

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Basin Electric Power Cooperative
Bison Generation Station – Williams County
Siting Application**

Case No. PU-25-86

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Geralyn R. Schmaltz deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **8th day of August 2025**, she deposited in the United States Mail, at Bismarck, North Dakota, **one** envelope with certified postage, return receipt requested, fully prepaid, securely sealed and containing a photocopy of:

- **Findings of Fact, Conclusions of Law and Order**

And Original Of:

- **Certificate of Site Compatibility Number 71**

The envelope was addressed as follows:

Maggie Olson
Senior Staff Counsel
Basin Electric Power Cooperative
1717 East Interstate Avenue
Bismarck, ND 58503
Cert. No. 9589 0710 5270 2139 5699 05

Geralyn R. Schmaltz further deposes and says that on the **8th day of August 2025**, she deposited in the United States Mail, at Bismarck, North Dakota, **one** envelope with certified postage, return receipt requested, fully prepaid, securely sealed and containing a photocopy of the same.

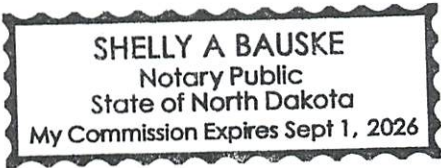
The envelope was addressed as follows:

Erin Dukart
Director of Environmental Services
Basin Electric Power Cooperative
1717 East Interstate Avenue
Bismarck, ND 58503
Cert. No. 9589 0710 5270 2139 5699 12

Each address shown is the respective addressee's last reasonably ascertainable post office address.

Subscribed and sworn to before me
this 8th day of August 2025.

Gerrard R Schmitz



SEAL

Shelly a Bauske
Notary Public

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

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

Case No. PU-25-86

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

August 7, 2025

Appearances

Commissioners Randy Christmann, Sheri Haugen-Hoffart, and Jill Kringstad.

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

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

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

Preliminary Statement

On March 5, 2025, Basin Electric Power Cooperative (Basin Electric) filed with the
North Dakota Public Service Commission (Commission) an application for a certificate of
site compatibility (Application) for the Bison Generation Station (Project).

On May 8, 2025, the Commission deemed the Application complete and issued a
Notice of Filing and Notice of Hearing, scheduling a public hearing on Basin Electric's
Application to begin June 30, 2025, at 9:00 a.m. CST at the Grand Williston Hotel &
Conference Center, 3601 2nd Avenue West, Williston, ND 58801.

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

1. Will the location and operation of the proposed facility produce minimal adverse
effects on the environment and upon the welfare of the citizens of North Da-
kota?
2. Is the proposed facility compatible with the environmental preservation and the
efficient use of resources?

3. Will the proposed facility location minimize adverse human and environmental impact while ensuring continuing system reliability and integrity and ensuring that energy needs are met and fulfilled in an orderly and timely fashion?

On June 19, 2025, Pre-filed Testimony and Pre-filed Exhibits 1 through 5 were filed with the Commission.

On June 30, 2025, the hearing was held as scheduled.

On July 3, 2025, Basin Electric filed Exhibits 9 and 11.

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

Findings of Fact

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

Size, Type, and Preferred Location of Facility

2. The proposed Project will be located on an approximately 240-acre parcel located in Section 20, Township 156 North, Range 98 West, Wheelock Township, Williams County, North Dakota (Project Site), purchased by Basin Electric on May 30, 2025. This location is approximately one mile south of Highway 2 between Epping and Wheelock.
3. The Project will be a natural gas fired combined cycle power plant, consisting of two multi-shaft combined cycle generation units with an expected capacity of up to 745 megawatts (MW) per unit. Each unit includes an advanced class combustion turbine generator, fully fired heat recovery steam generator, steam turbine generator, and air-cooled condenser.
4. Natural gas for the Project will be transported by WBI Energy. WBI Energy will construct a new 24-inch diameter steel pipeline lateral to support the Project. The lateral will extend to the Project from WBI Energy's existing 24-inch diameter pipeline that runs from WBI Energy's existing Tioga Compressor Station to its Elkhorn Creek Compressor Station south of Watford City, North Dakota. The new lateral is expected to be approximately 16 miles long and will be permitted separately by WBI Energy.

5. The Project will be a network generation resource in the Southwest Power Pool (SPP) that will serve members throughout Basin Electric's service territory within SPP's footprint in north central United States. These local members include Class A Member Upper Missouri Power Cooperative and Class C Member Mountrail-Williams Electric Cooperative, which serve members in northwestern North Dakota within the Williston Basin.

6. The first unit is planned to be constructed by October 2028, with a commercial operation date in February or March 2029. The second unit is planned to be constructed by November 2029, with a commercial operation date in March 2030.

7. The estimated cost of the Project is \$3.68 billion. This cost includes Basin Electric's internal costs such as employee labor and financing fees. This cost does not include transmission interconnections, which will be permitted separately by Basin Electric.

Study of Preferred Location

8. Basin Electric conducted field surveys to identify natural resources such as wetlands, grasslands, and protected habitat in the Project Site.

9. Basin Electric conducted a Class I cultural resource literature search on the Project Site. 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.

10. Basin Electric conducted a Class III cultural resource field inventory for the Project Site. The Class III reports were submitted to the North Dakota State Historic Preservation Office (NDSHPO). Basin Electric's Class III cultural resource survey did not identify any new cultural or historic resources within the Project Area and recommended a finding of no significant sites along with no avoidance required. On May 22, 2025, the NDSHPO found the report acceptable.

11. Basin Electric conducted a Class II sound study in relation to potential cultural resources. The Class II sound study reports were submitted to NDSHPO with the recommendation of a finding of no significant sites. On May 22, 2025, the NDSHPO found the report acceptable.

12. Basin Electric conducted a sound study for the Project to determine sound impacts on nearby receptors. Based on the results of this sound study, 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).

13. Basin Electric initiated correspondence seeking comments regarding the Project from the 35 federal, state and local agencies enumerated in North Dakota Administrative Code Section 69-06-01-05 (designated agencies and officers) as well as the Williams County Commission.

Siting Criteria

14. The Commission has established criteria pursuant to North Dakota Century Code Section 49-22-05.1 to guide the Commission in evaluating the suitability of granting an application for a certificate of site compatibility. The criteria, as set forth in North Dakota Administrative Code Section 69-06-08-01, are classified as Exclusion Areas, Avoidance Areas, Selection Criteria, and Policy Criteria.

15. Basin Electric evaluated the Project Site regarding the Exclusion Areas, Avoidance Areas, Selection Criteria, and Policy Criteria.

16. An Exclusion Area is a geographic area that must be excluded in the consideration of a site for an electric energy conversion facility.

17. Basin Electric's surveys did not record any Exclusion Areas within the Project Site.

18. An Avoidance Area is a geographic area that may not be approved as a site for an electric energy conversion facility unless the applicant demonstrates 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.

19. Basin Electric's surveys did not record any Avoidance Areas within the Project Site. Basin Electric's field surveys identified one temporary wetland, which the United States Army Corps of Engineers determined is not jurisdictional. No trees or shrubs are present on the Project Site.

20. The Commission's Selection Criteria are set forth in North Dakota Administrative Code Section 69-06-08-01(5). A site shall be approved only if it is determined that any significant adverse effects resulting from the location, construction, and operation of the facility as they relate to the Selection Criteria will be at an acceptable minimum or will be managed and maintained at an acceptable minimum. Basin Electric analyzed the effects that may result from the location, construction, and operation of the Project.

21. Basin Electric testified that it will take all reasonable measures to mitigate noise impacts to adjacent landowners. Noise levels during normal operations will be managed and maintained at or below the recommended noise criteria provided by the EPA and ANSI.

22. Construction of the Project will not impact irrigated lands. Furthermore, Basin Electric evaluated and incorporated surface drainages into a grading and drainage layout in order to avoid negative impacts on drainage patterns.

23. The Project Site is zoned for industrial use.

24. The Commission's Policy Criteria are set forth in North Dakota Administrative Code Section 69-06-08-01(6). The Commission may give preference to an application demonstrating certain benefits of the electric energy conversion facility. Basin Electric has committed to maximizing benefits that result from implementing the policies and practices applicable to the proposed electric energy conversion facility.

25. The Project will utilize natural gas supplied by a WBI Energy pipeline, and a portion of the gas will likely come from North Dakota sources.

26. No residences will be displaced or require relocation due to the Project.

27. By selecting this site for the Project, the cost of the infrastructure and transmission interconnections was reduced, thereby minimizing the Project cost. All materials and services are competitively bid by qualified suppliers, and the proximity to rail sidings reduces delivery costs for materials and equipment. The selection of advanced class combustion turbines in a combined-cycle configuration maximizes plant efficiency, resulting in lower fuel costs per electrical output. Basin Electric maintains its own facilities, minimizing the cost of contracted services.

28. A portion of the electricity produced by the Project will be used in the State of North Dakota.

Additional Measures to Minimize Impact

29. Basin Electric has agreed to a number of steps to mitigate the impact of the Project, as indicated by the executed Certification Relating to Order Provisions – Energy Conversion Facility Siting, with accompanying Tree and Shrub Mitigation Specifications, which is incorporated by reference and attached to this Order.

30. Basin Electric will comply with any requirements or recommendations made by any local, state, or federal agency.

31. Basin Electric and/or its contractors have developed or will develop several project control documents that will be utilized in connection with the construction and operation of the Project including a Storm Water Pollution Protection Plan, Emergency Action Plan, Spill Contingency Plan, Unanticipated Discovery Plan, and a site-specific Safety and Health Program.

32. Basin Electric requires that all on-site contractors develop and submit an Emergency Action Plan. Contractors may also be required to register with the Energy Coalition for Contractor Safety which is administered by the North Dakota Safety Council.
33. Basin Electric will utilize the ND One Call system during construction.
34. The Project will be designed and constructed to meet all relevant state and national codes and standards including the National Electric Safety Code.
35. Basin Electric will work with adjacent landowners by communicating construction plans and mitigating, where possible, negative impacts of the Project operation in the long term.
36. Basin Electric will follow the North Dakota Department of Environmental Quality's recommendations detailed in its May 29, 2025, letter.

From the foregoing Findings of Fact, the Commission makes the following:

Conclusions of Law

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

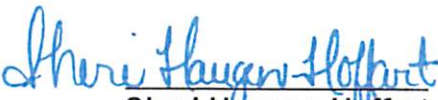
From the foregoing Findings of Fact and Conclusions of Law, the Commission now makes the following order:

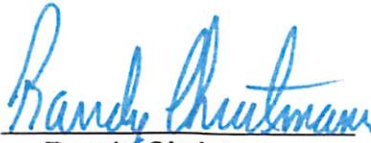
Order

The Commission orders:

1. Certificate of Site Compatibility No. 71 is issued to Basin Electric Power Cooperative designating a site for the construction, operation, and maintenance of an electric energy conversion facility. For purposes of this Certificate, the designated site is an approximately 240-acre parcel; located in Section 20, Township 156 North, Range 98 West; approximately 2.7 miles northwest of the town of Wheelock and 2.75 miles northeast of Epping, Williams County as identified in Figure 1.1 of the Application.
2. The Certification Relating to Order Provisions – Energy Conversion Facility Siting (Certification) with attached Tree and Shrub Mitigation Specifications executed June 26, 2025, is incorporated by reference and attached to this Order.
3. To the extent there are any conflicts or inconsistencies between the Application and the Certification, the Certification provisions control.
4. Prior to commencing construction of any portion of the proposed Project, Basin Electric shall obtain all necessary licenses and permits for construction of such portion and provide copies to the Commission prior to construction of the portion of the Project.
5. Basin Electric is required to comply with all applicable laws, rules, and/or regulations in the event it desires to construct another or different energy conversion facility than was specified in the Application within the site designated in this proceeding.

PUBLIC SERVICE COMMISSION


Sheri Haugen-Hoffart
Commissioner


Randy Christmann
Chairman


Jill Kringstad
Commissioner

PUBLIC SERVICE COMMISSION

STATE OF NORTH DAKOTA

Certificate of Site Compatibility Number 71

This is to certify that the Commission has designated an energy conversion facility site for Basin Electric Power Cooperative, for the construction and operation of an energy conversion facility and associated facilities in Williams County, North Dakota.

The facility may be sited in this designated location in compliance with the energy conversion facility siting criteria. This certificate is issued in accordance with the Finding of Fact, Conclusion of Law and Order of the Commission in Case No. PU-25-86 dated August 7, 2025, and is subject to the conditions and limitations noted in the order.

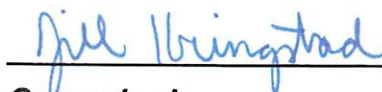
Bismarck, North Dakota, August 7, 2025.

ATTEST:

PUBLIC SERVICE COMMISSION



Executive Secretary



Commissioner

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

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

Case No. PU-25-086

**CERTIFICATION RELATING TO ORDER PROVISIONS
ENERGY CONVERSION FACILITY SITING**

I am Gavin McCollam, a representative of Basin Electric Power Cooperative ("Company") with authority to bind Company to requirements to be set forth by the Commission in its Order and I certify the following:

1. Company understands and agrees that the Certificate of Site Compatibility will be issued by the Commission subject to the conditions and criteria set forth in Chapter 49-22 of the North Dakota Century Code and Chapter 69-06-08 of the North Dakota Administrative Code, and that Company shall be responsible for compliance with this order and conditions and criteria set forth in the applicable laws and rules.
2. Company agrees to comply with the rules and regulations of all other agencies having jurisdiction over any phase of the proposed energy conversion facility including all city, township, and county zoning regulations.
3. Company understands and agrees that it shall obtain all other necessary licenses and permits, and shall provide copies of all licenses and permits to the Commission prior to construction activity associated with the energy conversion facility that requires said license or permit.
4. Company understands and agrees that the Certificate of Site Compatibility is subject to suspension or revocation and may, in an appropriate and proper case, be suspended or revoked for failure to comply with the Commission's order, the conditions and criteria of the certificate or subsequent modification, or failure to comply with the applicable statutes, rules, regulations, standards, and permits of other state or federal agencies.
5. Company agrees to maintain records that will demonstrate that it has complied with the requirements of the Commission's order and the Certificate of Site Compatibility, and that it will preserve these records for Commission inspection at any reasonable time upon reasonable notice.
6. Company understands and agrees that the authorizations granted by the Certificate of Site Compatibility for the energy conversion facility are subject to modification by



order of the Commission if deemed necessary to protect further the public or the environment.

Construction:

7. Company agrees to hold a preconstruction conference prior to commencement of any construction, which must include a Company representative, its construction supervisor, and a representative of Commission Staff, to ensure that Company fully understands the conditions set forth in the Commission's order.
8. Company understands and agrees that all cultural resource mitigation plans must be approved by the North Dakota State Historic Preservation Office prior to the start of any fieldwork and construction activity in the affected area.
9. Company understands and agrees that topsoil removal will begin when the Commission's third party construction inspector is present at the Project site to observe that topsoil is properly removed and kept segregated from subsoil until replacement occurs. Company shall establish the date and time for the Commission's third-party construction inspector's topsoil removal oversight in the preconstruction conference.
10. Company agrees to inform the Commission and the Commission's third-party construction inspector of its intent to start construction on the energy conversion facility prior to the commencement of construction. Once construction has started, Company shall keep the Commission and the Commission's third-party construction inspector updated of construction activities on a monthly basis.
11. Company is aware that North Dakota law requires that all companies that own or operate electric generation of any size for the primary purpose of resale must comply with the standards of the National Electrical Safety Code in effect at the time of construction of the generation facility, and agrees to comply with that requirement.
12. Company agrees to construct and operate the energy conversion facility in accordance with all applicable safety requirements.
13. Company understands and agrees that it shall bury all underground lines to a depth of at least 48 inches to the top of the lines.
14. Company understands and agrees that topsoil, up to 12 inches, or topsoil to the depth of cultivation, whichever is greater, over and along trench areas, roadways, and locations of associated facilities must be carefully stripped and segregated from the subsoil. Any area on which excavated subsoil will be placed must first be stripped of topsoil. The stripped topsoil must not be stockpiled in natural drainages, and must be protected from water erosion. Care must be taken to protect topsoil from

unnecessary compaction by heavy machinery. Unless otherwise approved by the Commission, topsoil must be removed before topsoil freezes in the late fall/ early winter to the point that frost inhibits proper soil segregation. After backfilling with subsoil is completed, any excess subsoil must be placed over the excavation area, blending the grade into existing topography. Topsoil must be replaced over areas from which it was stripped only after the subsoil is replaced.

15. Company understands and agrees that all buried facility crossings of graded roads shall be bored unless the responsible governing agency specifically permits Company to open cut the road.
16. Company understands and agrees that staging areas or equipment shall not be located on land owned by a person other than Company unless otherwise negotiated with landowners.
17. Company understands and agrees that if any cultural resource, paleontological site, archeological site, historical site, or grave site is discovered during construction, it must be marked, preserved and protected from further disturbances until a professional examination can be made by the State Historical Society, and a report of such examination is filed with the Commission.
18. Company understands and agrees that construction must be suspended when weather conditions are such that construction activities will cause irreparable damage to roads or land, unless adequate protection measures are taken by Company.
19. Company understands and agrees that the Commission has authority to stop Project construction activities in the event of a probable violation of the siting laws, siting rules, or applicable Commission Orders if, in the opinion of the Commission, construction activities are likely to result in irreparable or significant harm.

Restoration and Maintenance:

20. Company agrees that it shall, as soon as practicable upon the completion of the construction of the energy conversion facility, restore the area affected by the activities to as near as is practicable to the condition as it existed prior to the beginning of construction.
21. Company understands and agrees that all pre-existing township and county roads and lanes used during construction must be repaired or restored to a condition that is equal to or better than the condition prior to the construction of the energy conversion facility and that will accommodate their previous use, and that areas used as temporary roads or working areas during construction must be restored to their original condition.

22. Company understands and agrees that reclamation, fertilization, and reseeding is to be done according to the Natural Resources Conservation Service recommendations, unless otherwise specified by the landowner and approved by the Commission.
23. Company will fulfil its obligation for reclamation and maintenance of the approved site continuing throughout the life of the energy conversion facility.
24. Company will repair all fences and gates removed or damaged during all phases of construction and operation of the proposed energy conversion facility.
25. Company will repair or replace all drainage tile broken or damaged as a result of construction and operation of the proposed energy conversion facility.
26. Company agrees to comply with the Tree and Shrub Mitigation Specifications, attached.
27. Company understands and agrees that it shall work with landowners and residents to mitigate any increase in television and residential radio interference that results from the construction of the energy conversion facility.
28. Company understands and agrees that it shall remove all waste that is a product of construction and operation, restoration, and maintenance of the site, and properly dispose of it on a regular basis.
29. Company understands and agrees that it shall provide any necessary safety measures for traffic control or to restrict public access to the energy conversion facility.

Communication with Landowners and PSC:

30. Company agrees to provide the Commission with engineering design drawings showing surveyed structure and collection substation locations prior to construction.
31. Company understands and agrees that it shall advise the Commission as soon as reasonably possible of any extraordinary events which take place at the site of the energy conversion facility, including injuries to any person.
32. Company agrees to report to the Commission, as soon as reasonably possible, the presence in or near the approved site of any critical habitat of threatened or endangered species that Company becomes aware of and which were not previously reported to the Commission.

33. Company agrees to provide the Commission with both an electronic and a paper copy of the site approved by the Commission and the facility design specifications for the construction of the energy conversion facility showing the location of the energy conversion facility as built, and will provide this information within 3 months of the completion of the construction. Company also agrees to provide an electronic version of the site approved by the Commission and the facility design specifications for the construction of the energy conversion facility showing the location of the energy conversion facility as built that can be imported into ESRI GIS mapping software within 3 months of the completion of the construction. This electronic map data must be referenced to the North Dakota coordinate system of 1983, North and/or South zones US Survey feet (NAD 83) UTM Zone 13N or 14N feet (NAD 83), or geographic coordinate system (WGS 84) feet. The vertical data must be in the appropriate vertical datum for the coordinate system used. All submissions must specify the datum in which the data was developed.
34. Company shall notify the Commission, as soon as reasonably possible, if any damage, as defined by North Dakota Century Code Chapter 49-23, occurs to underground facilities during construction conducted under the certificate or permit issued in this proceeding. In the event of any damage to underground facilities, Company shall suspend construction in the vicinity of the damage until compliance with One-Call Excavation Notice System requirements under North Dakota Century Code Chapter 49-23 has been determined.
35. Company agrees that it shall provide, if requested, educational material for landowners within the site boundaries about the proposed energy conversion facility and any restriction or danger concerning the proposed energy conversion facility.
36. Company understands and agrees that it shall implement a procedure for how complaints concerning the proposed energy conversion facility will be handled by Company

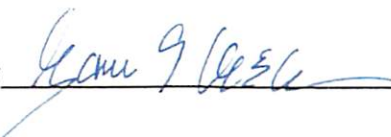
Modification of Energy Conversion Facility or Energy Conversion Site Plan:

37. Before conducting any construction activities for any modification within the designated site, the Company will file the name and contact information for a key contact person for the purposes of notice and communication during the site modification application and will use the following procedures:
 - A. Before conducting any construction activities for any modification within the designated site, and such **construction activities will not affect any known exclusion or avoidance areas** within the designated site, the Company will file certification and supporting documentation:
 1. Affirming that construction activities will not affect any known exclusion or avoidance areas within the designated site;
 2. Including a map meeting the requirements of N.D. Admin. Code § 69-06-04-01(2)(n) identifying the designated site and site modification(s); and

3. Affirming that Company will comply with the Commission's order, law and rules designating the site.
- B. Before conducting any construction activities for any modification within the designated site, and such construction activities will not affect any known exclusion but **may affect an avoidance area** within the designated site, the Company will file:
1. A specific description of the avoidance area expected to be impacted, including a map meeting the requirements of N.D. Admin. Code § 69-06-04-01(2)(n) identifying:
 - a. the designated site and the site modification;
 - b. all exclusion and avoidance areas within the portion of the designated site containing the site modification.
 2. Certification and supporting documentation affirming that construction activities will not affect any known exclusion area.
 3. All field studies performed on the portion of the designated site containing the site modification;
 4. Specific information about any mitigation measures Company will take within the modification area;
 5. Certification that each owner of real property on which the modification is to be located and any applicable governmental entity with an interest in the same modification area do not oppose the modification;
 6. Certification that unless the Commission previously authorized the impact to the same avoidance area, that the utility has good cause and a specific reason to impact the avoidance area and a reasonable alternative does not exist;
 7. Certification that Company will comply with the Commission's order, law and rules designating the site.
38. Company acknowledges and agrees that written authorization from the Commission for impacting the avoidance area is necessary prior to commencement of construction activity.

Dated this 26th day of June, 2025.

Basin Electric Power Cooperative

By 

Its Senior Vice President & Chief Operating Officer

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

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

Case No. PU-25-86

Tree and Shrub Mitigation Specifications

Inventory

Prior to cutting or clearing trees or shrubs for construction:

- All trees one-inch or greater in diameter at breast height must be inventoried to record the location, number, and species.
- All shrubs and all coniferous trees of any diameter must be inventoried to record the location, number, and species.

Clearing

The maximum width of tree and shrub removal is 50 feet, unless otherwise approved by the Commission.

Replacement

1. Landowners must be given the option to have trees and shrubs that are removed from their property replaced on their property. The landowner may waive this option in writing. If the landowner waives this option, the company shall plant replacement trees and shrubs in an alternate location in the same region, if practical.
2. Trees and shrubs must be replaced on a minimum two-to-one basis. The company shall develop a Tree and Shrub Mitigation Plan (Plan) in consultation with landowners who are seeking replacement trees and shrubs and in accordance with USDA-NRCS-North Dakota Field Office Technical Guide: Windbreak and Woodland Tree Care and Management. The guidelines outlined in the Technical Guide shall be followed until filing of the Plan summary outlined in number 5 below.
3. The purpose of the company's Tree and Shrub Mitigation Plan is to create sustainable plantings, appropriate for the local soil and growing conditions that will provide long-term benefit to landowners, farmers and ranchers, the community, wildlife and the environment.
4. The Plan, including the proposed number, variety, type, location, and approximate date for plantings, shall be filed with and approved by the Commission.
5. Two years after completion of the plan, the company must file a summary documenting how the plan achieved the purpose outlined in number 3 above. The summary must also report the number of surviving replacement trees and shrubs.
6. The Commission will consider, on a limited basis as conditions warrant, mitigation plans that provide long-term wildlife habitat and conservation benefits but do not involve the replanting of trees and shrubs.