

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**

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

2 A. My name is Dina Brown. I am employed by NextEra Energy Resources, LLC (“NextEra

3 Energy Resources”). My business address is 601 Travis Street, Houston, Texas 77002. I

4 am filing this testimony on behalf of Northern Divide Energy Storage, LLC, a wholly

5 owned, indirect subsidiary of NextEra Energy Resources.

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

7 A. I am an environmental services project manager for NextEra Energy Resources in the Mid-

8 Continent Region and am responsible for the state of North Dakota. It is my responsibility

9 to provide oversight of all environmental permitting needed to construct a project,

10 including overseeing environmental consultant work products.

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

12 A. I received a Bachelor of Science in Civil Engineering from Texas A&M University and a

13 Master of Science in Forest Science from Oregon State University. I am also a Certified

14 Professional Soil Scientist. I have over 20 years of environmental permitting experience

15 as both a consultant and environmental engineer in the energy industry. During this time,

16 my primary responsibilities have included permitting projects on private and public lands

17 in compliance with federal and state environmental laws.

18 **Q4. Were you involved in the preparation of Northern Divide Energy Storage’s Amended**

19 **Application for a Certificate of Site Compatibility (the “Amended Application”)?**

20 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 socioeconomic, 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."

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

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

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

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

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

Q10. What are the results of the acoustic assessment?

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

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

A. 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 and historic 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

1 inventory encompassed a pedestrian survey of the entire Project Area. No cultural
2 resources were identified during the Class III inventory. A redacted version of the Cultural
3 Resources Inventory is provided in Exhibit 1, Appendix C.

4 The Class I and Class III inventory report for the Project was submitted to the North
5 Dakota SHPO. As described above, in its effects determination letter dated January 9,
6 2024, the SHSND determined that there are “no significant sites affected by this project
7 provided it takes place in the location and in the manner described.”

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

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

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

14 A. The Project Area and surrounding landscape is primarily agricultural, with fields dedicated
15 to the production of crops such as wheat, canola, and soybeans, along with rangeland used
16 for cattle grazing.

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

18 A. Once construction activities have been completed, Northern Divide Energy Storage will
19 restore disturbed areas outside of the fenceline with vegetation to prevent runoff. Northern
20 Divide Energy Storage will protect existing trees and shrubs by avoiding tree removal
21 whenever possible. Based on recent surveys and the preliminary design, no tree and shrub
22 removal is anticipated during construction of the Project. If removal is necessary, Northern
23 Divide Energy Storage will replace trees and shrubs consistent with the Commission’s Tree
24 and Shrub Mitigation Specifications.

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

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

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

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

- 4 • Explore subsurface soil, bedrock, and groundwater conditions;
- 5 • Conduct field and laboratory tests to characterize the subsurface soil and bedrock
6 properties at selected locations across the site;
- 7 • Install piles and conduct load tests to assess geotechnical parameters; and
- 8 • Provide geotechnical engineering recommendations for the design and construction
9 of foundation systems and access roadways.

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

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

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

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

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

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

28 Temporary dewatering of groundwater may be required during construction of
29 foundations. If dewatering of excavations is necessary during foundation construction and
30 the water is known to be uncontaminated, all water would be discharged according to items

1 outlined in the SWPPP. If discharge water is suspected to be contaminated, an application
2 for a temporary discharge permit will be submitted to the North Dakota Department of
3 Environmental Quality.

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

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

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

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

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

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

29 The USFWS Information for Planning and Consultation (“IPaC”) tool was
30 reviewed to determine if federally listed threatened and endangered species or their

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

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

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

14 A. Avian species are common visitors to agricultural fields such as those within the Project
15 Area. There are no trees or forested areas within the Project Area; therefore, avian species
16 that use trees or forested areas as habitat are unlikely to be present. Similarly, because of
17 the lack of open water and absence of wetlands in the Project Area, wetland- or water-
18 dependent avian species are likely to be limited or absent, including waterfowl and
19 waterbirds. Species of migratory birds associated with grassland would also be limited or
20 absent.

21 A line-of-sight and public road survey for nesting raptors was conducted on April
22 18, 2024. The raptor nest survey identified two non-eagle raptor nests within the Study
23 Area, which were unoccupied at the time of the surveys. No raptor nests were documented
24 within the Project Area. A separate nest clearance survey will also be completed within the
25 Project Area before construction to minimize effects on nesting migratory birds. Therefore,
26 no adverse impacts to federally protected avian species are anticipated.

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

28 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.

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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.