

Before the Public Service Commission  
of  
The State of North Dakota

In the Matter of the Application of  
BASIN ELECTRIC POWER COOPERATIVE  
for a Certificate of Site Compatibility  
for the Bison Generation Station

Case No. PU-25-086

Pre-filed Testimony  
of  
Erin Fox Dukart

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I. **Introduction**

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

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

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

A.2. I am the Director of Environmental Services. My team is responsible for permitting new facilities and maintaining compliance for existing facilities.

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

A.3. I received a Bachelor of Science degree with a major in Biology from the University of North Dakota in 2002. From 2002 to 2008, I worked as an Epidemiologist for the North Dakota State Department of Health, Division of Disease Control. I was hired by Basin Electric in October 2008 and have worked on a variety of transmission and energy conversion facility siting applications.

Q.4. **What is your role with respect to the Bison Generation Station Project (“Project”)?**

A.4. I am responsible for the preparation and coordination of the environmental analysis of the Project within Basin Electric through our consultant, Burns & McDonnell, based in Kansas City, Missouri. This involved working with an interdisciplinary consultant team, contacting and meeting with public officials, coordinating activities with other Basin Electric departments, and reviewing and coordinating reports supporting the Application.

Q.5. **Are you familiar with the contents of Basin Electric’s Application for a Certificate of Site Compatibility for the Project (the “Application”)?**

A.5. Yes. I am familiar with the Application’s contents.

Q.6. **What is the purpose of your testimony?**

A.6. The purpose of my testimony is to demonstrate that the Project complies with the North Dakota Energy Conversion and Transmission Facility Siting Act and the Commission’s rules and regulations. My testimony, together with the Application and

other supporting evidence, will demonstrate that the Project will have minimal adverse impacts on the environment and human welfare and that it is compatible with environmental preservation and the efficient use of resources.

**Q.7. Please describe any changes to the Application relating to the environmental analysis or permitting since Basin Electric submitted it on March 5, 2025.**

A.7. Since the Application was submitted, several additional approvals have been received. Those approvals have all been submitted to the docket.

## **II. Exclusion and Avoidance Areas**

**Q.8. Please describe what an “Exclusion Area” is.**

A.8. An Exclusion Area is a geographical area that must be excluded in the consideration of a site for an energy conversion facility. Exclusion areas include a variety of areas such as designated national or state parks, historic sites, grasslands, wildlife refuges, and locations near intercontinental ballistic missile (“ICBM”) sites.

**Q.9. Does the Project contain any Exclusion Areas?**

A.9. The Project does not contain any Exclusion Areas.

**Q.10. Please describe what an “Avoidance Area” is.**

A.10. An Avoidance Area is a geographical area that 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.

**Q.11. Does the Project contain any Avoidance Areas?**

A.11. The Project does not contain any Avoidance Areas.

## **III. Site Selection Criteria**

**Q.12. What do the Commission’s rules require regarding site Selection Criteria?**

A.12. Under the Commission’s rules, an applicant for a certificate of site compatibility must demonstrate that it has considered the selection criteria and taken necessary steps to ensure that any significant adverse effects resulting from the location, construction, and operation of the facility will be minimal.

**Q.13. Did Basin Electric undertake any studies or investigations to determine if the Project satisfies the Selection Criteria?**

A.13. Basin Electric contracted with Western EcoSystems Technology, Inc. ("WEST") to conduct field surveys to identify natural resources such as wetlands, grasslands, and protected habitat in the Project area. Basin Electric also contracted with Metcalf Archaeology Consultants ("Metcalf") to conduct a Class I existing information inventory and a Class III pedestrian field survey of the entire Project area. Additionally, at the request of the North Dakota State Historic Preservation Office ("NDSHPO") staff, Metcalf conducted a Class II sound study in relation to potential cultural resources.

**Q.14. Will any adverse effects on agricultural production and family farms and ranches will be kept to an acceptable minimum?**

A.14. There are no farmsteads within the approximately 240-acre parcel of cropland that Basin Electric purchased for the Project. There is no irrigation within the 240-acre parcel. Agriculture and oil development-related infrastructure dominate the land use in the Project's vicinity. Given the vast amount of agricultural activity and lands in Williams County, the amount of land permanently removed from agricultural production for the Project would be negligible. Because the agricultural land is cropland and not pasture, there is no anticipated impact to ranching or animal health and safety.

**Q.15. Is there any anticipated impact on surface drainage patterns or ground water flow patterns (including aquifers)?**

A.15. No. There is only one small temporary wetland and one small drainage located on the Project property. There are no major streams near the site. Construction would not affect groundwater resources, which are found only at considerable depths in the Project area.

**Q.16. Do you expect any impact upon the availability and adequacy of law enforcement, schools or educational programs, governmental services and facilities, or medical facilities?**

A.16. No. Due to the Project's location and the industrial development of the area, there are

no expected impacts to municipal facilities or programs.

**Q.17. Will there be any impact to recreation?**

A.17. A few individuals may have previously used the newly acquired parcel for hunting and observation of nature. No adverse effects to recreational resources are anticipated by the Project as there are abundant hunting opportunities in the area and the visual character of the Project area is not anticipated to have a significant impact on the adjacent areas use for recreation.

**Q.18. Do you expect the Project will impact retail service or transportation facilities?**

A.18. Williston, Ray, Epping, Tioga, and other communities in the vicinity of the Project may experience temporary and minimal increases in business during construction, but no significant impacts to transportation or traffic are expected.

**Q.19. Are there any anticipated impacts to utility services?**

A.19. There are no anticipated impacts to utility services beyond the impacts described in Chris Bauer's pre-filed testimony. (Bauer Pre-filed Test., Section IV.)

**Q.20. Do you anticipate any significant adverse effects to sound-sensitive land uses?**

A.20. No. Noise levels due to the operation of the Project are expected to have minimal impact on nearby properties. Under normal operation, sound levels are expected to be below the recommended noise criteria provided by the United States Environmental Protection Agency ("EPA") and the American National Standards Institute ("ANSI"). At the most impacted receptor, which is the nearest occupied residence, sound levels are expected to be comparable to the average existing nighttime ambient sound levels and below the average existing daytime levels. Short-duration construction activities will be louder, but not exceptional compared to normal activities such as active farm equipment and oilfield drilling. Basin Electric will incorporate standard design sound-mitigation technology at the Project. Additional mitigation measures are described in Chris Bauer's pre-filed testimony. (Bauer Pre-filed Test., Section IV.)

**Q.21. Please describe any studies Basin Electric has done to determine sound impacts from the Project's operation.**

A.21. Basin Electric's consultant Burns & McDonnell conducted a sound study for the Project. Sound level measurements were taken to establish the existing ambient sound levels in the areas surrounding the Project. Operational sound level modeling was performed using sound modeling software to determine the expected sound levels due to the Project and the associated impacts. The nearest occupied residence is located approximately 6,900 feet southwest of the nearest power block. The modeling indicates that Project sound levels at the nearest occupied residential receptor would be approximately 42 A-weighted decibels ("dBA"), which is comparable to the existing environment and aligns with EPA and ANSI guidelines. The predicted overall steady-state operational dBA, which do not include contributions from ambient sources, are shown in Exhibit 5, which is a map produced by Burns & McDonnell as part of the Project's sound study. (Ex. 5 to Pre-filed Test.) As shown in the study, normal noise from the facility after construction will be in compliance with the applicable guidelines.

**Q.22. Do you anticipate any significant adverse effects to light-sensitive land uses?**

A.22. Basin Electric does not anticipate any impacts to light sensitive areas. The nearest occupied residence is more than a mile from the Project fence line. Additional mitigation measures are described in Chris Bauer's pre-filed testimony. (Bauer Pre-filed Test., Section IV.)

**Q.23. Are there any anticipated impacts to rural residences and businesses?**

A.23. The construction workforce brought in by the Project may put upward pressure on the local housing demand and drive up rental prices. Possible traffic impacts during the construction of the Project include transport of large equipment loads to the Project site and increased traffic for construction workforce. Basin Electric is pursuing township road improvements and turn lanes from Highway 2 to support this Project. For additional information on the Project's expected traffic impacts, see Chris Bauer's pre-filed testimony. (Bauer Pre-filed Test., Section V.)

Q.24. **Do you expect any significant adverse effect on human and animal health and safety or plant life?**

A.24. No, we do not expect any significant adverse effect on human and animal health and safety or plant life.

Q.25. **Does Basin Electric anticipate there will be temporary or permanent skilled or unskilled labor for the Project? What about housing for the construction workers?**

A.25. The Project is expected to support about 800 skilled workers and 200 supervision / management on site at peak construction activities in 2027, the majority of whom will be required to temporarily relocate to the area. Basin Electric commissioned a housing study that was completed in January 2025. Based on that study, Basin Electric anticipates the local real estate market to respond to the increased demand. The permanent workforce of about 50 people that will be required for the Project would be accommodated by current housing and would not generate additional demand for housing in the area. For additional information on the Project's expected workforce, see Chris Bauer's pre-filed testimony. (Bauer Pre-filed Test., Section V.)

Q.26. **Do you anticipate any impacts to existing plans of industrial development or municipal development?**

A.26. No. The Project is not expected to interfere with any planned development, including oil and gas activity.

Q.27. **Will the Project have any impact upon military operations?**

A.27. No. No military installation, assets, or operations occur in the vicinity of the Project site.

#### **IV. Additional Considerations**

Q.28. **How did Basin Electric evaluate the irreversible and irretrievable commitment of natural resources?**

A.28. There are few commitments of resources associated with construction of the Project that are irreversible and irretrievable. Resources that would be used to construct the Project include aggregate resources, concrete, steel, paint and solvents, and hydrocarbon fuel. Aside from paints, solvents, and fuels, most construction materials

could be recycled or reused.

**Q.29. Has Basin Electric considered the direct and indirect economic impacts of the Project?**

A.29. Yes, Basin Electric has considered the Project's economic impacts. The Project is not anticipated to require any additional government expenditures. To the contrary, expenditures made for equipment, fuel, operating supplies, and other products and services would benefit businesses in Williams County and the State of North Dakota. Local governments could also experience short and long-term benefits from tax revenue collected during construction and operation of the Project. Once the Project is completed, property taxes collected could benefit local and state governments and local projects.

**Q.30. Please describe the cultural and historic resource assessments conducted for the Project.**

A.30. Basin Electric, through its consultant Metcalf, consulted with the NDSHPO regarding survey and testing methodology and reporting needs. To assess potential cultural and historic resources, a Class I Literature Search and a Class III Intensive Inventory were performed for the entire parcel on which the Project will be located. The Class I Literature Search was done to identify cultural resources that have been previously documented and determine if there are any known cultural resources in need of further evaluation. The Class III Intensive Inventory is a systematic, 100 percent pedestrian filed survey, which was done to identify cultural resources in previously un-surveyed areas, update previously recorded resources, and make recommendations for each cultural resource's eligibility to be considered for the State Registry. At NDSHPO's request, Metcalf conducted an expanded Class I evaluation and a Class II windshield survey to examine the potential for historic properties, particularly cemeteries or sacred sites that may be affected by noise levels when the Project is operational.

**Q.31. Please describe the results of the cultural and historic resource assessments.**

A.31. Metcalf's findings were submitted to the NDSHPO in a report titled "Basin Electric Power Cooperative: A Class III Cultural Resource Inventory of the Bison Generation Station Project in Williams County, North Dakota, Volume I" with the recommendation

of a finding of no significant sites along with no avoidance required. This report details Metcalf's findings, which included no new cultural resources identified on the parcel where the Project will be located. The report also details archaeologists revisiting three previously identified sites. On May 22, 2025, the NDSHPO found the report acceptable.

Metcalf's findings on potential auditory impacts were submitted to the NDSHPO in a report titled "Basin Electric Power Cooperative: A Class II Cultural Resource Inventory of the Bison Generation Station Project in Williams County, North Dakota, Auditory Impacts" with the recommendation of a finding of no significant sites. On May 22, 2025, the NDSHPO found the report acceptable.

**Q.32. Is the Project location habitat to any rare or endangered species?**

A.32. No. Rare and endangered species habitat is not located on the Project site.

**Q.33. Was there any federal nexus for the Project that required compliance with the National Environmental Policy Act ("NEPA")?**

A.33. No. There is no federal nexus and there will not be an environmental impact statement or environmental assessment prepared for the Project.

**Q.34. Did Basin Electric incorporate public input during the site selection process?**

A.34. Yes. Basin Electric solicited comments from federal and state agencies as part of the Commission's permitting process. Comments were received from federal, state, and local entities. Basin Electric also informally addressed the Williams County Commission, Ray city commission, and Epping city council in person in September 2024. Additionally, Basin Electric held a public open house in December 2024 to inform and solicit input on the Project from the local residents and communities.

**Q.35. Has Basin Electric addressed issues raised by agencies regarding the Project?**

A.35. Yes. The agencies' comments varied according to function and jurisdiction but generally emphasized a desire to minimize impacts to environmental resources, which Basin Electric has done by incorporating the mitigation measures into the Project. Agency concerns were focused on structure heights and anticipated noise levels.

**Q.36. Did any of these agencies express concerns about the Project that have not already been addressed?**

Q.36. No. All the Agency responses are included in the Application. (Application, Appx. K, Docket No. 1.) Table 5-1 in the Application contains a summary of the comments.

**Q.37. Does the Project require county zoning approval?**

A.37. On January 7, 2025, the Williams County Board of County Commissioners approved Basin Electric's request to rezone the 240-acre parcel on which the Project will be located to Heavy Industrial. Under Williams County ordinances, an energy conversion facility is a permitted industrial use and does not require a Conditional Use Permit.

**Q.38. Does the Project require approval from the United States Army Corps of Engineers ("USACE")?**

A.38. No. Field surveys indicated one field-delineated wetland and one upland erosional drainage. Basin Electric requested an Approved Jurisdictional Determination ("AJD") from the USACE. The USACE determined that the wetland and drainage are not jurisdictional waters of the United States.

**Q.39. Are there any additional permits needed to begin construction of the Project?**

A.39. Yes. An updated stormwater management plan will be required by the Williams County Water Resource District Board. The plan is expected to be conditionally approved on June 18, 2025.

Basin Electric will be required to obtain the appropriate air permit to construct from the North Dakota Department of Environmental Quality ("NDDEQ"). This Project will be considered a major facility or project per the Prevention of Significant Deterioration ("PSD") regulations. This Application was submitted February 10, 2025. Basin Electric anticipates receiving this permit by the end of 2025. This permit is not required to begin civil work on the site but is required prior to installation of permanent emission source infrastructure.

A Solid Waste Impoundment will be constructed at the site to evaporate wastewater from the facility that requires a permit from NDDEQ Division of Solid Waste. A

preapplication was submitted on March 7, 2025, to NDDEQ and Basin Electric will submit a complete permit application later this year. Construction is anticipated on the impoundment mid-2026 or later, after the permit is obtained.

A permit to construct will also be obtained from the North Dakota Department of Water Resources Regulatory Program for the impoundment. The first application is anticipated to be submitted later this year.

Basin Electric will obtain site grading and building permits through the Williams County Building Division, a Sewage Treatment Systems Plan permit through the Upper Missouri District Health Unit, and road approach permits through Wheelock Township. Other permits will include a construction general stormwater permit and overweight/oversize load permits.

**Q.40. How is this Project affected by the federal Greenhouse Gas (“GHG”) Power Plant Rule?**

A.40. If the GHG Power Plant Rule remains in its current form, it would limit the Project to a 40% capacity factor. EPA recently issued a proposal to rescind this Rule. Basin Electric has modeled the Project to comply with whatever rules are in place at the time the Project commences operation.

**V. Conclusion**

**Q.41. Based on your knowledge of the Project, will the Project’s construction, operation, and maintenance produce minimal adverse effects on the environment and human welfare?**

A.41. Yes. Basin Electric conducted a thorough environmental review of the Project area to avoid environmentally sensitive areas and areas where there could be adverse impacts to human welfare. Where such areas cannot be avoided completely, Basin Electric is committed to taking appropriate measures to minimize any adverse effects.

**Q.42. Based on your knowledge of the Project, is it compatible with the environmental preservation and the efficient use of resources?**

A.42. Yes. The Project will be constructed, operated, and maintained in a manner to protect the environment and natural resources.

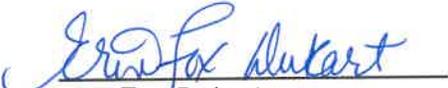
STATE OF NORTH DAKOTA  
BEFORE THE  
PUBLIC SERVICE COMMISSION

Basin Electric Power Cooperative )  
Bison Generation Station - Williams County )  
Siting Application )

Case No: PU-25-086;  
OAH File No. 20250113

**AFFIDAVIT OF  
ERIN FOX DUKART**

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

  
Erin Fox Dukart

Subscribed and sworn to before me, this 12<sup>th</sup> day of June, 2025.

  
Notary Public  
My Commission Expires:

