state of North Dakota is within the possible range of the red knot (Dyke et al. 2015).

2.2.4 Whooping Crane

Whooping cranes typically migrate from their breeding grounds in the Wood Buffalo National Park in Canada, to their wintering areas in the Aransas National Wildlife Refuge in Texas, moving through Oklahoma, Kansas, Nebraska, North Dakota, and South Dakota (USFWS 2024e).

A 200-mile-wide migration corridor has been delineated for the whooping crane that contains 95 percent of all verified sightings. Stopover habitat during migration includes a variety of croplands with roosting occurring in shallow, freshwater inland wetlands. This entire migration corridor includes a swath of the central U.S. and extends from southcentral North Dakota along the Missouri River to northwest North Dakota through the Study Area.

The Study Area is located within the 50 percent whooping crane migration corridor (Pearse et al. 2018). In general, cropland and wetland areas within the migration corridor are depicted with a high decile rating (Niemuth et al. 2018) with local variations depending on the spatial configuration of suitable foraging and roosting habitats. The decile map separates all acres within North and South Dakota into predicted deciles of use, including areas outside of the whooping crane migration corridor.

2.2.5 Dakota Skipper

Dakota skipper is an obligate of high-quality, untilled prairie habitat dominated by native species. Dakota skipper larvae exclusively feed on native bunch grasses, and adults require native forbs that flower during their flight-period as sources of nectar. The species is not likely to be present in cropped or previously cropped areas, non-native haylands, pasture, grasslands dominated by non-native species, or in areas with significant trees and/or shrub cover. Dakota skipper can occur in two different habitat types, identified as Type A and Type B by the USFWS.

Type A habitat is low, wet-mesic prairie with little topographic relief that occurs on nearshore glacial lake deposits (USFWS 2022). Type A Dakota skipper habitat is dominated by bluestem grasses, with forbs including black-eyed susan (*Rudbeckia hirta*), wood lily (*Lilium philadelphicum*), bluebell bellflower (*Campanula rotundifolia*), and mountain deathcamas (*Zigadenus elegans*) as sources of nectar.

Type B habitat primarily occurs on rolling terrain over gravelly glacial moraine deposits and is dominated by bluestems and needle or porcupine grasses (*Hesperostipa spp*) (USFWS 2022). Little bluestem (*Schizachyrium scoparium*) is often the most important species for larvae in this habitat type, but side oats grama (*Bouteloua curtipendula*) and prairie dropseed (*Sporobolus heterolepis*) can also be important. Narrow-leaved purple coneflower (*Echinacea angustifolia*) is among the most important source of nectar for adults in this habitat type, along with upright prairie coneflower (*Ratibida columnifera*), and common gaillardia (*Gaillardia aristata*).

Dakota skippers have been observed in townships in Burke County. The nearest 2021 Dakota skipper township detection is located approximately 12.7 miles southeast of the Study Area in Township 160 North, Range 91 West as shown on Figure 3 (USFWS 2022). No designated critical habitat for Dakota skipper is located within the Study Area.

2.3 RAPTOR NEST SURVEY

The Migratory Bird Treaty Act was enacted in 1918 for the purpose of prohibiting the use of birds and bird parts in the millinery industry. Under the MBTA, it is illegal “to pursue, hunt, take, capture, kill … possess, offer for sale, sell … purchase … ship, export, import …transport or cause to be transported… any migratory bird, any part, nest, or eggs of any such bird …” (16 United States Code 703). The word “take” is defined by regulation as “to pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to pursue, hunt, shoot, wound, kill, trap, capture, or collect” (50 Code of Federal Regulation [CFR] 10.12). The USFWS maintains a list of all species protected by the MBTA at 50 CFR 10.13.

Additionally, bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (BGEPA). The BGEPA protects bald eagles (*Halieeatus luecocephalus*) and golden eagles (*Aquila chrysaetos*) and their nests throughout their range in the United States. Although it does not designate critical habitat, BGEPA protects individual eagles and nests from disturbance.

2.4 TREE AND SHRUB INVENTORY

The Commission requires that prior to the removal of any tree or shrub for construction, all trees with a dbh of one-inch or greater be inventoried, to record the quantity, species, and location. All shrubs and coniferous trees of any diameter must be inventoried to record the quantity, species, and location.

The removed species will be replaced during the planting season with conservation grade saplings at least two years old and at a 2:1 ratio. Any species deemed to be noxious or invasive will be

replaced with a similar non-invasive, non-noxious species suitable for the North Dakota growing conditions as provided by the Natural Resources Conservation Service. The tree and shrub replacements will be inspected annually for two consecutive years after replanting occurs. Alternatively, if approved by the Commission, a mitigation plan providing long-term wildlife habitat and conservation benefits may be implemented in lieu of replanting trees and shrubs.

3.0 METHODS

3.1 WETLAND AND OTHER WATERS DETERMINATION

The determination of wetlands and other waters within the Study Area began with a comprehensive desktop review using a range of online mapping tools, including Esri World Imagery, U.S. Department of Agriculture (USDA) Web Soil Survey Database (Soil Survey Staff 2024), U.S. Geological Survey (USGS) National Hydrography Dataset (NHD, USGS 2024), and USFWS National Wetlands Inventory (NWI, USFWS 2024f). This preliminary analysis set the foundation for subsequent wetland field surveys conducted by Merjent on October 13, 2023.

Adhering to the guidelines stipulated in the USACE Wetlands Delineation Manual and the Regional Supplement to the USACE Wetland Delineation Manual: Great Plains Region Version 2.0) (USACE 2010), the field wetland biologist implemented paired sample plots to discern wetland and upland conditions. The criteria for wetland vegetation, soil characteristics, and hydrology were systematically assessed, with the completion of a Wetland Determination Data Form, for each paired plot.

The identification of dominant vegetation involved a detailed approach, encompassing concentric sampling rings for herbaceous, sapling/shrub, and tree species within specified radii. The Cowardin classification system was applied to categorize vegetation, using field references for unidentified plant species.

Soil evaluation encompassed the use of Munsell Soil Color Charts for hue, value, and chroma, complemented by checks for texture, redoximorphic features, and hydric conditions. For each wetland, hydrology was analyzed for all primary and secondary wetland indicators.

The wetland boundaries were accurately mapped by a wetland scientist using GPS, and the collected data were integrated into a geographic information system (GIS) for visualization.

3.2 FEDERALLY LISTED SPECIES EVALUATION

Prior to field surveys, background data was collected for preliminary review and to aid in the field inventory of biological resources for each species. Field evaluations were conducted to confirm the presence or absence of potentially suitable habitat for the federally listed species within the Study Area on October 13, 2023.

3.2.1 Northern Long-Eared Bat

A field habitat assessment was conducted to identify potential northern long-eared bat suitable summer habitat. The habitat assessment was based on the Range-wide Indiana Bat & Northern Long-eared Bat Guidelines (USFWS 2014, USFWS 2024b). Northern long-eared bat suitable summer habitat included forests and woodlots containing potential roosts (i.e., live trees and/or snags ≥3-inch dbh that have exfoliating bark, cracks, crevices, and/or cavities), as well as linear features such as fencerows, riparian forests, and other wooded corridors. Trees were recorded in the field with a GPS by walking the outer limit of the trees.

3.2.2 Piping Plover

A field habitat assessment was conducted to identify potential preferred habitat, which included a review of the wetlands and other waters, within the Study Area. Wetland scientists mapped delineations with a GPS by walking the outer limit of visibly identifiable wetland vegetation between the paired wetland and upland sample plots. A forested patch size of 10 acres or greater was considered suitable summer habitat for this assessment.

3.2.3 Red Knot

A field habitat assessment was conducted to identify potential preferred habitat, which included a review of the wetlands and other waters, within the Study Area. Wetland scientists mapped delineations with a GPS by walking the outer limit of visibly identifiable wetland vegetation between the paired wetland and upland sample plots.

3.2.4 Whooping Crane

A field habitat assessment was conducted to identify potential preferred habitat, which included a review of the wetlands and other waters, within the Study Area. Wetland scientists mapped delineations with a GPS by walking the outer limit of visibly identifiable wetland vegetation between the paired wetland and upland sample plots.

3.2.5 Dakota Skipper

The field habitat assessment identified potential preferred habitat, which included a review of land cover within the Study Area.

3.3 RAPTOR NEST SURVEY

A line-of-sight and public road survey for nesting raptors was conducted on April 18, 2024 for the Study Area plus a one-mile buffer around the Study Area. The survey used 10x power magnification binoculars to scan tree lines and wooded areas from the Study Area and public roads. Raptor nests were recorded in the field with a GPS.

3.4 TREE AND SHRUB INVENTORY

A tree and shrub inventory was completed on October 13, 2023 to record trees and shrubs within the Study Area. The tree and shrub inventory used methods previously approved by the Commission. All trees and shrubs were recorded within the Study Area which included areas that could potentially be cleared during construction. The location, number, and species of each tree and shrub were documented for this inventory.

4.0 RESULTS

4.1 WETLAND AND OTHER WATERS DETERMINATIONS

During the desktop analysis three potential wetlands were depicted in the Study Area using the NWI. The field survey identified only one wetland, encompassing two of the potential NWI wetlands, totaling 1.03 acres within the Study Area. The wetland was classified as palustrine emergent. The wetland location is shown in Figure 2 and photographs of the wetland are included in Appendix A.

The third potential NWI wetland within the Study Area, as depicted in Figure 2, was assessed during the field survey. The survey concluded that the third potential NWI wetland did not meet the criteria

for classification as a wetland. It was observed during the survey that the third potential wetland had been cropped through, as documented in Appendix A.

4.2 FEDERALLY LISTED SPECIES EVALUATION

The results of preliminary reviews and field surveys concerning threatened and endangered species is detailed below for each species. During the field surveys, no federally listed species were observed.

4.2.1 Northern Long-Eared Bat

No potential suitable habitat for the northern long-eared bat was present within the Study Area. No trees greater than 3-inches dbh were present within the Study Area; therefore, no potential suitable habitat for the northern long-eared bat is present within the Study Area. (see Figure 5).

There is no northern long-eared bat suitable roosting or foraging habitat in the Study Area and no known hibernacula in North Dakota. Occurrence of the species in North Dakota is expected to be uncommon or rare, and the likelihood of the species occurring in the Study Area during the summer residency period is low due to the general lack of potentially suitable roosting and foraging habitat. Due to the limited amount of forested habitat within the Study Area, the northern long-eared bat's likelihood of occurrence within the Study Area is low.

4.2.2 Piping Plover

The closest federally designated critical habitat for the piping plover is at Thompson Lake located approximately 18 miles southeast of the Study Area as shown on Figure 3 (USFWS 2024c). The Project Area is located outside the primary range and within the possible range of the piping plover (Dyke et al. 2015).

There were no sandy or gravelly beaches and sandbars, or alkaline wetlands delineated within the Study Area. With the absence of preferred nesting habitat, it is unlikely that piping plovers may occur within the Study Area. There was no piping plover potential habitat observed during field surveys within the Study Area.

4.2.3 Red Knot

There were no sandy or gravelly beaches and sandbars, or alkaline wetlands delineated within the Study Area. With the absence of preferred nesting habitat, it is unlikely that red knots may occur within the Study Area. There were no potential red knot stopover sites observed during field surveys within the Study Area.

4.2.4 Whooping Crane

The Study Area is located within the defined 50% occurrence frequency band of the whooping crane migration corridor (Figure 3) (Pearse et al. 2018). Although suitable habitat for the whooping crane was identified around the Study Area and it is possible that whooping cranes may occur within the Study Area, these habitat features are not necessarily unique on the landscape.

4.2.5 Dakota Skipper

No observations of Dakota skipper at the township level have occurred historically within the last 30 years in the Study Area (USFWS 2022). The Study Area is located outside but adjacent to the primary range of the Dakota skipper (Dyke et al. 2015).

The Project Area contains cropland and therefore potential preferred habitat is not likely to be present. There was no Dakota skipper potential preferred habitat observed during field surveys within the Study Area.

4.3 RAPTOR NEST SURVEY

The raptor nest survey identified two non-eagle raptor nests within the one-mile buffer survey area. The raptor nests were unoccupied at the time of the surveys. The identified non-eagle raptor nest locations are included in Figure 4. No raptor nests were documented within the Study Area.

4.4 TREE AND SHRUB INVENTORY

The tree and shrub inventory documented a total of seven redstem willow (*Salix alba 'Chermesina'*) trees within the Study Area. The trees were documented within ND-B04-WETLAND near State Highway 40. Redstem willow are large low-branching trees forming an upright, oval to rounded crown. The trees documented within the Study Area are 1-3-inch dbh.

5.0 SUMMARY

The field survey identified 1 wetland, totaling 1.03 acres within the Study Area. The wetland was classified as palustrine emergent.

Threatened and endangered desktop and field habitat assessments were conducted for the northern long-eared bat, piping plover, red knot, whooping crane, and Dakota skipper. No preferred habitat for threatened or endangered species was observed during field studies conducted for the Project within the Study Area. Additionally, no threatened or endangered species were incidentally observed during field studies.

The raptor survey identified two raptor nests within the one-mile buffer survey area. No raptor nests were documented within the Study Area.

The tree and shrub inventory documented a total of seven redstem willow trees within the Study Area. If any tree or shrubs are identified as needing to be removed, Northern Divide Energy Storage will replace trees and shrubs consistent with the Commission's Tree and Shrub Mitigation Specifications.

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Figure 1

Study Area Location

merjent

0 1,000 Feet

1:12,000

For Environmental Review Purposes Only

N

Figure 1
Study Area Location
NextEra Northern Divide Battery Storage Project
Burke County, North Dakota

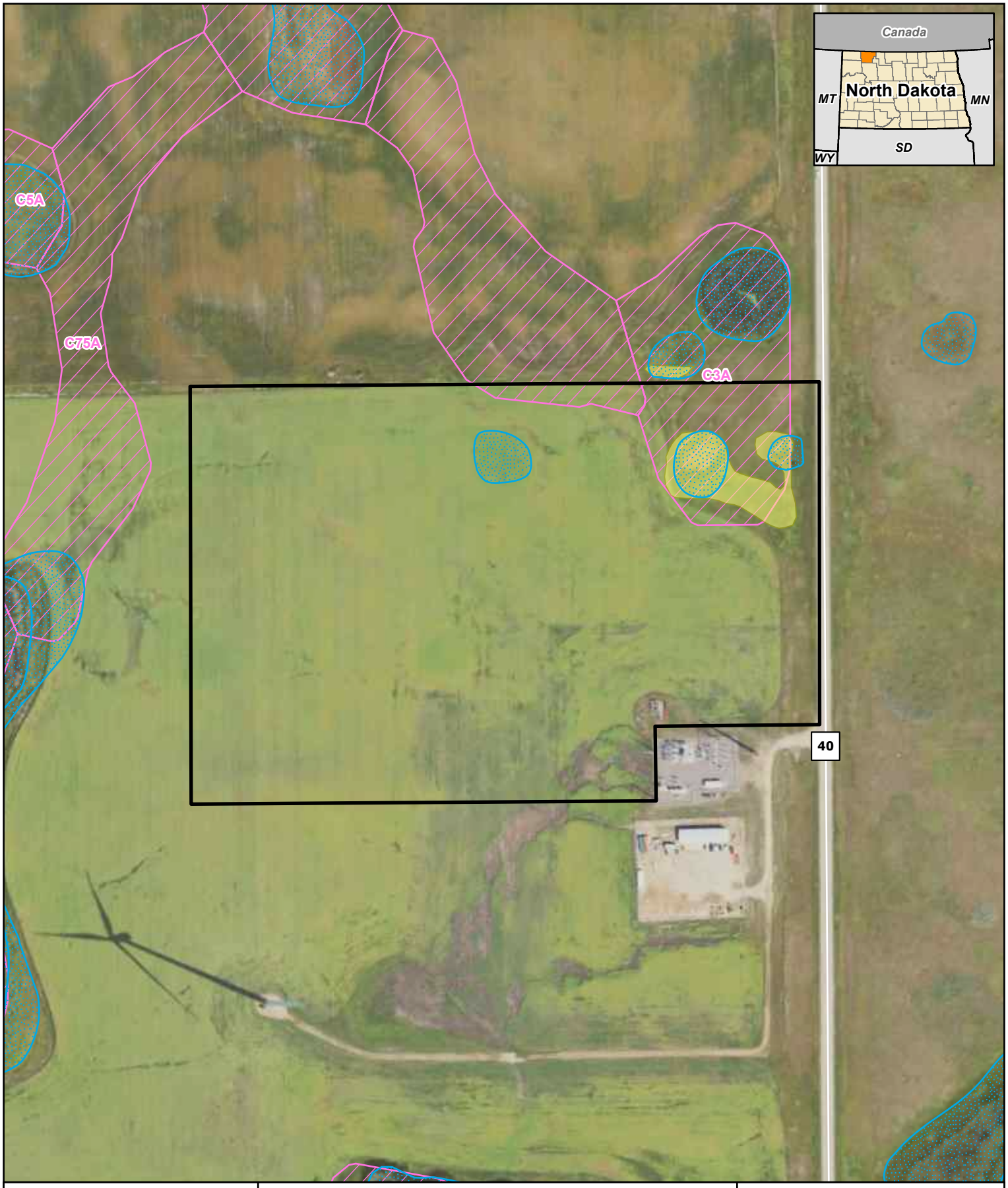
Study Area

Source: Z:\Clients\M_P\NextEra\Northern_Divide_Battery_Storage_ND\ArcGIS\Permitting\State\BESS\001_ArcProNDW_BESS_Natural_Resources_Inventory_Report.aprx

Date: (9/17/2024)

Figure 2

Wetlands and Other Waters Boundaries



merjent

0 300 Feet

1:3,600

For Environmental Review Purposes Only

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Figure 2
Wetland and Other Waters Boundaries
NextEra Northern Divide Battery Storage Project
Burke County, North Dakota

- Study Area
- NHD Waterbody
- Delineated Wetland
- NWI Wetland
- Hydric Soil

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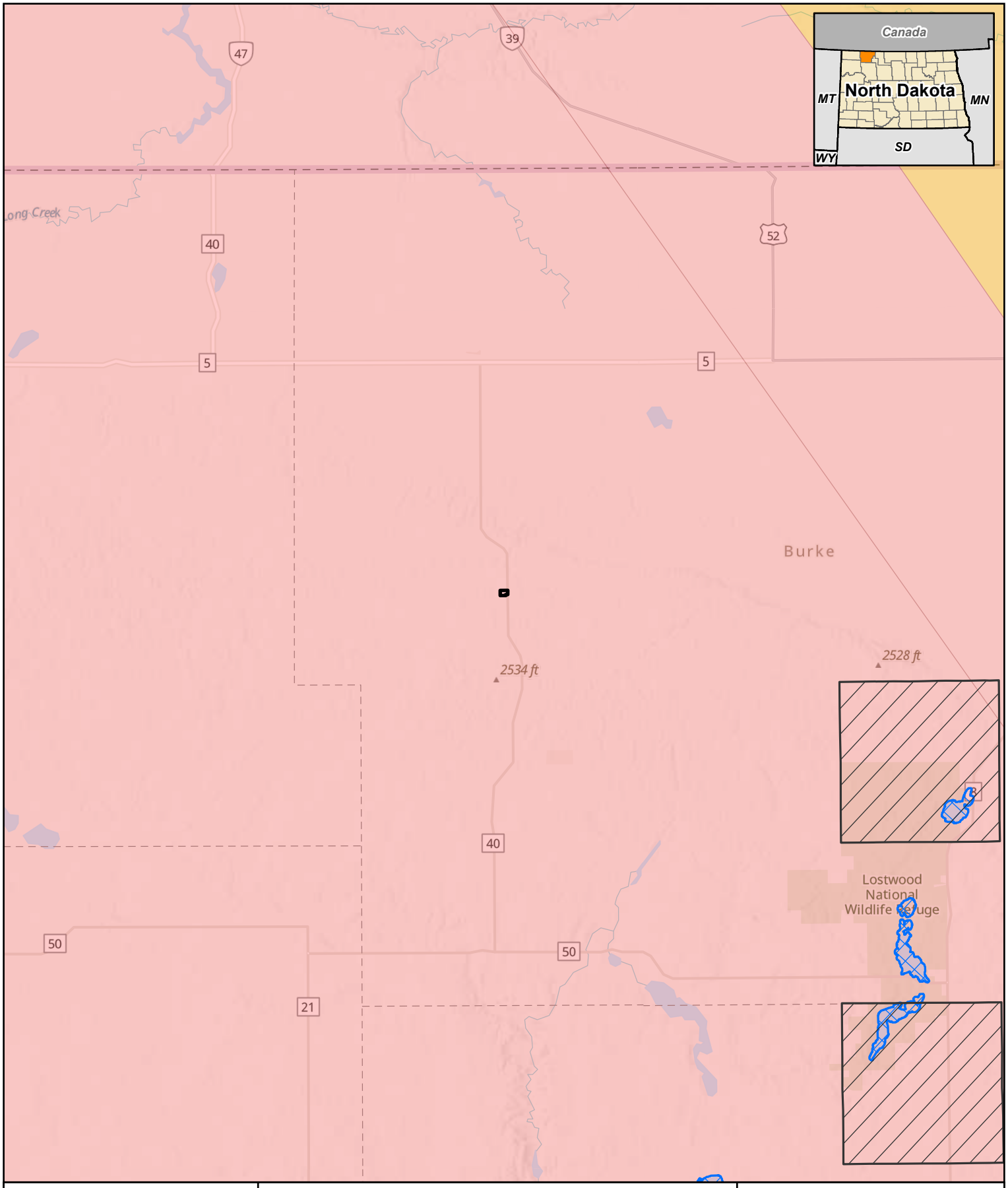
Date: (9/17/2024)

Figure 3

Federally List Species Evaluation



merjent

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Figure 3
Federally Listed Species Evaluation
NextEra Northern Divide Battery Storage Project
Burke County, North Dakota

Study Area
Piping Plover USFWS Critical Habitat
Whooping Crane Migration Corridor
50%
75%
Dakota Skipper Observations
Pre 2019 Township Detections

Source: Z:\Clients\M_P\NextEra\Northern_Divide_Battery_Storage_ND\ArcGIS\Permitting\State\BESS\001_ArcProNDW_BESS_Natural_Resources_Inventory_Report.aprx

Date: (9/17/2024)

Figure 4

Raptor Nest Survey

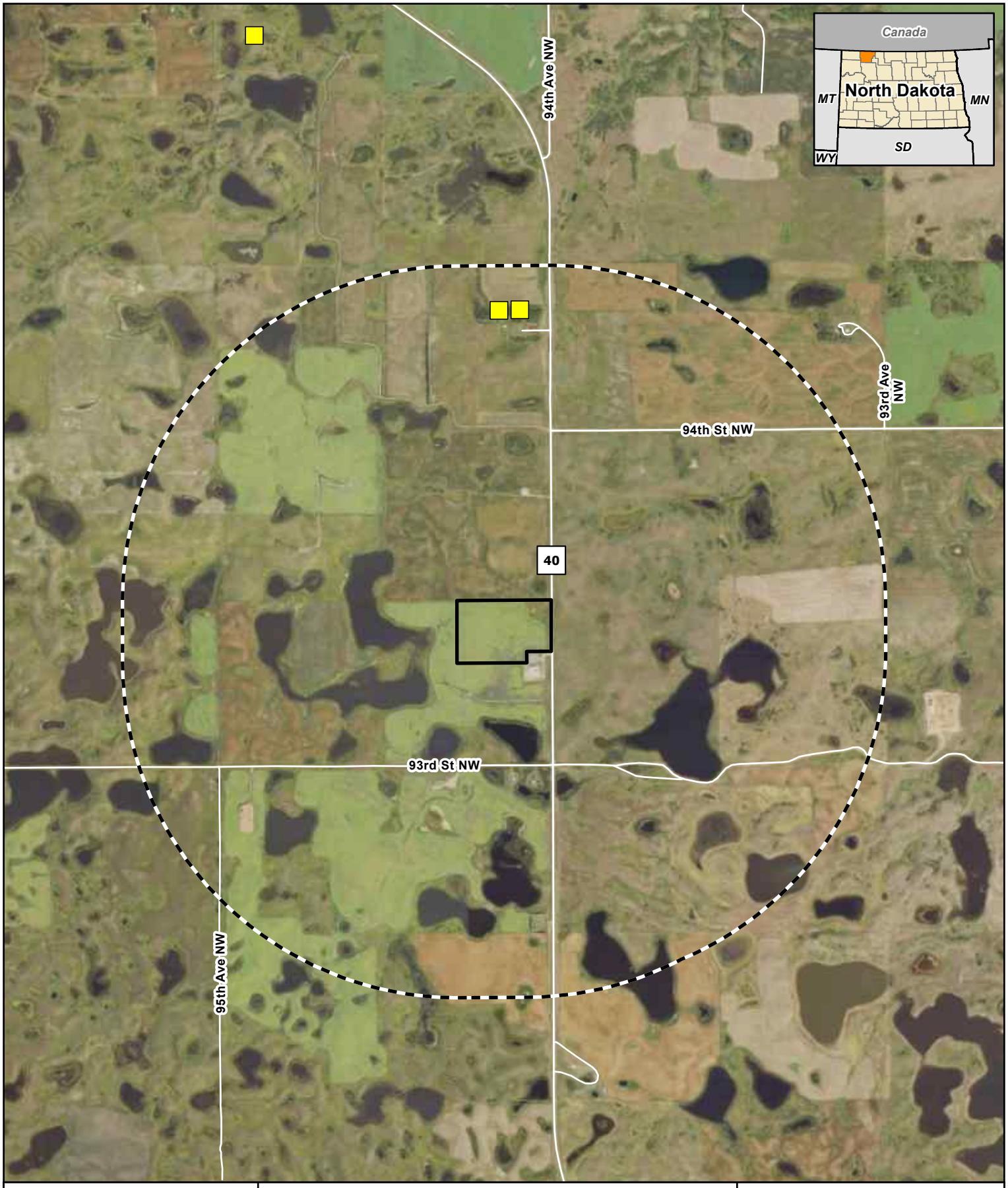

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Figure 4
Raptor Nest Survey
NextEra Northern Divide Battery Storage Project
Burke County, North Dakota

Study Area
1-Mile Buffer
Raptor Nest Location

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Date: (9/17/2024)

Figure 5

Tree and Shrub Inventory

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For Environmental Review Purposes Only

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Figure 5
Tree and Shrub Inventory
NextEra Northern Divide Battery Storage Project
Burke County, North Dakota

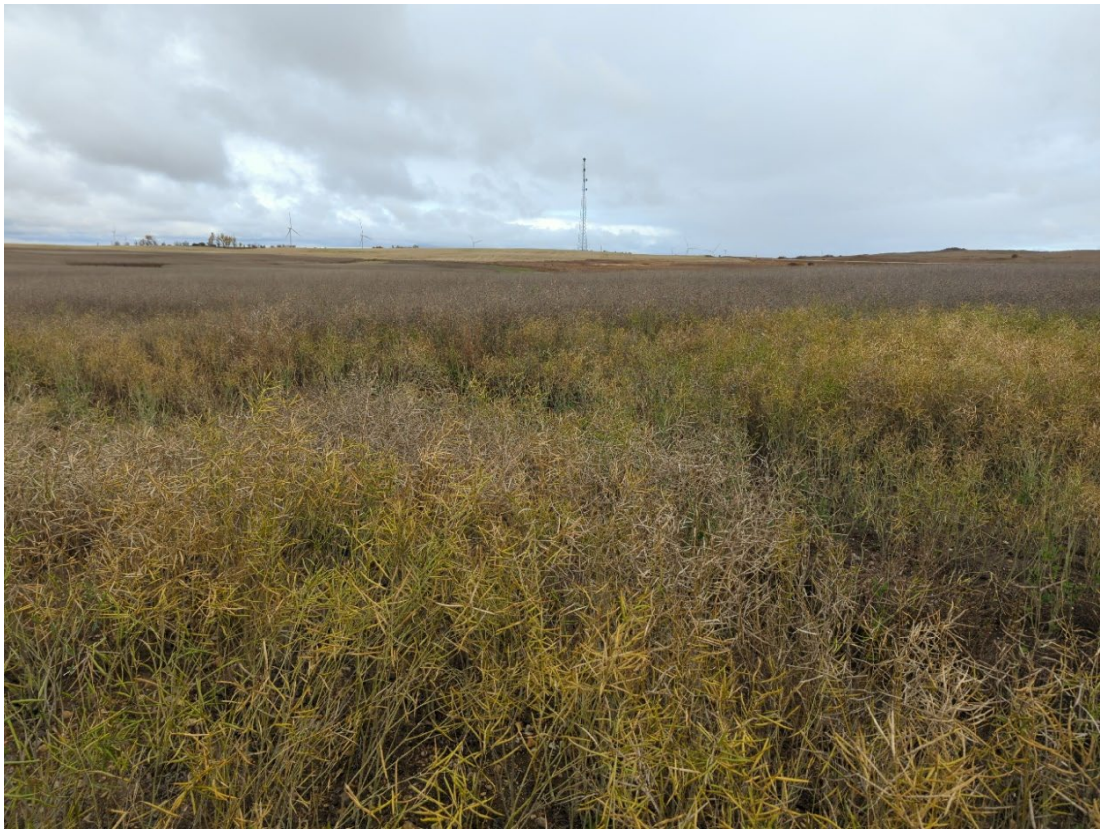
Study Area
Tree/Shrub
Tree/Shrub

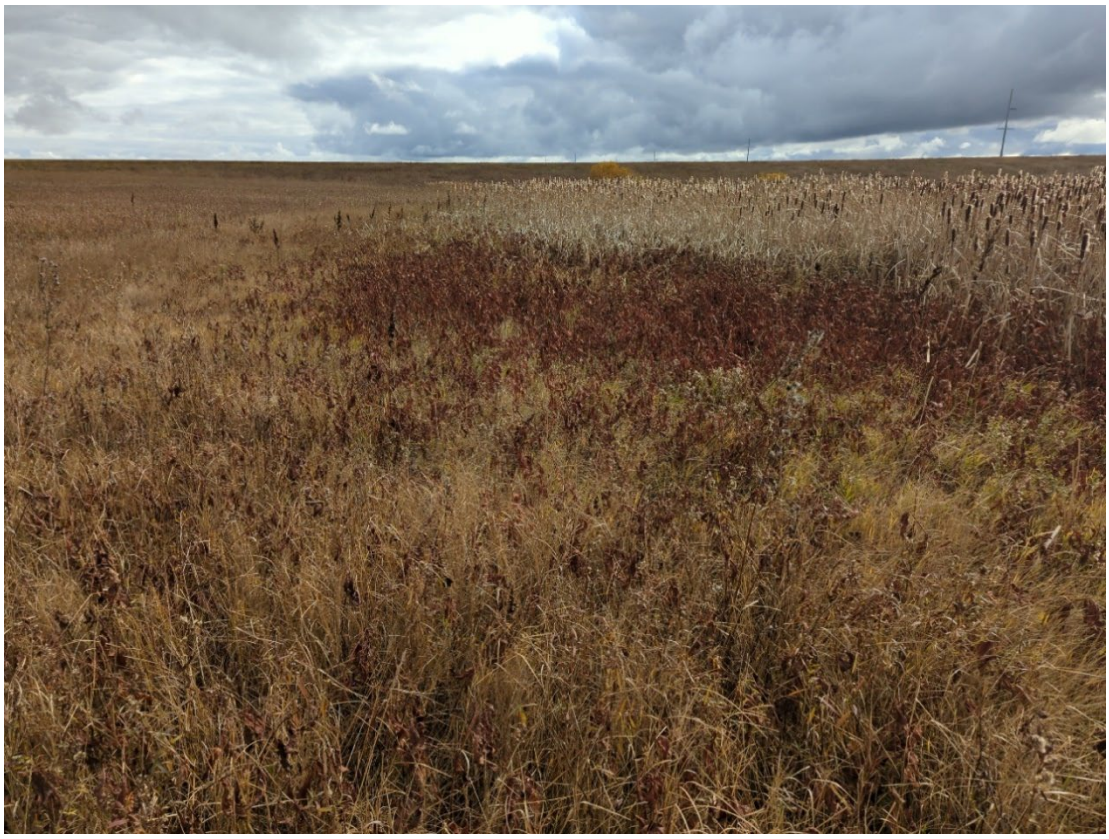
Source: Z:\Clients\M_P\NextEra\Northern_Divide_Battery_Storage_ND\ArcGIS\Permitting\State\BESS\001_ArcPro\NDW_BESS_Natural_Resources_Inventory_Report.aprx

Date: (9/17/2024)

Appendix A

Field Photographs

Date Taken: October 13, 2023 **Description:** This photo was taken facing south from wetland aw02. The collection substation and operations and maintenance facility are in the background.	
Date Taken: October 13, 2023 **Description:** This photo was taken facing north from the south side of the Study Area, showing an overview of the agricultural field.	

Date Taken: October 13, 2023 **Description:** This photo was taken facing east, showing wetland aw03. This wetland is classified as a Palustrine Emergent. North Dakota Highway 40 and the transmission line are in the background.	
Date Taken: October 13, 2023 **Description:** This photo was taken facing southwest near the center of the digitized National Wetlands Inventory located within the Study Area. No wetland features were identified.	

Appendix E

Stakeholder Correspondence

E1. Notification Letter Template

merjent

p 612.746.3660 ▪ f 612.746.3679 ▪ www.merjent.com

1 Main Street SE ▪ Suite 300 ▪ Minneapolis, Minnesota ▪ 55414

June 25, 2024

«Agency»
«Mailing_Address»
«City», «State» «Zip»

Subject: Notification of the Proposed Northern Divide Energy Storage Project in Burke County, North Dakota

Northern Divide Energy Storage, LLC (Northern Divide), a wholly owned, indirect subsidiary of NextEra Energy Resources, LLC, is proposing to construct and operate the Northern Divide Energy Storage Project (Project) on approximately 15 acres in Burke County, North Dakota. The Project includes a 100-megawatt 4-hour duration battery energy storage system (BESS) facility with associated inverters, transformers, underground cables, and other ancillary facilities such as fencing, roads, and a supervisory control and data acquisition (SCADA) system. The Project would interconnect with the Northern Divide Wind, LLC 345kV collector substation approximately 700 feet south at the existing Northern Divide Wind Energy Center.

The Project will be capable of storing power generated from the Northern Divide Wind Energy Center when production exceeds system demand (oversupply) or when the wind generation is unable to be delivered to the load due to transmission constraints. The Project will provide additional reliability for and deliverability to the grid by having the ability to store low-cost excess generation (relative to load) and inject it onto the grid at times of increased demand.

The purpose of this letter is to provide notification of the Project per North Dakota Administrative Code Section 69-06-01-05. Northern Divide Wind plans to submit an application for a Certificate of Site Compatibility for the Project to the North Dakota Public Service Commission and aims to start construction in the second quarter of 2025 with commercial operation anticipated in late 2026.

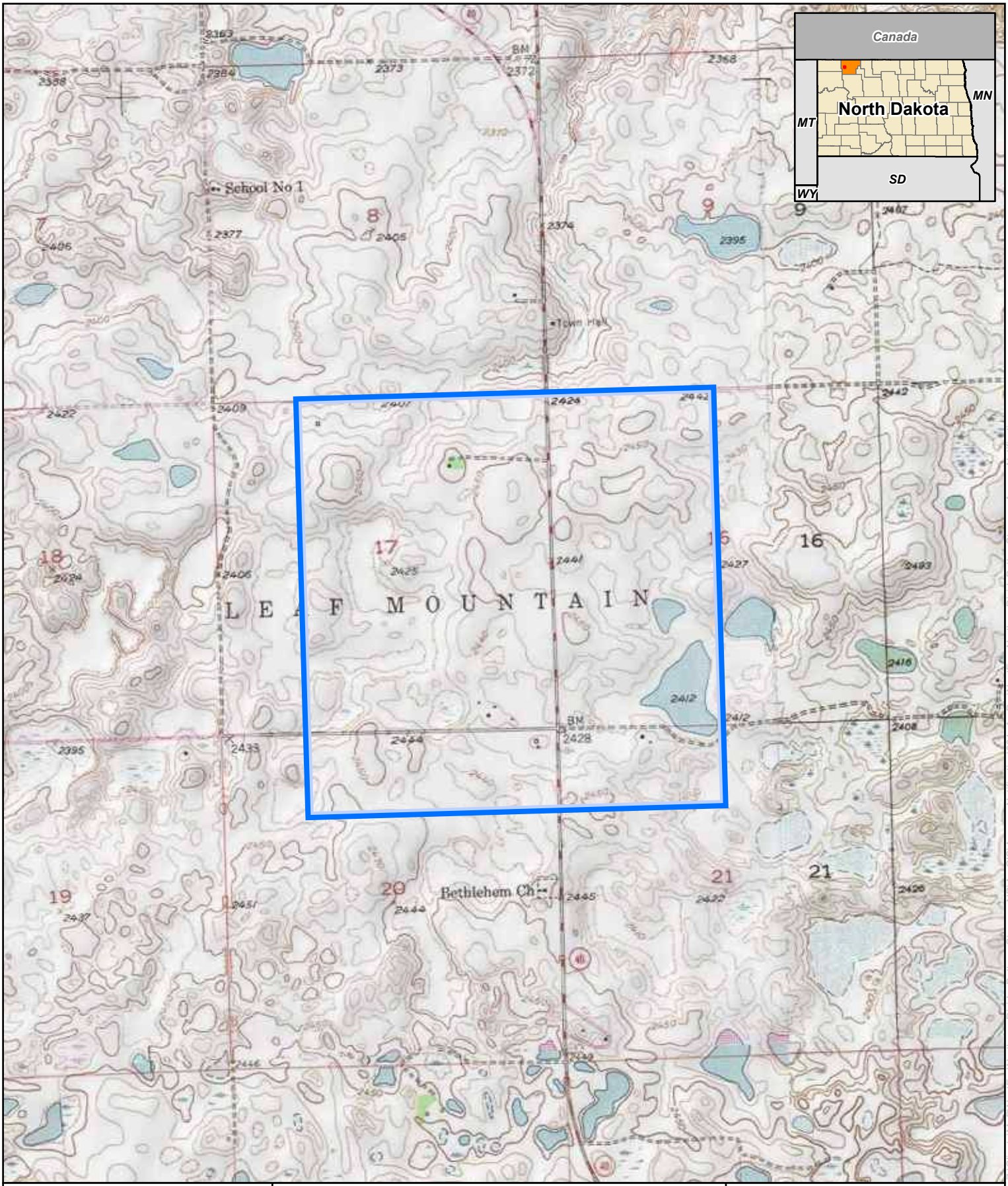
We are soliciting input from your agency or entity regarding any sensitive resources, current or planned development, or property interests your agency or entity may have in or around the Study Area that should be considered as it moves forward with development. In addition, we ask that you provide information regarding any applicable permits that may be required from your office. Northern Divide respectfully requests your response within 30 days of receipt of this letter. Copies of all correspondence received in response to this letter will be included with the North Dakota Public Service Commission applications. Northern Divide Wind requests your consideration of the Project Study Area located in parts of Sections 16, 17, 20, and 21 in Township 161N, Range 93W, and shown on the attached map.

Northern Divide has contracted with Merjent, Inc. on this Project. If further information is desired or if you have comments regarding the Project, please contact me at the address provided below, by e-mail at lindsey.churchill@merjent.com, or by phone at 701-526-4848.

Regards,
Lindsey Churchill, PhD, PWS
Senior Project Manager

Merjent, Inc.
1 Main Street SE, Suite 300
Minneapolis, Minnesota 55414

Enclosure: Project Study Area Map



0 1,000 2,000 Feet

Scale: 1:24,000

N W E S

merjent

For Environmental Review Purposes Only

Study Area Map

Northern Divide Energy Storage

Burke County, North Dakota

Study Area

Source: Z:\Clients\M_P\NextEra\Northern_Divide_Battery_Storage_NDA\GIS\Agency_Notification\001_ArcPro\NextEra_NorthernDivideBatteryStorage_AgencyNotification.aprx

Date: (6/3/2024)

E2. North Dakota Department of Transportation

NORTH Dakota | Transportation
Be Legendary.

July 16, 2024

Lindsey Churchill, PHD PWS
Merjent
1 Main Street SE, Suite 300
Minneapolis, MN 55414

NOTIFICATION OF PROPOSED NORTHERN DIVIDE ENERGY STORAGE PROJECT, BURKE COUNTY, NORTH DAKOTA

We have reviewed your June 25, 2024, letter.

This project requires further information to evaluate its potential location and the effect it may have on the North Dakota Department of Transportation highways. Please advise as to how close to ND Highway 40 this project will take place, will it require direct access off ND Highway 40, or will the site border be adjacent to NDDOT right of way?

Once these questions have been addressed and responded to, we will review and send a letter indicating any concerns or comments the Department has regarding this proposed project on ND Highway 40.

Additionally, it is important to be aware that any work that needs to be done on highway right of way, appropriate permits and risk management documents will need to be obtained from the Department of Transportation District Engineer, Joel Wilt at 701-774-2700.

Jon Ketterling

JON KETTERLING, P.E., DIRECTOR - OFFICE OF PROJECT DEVELOPMENT

57\jk\js
c: Joel Wilt, Williston District Engineer

From:	Lindsey Churchill
To:	jketterl@nd.gov
Cc:	Brown, Dina; Montone, Sarah; Dirk Churchill
Subject:	Northern Divide Energy Storage - NDDOT Correspondence Letter
Date:	Thursday, August 22, 2024 2:51:25 PM
Attachments:	image001.png NDDOT_Response_Northern Divide Energy Storage.pdf NDDOT_Agency Notification Letter_Northern Divide Energy Storage.pdf

---

Mr. Ketterling,

To follow up on our call earlier today, here are the answers to your questions in the attached response letter. The initial Project letter is also attached for your reference.

- How close to ND Highway 40 this project will take place?
    - Preliminary design estimates an approximately 500-foot driveway extending west from ND Highway 40 to the energy storage location. This may vary once as the design is finalized.
- Will the project require direct access of ND Highway 40, or will the site border be adjacent to NDDOT right of way?
    - Yes, the site is adjacent to ND Highway 40 and will require a new driveway to it. We anticipate obtaining a road approach/access permit from NDDOT for this Project.

Please let me know if you have any additional questions.

Regards,

Lindsey Churchill, PhD, PWS
Bismarck, North Dakota
651.428.7398 mobile
lindsey.churchill@merjent.com

merjent.
1 Main Street SE, Suite 300
Minneapolis, MN 55414
612.746.3660 main
www.merjent.com

E3. State Historical Society of North Dakota

January 9, 2024

Damien Reinhart
Merjent Inc.
1 Main Street SE
Suite 300
Minneapolis, MN 55414

SHSND Ref: 24-9010 NextEra Northern Divide Battery Energy Storage System in portions of [T161N R93W Section 17] in Burke County, North Dakota

Dear Damien,

We received SHSND Ref: 24-9010 "A Class I and Class III Cultural Resources Inventory of NextEra's Proposed Northern Divide Battery Energy Storage System, Burke County, North Dakota" in portions of T161N R93W Section 17 and find this Merjent report by Damien Reinhart acceptable. We will add it to our Manuscript Collection.

Thank you for the opportunity to review this report. Please be advised that acceptance of this report does not constitute concurrence with the determinations therein. If you have any questions, please contact either Margie Patton, Research Archeologist, at (701) 328-3576 or mmpatton@nd.gov or Lorna Meidinger, Lead Historic Preservation Specialist, at (701) 328-2089 or lbmeidinger@nd.gov.

Sincerely,

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

24-9010

July 30, 2024

Lindsey Churchill, PhD
Merjent, Inc.
1 Main Street SE, Suite 300
Minneapolis, Minnesota 55414
lindsey.churchill@merjent.com

SHSND Ref.: 24-9082 Northern Divide Energy Storage in portions of [T161N R93W Sections 16-17, 20-21] in Burke County, North Dakota

Dear Lindsey,

We reviewed SHSND Ref.: 24-9082 Northern Divide Energy Storage in portions of [T161N R93W Sections 16-17, 20-21] in Burke County, North Dakota. We recommend a Class III (pedestrian survey) of cultural resources in all portions of the project area not previously surveyed. The survey must follow "North Dakota SHPO Guidelines Manual for Cultural Resource Inventory Projects," which is available at https://www.history.nd.gov/hp/hpforms.html.

Thank you for the opportunity to review this project to date. We look forward to review of the Class III survey for archaeological resources. If you have any questions please contact Lorna Meidinger, Lead Historic Preservation Specialist at (701) 328-2089 or lbmeidinger@nd.gov.

Sincerely,

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

24-9082

From: Lindsey Churchill
To: Meidinger, Lorna B.
Cc: Brown, Dina; Dirk Churchill; Damien Reinhart; Clark, Andrew
Subject: RE: EXTERNAL: SHSND Ref.: 24-9082 Northern Divide Energy Storage
Date: Wednesday, July 31, 2024 11:03:25 AM
Attachments: image001.png

Lorna,

The study area in the notification letter is larger than the planned location of the facility. We notify the location of the facility plus a 1-mile buffer to capture any comments agencies may have for the general area. The Class III survey was completed to cover the planned area of disturbance (plus a little extra) on October 18, 2023. At that date, the LLC for the energy storage system was not yet created. Since that date, NextEra has set up a subsidiary (Northern Divide Energy Storage, LLC) for this project; therefore, the company information in the original report, while accurate at the time, is now out of date. Let us know if you have further questions.

Regards,

Lindsey Churchill, PhD, PWS
Bismarck, North Dakota
651.428.7398 mobile
lindsey.churchill@merjent.com

merjent
1 Main Street SE, Suite 300
Minneapolis, MN 55414
612.746.3660 main
www.merjent.com

From: Meidinger, Lorna B. <lbmeidinger@nd.gov>
Sent: Wednesday, July 31, 2024 9:00 AM
To: Lindsey Churchill <lindsey.churchill@merjent.com>
Cc: Brown, Dina <Dina.Brown@nexteraenergy.com>; Dirk Churchill <dirk.churchill@merjent.com>; Damien Reinhart <damien.reinhart@merjent.com>; Clark, Andrew <andrewclark@nd.gov>
Subject: RE: EXTERNAL: SHSND Ref.: 24-9082 Northern Divide Energy Storage

Lindsey,

In the request for review from your office where we assigned SHSND Reference #24-9010, a different company was listed as the project proponent, the project name was different, the area much smaller, and the location only in one section. The submission letter we received on July 1, 2024 requested comments for an area covering portions of four sections, (SHSND Ref# 24-9082) much of which has not been surveyed. Our response for review of that area in our letter for SHSND Ref#24-9082 stands.

I do have clarifying questions now that you've told me these are for the same project. For all of the above discrepancies, which is the correct information?

Respectfully,

Lorna Meidinger
Lead Historic Preservationist
State Historical Society of North Dakota
612 E Boulevard Ave
Bismarck, ND 58505
701.328.2089

From: Lindsey Churchill <lindsey.churchill@merjent.com>
Sent: Tuesday, July 30, 2024 4:24 PM
To: Meidinger, Lorna B. <lbmeidinger@nd.gov>
Cc: Brown, Dina <Dina.Brown@nexteraenergy.com>; Dirk Churchill <dirk.churchill@merjent.com>; Damien Reinhart <damien.reinhart@merjent.com>
Subject: RE: EXTERNAL: SHSND Ref.: 24-9082 Northern Divide Energy Storage

Lorna,

Thank you for your response letter. We have already completed the Class III pedestrian surveys in support of the project. Please see attached for the letters received from your office. Any other questions, please let us know.

Thank you,

Lindsey Churchill, PhD, PWS
Bismarck, North Dakota
651.428.7398 mobile
lindsey.churchill@merjent.com

merjent
1 Main Street SE, Suite 300
Minneapolis, MN 55414
612.746.3660 main
www.merjent.com

From: Meidinger, Lorna B. <lbmeidinger@nd.gov>
Sent: Tuesday, July 30, 2024 11:11 AM
To: Lindsey Churchill <lindsey.churchill@merjent.com>
Subject: EXTERNAL: SHSND Ref.: 24-9082 Northern Divide Energy Storage

Lindsey,

Attached is our response to your notification of the proposed Northern Divide Energy Storage project.

Respectfully,

Lorna Meidinger
Lead Historic Preservationist
State Historical Society of North Dakota
612 E Boulevard Ave
Bismarck, ND 58505
701.328.2089

E4. North Dakota Department of Trust Lands

From:	Lindsey Churchill
To:	-Info-Land Dept. ROW
Cc:	-Info-DTL General Inquiries; Dirk Churchill; Brown, Dina
Subject:	RE: EXTERNAL: RE: Notification of the Proposed Northern Divide Energy Storage Project in Burke County, North Dakota
Date:	Thursday, July 11, 2024 5:06:16 PM
Attachments:	SCAN_24070808180.pdf image002.png image003.png

Hello,

Thank you for your response. Currently, Project development is planned for Section 17 in Township 161N, Range 93W, which is located west of and outside of the NDDTL managed land. If the location of Project infrastructure changes to include NDDTL managed land, we will follow the process provided below.

Thank you,

Lindsey Churchill, PhD, PWS
Bismarck, North Dakota
651.428.7398 mobile
lindsey.churchill@merjent.com

merjent.
1 Main Street SE, Suite 300
Minneapolis, MN 55414
612.746.3660 main
www.merjent.com

From: -Info-Land Dept. ROW <landrow@nd.gov>
Sent: Tuesday, July 9, 2024 1:40 PM
To: Lindsey Churchill <lindsey.churchill@merjent.com>
Cc: -Info-DTL General Inquiries <dtlrequest@nd.gov>
Subject: EXTERNAL: RE: Notification of the Proposed Northern Divide Energy Storage Project in Burke County, North Dakota
Importance: High

Hello,

NDDTL received the attached letter requesting a response regarding the proposed project from NDDTL. NDDTL manages land within the proposed project boundary (DIV-161-93-16: W2). Any proposed projects, such as the proposed project, crossing NDDTL managed property need to apply for a Rights of Way and would be subject to review and approval by the Board of University and School Lands.

The following is not meant to be an inclusive list but a guideline for ROW acquisition with NDDTL.

1. Submit **ROW Application** (https://www.land.nd.gov/SurfaceROW/RowApplicationForm)
   *(*this will be changing within the year; applicants will need to create/connect a "portal" account in*

order to submit an application)

(review each section of the application thoroughly to ensure the correct and sufficient project information is included in the application, be as detailed as possible)

(An application is deemed filed and complete when the department receives an application form, the application fee, and any supplemental information requested by the department (which can vary depending on the project type, tract, etc).)

(An application becomes a pending ROW number; a pending ROW number becomes a ROW agreement number. The ROW number identifies the specific request and must be used in all correspondence.)

2. Submit **proposed route map** to LandROW@nd.gov after application submission (*this will be changing within the year; applicants will need to create/connect a "portal" account in order to submit an application)
3. DTL Preliminary Review
4. Receive DTL project specific ROW tracking number email requesting clarification, additional information/items (see #5), and application fee or notice of project denial/modification requests

(An application becomes a pending ROW number; a pending ROW number becomes a ROW agreement number. The ROW number identifies the specific request and must be used in all correspondence.)

5. Submit **application fee** and any **additional requested information**

(ie, unit development plans, gravel testing results if DTL requested testing, Certificate of Insurance, SPCC plan, appraisal, other received permits/concurrence documents, proof of financial standing, etc)

6. Meet for **onsite review** (if applicable) to review proposed location with DTL, project coordinator, and survey crew
7. Submit **surveys** for review (if applicable; preliminary/rough drafts are acceptable for a first review but final surveys will need to be signed/stamped)
8. Submit **consideration payment** after DTL survey acceptance
9. DTL Final Review and Approval/Signature by Commissioner

If you have any questions, please contact the Department via emailing landrow@nd.gov.

Sincerely,

North Dakota Department of Trust Lands
landrow@nd.gov • land.nd.gov/rightsofway • 1707 N 9th St • Bismarck, ND 58501

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E5. North Dakota Parks and Recreation Department

NORTH Dakota | Parks & Recreation
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July 18, 2024

Lindsey Churchill
Merjent, Inc
P1 Main Street SE Suite 300
Minneapolis, MN 55414

Re: Northern Divide Energy Storage Project – Burke County, ND

Dear Lindsey,

The North Dakota Parks and Recreation Department (NDPRD) has reviewed the above-referenced proposed Northern Divide Energy Storage Project located in Burke County, North Dakota.

NDPRD's scope of authority and expertise covers properties that NDPRD owns, leases, or manages; properties protected under Section 6(f) of the Land and Water Conservation Fund (LWCF); rare plants; and ecological communities established through the Natural Heritage Program.

The project does not appear to affect properties NDPRD owns, leases, or manages.

The project does not appear to affect any properties protected under Section 6(f) of the LWCF.

A North Dakota Natural Heritage biological conservation database query determines if any current or historical plant or animal species of concern or other significant ecological communities are known to occur within an approximate one-mile radius of the project area. Based on this review, no known plant and animal species of concern or significant ecological communities are documented within or immediately adjacent to the project site.

We appreciate your commitment to rare plant, animal, and ecological community conservation, management, and inter-agency cooperation. For additional information, please contact Kathy Duttenhefner at 701-328-5370, 701-220-3377 (cell), or kgduttenhefner@nd.gov.

Thank you for the opportunity to comment on the proposed project.

Sincerely,
Kathy Duttenhefner
Kathy Duttenhefner, Chief Natural Resources Division

604 E Boulevard Ave Dept. 750 | Bismarck, ND 58505
PHONE: 701-328-5357 | FAX: 701-328-5363 | EMAIL: parkrec@nd.gov | WEBSITE: www.parkrec.nd.gov

E6. Natural Resources Conservation Service

USDA
United States Department of Agriculture

Natural Resources
Conservation Service

Bismarck State Office
PO Box 1458
Bismarck, ND
58502-1458

Voice 701.530.2000
Fax 855-813-7556

July 8, 2024

Lindsey Churchill, PhD, PWS
Senior Project Manager
Merjent, Inc.
1 Main Street SE, Suite 300
Minneapolis, MN 55414

Dear Lindsey Churchill, PhD:

The Natural Resources Conservation Service (NRCS) has reviewed your letter dated June 25, 2024, concerning the proposed Northern Divide Energy Storage Project in Burke County, North Dakota.

Farmland Protection Policy Act

NRCS has a major responsibility with the Farmland Protection Policy Act (FPPA) in documenting conversion of farmland (i.e., Prime, Statewide Importance and/or Local Importance) to non-agricultural use. It appears by your letter that the proposed project is not supported by federal funding; therefore, FPPA does not apply, and no further action is needed.

If federal funding is secured in the future for the proposed project, then FPPA would apply and require filing of a Farmland Conversion Rating Form AD-1006.

Wetlands

The Wetland Conservation Provisions of the 1985 Food Security Act, as amended, provide that if a USDA participant converts a wetland for the purpose or to have the effect of making agricultural production possible, loss of USDA benefits could occur. NRCS has developed the following guidelines for wetlands on adjacent agricultural lands to which permanent structure installation occurs. If these guidelines are followed the impacts to the wetland will be considered minimal allowing USDA participants to continue to receive USDA benefits. Following are the requirements:

- Disturbance to the wetland must be temporary.
- No drainage of wetland is allowed (temporary or permanent).
- Mechanized landscaping necessary for installation is kept to a minimum and preconstruction contours are maintained.
- Temporary side cast material must be placed in such a manner not to be dispersed in the wetland.
- All trenches must be backfilled to the original wetland bottom elevation.

NRCS recommends that impacts to wetlands be avoided.

If you have additional questions pertaining to FPPA, please contact Wade Bott, State Soil Scientist, NRCS, Bismarck, North Dakota, at (701) 530-2021.

Sincerely,

WADE BOTT Digitally signed by WADE BOTT
Date: 2024.07.08 09:28:01 -05'00'

WADE D. BOTT
State Soil Scientist

E7. North Dakota Department of Water Resources

NORTH Dakota | Water Resources
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July 22, 2024

Lindsey Churchill, PhD, PWS
Senior Project Manager
Merjent, Inc.
1 Main Street SE, STE 300
Minneapolis, MN 55414
Lindsey.churchill@merjent.com

Dear Ms. Churchill

This is in response to your request for a review of the environmental impacts associated with Northern Divide Energy Storage Project located in Burke County, ND.

The proposed project has been reviewed by Department of Water Resources (DWR), and the following comments are provided:

- Initial review indicates the project does not require a conditional or temporary permit for water appropriation. However, if surface water or groundwater will be diverted for construction of any future projects identified in the plan, a water permit will be required per North Dakota Century Code § 61-04-02. Please consult with the DWR Water Appropriation Division if you have any questions at (701) 328-2754 or appropinfo@nd.gov.

- There are no FEMA National Flood Insurance Program (NFIP) floodplains identified or mapped where the proposed project is to take place. No permits relative to the NFIP are likely required based on the current Flood Insurance Rate Map and State minimum standards. However, flood risk has been identified through the North Dakota Risk Assessment Mapservice and Base Level Engineering (BLE) (ndram.dwr.nd.gov). In the absence of FEMA NFIP data, BLE is often considered best available data and is recommended to be considered in the design process. The State of North Dakota has no formal NFIP permitting authority as all NFIP permitting decisions are considered by impacted NFIP participating communities, the community with zoning authority for the area in question. Please work directly with the local floodplain administrators of the zoning authorities impacted.

- The DWR Engineering and Permitting Section reviewed the project location and determined no drainage permits, or construction permits for dikes, diversions, or restorations are likely required so long as no watercourses are modified (i.e., deepened, widened, rerouted, etc.) and no ponds, sloughs, or lakes with a drainage area of 80 acres or more are drained. Please contact the Regulatory Division at 701-328-4956 or dwrregpermits@nd.gov with any questions.

Thank you for the opportunity to provide review comments. Should you have further questions, please contact me at 701-328-4970 or kyrkoski@nd.gov

Sincerely,

Kyle Yrkoski
Planner III

E8. United Stated Army Corps of Engineers

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
NORTH DAKOTA REGULATORY OFFICE
3319 UNIVERSITY DRIVE
BISMARCK, NORTH DAKOTA 58504-7565

August 1, 2024

NWO-2024-01260-BIS

Merjent, Inc.
Attn: Ms. Lindsey Churchill
1 Main Street SE, Suite 300
Minneapolis, Minnesota 55414

Dear Ms. Churchill:

This is in response to information received on July 16, 2024 regarding the proposed Northern Divide Energy Storage Project. The project is located in the W½ of Section 16, Section 17, N½ of Section 20, and N½NW¼ of Section 21, Township 161 North, Range 93 West, Burke County, North Dakota.

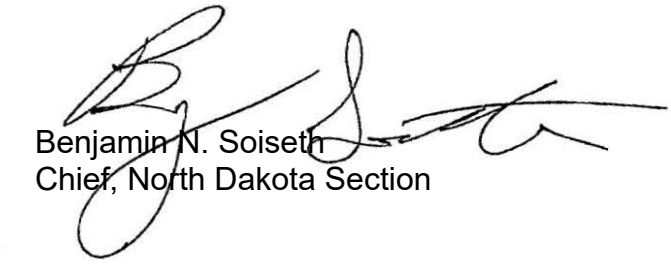
U. S. Army Corps of Engineers Regulatory Offices administer Section 404 of the Clean Water Act (Section 404). A Section 404 permit would be required for the discharge of dredge or fill material (temporarily or permanently) in waters of the United States. Waters of the United States may include, but are not limited to, rivers, streams, ditches, coulees, lakes, ponds, and their adjacent wetlands. Fill material includes, but is not limited to, rock, sand, soil, clay, plastics, construction debris, wood chips, overburden from mines or other excavation activities and materials used to create any structure or infrastructure in waters of the United States.

Based on the information contained in your letter, the Corps has determined that your proposed project may need a Clean Water Act Section 404 permit if there is a discharge of dredge or fill material into any types of waters listed in the paragraph above. If you decide to submit a permit application, the permit application and instructions for completing the application are enclosed and may also be found at: http://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Obtain-a-Permit. Be sure to accurately describe all proposed work and construction methodology. Once the application is complete, mail it to the letterhead address or to the email address (preferred) below.

The North Dakota Regulatory office prefers that all submissions are sent electronically to the following email address: CENWO-OD-RND@usace.army.mil instead of a hard copy by mail. Please split large attachments (>25 MB) into multiple emails if needed.

Please refer to identification number NWO-2024-01260-BIS in any correspondence concerning this project. If you have any questions, please contact Jeremy Nygard at U.S. Army Corps of Engineers, North Dakota Regulatory Office, 3319 University Drive, Bismarck, North Dakota 58504-7565, by email at *Jeremy.S.Nygard@usace.army.mil*, or telephone at (701) 255-0015 X 2006. For more information regarding our program, please visit our website at *http://www.nwo.usace.army.mil/Missions/RegulatoryProgram/NorthDakota.aspx*.

Sincerely,



Benjamin N. Soiseth
Chief, North Dakota Section

Enclosure

E9. Burke County

RE: EXTERNAL: Proposed energy storage project in Burke County

Lindsey Churchill <lindsey.churchill@merjent.com>
Mon 7/29/2024 9:40 AM
To:Edwards, Jill <edwardsjill@nd.gov>

Jill,

I've reached out to a NextEra representative to get a response to your initial question.

As far as submitting additional questions, yes, that is perfectly fine.

Thank you,

Lindsey Churchill, PhD, PWS
Bismarck, North Dakota
651.428.7398 mobile
lindsey.churchill@merjent.com

merjent.
1 Main Street SE, Suite 300
Minneapolis, MN 55414
612.746.3660 main
www.merjent.com

From: Edwards, Jill <edwardsjill@nd.gov>
Sent: Friday, July 26, 2024 3:11 PM
To: Lindsey Churchill <lindsey.churchill@merjent.com>
Subject: EXTERNAL: Proposed energy storage project in Burke County

Hi Lindsey,
I wanted to reach out today to let you know that I am new here in Planning and Zoning at Burke County in Bowbells ND. Yesterday was my first P&Z meeting with the board. I presented them with the notification of the proposed project. They asked that a representative be invited to come for further discussion. If that is not possible, maybe someone from there could be included online or by phone at a meeting?

After re-reading the notification I am just now seeing you asked for a response within 30 days, which would have been July 24. I apologize for the time it has taken. Would it be ok if I researched your questions and respond back early next week?

Thank you,
Jill Edwards
Planning and Zoning Administrator
Burke County
701-377-6292

E10. North Dakota Department of Environmental Quality

July 18, 2024

Lindsey Churchill, PhD, PWS
Merjent
1 Main St. SE, Suite 300
Minneapolis, MN 55414

Re: Proposed Northern Divide Energy Storage Project in Burke County

Dear Ms. Churchill:

The North Dakota Department of Environmental Quality (Department) has reviewed the information concerning the above-referenced project received at the Department on July 2, 2024, with respect to possible environmental impacts.

1. Necessary measures should be taken to minimize fugitive dust emissions created during construction activities. Any complaints that may arise should be dealt with in an efficient and effective manner.

2. Care is to be taken during construction activity near any water of the state to minimize adverse effects on a water body. This includes minimal disturbance of stream beds and banks to prevent excess siltation, and the replacement and revegetation of any disturbed area as soon as possible after work has been completed. Caution must also be taken to prevent spills of oil and grease that may reach the receiving water from equipment maintenance and/or the handling of fuels on the site. Guidelines for minimizing degradation to waterways during construction are attached.

3. Projects disturbing one or more acres are required to have a permit to discharge stormwater runoff until the site is stabilized by the re-establishment of vegetation or other permanent cover. Further information on the stormwater permit may be obtained from the Department's website or by calling the Division of Water Quality at 701-328-5210. Also, cities may impose additional requirements and/or specific best management practices for construction affecting their storm drainage system. Check with the local officials to be sure any local stormwater management considerations are addressed.

4. All solid waste materials must be managed and transported in accordance with the state's solid and hazardous waste rules. Appropriate efforts to reduce, reuse and/or recycle waste materials are strongly encouraged. As appropriate, segregation of inert waste from non-inert waste can generally reduce the cost of waste management. Further information on waste management and recycling is available from the Department's Division of Waste Management at 701-328-5166.

These comments are based on the information provided about the project in the above-referenced submittal. The U.S. Army Corps of Engineers may require a water quality certification from this Department for the project if the project is subject to their Section 404 permitting process. Any additional information which may be required by the U.S. Army Corps of Engineers under the process will be considered by this Department in our determination regarding the issuance of such a certification.

The Department owns no land in or adjacent to the proposed improvements, nor does it have any projects scheduled in the area. In addition, we believe the proposed activities are consistent with the State Implementation Plan for the Control of Air Pollution for the State of North Dakota.

If you have any questions regarding our comments, please feel free to contact this office.

Sincerely,

L. David Glatt, P.E., Director
North Dakota Department of Environmental Quality

LDG:ll
Attach.

Construction and Environmental Disturbance Requirements

The following are the minimum requirements of the North Dakota Department of Environmental Quality (Department) for projects that involve construction and environmental disturbance in or near waters of the State of North Dakota. They ensure that minimal environmental degradation occurs as a result of construction or related work which has the potential to affect waters of the state. All projects must be constructed to minimize the loss of soil, vegetative cover, and pollutants (chemical or biological) from a site.

Soils

Prevent the erosion and sediment loss using erosion and sediment controls. Fragile and sensitive areas such as wetlands, riparian zones, delicate flora, and land resources must be prohibited against compaction, vegetation loss and unnecessary damage.

Surface Waters

All construction must be managed to minimize impacts to aquatic systems. Follow safe storage and handling procedures to prevent the contamination of water from fuel spills, lubricants, and chemicals. Stream bank and stream bed disturbances must be contained to minimize silt movement, nutrient upsurges, plant dislocations, and any physical chemicals, or biological disruption. The use of pesticides or herbicides in or near surface waters is allowed under the Department's pesticide application permit with notification to the Department.

Fill Material

Any fill material placed below the ordinary high-water mark must be free of topsoil, decomposable materials, and persistent synthetic organic compounds, including, but not limited to, asphalt, tires, treated lumber, and construction debris. The Department may require testing of fill material. All temporary fills must be removed. Debris and solid waste must be properly disposed or recycled. Impacted areas must be restored to near original condition.

E11. North Dakota Geological Survey

RE: EXTERNAL: N.D. Geological Survey: Comments on the Proposed Northern Divide Energy Storage Project in Burke County, North Dakota

Lindsey Churchill <lindsey.churchill@merjent.com>
Mon 7/8/2024 11:12 AM
To:Anderson, Fred J. <fjanderson@nd.gov>

Mr. Anderson,

Email received. Thank you.

Regards,

Lindsey Churchill, PhD, PWS
Bismarck, North Dakota
651.428.7398 mobile
lindsey.churchill@merjent.com

merjent

1 Main Street SE, Suite 300
Minneapolis, MN 55414
612.746.3660 main
www.merjent.com

From: Anderson, Fred J. <fjanderson@nd.gov>
Sent: Tuesday, July 2, 2024 4:14 PM
To: Lindsey Churchill <lindsey.churchill@merjent.com>
Subject: EXTERNAL: N.D. Geological Survey: Comments on the Proposed Northern Divide Energy Storage Project in Burke County, North Dakota

Dear Ms. Churchill-

The NDGS does not have any specific property interests in this area.

Further, there are no mapped landslides or other geologic hazards to note at this location either.

Please contact us if there are additional questions.

Regards,

Fred J. Anderson
Geologist

701.328.8000 (O) . fjanderson@nd.gov . www.dmr.nd.gov

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E12. North Dakota Game Fish Department & U.S. Fish and Wildlife Service

NORTH Dakota | Game and Fish
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July 22, 2024

Lindsey Churchill, Senior Project Manager
Merjent, Inc.
1 Main Street SE, Suite 300
Minneapolis, Minnesota 55414

Subject: Proposed Northern Divide Energy Storage Facility in Burke County, North Dakota

Ms. Churchill,

Thank you for reaching out to the North Dakota Game and Fish Department (Department) regarding the proposed Northern Divide Energy Storage Facility. Ensuring we develop efficient and clean energy responsibly is beneficial to both the residents of the state and the wildlife. The addition of battery storage to increase the deliverability and reliability of an existing wind farm is a promising next step in ensuring projects remain efficient and effective at meeting increased demands. However, as this is a newer technology in general and new to the state, it is imperative that due diligence is taken, especially early in the siting process.

The Project is a unique case, as it is one of the first battery storage project to be introduced in North Dakota. There is much uncertainty of the risk these projects pose to wildlife, and as such, it is quite difficult to minimize risk, when so little about the risk is known. In the absence of state specific guidelines or best management practices, general recommendations can be made to avoid/minimize impacts based on the best science available at the time.

1. Site Selection
    a. Adhere to criteria laid out in 69-06-08-01 of the North Dakota Administrative Code, which specifies areas of exclusion and avoidance for energy conversion facilities (https://www.ndlegis.gov/information/acdata/pdf/69-06-08.pdf).
    b. Select a site with minimal risk to wildlife. Refer to Figure B11, Key Native Wildlife and Habitat Areas, in Wind Energy Development in North Dakota – Best Management Practices, to assess the potential risk of the site selected (https://gf.nd.gov/node/4800).
    c. Avoid areas of unstable land surfaces such as slopes and areas prone to erosion.
    d. Avoid state or federally owned/operated land (including, but not limited to, Wildlife Management Areas, Private Land Open To Sportsmen, National Wildlife Refuges, etc.)

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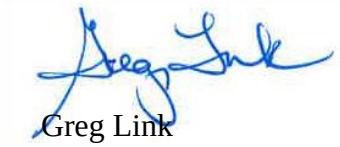
2. Micro-sitting
    a. Habitat loss:
        i. Focus on avoidance: micro-sitting sites away from native/unbroken habitat (grasslands, woodlands, and wetlands), before moving to mitigation strategies. Impacts to rare, unique, and declining species will be much greater if the habitat they depend on is disturbed or lost.
        ii. Avoid installing new drain tile systems that may drain or hinder replenishment of adjacent wetlands or that flood adjacent wetlands during drastic precipitation events.
    b. Habitat fragmentation:
        i. Consolidate all facilities and roads to the extent possible as to reduce habitat fragmentation.
    c. Threatened and Endangered species
        i. Coordinate with the US Fish and Wildlife Service to assess and minimize risk to species listed under the Endangered Species Act.
3. Construction
    a. Wildlife safe fencing should be used, and efforts should be taken to ensure wildlife is not trapped within the facility, such as constructing structures installed to allow animals to escape or checking for entrapped animals routinely.
    b. Any lighting installed should be designed to minimize light pollution and initiatives that aim to reduce impacts to wildlife should be considered.
    c. A plan for managing noxious weeds should be created and approved by the local weed board/s.
    d. Wildlife friendly plantings should be utilized to the extent possible (I.e. native wildflower and grass seed mixes over non-native mixes and natural hedgerows versus fencing).
4. Voluntary Offsets
    a. It is recommended that when impacts to unbroken grasslands, wetlands, and woodlands cannot be avoided, suitable replacements be applied back onto the landscape. Ensuring these habitats remain on the landscape is the only way to stem the decline of our state's rare and sensitive species and prevent listings through the Endangered Species Act, which could impact both the state and its citizens. The Department recommends that any acre of habitat broken due to development be replaced at a minimum of a 1:1 ratio. For example, if 100 acres of native grasslands are going to be developed for energy conversion, a minimum of 100 acres of grasslands should be planted within the county to offset that impact. These plantings should also be protected for the life of the project.
5. Safety plans
    a. If the batteries used pose a risk to either wildlife or human life (fire/explosion risk, chemical leakage, etc.) safety plans should be developed.
6. Recycling plans
    a. An end-of-life/ recycling plan should be developed so that a safe and effective disposal of the batteries is ensured when the project reaches the end of its life.

As the project moves forward, the Department requests to remain informed. To accurately analyze the project and provide valuable feedback to the Public Service Commission, it is important that the Department receives all documents, including wildlife surveys, spatial data, and any voluntary offsets being proposed 100 days prior to the hearing date.

Thank you for the opportunity to comment on the proposed project.

Sincerely,



Greg Link
Chief, Conservation and Communications Division

Cc: Luke Toso, US Fish and Wildlife Service
ND Public Service Commission

Outlook

Northern Divide battery storage project

From Brown, Dina <Dina.Brown@nexteraenergy.com>
Date Tue 11/5/2024 10:22 AM
To Mueller, Elisha K. (ekmueller@nd.gov) <ekmueller@nd.gov>; glink@nd.gov <glink@nd.gov>
Cc Toso, Luke B <luke_toso@fws.gov>; Lindsey Churchill <lindsey.churchill@merjent.com>; Montone, Sarah <Sarah.Montone@nexteraenergy.com>; Cameron, Clay <Clay.Cameron@nexteraenergy.com>

1 attachments (164 KB)
20241105 NoDi BESS_Response to NDGFD Letter.pdf;

Hi Greg and Elisha,

Thank you for providing comments on our proposed Northern Divide Energy Storage Project in Burke County, ND. Please find attached our response to your comments and suggestions. I look forward to further discussing the project with you should you have any additional comments.

Regards,
Dina

Dina E. Brown | Project Manager
Environmental Services | Central Region | NextEra Energy Resources, LLC
C: 281-570-7108 | Dina.Brown@nexteraenergy.com
We Are Committed to Excellence | We Do the Right Thing | We Treat People With Respect

NEXTera ENERGY RESOURCES

From: Mueller, Elisha K. <ekmueller@nd.gov>
Sent: Thursday, July 25, 2024 4:23 PM
To: Lindsey Churchill <lindsey.churchill@merjent.com>
Subject: EXTERNAL: Battery storage project

CAUTION: This email originated from outside of Merjent.

Hi Lindsey,

Thanks for reaching out to the Department on the proposed battery storage project. Attached you will find an early guidance letter from the Department. Please feel free to reach out if you have any questions.

Elisha Mueller
Conservation Biologist

(701) 328-6348 • ekmueller@nd.gov • gf.nd.gov

NORTH Dakota | Game and Fish

Be Legendary.

November 5, 2024

Greg Link
Chief, Conservation and Communications Division
North Dakota Game and Fish Department
100 N Bismarck Expressway
Bismarck, North Dakota 58504

Subject: Proposed Northern Divide Energy Storage Facility in Burke County, North Dakota

Dear Mr. Link,

Thank you for your letter and for providing detailed guidance regarding the proposed Northern Divide Energy Storage Project (the project). Northern Divide Energy Storage appreciates the North Dakota Game and Fish Department's (Department's) commitment to ensuring responsible energy development and its focus on wildlife protection. Below, we address each of the points in response to your July 22, 2024 letter.

1. **Site Selection**
    a. The project will adhere to North Dakota Administrative Code Section 69-06-08-01, which outlines areas of exclusion and avoidance for energy conversion facilities. Given that the project is a utility-scale energy storage plant with a capacity of 5 megawatts or more, it is subject to the North Dakota Energy Conversion and Transmission Facility Siting Act and the regulations of the North Dakota Public Service Commission (Commission).

    In our upcoming application for a Certificate of Site Compatibility, we will address the specified exclusion and avoidance areas, selection criteria, and policy requirements. The design of the project will reflect these considerations to ensure full compliance with the Commission's regulations and the North Dakota Administrative Code.

    b. While helpful, *Wind Energy Development in North Dakota – Best Management Practices* is specific to wind energy development. However, we strive to select sites to minimize risk to wildlife and have taken that approach for this project as well. For the Northern Divide Energy Storage Project, Northern Divide Energy Storage selected a site in existing cropland, adjacent to existing energy infrastructure to minimize impacts to wildlife.

    c. As required by North Dakota Administrative Code Section 69-06-08-01, the project has been sited to avoid unstable land surfaces, including landslide deposits mapped by the North Dakota Geological Survey.

    d. The project has been sited on private land and avoids state or federally owned/operated land, including Wildlife Management Areas and National Wildlife Refuges, and the project avoids Private Land Open To Sportsmen easements.

2. **Micro-siting**
    a. **Habitat Loss**
        i. The project, with an approximate size of 20 acres, has been sited within existing cropland and therefore avoids native/unbroken habitats (grasslands, woodlands, and wetlands). A wetland delineation survey has been conducted within the proposed site, and the project has been designed to avoid wetlands.
        ii. The project does not include the installation of drain tile systems.

    b. **Habitat Fragmentation**
        i. The project has been designed to consolidate facilities and roads to minimize habitat fragmentation. The storage facility has been located adjacent to the existing Northern Divide Wind substation and will share an access road from Highway 40 with the existing substation.

    c. **Threatened and Endangered Species**
        i. Northern Divide Energy Storage has coordinated with the USFWS regarding the project. In accordance with North Dakota Administrative Code 69-06-01-05 Northern Divide Energy Storage sent the same notification letter to USFWS that the Department has received. Northern Divide Energy Storage has held meetings with the USFWS to discuss proposed NextEra development projects in North Dakota, including the project. Most recently, on June 13, 2024, Northern Divide Energy Storage attended a meeting with the Department and USFWS to discuss the project. To date, USFWS stated that they had no concerns with the project since it was sited in existing cropland. Northern Divide Energy Storage will continue to coordinate with the USFWS as necessary.

3. **Construction**
    a. Fencing will be designed to conform with National Fire Protection Association (NFPA) 70, also known as the National Electrical Code (NEC). Enforced in all 50 states, NFPA 70 is the benchmark for safe electrical design, installation, and inspection to protect people and property from electrical hazards. NFPA 70 Section 110.31 "Enclosures for Electrical Installations" states that a 7’ fence is needed, and it is anticipated that chain link fencing with a minimum height of 6’, topped with 1’ of three-strand barbed wire will be installed.

    b. No lighting is proposed for the project. Any lighting required for night-time operations and maintenance issues will be temporary and provided by the operations team.

    c. Northern Divide Energy Storage will create a noxious weed management plan. Northern Divide Energy Storage will submit the noxious weed management plan for approval to the Burke County Weed Board.

    d. The project site is located in cropland and any temporarily impacted areas are expected to be planted to a Natural Resources Conservation Service recommended seed mix appropriate for an industrial application.

4. **Voluntary Offsets**
    a. In accordance with Commission regulations and criteria, the project has been sited to minimize impacts. The proposed project will not impact unbroken grasslands, wetlands,

or woodlands as it is located on cropland. Therefore, we do not anticipate the need for voluntary offsets. By selecting a site that avoids these sensitive habitats, Northern Divide Energy Storage aims to ensure that there are negligible negative effects on the state's rare and sensitive species, thereby aligning with the Department's recommendations and preserving natural landscapes.

5. **Safety Plans**
    a. Safety plans will be developed to address potential risks from the batteries, including fire risk and chemical leakage. Northern Divide Energy Storage will develop an Emergency Action Plan for the project. The Emergency Action Plan will be provided to all project personnel prior to initiating construction and will establish actions to be taken by the personnel responsible in the event of an emergency.

6. **Recycling Plans**
    a. Northern Divide Energy Storage will work to recycle the lithium-ion batteries, as many of the component parts can be recycled from spent batteries and used in new products. Northern Divide Energy Storage will require its vendors to provide recycling certificates to ensure all applicable regulations are followed in the recycling and disposal of battery storage related equipment.

As the project progresses, Northern Divide Energy Storage will ensure that the Department remains informed. If the Department seeks further clarification on any of these responses, please let us know. Northern Divide Energy Storage will provide the requested documents, including wildlife surveys, noxious weed plan, safety plans, and spatial data, at least 100 days prior to the anticipated North Dakota Public Service Commission hearing date.

Thank you for your valuable input and support as we move forward with this project.

Best regards,

Dina E. Brown

Dina E. Brown
Environmental Services Project Manager
281-570-7108 | Dina.Brown@nexteraenergy.com

Cc. Luke Toso, US Fish and Wildlife Service

Appendix F

Draft Emergency Response Plan

Business Unit:	Engineering & Construction (E&C)	**Document Owner:**	GM – Safety Services
Document Name:	DRAFT Site Emergency Action / Response Plan	**Document Revision #:**	0
Document #:	ECMS.002.000	**Date of Issuance:**	08/05/2024

Table of Contents

Business Unit:	Engineering & Construction (E&C)	**Document Owner:**	GM – Safety Services
Document Name:	DRAFT Site Emergency Action / Response Plan	**Document Revision #:**	0
Document #:	ECMS.002.000	**Date of Issuance:**	08/05/2024

I. Introduction

1. NextEra Energy (NEE) Engineering & Construction (EC) Business Unit (BU) has established the following procedure so that all Northern Divide Energy Storage (Project) team members understand the practices that are to be followed to be prepared for and to provide immediate and effective response to emergencies that might arise at the facility.

2. Because the safety of team members is the primary concern, the Northern Divide Energy Storage Emergency Response Coordinator and each team member of the Project are committed to providing a safe, healthy work environment and are responsible for ensuring implementation of these procedures.

3. Life safety of team members shall be the highest priority during an event.

II. Scope & Limitations

1. This Procedure applies to all NextEra Energy, Inc., employees, contingent staff, contracted staff, supplier staff supporting NEE EC BU projects & operations.

2. The deviation authority of this procedure is the Document Owner. Deviation request are to be submitted in accordance with the NEE EC BU ECMS.002.000 – Deviation Procedure.

3. Comments and suggested improvements to this procedure are to be forwarded to the Document Owner.

4. This plan does not imply, nor should readers infer, that its implementation will guarantee that a perfect response will be practical or possible. No plan can shield individuals from all events.

5. Responders will attempt to coordinate the plan and response according to all applicable laws and standards.

6. Response to emergencies, events, or disasters shall only be undertaken to the level of the responders' training, Personal Protective Equipment (PPE), and resources available.

7. There may be little to no warning during specific events to implement operational procedures.

8. The success or failure of all emergency plans depends upon effective training, continual (e.g., annual) review of this response plan, and execution of the response.

9. Sites and team members shall comply with applicable codes, standards, and other requirements as apply in their locality, even if those codes, standards, and requirements contradict this plan.

10. Successful implementation of this plan depends on timely identification of capabilities, available resources at the time of the incident and a thorough information exchange between responding organizations and Northern Divide Energy Storage team members.

III. Facility Description

1. Northern Divide Energy Storage is located in Burke County at 9327 ND-40, Columbus, ND, 58727. The Project includes a 100-MW, four-hour duration Battery Energy Storage System (BESS) facility encompassing approximately 20 acres. The primary entrance to the Project will utilize an existing driveway located on North Dakota (ND) Highway 40.

2. Appendix 1 provides a map of the Northern Divide Energy Storage. Notification information for the Project. Notification information for Project team members and external support organizations (police, fire department, medical facilities, etc.) that may be called to respond to emergency situations at Northern Divide Energy Storage is included in Appendix 4. The Site Manager or their delegate substitute is available via cellular phone in case of an emergency.

IV. Plan Review and Revision

1. A review of the Northern Divide Energy Storage emergency response plan shall be conducted and documented at a minimum of an annual basis.

2. The Northern Divide Energy Storage emergency response plan shall also be reviewed and amended whenever there is a change in the facilities design, construction, operation, or maintenance that affects the emergency response planning.

3. The Northern Divide Energy Storage emergency response plan shall be reviewed and updated to reflect the changes that may affect this plan when outside resources are changed or modified.

V. Emergency Response Management

Overall Organization

1. Overall responsibility for the Project emergency response plan lies with the Northern Divide Energy Storage Emergency Response Coordinator. The Emergency Response Coordinator or their designee is responsible for the program implementation, including designating evacuation routes and employee assembly points, coordinating severe weather activities, communication emergency response procedures Project team members, contracting with emergency response organizations, and contractor coordination.

Roles & Responsibilities

2. Specific management personnel will assume leadership roles for emergency responses. The Northern Divide Energy Storage Emergency Response Coordinator, Site Manager, and/or lead team members will assist in the implementation of this plan by knowing and communicating evacuation routes to team

members during emergency evacuation and reporting the status of the evacuation to the Fire Department. The Emergency Response Coordinator is responsible for seeing that this plan is implemented and will appoint an adequate number of personnel to enforce the plan, assure everyone is familiar with this plan and act as a liaison with the local Fire Department(s).

3. All Project team members have a responsibility to immediately report emergency situations to the lead team member on duty or local emergency responder personnel when appropriate. There shall be no delay to report emergency events that require the local emergency responders. The lead team member will then notify the Emergency Response Coordinator and other key personnel of the situation using the Northern Divide Energy Storage Emergency Notification Telephone List (refer to Appendix 3). Where a lead team member is not assigned, facility personnel will refer to the Emergency Notification Telephone list to inform key personnel.

4. The Emergency Response Coordinator (or designee) shall be responsible for initiating a 'phone tree' for informing relevant operations and administrative contacts in [Site Owner / Operator], including the Regional Manager to initiate corporate awareness and public communications activities in accordance with company structure and policies.

5. A subject matter expert (SME) shall be contactable at all times by telephone. This person and a designated secondary SME contact should be readily available to first responders in the case of emergency situations. The SME shall be versed in the battery's failure modes and hazards. A working knowledge of incident command systems will allow the SME to integrate into the emergency response operations when needed. If this is not practical, a toll-free phone number should be available such that first responders may call at any time, and be given operational data on the system, including its current state of health, system alarm notifications, and advice on how to proceed during an emergency event.

Preparation and Planning for Emergencies

6. Pre-planning for emergencies is a crucial element of this plan. The following steps have been taken in planning for emergency situations at Northern Divide Energy Storage:

- Fire department and other first responders have received a copy of this plan and have participated in an on-site familiarization meeting.
- All emergency responder access points to the facility shall be identified.
- An emergency response information notice board shall be maintained at [location readily visible and accessible to all team members, identified in Appendix 1] and contain key contacts for emergencies, a list of personnel certified in First Aid/CPR, and other notices as outlined in this document or as deemed appropriate by the Emergency Response Coordinator. Provision shall be made for non-English speaking workers on site.
- All road exits are established and posted on the emergency information notice board.

- Evacuation route diagrams have been documented and posted on the emergency information notice board.
- Logs of on-site team members for tracking headcounts during emergencies shall be maintained.
- All buildings and property surrounded by fencing will be marked by signage that identifies specific hazards (such as the NFPA diamond, and all applicable Danger, Caution, Warning signal words).
- Project team members receive instruction to keep exits from the site or O&M Building clear and to maintain ready access to fire extinguishers by not blocking them with furniture, or any other means.
- Safe approach distances are established for equipment's different failure modes, team members are trained in these distances, and such information is communicated in writing to first responders during drills and other emergency response informational meetings.
- Safety Data Sheets (SDS) provided by manufacturers shall, where relevant, be provided to first responders. In some cases, manufacturers or suppliers will provide Material Safety Data Sheets (MSDS) instead of SDS where relevant.

Emergency Routes

7. A Northern Divide Energy Storage evacuation sheet shall be posted and orally communicated to site personnel. These procedures shall be discussed at periodic safety meetings in addition to being covered during new team member orientation. Team members are to know at least two exits whenever possible and be familiar with the evacuation routes posted in the location indicated on the site map (Appendix 1).

8. Depending upon the degree of emergency, weather and/or site conditions, roadways as designated on the site map (Appendix 1) will be used for routes of evacuation. In the event of an evacuation, all team members will meet at the designated muster point for further information. If the primary muster point is inaccessible or hazardous, team members shall gather at the secondary muster point and inform the emergency coordinator (if not present) by radio or telephone. The emergency response coordinator shall inform personnel of a diversion to the secondary muster point by such mean as are available, to include radio or loud hailer. If team members are unable to make it to the designated muster points, they should seek shelter wherever possible and contact their supervisor for further instructions.

9. Accountability of team members shall be of the upmost importance and be conducted in a timely manner. Responder access points shall be kept unobstructed at all times so first responders will not be hindered in their operations when responding to emergencies within the site.

Communications

10. Timely and efficient communications are essential to deal with an emergency response situation. The Emergency Response Coordinator is the central point of contact for all involved in an emergency

response, including for first responders and Subject Matter Experts (SMEs). The following processes shall be observed during emergency communications:

- Team members using radios/phones shall yield to individuals who are the most directly involved in an emergency response activity, i.e. emergency response takes priority over all other communication on company network.
- Emergency transmissions should be clearly announced using signal words such as 'urgent' or 'mayday.' These signal words give priority to the radio transmitter to proceed with their message.
- If emergency radio/phone communications are interrupted or unclear, employees shall proceed to the muster point located at [location] and identified in Appendix 1.
- All hand-held radios/phones should be recharged daily with back-up batteries ready for use.
- Radios shall be inspected daily for functionality and a radio check shall be transmitted to confirm that both the transmission and receiving functions work. If a radio is not working properly then the team member shall notify the lead team member and make arrangements for some other form of communication while working. Radios that are not working properly shall be placed out of service and labeled appropriately so they will not be used by another team member.
- Provision shall be made for non-English speaking team members on site.

Personal Protective Equipment (PPE)

11. The operation or maintenance of specific equipment may have different safety requirements. There are different levels of PPE that must be checked and maintained. All team members who wear levels of protection above and beyond their normal everyday attire must be trained in that PPE. All training of PPE shall be conducted by a competent person and documented. Some PPE have a SCAM (selection, care and maintenance) document that will instruct the team member on the limitations of the PPE and the proper maintenance of the PPE. Always be aware of individual equipment operational requirements and hazards as well as out service dates.

12. All PPE is required to be worn at all times for the work being conducted. Any PPE that is compromised or no longer considered viable for protection shall be discarded and replaced. Any PPE that comes in contact with hazardous material shall be properly decontaminated and inspected for functionality before being returned to service.

General Training Requirements

13. Initial training for all site team members with respect to the contents of this EAP/ERP shall be undertaken upon the start of employment of substantial changes in duties.

14. Refresher training of the EAP/ERP for all site team members shall be conducted at least annually.

15. Documentation of the EAP/ERP training is to be maintained.

16. Site Team members acting as Site Managers, Leadmen, or Emergency Coordinators are to be trained in their specific duties upon being assigned those duties.

17. All site team members are to be trained on the actions to be taken in case of an emergency.

18. All site team members are to be trained on the specific characteristics of the equipment and systems being used at the Project.

19. All site team members tasked with responding to hazardous material incidents are to be provided training that meets federal and state standards.

Training

20. Initial training for all site team members with respect to the contents of this ERP shall be undertaken upon the start of employment or substantial changes in duties. Refresher training of the ERP to site personnel shall be conducted at least annually. Documentation of ERP training is to be maintained in site files.

21. A variety of emergency response drills (such as fire, tornado, bomb threat, etc. as relevant to the site) are to be held by [site owner/operator] at minimum on a quarterly basis and shall be documented. At least on an annual basis, the [locality] Fire Department and other emergency response personnel shall be requested to participate and assist with critique of evacuation drills. Table-top exercises are encouraged to familiarize relevant response personnel with procedures for different types of emergencies that could be encountered at the site.

22. The site Emergency Response Coordinator and Lead team members are trained in their specific duties upon being assigned these roles or beginning their employment. All building occupants have been instructed in actions to take in case of an emergency through their copies of procedures and training, as needed.

23. Operator team members should receive supplier / manufacturer approved training on the specific characteristics of the energy storage system. Applicable common standards (*e.g.* on electrical safety) should be taken into account.

24. All team members who wear levels of protection above and beyond their normal everyday attire must be trained in that PPE. All training of PPE shall be conducted by a competent person and documented.

25. All hazardous materials incident emergency responders and team members at hazardous materials facilities, transport companies, waste treatment facilities, storage facilities and disposal facilities will be provided training which meets federal and state standards. Such training will be commensurate with their employer's or organization's plan and policies.

26. Initial and refresher training regarding warning systems and alarms shall be conducted at least annually. Documentation of training is to be maintained in site files.

Warning Systems and Alarms

27. Audible and visual (e.g., flashing lights) alarm systems should be established that reflect specific on-site hazard analyses. Team members should be trained on the significance of different alarms and the corresponding actions as outlined elsewhere in this Plan. Descriptions of each alarm and corresponding actions should be clearly posted on an emergency information notice board (location marked on map in Appendix 1).

28. Warning systems and alarms should be tested at least every six months or more frequently per manufacturer specifications or code requirements. Tests shall be documented. All site team members, as well as those offsite who are likely to hear or see an alarm, should be made aware of tests so as not to cause undue concern.

VI. Emergency Response

1. Only team members who are properly trained in accordance with 29 CFR Part 1910.120(q)(6) may respond to hazardous chemical releases.

2. No team member is required or permitted to place himself or herself in harm's way in order to facilitate extinguishment, evacuation, or rescue. All rescue operations will be performed by trained professionals upon their arrival. Rescue operations will only be conducted after a risk-reward analysis is done and proper PPE is used to protect against any adverse hazards that may be encountered.

3. Incidents where local fire department personnel are involved will be managed under a system established by the fire department, called 'Incident Command System.' This establishes a primary incident commander and a liaison to or for the Emergency Response Coordinator.

Analyze

4. Without entering an immediate hazard area, the team member who first discovers an emergency should identify the following:

- Is there a fire, spill, explosion, or other incident happening?
- Does medical assistance appear to be needed?
- Who/what is at risk: people, the environment, or property?
- What are the weather and terrain conditions and risks?

5. The team member will also isolate the area to keep people away from the scene until trained responders arrive, as long as it is safe to do so. A team member who has not received training in emergency response should take no actions beyond notification, isolation of the area, and personal safety precautions. Any efforts made to rescue persons, protect property, or protect the environment

must be weighed against the possibility of becoming part of the problem. Attempts to rescue others shall only be attempted with proper PPE, proper training, and in a manner that does not create significant risk to rescuer or others. Persons at the scene must not contact spilled material or inhale fumes, smoke, or vapors.

Plan

6. After all life hazards are no longer a threat, a plan of operation shall be devised for remediation of the event. The plan shall be communicated to all responders and safety of all responders shall be paramount. A staging area, if needed, shall be identified for extra personnel and equipment that may be needed to accomplish the plan's objectives. All responders that will enter the hot zone (affected area) must be made aware of any decontaminated area upon their exit of the hot zone. Trained responders will be called to the scene by the O&M Manager and/or Lead team members to begin the process of hazard assessment and to establish objectives and priorities. The hot zone shall be identified, and all non-essential personnel shall not be permitted to enter this area without proper training and permission of the Emergency Response Coordinator.

Implement

7. The initial response phase starts with notification, which activates the emergency response system. Anyone who observes or receives information regarding an emergency at Northern Divide Energy Storage should immediately notify available personnel using the Project radio network or their issued cell phones. The Emergency Response Coordinator and/or Lead team member will then ensure 911 is notified. At the Project, team members are notified of emergencies by cell phone/radio and word of mouth from the Emergency Response Coordinator and/or Lead Team members. Appendix 4 provides a list of emergency notification information for Northern Divide Energy Storage team members.

8. If an event has the potential to impact the local community, Northern Divide Energy Storage will contact local fire/police to make community notifications. The contact list in Appendix 2 also provides notification information for the Company Public Affairs team who will provide guidance for instances involving media. The Emergency Response Coordinator and/or Lead Team members will coordinate any media efforts through the Project Asset Manager and Company Legal Department.

9. The incident command post will be set up in a location free of contaminants and located upwind uphill and upstream. The Emergency Response Coordinator or designee shall remain at the incident command post to serve as a liaison to the Incident Commander designated by emergency responders. Trained responders may enter a 'hot zone' only when wearing appropriate protective equipment. Team members entering the hot zone shall be briefed on the plan before entering. All communication devices shall be tested prior to entry into the hot zone. A decontamination corridor shall be established prior to entry into the hot zone. There shall be accountability taken of all personnel entering and leaving the hot zone. A back up team that has the same PPE shall be at the ready in the event of the entry team needs quick assistance. A decontamination team shall be ready to for after exiting the location (warm zone). There shall be a doffing station that is set up immediately at the end of the decontamination section

that will allow the responders a safe place to remove their PPE. Only trained responders are authorized to risk exposure to chemicals for purposes of containing or stopping the material release.

10. The Emergency Response Coordinator or a designee will be responsible for notifying the appropriate regulatory agencies and, if necessary, the Emergency Response Contractor or mutual aid groups.

Evaluate

11. During the implementation phase of the emergency, response, action, and progress shall be analyzed by the Emergency Response Coordinator constantly. If the plan seems to be ineffective or unsafe the responders shall be removed from the hot zone and the plan shall be revised. The new plan shall be implemented, and that revised plan shall be analyzed for safety effectiveness again.

VII. Evacuation Procedures

1. When notified to evacuate, site team members shall do so in a calm and orderly fashion, keeping the following instructions in mind:

- Walk, don't run. Help others who need assistance as long as doing so does not put you at greater risk.
- Stay upwind, upstream, and uphill whenever possible.
- Watch for other traffic and equipment on access roads and roadways.
- Be aware of ice/snow and loose gravel conditions.
- Drive safely.

2. Site team members shall go to the primary designated muster area as identified in Appendix 1. If employees are unable to make it to the muster area, they should divert to the secondary muster area and immediately contact their supervisor for further instructions.

3. During evacuation, the Emergency Response Coordinator and/or Lead team members should ensure that every person on his/her crew has been notified and that evacuation routes are clear. Any person with a disability (mobility, hearing, sight, etc.) who requires assistance to evacuate is responsible for pre-arranging with someone in their immediate work area to assist them in the event of an emergency. Anyone knowing of a person with a disability or injury who was not able to evacuate will report this fact immediately to their supervisor. This information shall be communicated to emergency responders immediately upon their arrival if the disabled person has not been evacuated.

4. Once an evacuation is complete, the Emergency Response Coordinator or Lead team ember should account for all personnel. This accountability information shall be communicated to the emergency responders immediately upon their arrival. When a person is unaccounted for, the following information shall be communicated to the emergency responders:

- Name of the individual
- Disabled or not disabled
- Work location
- Last known location

VIII. Post Emergency Reporting Procedures

1. Following any emergency described in this plan, and in compliance with facility permits and other County and/or State requirements, an incident report will be prepared by the Emergency Response Coordinator and transmitted to the appropriate individuals and agencies after review by the Company Regional Manager.

2. The Emergency Response Coordinator shall compile all documentation and perform a post-emergency investigation. Immediate performance of this activity will aid in determining the exact circumstances and cause of the incident. Issues to be determined include:

- Causes of the incident.
- Effectiveness of the emergency response plan.
- Need for amendments to the response plan.
- Need for additional training programs.

3. The fire department will make the final determination regarding when the scene is safe to release the site to team members. In some circumstances the scene may need to be safeguarded for investigators to examine the event failures. If the event was caused by a criminal act, the Project manager shall be guided by law enforcement for direction.

4. If the facility is not able to reopen due to the event, the Project Manager will make a determination regarding continuity of operations for the facility in consultation with the Company Leadership.

IX. Fire Incidents

1. All team members working at Northern Divide Energy Storage are to be trained and should know how to prevent and respond to a fire emergency. All site team members shall:

- Complete a site training program identifying the fire risk at the Project.
- Understand the protocol and follow emergency procedures should an event occur.
- Review and report potential fire hazards to the Site Manager.

2. No team member is required or permitted to place themselves in harm's way in order to facilitate extinguishment, evacuation, or rescue. All rescue operation will be performed by trained emergency responders upon their arrival.

X. Conditions Associated with Energy Storage Systems

1. Energy storage systems present a unique challenge for emergency responders. Unlike a typical electrical or gas utility, an energy storage system does not have a single point of disconnect. Whereas there are disconnects that will de-energize select parts of the system, batteries will remain energized.

2. The following hazards may be encountered when fighting fires in energy storage systems:

- Shock or arcing hazards due to the presence of water during suppression activities.
- Related electrical enclosures may not resist water intrusion from the high-pressure stream of a fire hose.
- Batteries damaged in the fire may not resist water intrusion.
- Damaged conductors may not resist water intrusion.
- Shock hazards due to direct contact with energized components.
- No means of complete electrical disconnect.
- Chemical spills.
- Toxic gases.
- Thermal runaways and explosions.

XI. Fire and Water

1. Due to the hazards described above, care and consideration should be applied when considering fire suppression by means of water inundation within energy storage systems. But because water as an extinguishing agent is commonplace, the appropriate use of water should be assessed, *i.e.* whether water reacts with the chemistries present or whether it is not an appropriate extinguisher class. The local fire department should be informed of appropriate fire suppression methods for the energy storage system type as identified by the equipment manufacturer.

2. If unconventional fire extinguishers are required, local first responders should be alerted and trained on their use, including a familiarization drill. The appropriate and most suitable extinguisher should be recommended based on the specific needs of the site in accordance with guidance from the manufacture. This may include water in some cases, and in all scenarios its use should not be discouraged.

3. All fire extinguishing equipment, whether automatic or manual, shall be regularly inspected for functionality as per manufacturers' guidance.

XII. Response to a Fire Incident

1. In the event of an incipient stage (beginning, small) fire, employees should notify adjacent individuals of this situation and exit the area. Only team members trained in the use of fire extinguishers or other

manual fire suppression systems should attempt to use an extinguisher or system. Team members are not expected or authorized to respond to fires beyond the incipient stage (*i.e.*, fires that are beyond the beginning stage and which cannot be extinguished using a hand-held, portable fire extinguisher). The fire department should be immediately notified by dialing 911 when any type of unintended fire has taken place. Site management shall also be immediately notified of any emergency.

Fire External to Battery Container or Enclosure

2. The following actions are to be taken for a fire external to a battery container or enclosure:

- Call 911 and report the following:
  - Site name: Northern Divide Energy Storage
  - The address of the main entrance: 9327 ND-40, Columbus, ND, 58727 or nearest site access point
  - Injuries, if any, and need for ambulance
- Make sure the immediate area of the fire is clear of personnel.
- Account for all team members and visitors who were working in the immediate area of the fire. If any team members are unaccounted for from the immediate fire area, a communication shall be made through out the facility in attempt to locate the person(s) missing. If the person(s) is equipped with a facility radio, then an emergency transmission shall be communicated in attempt to locate the team member(s).
- Contact the Site Manager (if present) and Emergency Response Coordinator (if not the Site Manger Manager) immediately.
- Remove any obstructions (vehicles, material, etc.) that might impede response to the scene.
- Station available team members at road intersections to stop traffic flow into the fire scene.
- Evacuate the energy storage system area immediately if the fire warning alarm sounds or fire warning lights illuminate.
- Proceed to the designated muster point for head count.
  - If onsite, the designated Emergency Response Coordinator will do a head count and relay any information/instructions.
- If you encounter heavy smoke, stay low and breathe through a handkerchief or other fabric; move away from the area.
- Assist anyone having trouble leaving the area so long as doing so does not put the assistor at additional risk.
- Attempt to extinguish the fire ONLY if you have had the appropriate training and proper firefighting agent for the type of fire. Refer to the specific safety data sheet.
- Do not leave the designated muster point until advised to do so. If risk (e.g. smoke) requires evacuation of the muster point, the secondary muster point (designated on the map in Appendix 1) will be used and that fact announced via radio and alarms as available.

- The Emergency Response Coordinator will issue an 'all clear' only when the fire department informs them that it is safe to do so.
- The energy storage system is not to be accessed until the Site Manager or designated Emergency Response Coordinator gives authorization

Fire Internal to Battery Container

3. The following actions are to be taken for a fire internal to Battery Container:

- Call 911 and report the following:
  - Site name: Northern Divide Energy Storage
  - The address of the main entrance: 9327 ND-40, Columbus, ND, 58727 or nearest site access point
  - Injuries, if any, and need for ambulance
- Make sure the immediate area of the fire is clear of personnel.
- Account for all team members, and visitors who were working in the area of the fire. If any personnel are unaccounted for from the immediate fire area, a communication shall be made through out the facility in attempt to locate the person(s) missing. If the person(s) is equipped with a facility radio then an emergency transmission shall be communicated in attempt to locate the team member(s).
- Contact the Site Manager (if present) and Emergency Response Coordinator (if not the Site Manager) immediately.
- Contact the Operations Center and Manager (if present).
- Evacuate the area immediately if the fire warning alarm sounds or fire warning lights illuminate.
- Remove any obstructions (vehicles, material, etc.) that might impede response to the scene.
- Proceed to the designated muster point for head count.
  - If onsite, the designated Emergency Response Coordinator will do a head count and relay any information/instructions.
- If you encounter heavy smoke, stay low and breathe through a handkerchief or other fabric.
- If there is a second means of egress that is clear of smoke, that egress path will be used, and a radio transmission or other type of communication shall be made stating that the clear egress point for other personnel to use for escape is the second means of egress.
- Assist anyone having trouble leaving the area so long as doing so does not put the assistor at additional risk.
- The fire suppression system is designed to work in a contained environment. **DO NOT** open the doors until it has been determined that the agent has been fully released and a pre-determined amount of time has passed to ensure no hazards are present, and with approval of emergency personnel and Subject Matter Expert.
- **DO NOT** put anyone in harm's way to save the battery equipment in the container.
- Once the Fire Department arrives, provide them with the following
  - All applicable SDS documents
  - Assistance isolating equipment electrically

  - This emergency response plan
  - A liaison to remain with the fire department Incident Commander as needed
- Do not leave the designated muster point until advised to do so. If risk (*e.g.* smoke) requires evacuation of the muster point, the secondary muster point (designated on the map in Appendix 1) will be used and that fact announced via radio and alarms as available.
- The Site manager and/or Emergency Response Coordinator (if not the site manager) will issue an 'all clear' only when the fire department informs them that it is safe to do so and the site (or portions of it) can be reoccupied or normal working conditions can be resumed again.
- The energy storage system is not to be accessed until the Site Manager or designated Emergency Response Coordinator and the emergency responders give authorization.

4. In the event of a fire incident, the designated team members responsible for the safe shutdown of the plant will open switchgear to ensure the grid side of the plant is de-energized and isolate the batteries as best able to (i.e. verify the AC and DC breakers are open in the inverter). The Fire Department needs to understand that some of the equipment (batteries) will remain energized no matter what actions are taken, and the recommended option is containment. Batteries remain energized even if all the contactors, breakers, and switches have been opened.

After a Fire

5. Hazards after a fire should be identified at the time of installation such that recommendations for personal protective equipment (PPE) are available for clean-up crews and hazardous materials (HAZMAT) teams. This may include respirators to protect personnel from toxic gas that continues to be generated from hot cells. Firewater retention and cleanup measures may be required by local regulations. Once first responders have turned the site back to Northern Divide Energy Storage, LLC the Subject Matter Expert, in coordination with the Emergency Response Coordinator, shall direct on-site team members on procedures for securing the site for safety and pending any investigation.

6. In addition to the gas generation risk, cells that remain hot also pose a delayed ignition risk, whereby heat in the cell may transfer to undamaged adjacent cells or remaining active material and reignite the fire. As such, fire-damaged equipment must remain monitored for [a period identified in consultation with equipment manufacturer and SME].

7. Care should be taken to ensure that damaged batteries containing energy have been safety de-energized in accordance with disposal procedures, if possible, before handling and disposal. If unable to completely de-energize batteries involved in a fire, care should be taken with handling or dismantling battery systems involved in fires as they may still contain hazardous energy levels.

XIII. Chemical Release

Hazardous Materials

1. An inventory of hazardous materials shall be maintained for the Northern Divide Energy Storage and provided in advance to first responders, including fire and ambulance services. Materials typically found at Northern Divide Energy Storage include:

- (Note: *A detailed list of hazardous materials will be finalized and added to the ERP as the Project progresses.*)

2. In the event of a breach of an energy storage containment, hazardous materials that may be released at Northern Divide Energy Storage may include:

- (Note: *A detailed list of hazardous materials will be finalized and added to the ERP as the Project progresses.*)

3. Only team members who are properly trained in accordance with 29 CFR Part 1910.120(q)(6) may respond to hazardous chemical releases.

Spill Response

4. Emergency spill kits are maintained at Northern Divide Energy Storage, identified on the map in Appendix 1. These kits include, at a minimum:

- Absorbent socks, pads, or pillows
- Disposal bags and ties
- Safety glasses
- Rubber gloves
- Appropriate neutralization medium for liquid present
- Hazardous labels
- Bag of Life-Dri absorbent or equivalent
- Shovel
- Broom

5. A formal notification process shall be initiated when a hazardous material spill or potential spill is first observed. Immediate actions are necessary. The team member who discovers a spill (spill observer) will be responsible for initiating notification and response procedures. Only team members that are properly trained in accordance with 29 CFR Part 1910.120(q)(6) may respond to hazardous chemical releases. Northern Divide Energy Storage is responsible for providing spill recognition and response training for team members. At least one trained team members shall be on duty at all times.

6. The first team member to witness the spill shall follow these procedures:

- Make an assessment of the incident as observed.
- If the incident can be safely controlled, take steps to do so (e.g., turn off source of spill).
- Notify the Emergency Response Coordinator and provide as much information as possible.

7. The Site Manager or Emergency Response Coordinator shall follow these procedures in the event of a spill:

- Notify Supervisors.
- Make sure all team members are removed from the spill area.
- Take immediate actions to minimize any threat to public safety (verify the spill area has been cordoned off).
- Secure the source of the spill, if safely possible to do so.
- Maintain close observation of the spill.

8. Cleanup may range from very simple removal of minor spills, to installation of skimmers around large spills or between sensitive areas and spills for longer, prolonged cleanups. Cleanups shall be conducted as per OSHA regulations (part 1910). Cleanups can be on pavement or on soil surfaces. On-site personnel shall be trained in the proper use of the cleanup materials. The Emergency Response Contractor or other contracted – and appropriately certified – waste management company may provide cleanup and remediation services. It is strongly recommended that all contractors determine a disposal site in advance of a spill incident.

Reporting Major Spills

9. After initial spill response has begun, notification and reporting to agency personnel shall occur.

In accordance with North Dakota and federal law, the intentional or unintentional release of hazardous materials must be reported to the state within 24 hours of the incident. This can be accomplished by using the Unified Spill/Tier II Reporting System to meet the requirement of notifying all state agencies, both online and by calling 1-833-99SPILL (1-833-997-7455). This number provides a one-call routing menu with options for reporting based on the nature of the spill.

Immediate Spill/Release Reporting Criteria:

- Any spill/release that has an impact, or potential impact, to public health
- Waterways impacted/threatened
- Injuries or Deaths
- Evacuations, or potential need for
- Any spill/release that has immediate impact to wildlife

The following procedures should be followed when reporting major spills:

- Never include information that has not been verified.
- Never speculate as to the cause of the incident or make any acknowledgment of liability.
- Do not delay reporting because of incomplete information.
- Notify the Environmental Services Team Member supporting Northern Divide Energy Storage.
    - The Environmental Services Team Member is responsible for making notification to agencies in conformance with 40 CFR parts 110, 119, and 302 when determined to be appropriate.

- The Environmental Services Team Member is responsible for consulting other agencies including, but not limited to the Bowbells Fire Department or Powers Lake Fire Department, North Dakota Highway Patrol, North Dakota Department of Emergency Services, State Radio 24-Hour Hotline, OSHA, North Dakota Department of Environmental Quality, and if relevant North Dakota Department of Water Resources.

XIV. Medical Emergency

Medical Emergency Response Procedures

1. If a team member is injured, or an accident has occurred on site that results in an injury requiring emergency care, 911 must be called. The call to 911 can be made by phone by any available site team member. The caller must state to the dispatch that they are at the Northern Divide Energy Storage. A second notification will be made to the Northern Divide Energy Storage Office Building, to inform others of the situation.

2. Northern Divide Energy Storage team members certified in first aid/cardiopulmonary resuscitation (CPR) may administer aid if they have completed training. Regularly present team members with first aid/CPR training are identified on the emergency information notice board and team members shall be aware of who on staff is so certified. At all times when the site is staffed, at least one first aid certified member of staff shall be present. The location of first aid kits and automated external defibrillators (AEDs), if present, shall be identified by appropriate signage and indicated on the map in Appendix 1.

3. All team members shall designate a personal emergency contact, which shall be kept on file.

Serious Injury

4. The following procedures apply for serious medical injuries such as loss of consciousness, heart attack, bone fractures, neck trauma, or severe burns.

- If life threatening, call 911.
- Notify the Site Manager and/or Safety Managers.
- Provide name, exact location, number of injured persons, and brief description of incident.
- On-site personnel shall meet EMS responders at site entrance and direct them to location of incident.
- Do not leave or move the injured unless directed to by Safety Managers or EMS responders.
- Administer first aid if necessary.
- The Site Manager shall inform the employee's personal emergency contact.
- Document incident as part of the investigation.

Attending to an Incident

5. When attending an incident, the following procedures apply:

- Clear a path to the injured person for Site Managers and/or Safety Managers and assign team members to assist with signaling EMS responders to the location of the incident.

- Identify location of Project Site entrance nearest to the incident and notify EMS responders.
- Site Managers and/or Safety Managers shall meet EMS responders at site entrance.
- Direct and accompany EMS responders to location of incident.
- Follow all directions of EMS responders.
- Contact management personnel and/or subcontractors.
- Document incident and keep on file.

Emergency Medical Facilities

6. The nearest emergency medical facility to the Project is:
Nearest emergency medical facility: Tioga Medical Center
Distance: 33.1 miles
Address: 810 Welo Street N, Tioga, North Dakota 58852

7. Directions for the Project Entrance are:
From Northern Divide Energy Storage to Tioga Medical Center

1. Head south on ND-40 S toward 93rd St NW — 13.7 miles
2. Turn right onto ND-50 W — 7.0 miles
3. Turn left onto State Hwy 40 — 12.0 miles
4. Turn right onto 68th St NW/Signal Rd — 0.2 miles
5. Turn right — 351 feet

Destination: Tioga Medical Center

XV. Non-Emergency Safety Incident

Notification of Minor Incidents

1. In the event a safety incident occurs where emergency response is not required (near miss, first aid, etc.) work is to be stopped immediately and reported to the Site Manager and/or Safety Manager.

2. If warranted first aid care is to be provided to the team member.

3. If warranted arrangements for offsite medical evaluation and care is to be made with the Site Manager and/or Safety Manager.

Non-Emergency (Occupational) Medical Facilities

4. The nearest non-emergency medical facility to the Project is:
Non-emergency medical facility: St. Luke's Hospital
Distance: 32.9 miles
Address: 702 1st Street SW, Crosby, North Dakota 58730

5. Directions for the Project Entrance are:

From Northern Divide Energy Storage to St Luke's Hospital

1. Head north on ND-40 N — 9.1 miles
2. Turn left onto ND-40 N/ND-5 W — 23.6 miles
3. Turn right onto 8th Ave SE — 161 feet
4. Turn left — 253 feet
5. Turn right — 220 feet
6. Turn left — 66 feet

Destination: St Luke's Hospital

XVI. Security Incident

Bomb Threat

1. The purpose of this plan is to give direction to all site personnel in the event Northern Divide Energy Storage is a target of an actual or threatened bomb assault/attack. Anyone receiving a bomb threat shall:

- Treat the caller with courtesy and respect. Complete the Bomb Threat Report (Appendix 5). Use this sheet as a reference while talking with the caller making the threat.
- Attempt to obtain as much information as possible. See the "Bomb Threat Checklist" (Appendix 6).
- Immediately notify the Northern Divide Energy Storage Site Manager or Emergency Coordinator by phone. Stop all radio transmissions from this point on until cleared by the Emergency Coordinator or other competent authority. Radio transmissions can activate electronic detonating or timing devices.

2. The Site Manager or Emergency Response Coordinator will immediately notify 911. The Emergency Response Coordinator shall:

- Evaluate the threat and determine the appropriate course of action to take.
- Notify law enforcement and/or ambulance.
- Notify Corporate Security.
- Evacuate the facility as necessary.
- Coordinate evacuation of any part of the surrounding community with local authorities as needed.
- Coordinate search of the site with proper authorities.

3. If any suspicious item(s) are found, they are not to be touched. Barrier tape will be used to mark the area where the suspicious item(s) are by extending a continuous line of tape beginning immediately in front of the suspicious item(s) and extending to just outside the room exit. This will help guide local authorities to the suspicious item.

4. The Site Manager or Emergency Response Coordinator will ensure that the "All Clear" message is communicated once the threat has passed or is no longer present.

Chemical/Biological Agent Threat

5. The procedures described previously for a bomb threat should be used for a chemical or biological agent threat. Refer to Appendix 7 for a copy of the phone report when receiving such a threat and Appendix 8 for a checklist.

6. Any team member that is exhibiting signs and symptoms from a chemical or biological agent should be isolated from other workers and be prepared for transport by EMS.

Sabotage or Vandalism

7. Anyone detecting any act or threat of any act of sabotage or vandalism will immediately notify the Site Manager or Emergency Response Coordinator. The Site Manager or Emergency Response Coordinator will evaluate the situation and decide what actions to take. The following options should be considered and/or implemented:

- Notification of 911.
- Corrective action as required, providing that no person will risk injury.
- Evacuation of the facility.

Active Shooter

8. In an active shooter situation, team members should:

- Quickly determine what actions to take to protect life: options include run, hide, and fight (described in the DHS' Ready.gov site).
- Use best judgment based on the specific circumstances of the incident. Getting away from the shooter(s) is the top priority.
- Call 911 when in a safe location and warn/prevent individuals from entering an area where an active shooter may be if possible.
- When encountering responding police, remain calm and follow any and all instructions from the officers. Officers may shout commands and push individuals to the ground for his/her safety as well as their own. When law enforcement personnel arrive at the scene, personnel should be aware of the following:
    - Follow all official instructions from police;
    - Remain calm, think, and resist the urge to panic;
    - Immediately raise hands and spread fingers;
    - Keep hands visible at all times;
    - Put down any items;
    - Avoid making sudden or quick movements toward officers;
    - Do not point, scream, or yell;
    - Do not ask for help from the officers when evacuating.
    - Proceed in the direction as advised by the officers; and
    - Provide all relevant information to police.

Act or Threat of Violence to a Team Member

9. All Northern Divide Energy Storage personnel have an obligation to report an act or threat of violence to a team member. The Northern Divide Energy Storage Site Manager and/or Emergency Response Coordinator is to be immediately notified of a threat or act of violence.

10. Upon notification the Northern Divide Energy Storage Site Manager and/or Emergency Response Coordinator is to:

- Contact Local Law Enforcement to respond to the threat.
- Attempt to deescalate the situation without physically engaging to do so.
- Direct other team members to seek safe refuge.
- Notify Corporate Security Support Services.
- Notify the Business Unit Executive.

XVII. Natural Disaster / Severe Weather Event

1. Natural emergencies considered in this procedure are associated with weather disturbances such as tornadoes, flooding, hurricanes, blizzards, high wind conditions, earthquakes, wildfires and severe thunderstorms. Warnings about developing weather emergencies are issued by local radio stations or tracked by onsite weather systems. These warnings should provide adequate information of the approach of weather-related emergency conditions. The Northern Divide Energy Storage Site Manager and/or Emergency Response Coordinator has several means to monitor these weather-related emergencies. These include:
    - Internet access to weather-related websites
    - AM/FM radio to monitor local news stations
    - TV stations and local news

Flooding and Flash Flood

2. Flash flooding is a result of heavy localized rainfall such as that from slow moving, intense thunderstorms. Flash floods often result from small creeks and streams overflowing during heavy rainfall. These floods often become raging torrents of water which rip through riverbeds or canyons, sweeping everything with them. Flash flooding can occur within 30-minutes to six hours of a heavy rain event. In hilly terrain, flash floods can strike with little or no advance warning. Distant rain may be channeled into gullies and ravines causing flash flooding in minutes. In the event of a flash flood, the following procedures shall apply:

- During periods of thunderstorms, always remain alert to heavy rains in your immediate area or upstream from your location. It does not have to be raining at your location for flash flooding to occur.
- Do not drive through flooded areas. Even if it looks shallow enough to cross.
- Do not cross flowing streams on foot where water is above your ankles.
- Be especially cautious at night. It is harder to recognize water danger then.

- Do not attempt to outrace a flood on foot. If you see or hear it coming, move to higher ground immediately.
- Be familiar with the land features where you work. It may be in a low area, near a drainage ditch, or small stream.
- Stay tuned to weather forecasts and updates for the latest statements, watches, and warnings concerning heavy rain and flash flooding in the Area.
- Waiting 15 to 30 minutes, or until high water recedes, is a simple safety measure.

Tornado

3. Upon the issuance of a tornado warning, Northern Divide Energy Storage team members will evacuate the site and report to the pre-designated shelter area. In the event team members are outside and unable to evacuate to the shelter, the following procedures will be followed:

- Lie flat in a nearby ditch or depression, covering the head with the hands. Be aware of the potential for flooding.
- Team members are safest in a low, flat location and will be instructed to not get under an overpass or bridge.
- Team members will be instructed to never try to outrun a tornado in congested areas in a vehicle. It is safest to leave the vehicle for safe shelter.
- Team members are instructed to beware of flying debris.

4. Following tornado or high wind events, the site facility will be evaluated by Northern Divide Energy Storage team members for damage. All repairs will be performed under standard operational procedures.

Lightning Storm

5. In the event a lightning storm is within 10 – 30 miles and approaching Northern Divide Energy Storage, the following procedures shall apply.
Notify Site Manager and/or Safety Manager, and all on-site team members.

- Stop work safely and head to staging and laydown yards in vehicles.
- Remain at staging and laydown yards, get update on weather conditions.
- If storm/lighting is still approaching Northern Divide Energy Storage, get in and stay in company or personal vehicles that have rubber tires only.
- If safe enough to do so, take cover in on-site designated shelters.
- Once storm passes, remain in cars/trucks for at least 30 minutes depending on passing storm severity, and wait for an "OK" from the Site Manager or Emergency Response Coordinator in charge of monitoring the storm.

Winter Storm

6. Before winter approaches, the facility will ensure adequate supplies, including:

- Rock salt or similar products to melt ice on walkways.
- Sand to improve traction.

- Snow shovels and other snow removal equipment.
- As needed, service agreement(s) with snow removal vendors.

7. When winter weather threats exist, Northern Divide Energy Storage team members will monitor local news channels for critical information from the National Weather Service (NWS). Be alert to changing weather conditions. Winter storm watches, warnings, and advisories are issued by local National Weather Service Forecast offices.
Depending on the severity of the winter storm, the Site Manager or Emergency Response Coordinator will give direction to personnel regarding site staffing/closure.

Seismic Event

8. Earthquakes may strike with little to no advance warning. As such, when an earthquake does occur, it is important to stay as safe as possible. Be aware that some earthquakes are actually fore-shocks and a larger earthquake may subsequently occur. Also, be aware that many earthquakes are accompanied by aftershocks after the main event has occurred. If an earthquake occurs minimize your movements to a few steps to a nearby safe place and if you are indoors stay there until the shaking has stopped and you are sure exiting is safe. The following actions should be followed for team members indoors:

- Drop to the ground and take cover by getting under a sturdy piece of furniture and hold on until the shaking stops. If there isn't a desk or sturdy piece of furniture near you, cover your face and head with your arms and crouch in an inside corner of the building.
- Stay away from glass, windows, outside doors and walls, and anything that could fall such as lighting fixtures or furniture.
- Use a doorway for shelter only if it is in close proximity to you and if you know it is a strongly supported load-bearing doorway.
- Stay inside until the shaking stops and it is safe to go outside.

9. The following actions should be followed for team members outdoors:

- If you are already outdoors stay there.
- Move away from buildings, structures, light poles, and utility wires.

10. Once in the open stay there until the shaking stops to prevent being hit by falling debris.

11. Following seismic events, the site facility will be evaluated by Northern Divide Energy Storage team members for damage. All repairs will be performed under standard operational procedures.

XVIII. Cybersecurity

1. Cyber security testing should be an integral part of the Northern Divide Energy Storage operation; systems should be secure by design. Once in operation, ensure continuous secure operation by monitoring, risk assessment and patching.

2. A process should be created and put in place to ensure continuous hardening of the Northern Divide Energy Storage and its systems. The principle of hardening is making sure that the attack surface to site and equipment is limited by:

- Only necessary network service ports should be open, others should be closed.
- Only necessary software should be installed on the device, other software should be removed.
- Development environments and source code should not be installed on production devices.
- Remote access protocols that use plain text communication should not be used.
- Software that stores passwords unencrypted should not be used.

3. Northern Divide Energy Storage team members are to immediately notify the Site Manager of Cyber Security concern and/or incident. The team member is to provide detailed information pertaining the concern or incident.

4. The Northern Divide Energy Storage Site Manager is to:

- Notify Corporate Security Support Services
- Notify ROCC (if an active plant/facility)
- Notify the Business Unit Executive
- Follow direction given by the Corporate CSIRSP Team.

XIX. Appendices

- **Appendix 1: Map of Site**
- **Appendix 2: Evacuation Map**
- **Appendix 3: Emergency Contacts**
- **Appendix 4: Hazardous Materials Incident Form**
- **Appendix 5: Bomb Threat Report**
- **Appendix 6: Bomb Threat Checklist**
- **Appendix 7: Chemical/Biological Agent Threat Report**
- **Appendix 7: Chemical/Biological Agent Threat Report**

XX. Revision History

Rev #:	Date:	Revised By:	Revision Detail

Appendix 1: Map of Site

(Note: *A detailed map of the site, including site boundaries, primary and secondary entrances, emergency information notice boards, emergency stop switches, first aid kit locations, AED locations, fire department connections, emergency spill kit locations, and other key emergency resources, will be prepared and included in the ERP as the Project design is finalized.*)

Appendix 2: Evacuation Map

(Note: *A detailed map of the site, including primary and alternate evacuation routes, exits, the primary muster point, and a secondary muster point, will be prepared and included in the ERP as the Project design is finalized.*)

Appendix 3: Emergency Contacts

Onsite Contacts

1. **Site Manager:**
2. **Emergency Response Coordinator:**

Offsite Emergency Response Contacts

1. **Fire:** Bowbells Fire Department: (701) 377-2307 or Powers Lake Fire Department (701) 641-3641
2. **Police:** Burke County Sheriff: (701) 377-2311
3. **Ambulance:** 911 or Bowbells Ambulance Service: (701) 377-2927
4. **State Police:** North Dakota Highway Patrol: (701) 328-2447
5. **Sheriff:** Burke County Sheriff: (701) 377-2311
6. **FBI:** FBI office in Minot, North Dakota: (701) 852-5071

Medical Service Providers

1. **Telephonic Medicine:**
2. **Occupational Clinic:** Sanford Health Occupational Medicine Clinic in Minot: (701) 839-5902
3. **Hospital:** Tioga Medical Center: (701) 664-3305

Offsite Corporate Support Contacts:

1. **Environmental Services:**
2. **Safety Support Services:**
3. **Security Support Services:** 561-694-5000
4. **ROCC:** 561-694-3636
5. **Media Relations:**

Appendix 4: Hazardous Materials Incident Report Form

Date & Time of Notification:

Received By:

Reported By:

Location:

Chemical Information

1. **Nature of Emergency (leak, explosion, spill, fire, derailment, other)**
2. **Description:**
3. **Name of material(s) released/placard number(s):**
4. **Release of materials (has ended, is continuing)**
5. **Estimated amount of material which <u>has been</u> released:**
6. **Estimated amount of material which <u>may be</u> released:**
7. **Media into which release occurred (air, ground, water)**
8. **Plume characteristics – direction - color - height - odor**
9. **Characteristics of material – color -smell -liquid -gaseous - solid**
10. **Present status of material (solid, liquid, gas)**

Apparent Responsible Party(s)

Environmental Conditions

1. **Current Weather – Wind Direction - Wind Speed - Temp**
   - Humidity - Precipitation - Visibility
2. **Forecast:**
3. **Terrain Conditions:**

Hazard Information (From SDS) ***Attach SDS***

1. **Potential hazards:**
2. **Potential health effects:**
3. **Safety recommendations:**
4. **Recommended evacuation distance:**

Impact Data

1. **Estimated areas / populations at risk:**
2. **Special facilities at risk:**
3. **Other facilities with HAZMAT in area of incident:**

Protective Action Decisions

1. **Tools used for formulating protective actions (SDS, ERP, Modeling, CHEMTREC)**
2. **Protective action recommendations (evacuation, shelter in place, combination, non)**
3. **Time actions implemented:**
4. **Recommended Evacuation Routes:**

Notifications – ***Corporate Environmental Services to make notification to external parties. ***

1. **Corporate Environmental Services**
   - National Response Center
   - CHEMTREC
   - State Emergency Response Commission

Appendix 5: Bomb Threat Report

***** KEEP CALLER ON THE LINE AS LONG AS POSSIBLE*****

Exact Words of Caller:
Questions to ask the Caller:
7. When is it going to explode? 8. When is the agent going to be released? 9. Where is it right now? 10. Who put it there? 11. What does it look like? 12. What will trigger it? 13. Where did you get the agent? 14. Why are you doing this? 15. What is your name? 16. What is your telephone number and address?
Try to determine the following
4. Identity (male, female, adult juvenile) 5. Voice (loud, high pitched, deep, raspy, pleasant, disguised, broken, other) 6. Accent (local, not local, foreign, regional) 7. Race (caucasian, african american, hispanic, asian, other) 8. Speech (educated, average, illiterate, obscene, other) 9. Manner (calm, angry, rational, irrational, coherent, incoherent, deliberate, self-righteous) 10. Background (office, factory, bedlam, trains, quiet, voices, airplanes, traffic, other)
Is the Voice Familiar to you, who did it sound like?
Additional Information:
Date & Time:
Received By:

Appendix 6: Bomb Threat Checklist

Mail Threat:
1. Handle documents as little as possible to preserve fingerprints. **2. Notify Site Manager immediately.**
Telephone Threat:
17. Complete the Bomb Threat Report Form **18. Deliver completed form to the Site manager immediately.**
Site Manager:
11. Gather all information regarding threat. **12. Contact Corporate Security.** **13. Notify Local Law Enforcement.**
Searches:
1. To be conducted by trained local law enforcement only.
Suspicious Objects:
1. Do not touch or attempt to move. **2. Notify Corporate Security.** **3. Notify Local Law Enforcement.**
Evacuation:
1. Make site-wide announcement and give location where to assemble.
Re-entry:
1. Determined based on an all-clear being given by Local Law Enforcement & Corporate Security.

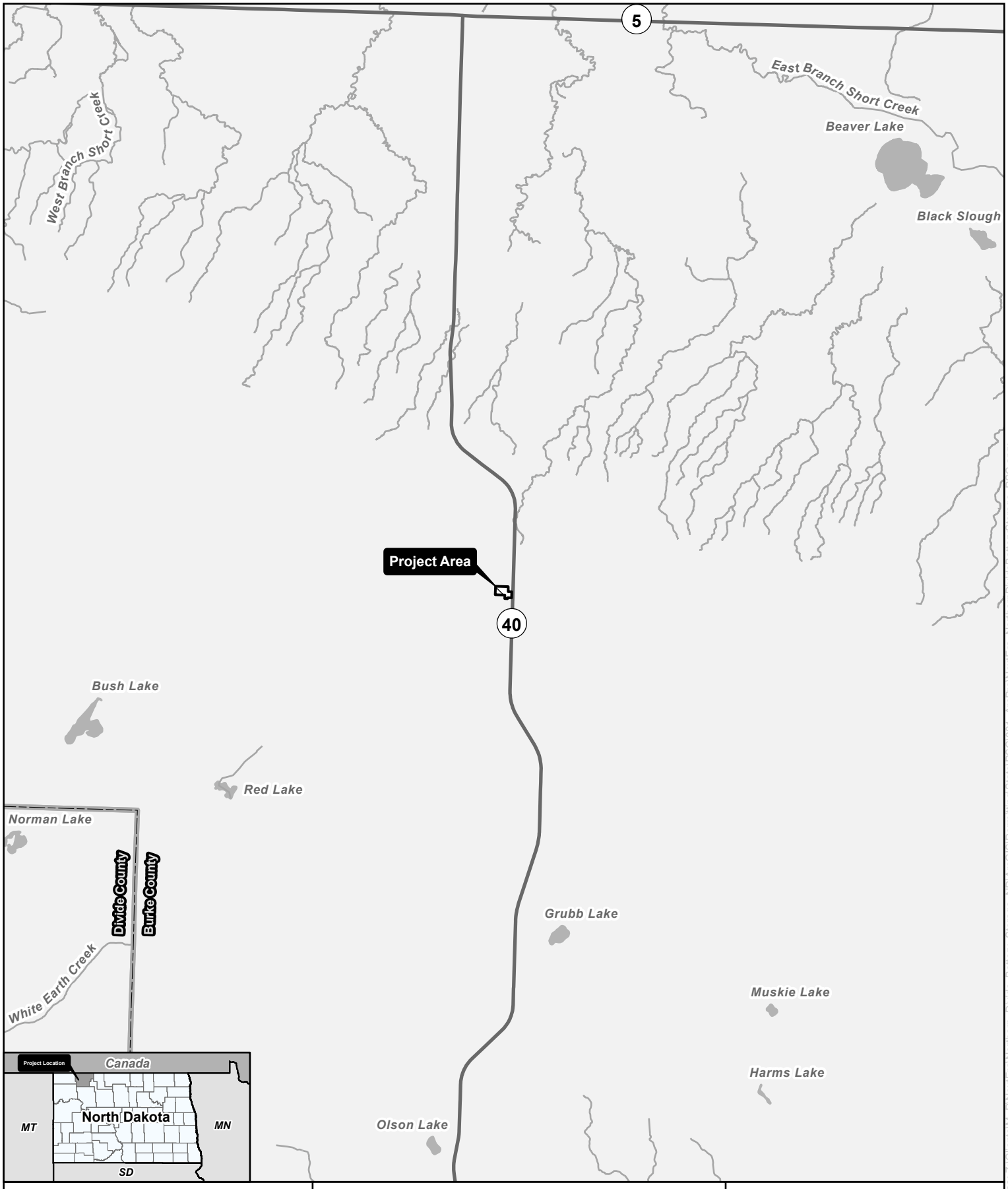
Appendix 7: Chemical/Biological Agent Threat Report

***** KEEP CALLER ON THE LINE AS LONG AS POSSIBLE*****

Exact Words of Caller:
Questions to ask the Caller:
19. What chemical or biological agent is it? 20. When is the agent going to be released? 21. Where is it right now? 22. Who put it there? 23. What does it look like? 24. What will cause it to spread? 25. What will trigger it? 26. Where did you get the agent? 27. Why are you doing this? 28. What is your name? 29. What is your telephone number and address?
Try to determine the following
14. Identity (male, female, adult juvenile) 15. Voice (loud, high pitched, deep, raspy, pleasant, disguised, broken, other) 16. Accent (local, not local, foreign, regional) 17. Race (caucasian, african american, hispanic, asian, other) 18. Speech (educated, average, illiterate, obscene, other) 19. Manner (calm, angry, rational, irrational, coherent, incoherent, deliberate, self-righteous) 20. Background (office, factory, bedlam, trains, quiet, voices, airplanes, traffic, other)
Is the Voice Familiar to you, who did it sound like?
Additional Information:
Date & Time:
Received By:

Appendix 8: Chemical/Biological Agent Threat Checklist

Mail Threat:
3. **Handle documents as little as possible to preserve fingerprints.** 4. **Notify Site Manager immediately.**
Telephone Threat:
30. **Complete the Chemical/Biological Threat Report Form** 31. **Deliver completed form to the Site manager immediately.**
Site Manager:
21. **Gather all information regarding threat.** 22. **Contact Corporate Security.** 23. **Notify Local Law Enforcement.**
Searches:
2. **To be conducted by trained local law enforcement only.**
Suspicious Objects:
4. **Do not touch or attempt to move.** 5. **Notify Corporate Security.** 6. **Notify Local Law Enforcement.**
Evacuation:
2. **Make site-wide announcement and give location where to assemble.**
Re-entry:
2. **Determined based on an all-clear being given by Local Law Enforcement & Corporate Security.**



0 5,000 10,000 Feet

1 inch = 10,000 feet

N W E S

Northern Divide Energy Storage

Burke County, North Dakota

Project Area

Source: Z:\Clients\M_P\NextEra\Northern_Divide_Battery_Storage_ND\ArcGIS\Permitting\State\PSC\001_ArcPro\NextEra_NorthernDivideBatteryStorage_PSC.aprx

Date: (11/7/2024)

BEFORE THE STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

In the Matter of the Application of Northern Divide Energy Storage, LLC for a Certificate of Site Compatibility to construct the Northern Divide Energy Storage Project, a 100-MW battery energy storage system (BESS) facility, located in Burke County, North Dakota	**Case No. PU-24-___**

NOTICE OF APPEARANCE

Notice is hereby given that Casey A. Furey and Erik J. Edison, Crowley Fleck PLLP, will be appearing in the above-entitled matter on behalf of Northern Divide Energy Storage, LLC. All correspondence, notices, pleadings, and other material relevant to this matter should be served upon the undersigned.

Dated this 19th day of November, 2024.

By: _____

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