

**NORTH DAKOTA PUBLIC SERVICE COMMISSION**  
**NORTHERN DIVIDE ENERGY STORAGE, LLC**  
**NORTHERN DIVIDE ENERGY STORAGE PROJECT**  
**AMENDED APPLICATION FOR A CERTIFICATE OF SITE COMPATIBILITY**

**CASE NO. PU-24-371**

**DECEMBER 12, 2025**

**PREPARED TESTIMONY OF**  
**DINA BROWN**

**Q1. Please state your name, by whom you are employed, and your business address.**

A. My name is Dina Brown. I am employed by NextEra Energy Resources, LLC (“NextEra Energy Resources”). My business address is 601 Travis Street, Houston, Texas 77002. I am filing this testimony on behalf of Northern Divide Energy Storage, LLC, a wholly owned, indirect subsidiary of NextEra Energy Resources.

**Q2. What is your position with NextEra Energy Resources?**

A. I am an environmental services project manager for NextEra Energy Resources in the Mid-Continent Region and am responsible for the state of North Dakota. It is my responsibility to provide oversight of all environmental permitting needed to construct a project, including overseeing environmental consultant work products.

**Q3. Briefly describe your educational background and professional experience.**

A. I received a Bachelor of Science in Civil Engineering from Texas A&M University and a Master of Science in Forest Science from Oregon State University. I am also a Certified Professional Soil Scientist. I have over 20 years of environmental permitting experience as both a consultant and environmental engineer in the energy industry. During this time, my primary responsibilities have included permitting projects on private and public lands in compliance with federal and state environmental laws.

**Q4. Were you involved in the preparation of Northern Divide Energy Storage’s Amended Application for a Certificate of Site Compatibility (the “Amended Application”)?**

A. Yes. I managed the consultants responsible for conducting environmental studies and

1 preparing the Project's Amended Application, which is marked as Exhibit 1. I oversaw the  
2 studies related to environmental analysis, including socioeconomics, public services,  
3 health and safety, cultural resources, land use, geological and soil resources, water  
4 resources, as well as wildlife and rare and unique natural resources.

5 **Q5. Please briefly summarize the purpose of your testimony.**

6 A. I will testify regarding Northern Divide Energy Storage's environmental study results and  
7 avoidance, minimization, and mitigation measures that were implemented for the Project.  
8 My testimony and supporting evidence demonstrate that the Project will have minimal  
9 environmental and human effects and meet the Commission's siting criteria. I will also  
10 testify regarding the outreach and coordination that the Project has undertaken with  
11 relevant agencies.

12 **Q6. Please describe the Project's footprint from a land use perspective.**

13 A. Northern Divide Energy Storage strategically chose the Project site, which consists of  
14 cropland, to avoid impacting unbroken grassland and woodland areas, and to minimize  
15 overall impacts by siting the Project adjacent to existing infrastructure.

16 **Q7. Do you have any updates to make to the Amended Application?**

17 A. Yes. First, the Amended Application inadvertently omitted a letter from the State  
18 Historical Society of North Dakota ("SHSND"). This letter, dated January 9, 2024, states  
19 SHSND's determination that "there are no significant sites affected by this project provided  
20 it takes place in the location and in the manner described". A copy of the SHSND's letter  
21 is provided as Exhibit 3.

22 In addition, on November 18, 2025, the North Dakota Game and Fish Department  
23 filed additional comments in the Project's docket. This letter has been marked as Exhibit  
24 4. No issues or concerns were identified regarding the Project. The Department  
25 commented that it, "appreciate[s] NextEra's commitment to coordinating with the  
26 Department during the planning process" and that the Project has addressed the  
27 Department's "concerns for rare, declining, and at-risk wildlife by selecting a site which  
28 will have minimal impacts, ensuring the project will have appropriate plans in place [],  
29 utilizing appropriate seed mixes, and reducing lighting."

1 Finally, on December 4, 2025, the North Dakota Department of Environmental  
2 Quality (DEQ) filed a letter regarding the Project. This letter is marked as Exhibit 5. DEQ  
3 did not raise any concerns with the Project.

4 **Q8. Describe the environmental studies conducted as part of the Project's evaluation.**

5 A. Northern Divide Energy Storage conducted the following studies and surveys in support of  
6 the Amended Application: Acoustic Assessment; Class I and Class III Cultural Resources  
7 Assessment; and Natural Resources Inventory Report that includes: wetlands and other  
8 waters delineation; federally listed species evaluation; raptor nest survey; and tree and  
9 shrub inventory.

10 **Q9. Please describe the acoustic assessment conducted for the Project.**

11 A. Sound emanates from the HVAC units, the chiller units, the transformers, and the inverters.  
12 The inverters are the highest contributor of sound. A three-dimensional noise model was  
13 used to model predicted sound for the Project. The software uses international standards  
14 for acoustic calculations and accounts for shielding and reflection of structures and  
15 topography, downwind effects, and environmental sound absorption, such as occurs when  
16 sound waves travel through air. Northern Divide Energy Storage's acoustic assessment is  
17 provided as Exhibit 1, Appendix B.

18 **Q10. What are the results of the acoustic assessment?**

19 A. The acoustic modeling results indicate that the maximum predicted sound level will be 34  
20 dBA within 100 feet of the nearest receptor from the Project (4,230 feet from the Project).  
21 The modeling results show that predicted sound levels from the Project will not exceed the  
22 Burke County Zoning Regulations.

23 **Q11. Please describe the results of the cultural resource assessment conducted for the**  
24 **Project.**

25 A. A Class I and Class III cultural resources inventory was conducted for the Project Area.  
26 The Class I inventory involved a review of documentation on file at the North Dakota State  
27 Historic Preservation Office ("SHPO"), regarding archaeological and historic resources  
28 that may exist within one mile of the Project Area. This inventory also included a review  
29 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 Cultural Resources Inventory is provided in Exhibit 1, Appendix C.

The Class I and Class III inventory report for the Project was submitted to the North Dakota SHPO. As described above, in its effects determination letter dated January 9, 2024, 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.”

**Q12. Does the Project have procedures in place to address previously unidentified cultural resources that may be encountered during construction?**

A. Yes. Before construction begins, Northern Divide Energy Storage will prepare an Unanticipated Discoveries and Effects Plan, which will outline the steps to be taken if previously unrecorded cultural resources are encountered during construction.

**Q13. Please describe the land cover within the Project Area.**

A. The Project 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.

**Q14. How will the Project impact land cover within the Project Area?**

A. Once construction activities have been completed, Northern Divide Energy Storage will restore disturbed areas outside of the fenceline with vegetation to prevent runoff. 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 during construction of the Project. If removal is necessary, Northern Divide Energy Storage will replace trees and shrubs consistent with the Commission’s Tree and Shrub Mitigation Specifications.

**Q15. Are any Project facilities located on public lands?**

A. No. There are no Private Land Open to Sportsman easements, North Dakota Department of Trust Lands parcels, USFWS easements, or designated or registered federal or state lands located in the Project Area.

**Q16. Was a geotechnical evaluation for the Project Area completed?**

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

**Q17. What are the results of the geotechnical analysis?**

A. The geotechnical study provided insights into the soil, bedrock, and groundwater conditions across the site that will inform final design. No areas of geologic instability were identified within the Project Area during the studies.

**Q18. What impacts is the Project anticipated to have on soils in the Project Area?**

A. Impacts to soils will be limited to areas where soil is removed due to the occupancy of Project Facilities. Soil disturbance activities include grading for the BESS and road, excavation activities for foundations, and installation of underground collection lines. These activities have the potential to contribute to soil erosion through the exposure of soils. The Project will implement a storm water pollution prevention plan (“SWPPP”) during construction to prevent soil erosion. In areas temporarily affected during construction, topsoil will be replaced, and the area will be revegetated after construction is complete.

**Q19. What are the results of the Project’s assessment related to groundwater in the Project Area?**

A. Northern Divide Energy Storage completed a subsurface exploration and geotechnical engineering study for the Project. No groundwater was encountered in any of the borings or test pits during the survey.

Temporary dewatering of groundwater 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 will be submitted to the North Dakota Department of Environmental Quality.

**Q20. What are the results of the surface water assessments in the Project Area?**

A. 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.

The Project Area does not contain any wetlands, but the surrounding landscape adjacent to the Project Area contains small, isolated prairie pothole wetlands. A wetlands and other waters delineation survey was conducted in support of the Project. Wetlands and other waters delineations followed the methodology from the U.S. Army Corps of Engineers (“USACE”). Before conducting field delineations, the USFWS National Wetlands Inventory and USGS National Hydrography Dataset were used to identify potential surface waters within the Project Area. During the Project’s surveys, no wetlands or other waters were delineated.

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 two feet and should be avoided by development. Outside of that area, flow depths and velocities across the Project site is generally less than one foot and two feet per second, respectively, and do not present a problem for this development.

**Q21. Please briefly explain the Project’s assessment relating to federally listed threatened and endangered species and their designated critical habitats.**

A. Northern Divide Energy Storage conducted environmental studies and designed the Project so that it would have minimal environmental impacts, as described in the Natural Resources Inventory Report, Exhibit 1, Appendix D. The Project Area consists primarily of existing cropland and is located adjacent to current energy infrastructure. USFWS designated critical habitat is not present within the Project Area or within a 1-mile buffer around the Project Area.

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. The IPaC data was initially gathered prior to field surveys in 2023 and again in 2025 to verify that the species list had not changed. The IPaC data indicated that five federally listed species may occur within the Study Area: northern long-eared bat (endangered), piping plover (threatened), rufa red knot (threatened), whooping crane (endangered), and Dakota skipper (threatened); however, it is unlikely these species will occur within the Project Area due to the lack of preferred habitat within the site.

No suitable habitat for northern long-eared bat, piping plover, rufa red knot, Dakota skipper, or whooping crane was observed during field surveys within the Project Area. The surveys assessed wetland and grassland conditions, and no features indicative of preferred habitat for these species were identified. As a result, no adverse impacts to threatened and endangered species are anticipated.

**Q22. Please explain the Project's assessment of federally protected avian species.**

A. Avian species are common visitors to agricultural fields such as those within the Project Area. There are no trees or forested areas 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, 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.

A line-of-sight and public road survey for nesting raptors was conducted on April 18, 2024. The raptor nest survey identified two non-eagle raptor nests within the Study Area, which were unoccupied at the time of the surveys. No raptor nests were documented within the Project Area. A separate nest clearance survey will also be completed within the Project Area before construction to minimize effects on nesting migratory birds. Therefore, no adverse impacts to federally protected avian species are anticipated.

**Q23. Is the Project anticipated to impact grasslands and woodlands?**

A. No. The siting of the Project avoids impacts to grasslands and woodlands.

1 **Q24. Please describe the Project's assessment related to potential impacts on public**  
2 **services from the Project.**

3 A. The Project will have minimal or no impact on: local government services, electrical  
4 services, rural and regional water systems, and cellular services.

5 **Q25. As part of the Project's assessment, did the Project coordinate with the list of**  
6 **designated local, state, and federal agencies and entities identified in Commission rule**  
7 **under North Dakota Administrative Code Section 69-06-01-05?**

8 A. Yes.

9 **Q26. Did any of these agencies or entities raise any specific or unique concerns regarding**  
10 **the Project?**

11 A. No.

12 **Q27. Based on Northern Divide Energy Storage's studies, surveys, and assessments, were**  
13 **any Commission designated Exclusion or Avoidance Areas identified within the**  
14 **Project Area?**

15 A. No.

16 **Q28. Please address the Commission's Selection and Policy Criteria as it relates to the**  
17 **Project.**

18 A. As demonstrated through my testimony today, the Project's Amended Application, and  
19 supporting materials, Northern Divide Energy Storage has designed the Project to  
20 minimize any significant adverse effects resulting from the location, construction, and  
21 operation of the Project, consistent with the Commission's Selection Criteria. The Project  
22 has also maximized the benefits set forth in the Commission's Policy Criteria to the greatest  
23 extent possible. During construction, environmental inspectors will be present onsite to  
24 monitor construction activities and ensure compliance with the conditions of the Siting  
25 Certificate and other permits.



1   **Q29. In your opinion, has Northern Divide Energy Storage sited the Project in a manner**  
2       **so that the location and operation will produce minimal adverse effects on the**  
3       **environment, wildlife, and upon the welfare of the citizens of North Dakota?**

4   A.    Yes.

5   **Q30. In your opinion, is the Project compatible with environmental preservation and the**  
6       **efficient use of resources?**

7   A.    Yes.

8   **Q31. Does this conclude your direct testimony?**

9   A.    Yes.