
From: Scherb, Clint <Clint.Scherb@nexteraenergy.com>
Sent: Monday, November 17, 2025 11:22 AM
To: Casey A. Furey; Davis, Tracy C
Subject: Emmons-Logan Energy Storage WEED PLAN- County Approved
Attachments: Appendix C_Emmons-Logan ES Noxious Weed Plan_20250531.pdf

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From: Pearce, Clayton J. <cjpearce@nd.gov>
Sent: Tuesday, November 4, 2025 11:05 AM
To: Scherb, Clint <Clint.Scherb@nexteraenergy.com>
Subject: Re: Emmons-Logan Energy Storage WEED PLAN

Having reviewed the Noxious Weed Plan set forth by Nextera Energy, we feel it addresses any concerns about the handling of the developed ground and its maintenance for noxious weeds as stated in ND state Law concerning proper handling and eradication of noxious weeds on the property(s)

CJ Pearce
Emmons County/Logan County Weed Control Officer
Area IV Director for State Weed Board

NOXIOUS WEED MANAGEMENT AND CONTROL PLAN

Emmons-Logan Energy Storage EMMONS COUNTY, NORTH DAKOTA

SUBMITTED TO:

Emmons County Weed Board

SUBMITTED BY:

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MAY 2025

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1.0 INTRODUCTION

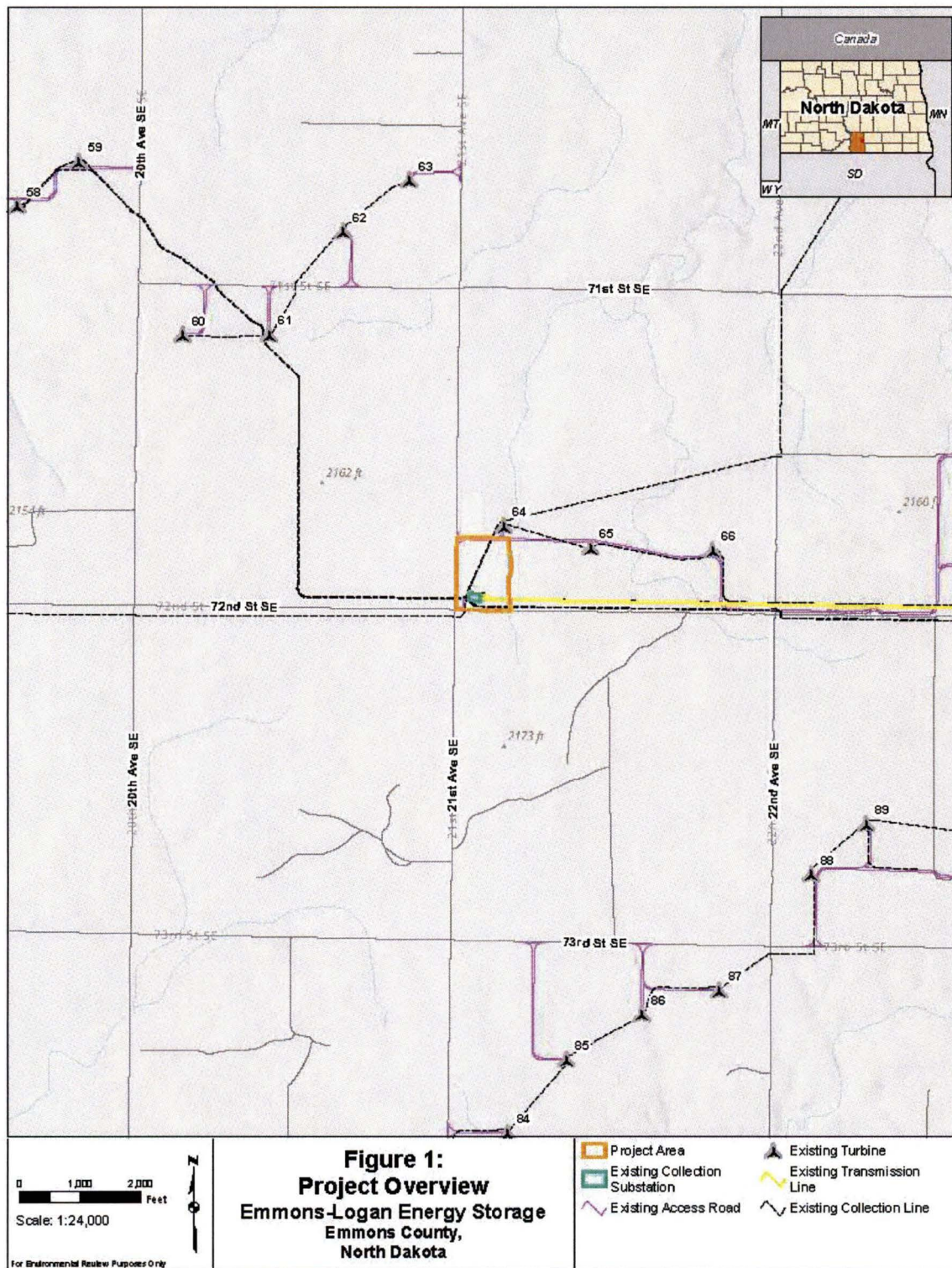
Emmons-Logan Energy Storage, LLC (Emmons-Logan Energy Storage), a wholly owned, indirect subsidiary of NextEra Energy Resources, LLC (NextEra), submits this Noxious Weed Management and Control Plan (Plan) to the North Dakota County Weed Board of Emmons County for the proposed Emmons-Logan Energy Storage Project (Project). The Project will be a 140-megawatt (MW) battery energy storage system (BESS) with a four-hour duration to store excess energy available on the grid. This Plan discusses how noxious weeds will be managed during and after construction of the Project.

The Project includes a 140- megawatt, four-hour duration BESS facility with associated inverters, transformers, underground cables, and other ancillary facilities, such as fencing, roads, and a supervisory control and data acquisition system. The Project will connect to the existing Emmons-Logan Wind 230-kilovolt collection substation. Emmons-Logan Energy Storage expects to start construction in the second quarter of 2026 with commercial operation anticipated in the fourth quarter of 2026.

1.1 Project Location

The Project will be located on approximately 24 acres of cropland West Half (W1/2) of the Southwest Quarter (SW1/4) of Section 34, Township 134 North, Range 74 West of the fifth principal meridian, in Emmons County, North Dakota. The Project Area is located approximately 13 miles southwest of Napoleon, 14 miles northeast of Linton, 15 miles southeast of Hazelton, and 21 miles northwest of Wishek. All facilities will be on private land. Figure 1 shows the Project location.

Emmons-Logan Energy Storage selected the Project location based on its proximity to the Wind Energy Center infrastructure, including the existing collection substation and Emmons-Logan Wind 230- kilovolt transmission line. By siting the Project adjacent to the existing Wind Energy Center, Emmons-Logan Energy Storage aimed to minimize impacts on the surrounding community, enhance operational efficiency, and condense development into a compact area. The Project Area is adjacent to the existing Emmons-Logan Wind 230-kilovolt collection substation.



1.2 Construction Management

Emmons-Logan Energy Storage will be responsible for constructing, owning, operating, and maintaining the Project. To manage and complete the construction, Emmons-Logan Energy Storage will secure a third-party engineering, procurement, and construction (EPC) contractor. The EPC contractor will oversee all aspects of Project execution, including procurement of necessary materials and equipment and the full scope of construction activities.

The EPC contractor will be responsible for implementing best management practices (BMPs) to prevent and control the spread of noxious weeds during construction. This includes ensuring that all equipment arrives on-site free of weed seeds, managing soil disturbance to minimize weed propagation, and coordinating with Emmons-Logan Energy Storage and regulatory agencies to comply with local and state weed management requirements.

1.3 Plan Purpose

The purpose of this Plan is to prescribe methods to prevent and control the spread of noxious weeds during construction and to implement prescribed treatments to eliminate, to the maximum extent possible, the invasion of weeds from surrounding lands. Any soil disturbance may stimulate weed seeds in the soil seed bank to germinate and establish. Monitoring during Project construction will ensure that these goals are achieved.

Emmons-Logan Energy Storage and its contractors will be responsible for carrying out the prevention and control methods described in this Plan. This Plan applies to the Project Area in Emmons County, North Dakota.

2.0 REGULATORY SETTING

2.1 State Regulations

North Dakota Century Code Section 4.1-47-01 defines a noxious weed as a plant propagated by either seed or vegetative parts and determined to be injurious to public health, crops, livestock, land, or other property.

North Dakota Century Code Section 4.1-47-02 states that each person shall do all things necessary and proper to control the spread of noxious weeds and makes it illegal for any person to distribute, sell, or offer for sale within this state a noxious weed.

At the state and county levels, the State Agricultural Commissioner and County Weed Control Officer are responsible for the enforcement of weed laws. Violations of these regulations are considered a class B misdemeanor. The following actions are prohibited:

- Willfully transporting any material that contains noxious weed seeds or propagating parts on a public road in a manner that allows for the dissemination of noxious weeds.
- Willfully driving or transporting any equipment on a public road in a manner that allows for the dissemination of noxious weeds.
- Willfully disposing of any material that contains noxious weed seeds or propagating parts in a manner that allows for the dissemination of noxious weeds.

2.2 State and County Noxious Weeds

North Dakota has 13 declared state noxious weeds that are enforced by cities and counties in North Dakota. Counties and cities do have the option to add additional weeds onto a list for enforcement only in their jurisdiction. Emmons County has not identified additional noxious weed species beyond the state-declared list.

Table 1 provides a comprehensive list of the state noxious weeds enforced within the Project Area, based on the North Dakota County and City Listed Noxious Weeds list.

TABLE 1		
State and County Enforced Noxious Weeds		
Common Name	Scientific Name	Enforced by
Absinth wormwood	<i>Artemisia absinthium</i> L.	All cities and counties in North Dakota
Canada thistle	<i>Cirsium arvense</i> (L.) Scop.	All cities and counties in North Dakota
Dalmatian toadflax	<i>Linaria genistifolia</i> subsp. <i>dalmatica</i>	All cities and counties in North Dakota
Diffuse knapweed	<i>Centaurea diffusa</i> Lam.	All cities and counties in North Dakota
Houndstongue	<i>Cynoglossum officinale</i> L.	All cities and counties in North Dakota
Leafy spurge	<i>Euphorbia esula</i> L.	All cities and counties in North Dakota
Musk thistle	<i>Carduus nutans</i> L.	All cities and counties in North Dakota
Palmer amaranth	<i>Amaranthus palmeri</i>	All cities and counties in North Dakota
Purple loosestrife	<i>Lythrum salicaria</i> L., <i>Lythrum virgatum</i> L., and all cultivars	All cities and counties in North Dakota
Russian knapweed	<i>Centaurea repens</i> L.	All cities and counties in North Dakota
Saltcedar	<i>Tamarisk</i> spp.	All cities and counties in North Dakota
Spotted knapweed	<i>Centaurea maculosa</i> Lam.	All cities and counties in North Dakota
Yellow toadflax	<i>Linaria vulgaris</i>	All cities and counties in North Dakota
<p>Source: North Dakota Department of Agriculture. 2025. Noxious Weeds. https://www.ndda.nd.gov/divisions/plant-industries/noxious-weeds. Accessed May 2025.</p> <p>North Dakota Department of Agriculture. No date. North Dakota County and City Listed Noxious Weeds. Available online at: https://www.ndda.nd.gov/sites/www/files/documents/files/County%20and%20City%20Noxious%20Weed%20Scientific%20Names%20List.pdf. Accessed May 2025.</p> <p>North Dakota Department of Agriculture. 2023. North Dakota County and City Listed Noxious Weeds (Revised August 2023). Available online at: https://www.ndda.nd.gov/sites/www/files/documents/files/2023%20August%20-%20City%20County%20Noxious%20Weeds%20List.pdf. Accessed May 2025.</p>		

2.3 County Weed Board

The public is strongly encouraged to work with local weed board officers, extension agents, and other experts to identify and report suspect plants. The primary role of the county weed board is to encourage noxious weed control by landowners and land occupants within the county and to investigate signed complaints regarding noxious weeds.

The county weed board offers support in identifying, preventing, and treating noxious weeds. Landowners and contractors are encouraged to contact the board for assistance in managing and controlling noxious weed populations on their properties.

Table 2 includes the primary contact information for the Emmons County Weed Board, according to the 2025 County and City Weed Board Directory.

TABLE 2

Emmons County Weed Board Contact Information

Title	Name	Phone	Email
Weed Officer	CJ Pearce	(701) 329-9090	cjpearce@nd.gov
Chair	Lenard Vetter	(701) 851-0129	
Secretary/Treasurer	Kayla Hendrickson	(701) 325-0306	ecweed@nd.gov
Member	Sterling Larson	(701) 329-0833	
Member	Elmer Brandner	(701) 329-0833	
Member	Cole Schneider	(701) 851-0991	
Member	James Nagel	(701) 321-1476	

Source: North Dakota Department of Agriculture. 2025. County Weed Board Directory. Available online at: https://www.ndda.nd.gov/sites/www/files/documents/files/WeedBoardDirectory_5_2025.pdf. Accessed May 2025.

3.0 NOXIOUS WEED MANAGEMENT

3.1 Pre-Construction Measures

The spread of noxious weeds can occur naturally, but human activities, including vehicles, construction equipment, farm machinery, and livestock, also contribute to the spread. Preventative measures to control the spread of noxious weeds are the most cost-effective approach. The EPC contractor will implement these measures in accordance with state and county regulations, collaborating with local weed officers when necessary.

As part of the onsite contractor orientation, the EPC contractor will receive training in noxious weed identification, management, and control. Additionally, contractors will be provided with a copy of *A Guide to North Dakota Noxious and Troublesome Weeds*, which includes photos of all state and county-listed noxious weeds.

The following preventative measures will be implemented:

- **Equipment Cleaning:** Prior to moving equipment to the Project site, the EPC contractor will thoroughly clean all construction equipment, including mats, using high-pressure washing equipment. This step is essential to limit the spread of noxious weeds.
- **Identification and Marking of Infested Areas:** Prior to construction, Emmons-Logan Energy Storage will document and clearly mark areas within the construction zone that are infested with noxious weeds. These markings will define the boundaries of the infestation.
- **Cleaning of Equipment During Construction:** During construction, the EPC contractor will clean the tracks, tires, and blades of equipment using hand methods (e.g., track shovels) or compressed air to remove excess soil. Cleaning stations will also be used to remove any vegetative material before moving equipment out of noxious weed-infested areas.
- **Erosion Control Materials:** The EPC contractor will use mulch and straw or hay bales that are visibly free of noxious weeds for temporary erosion and sediment control measures.

- **Pre-construction Treatments:** The EPC contractor will carry out pre-construction treatments, such as mowing areas before seed development or applying herbicides to infestations identified in the construction drawings. These treatments will be done prior to other soil-disturbing activities like clearing, grading, or excavation.

3.2 Construction Measures

During construction, the EPC contractor will actively monitor the construction areas to detect and manage noxious weed infestations at an early stage. If noxious weed species are found in densities higher than those outside the construction area, appropriate control measures will be implemented. These measures aim to eradicate the infestation within the construction areas and reduce the spread of weeds beyond the Project site. Noxious weed treatment methods will be conducted in accordance with all applicable regulations and landowner or agency agreements.

3.2.1 Noxious Weed Pre-Treatment

Before clearing and grading operations begin, pre-treatment of noxious weed infestations may be conducted if it is determined that such treatment will help control the spread of weeds during construction. Treatment methods may include the application of herbicide or mechanical measures, selected based on the location, time, and species of weed.

3.2.2 Herbicide Application

Herbicide application may be necessary to control the spread of weeds. Before applying any herbicide, the EPC contractor will obtain all necessary permits and approvals from local weed districts and landowners, where needed. All herbicide applications will be performed by a licensed contractor in full compliance with relevant laws, regulations, and manufacturer's guidelines.

The EPC contractor will adhere to the following best practices during herbicide application:

- Herbicide will be applied only under suitable weather conditions (low wind speeds and no imminent precipitation) to minimize drift.
- Sprayers will be mounted low to the ground, and sprayer booms will be equipped with specialized nozzles to create large droplet sizes and limit drift.
- Manufacturer's label instructions, including recommended application rates and safety precautions, will be strictly followed.

Typical agricultural herbicides will be used, with the specific type determined by the weed species requiring control. Herbicides will be applied prior to any soil-disturbing activities such as clearing, grading, or excavation. Only non-residual herbicides, or those with a significant residual effect of no longer than 30 days, will be used.

3.2.3 Equipment and Application Methods

To facilitate herbicide application, the EPC contractor will use a combination of vehicle-mounted sprayers (e.g., handgun, boom, and injector) for areas that are readily accessible by vehicle. In more difficult-to-access areas, hand application methods, such as backpack spraying, will be employed to treat small, scattered populations of noxious weeds, particularly in rough terrain or near sensitive habitats.

Spraying equipment will undergo regular calibration checks to ensure proper application rates, with documentation maintained according to industry standards. The following provisions will be applied to the management and use of herbicides:

- Herbicides will be pre-mixed and delivered in returnable/refillable containers, with a closed system for transferring the herbicides to application tanks to minimize environmental exposure and waste.
- Herbicides will be transported in a manner that prevents spills or accidents.
- Herbicides will not be used, stored, or mixed within 100 feet of wetlands or waterbodies unless otherwise specified by permits, ensuring compliance with environmental protection standards.
- The mixing and application of herbicides will be supervised by a licensed commercial applicator, with regular monitoring to ensure adherence to proper procedures and safety protocols.
- All herbicide application equipment and containers will be inspected daily for leaks, and corrective action will be taken as needed.

4.0 POST-CONSTRUCTION WEED MANAGEMENT

Following the completion of Project construction, Emmons-Logan Energy Storage will continue to manage areas disturbed by construction and other areas where they retain surface use control (e.g., BESS facility, access roads). The goal will be to limit the spread of noxious weeds onto adjacent lands.

Following construction, on-site operations staff will manage, monitor, and treat noxious weeds as a part of normal operations and maintenance activities. Infestation areas identified prior to construction will be inspected for weed growth until final reclamation is achieved. In areas with noxious weed growth, the noxious weed control measure chosen will be the best method available for the time, location, and species of noxious weed. Mechanical treatments will be conducted prior to seed maturation if needed. In addition, subsequent reseeding will be conducted, if necessary, to re-establish a desirable vegetative cover that will stabilize the soils and slow the potential of reinvasion of noxious weeds. If appropriate, further consultation with the county weed board regarding the use of biological and other alternate noxious weed control methods will be conducted.