

Before the Public Service Commission  
of  
The State of North Dakota

In the Matter of the Application of  
BASIN ELECTRIC POWER COOPERATIVE

Consolidated Application  
for a Certificate of Corridor Compatibility and Route Permit  
Wheelock to Saskatchewan 230-kV Transmission Line; and

Consolidated Application  
for a Certificate of Corridor Compatibility and Route Permit  
Tande to Saskatchewan 230-kV Transmission Line

Case Nos. PU-25-283 and PU-25-284

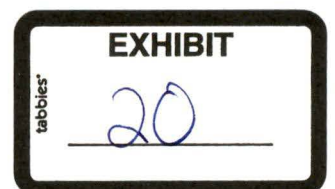
Pre-filed Testimony  
of  
Ryan King

60 PU-25-283 Filed 03/24/2026 Pages: 16  
Exhibit 20 - Ryan King Pre-Filed Testimony (Dkt #28)

Basin Electric Power Cooperative

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I. **Introduction**

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

A.1. My name is Ryan King. 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 an Environmental Coordinator. My responsibilities include facilitating environmental assessments for new projects and ensuring compliance with environmental laws and permits.

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

A.3. I received a Bachelor of Science degree in Construction Management and a Masters of Natural Resources Management from North Dakota State University in 2013 and 2014. I have 13 years of environmental permitting experience. I have been employed by Basin Electric since September 2023 and have worked on a variety of transmission and energy conversion facility siting applications.

Q.4. **What is your role with respect to the Wheelock to Saskatchewan 230-kV Transmission Line (“Wheelock Circuit”) and the Tande to Saskatchewan 230-kV Transmission Line (“Tande Circuit”), which are collectively referred to as the “Project”?**

A.4. I am responsible for the overall preparation and coordination of the environmental analysis of the Project within Basin Electric and through our consultants.

Q.5. **Are you familiar with the contents of Basin Electric’s Amended Consolidated Applications for a Certificate of Corridor Compatibility and Route Permit for the Wheelock Circuit and the Tande Circuit (the “Applications”)?**

A.5. Yes. I am familiar with the Applications’ contents.

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

A.6. I will describe the methodology, with respect to environmental considerations, used to delineate the proposed Project Corridor and Route and to demonstrate that they are in accordance with the North Dakota Energy Conversion and Transmission Facility

Siting Act and the Commission's rules and regulations. My testimony, together with the Applications 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.

**II. Corridor and Route Siting Criteria**

**Q.7. What is an "exclusion area"?**

A.7. An exclusion area is a geographical area that must be excluded in the consideration of a route for a transmission facility. An exclusion area may be located within a corridor but cannot exceed more than fifty percent of the corridor width unless there is no reasonable alternative.

**Q.8. Does the Project contain any exclusion areas?**

A.8. Yes, archaeological sites are present within both Circuit Corridors, five within the Wheelock Circuit Corridor and 24 within the Tande Circuit Corridor.

**Q.9. With the presence of archaeological sites, will the Project still meet the Commission's exclusion area criteria?**

A.9. Yes, the Project still meets the Commission's criteria for exclusion areas. While there are 3 sites within the Wheelock Circuit Corridor and 15 sites within the Tande Circuit Corridor that are more than fifty percent of the Corridor width, the Project has been designed to avoid all these sites, and a buffer zone has been placed around each site. Temporary fencing will be installed around each buffer zone prior to construction to ensure avoidance.

**Q.10. What is an "avoidance area"?**

A.10. An avoidance area is a geographical area that may not be considered in the routing of a transmission 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. Yes, approximately 8 acres of geologically unstable soils are within the Wheelock Circuit Corridor; approximately 35 acres are within the Tande Circuit Corridor. Additionally, four homes are located within 500 feet of the Tande Circuit Route.

**Q.12. Why should the Commission approve the Project when it includes avoidance areas?**

A.12. While geologically unstable soils exist within each Circuit Corridor, no structures or access roads are located within these areas.

Basin Electric has also obtained waivers from each of the four landowners who have residences within 500 feet of the Project Route. (Tande Amended Application, Appx. K, Docket No. 2.)

### **III. Environmental Analysis**

#### **A. Threatened and Endangered Species**

**Q.13. Did the environmental studies for the Project address any concerns for threatened or endangered species?**

A.13. Yes. Basin Electric used the United States Fish and Wildlife Service (“USFWS”) Information for Planning and Conservation (“IPAC”) tool to identify threatened or endangered species or designated critical habitat within the Project area. IPAC identified five species that could potentially occur within the Project area: the endangered whooping crane and northern long-eared bat, and the threatened Dakota skipper, piping plover, and rufa red knot. No designated critical habitat was identified within the Project Corridor.

#### **1. Whooping Crane**

**Q.14. Please describe the findings of Basin Electric’s analysis with respect to the whooping crane.**

A.14. The Project is located within the migration corridor where 50% of whooping cranes travel. Land use within the Project Corridor is a mixture of cropland and rangeland, with pothole wetlands interspersed. The Project counties have 361 verified whooping crane sightings, combined. The closest confirmed sighting to a Corridor was three adult cranes in 2000, approximately 0.02 miles from the Tande Circuit Corridor. During field surveys, no whooping cranes were observed.

Q.15. **Please describe the measures that will be taken to protect the whooping crane.**

A.15. Noise and vehicle activity during construction activities may cause migrating whooping cranes to divert from the area. If a whooping crane is spotted within one mile of the Project, construction activities would be suspended, and the sighting would be immediately reported to the USFWS.

Flight diverters will be installed per Avian Power Line Interaction Committee (“APLIC”) suggested practices, which increase transmission line visibility, thereby reducing collision risks.

## **2. Northern long-eared bat**

Q.16. **Please describe the findings of Basin Electric’s analysis with respect to the northern long-eared bat (“NLEB”).**

A.16. Prior to field surveys, a desktop analysis was conducted to determine potential impacts to treed habitat and examine what locations have a higher probability of providing habitat for the NLEB. Using aerial imagery, it was determined that 15 tree habitat patches, 4.2 acres, are located within the Wheelock Circuit Corridor and 21 tree habitat patches, 14.6 acres, are located within the Tande Circuit Corridor. Of that, only 1.3 acres of treed habitat within the Tande Circuit Corridor is within the current USFWS NLEB range; the Wheelock Circuit Corridor is not located within the current range. No NLEB were observed during field surveys.

Q.17. **Please describe measures being taken to protect the NLEB.**

A.17. To reduce potential impact to NLEB at tree clearing locations within the USFWS NLEB range, Basin Electric has committed to conducting tree clearing activities from November 1 – April 14, outside of the NLEB active season. If tree clearing activities cannot be conducted during this window, consultation with USFWS would occur to determine the necessary actions.

### 3. Dakota skipper

Q.18. **Please describe the findings of Basin Electric’s analysis with respect to the Dakota skipper (“DASK”).**

A.18. A desktop assessment of habitat within the Project Corridor was used to divide habitat into two basic habitat groups: grassland habitat and unsuitable habitat. Within the Wheelock Circuit Corridor, the assessment identified approximately 279 acres, or 14%, of grassland habitat and approximately 1,649 acres, or 86%, of unsuitable habitat. Within the Tande Circuit Corridor, the assessment identified approximately 452 acres, or 34%, of grassland habitat and approximately 1,668 acres, or 66% of unsuitable habitat. The field surveys were conducted within the identified grassland habitat to determine if suitable habitat was present. Suitable habitat is defined as native grassland that contains one or more primary constituent elements for the skipper to complete its entire life cycle.

The Wheelock Circuit field survey recorded two locations of suitable habitat, totaling approximately 0.8 acres – less than 1% of the Wheelock Circuit Corridor. The Tande Circuit field survey recorded seven locations of suitable habitat, totaling approximately 0.18 acres, less than 1% of the Tande Circuit Corridor. No DASK were observed during the field surveys.

Q.19. **Please describe the measures that will be taken to protect the DASK.**

A.19. Basin Electric has designed the Project to minimize impacts to suitable habitat for the DASK. This includes placing pole structures and routing access trails around suitable habitat. Temporary fencing will be installed around each suitable habitat during construction and will remain until construction is complete. GIS files of these habitat areas will be shared with reclamation contractors and Basin Electric maintenance personnel to continue avoiding these areas.

In addition, during the DASK flight period, two avoidance buffer zones will be placed around suitable habitat locations to minimize the impacts to foraging or dispersing adult DASK. Within a 500-meter buffer, existing surfaced roads may be used for travel, but construction within the buffers will not occur during the flight period. Within a ½-mile buffer travel on existing surfaced and unsurfaced roads will be allowed, and

construction can occur within previous disturbed areas, but no new access roads or construction areas will be created during the flight period. The flight period is typically 14 days long between the dates of June 10 – July 25. Dates may be adjusted based on annual observations by the USFWS.

If suitable habitat cannot be avoided, then presence/absence surveys will be conducted by a permitted surveyor.

#### **4. Piping plover**

**Q.20. Please describe the findings of Basin Electric's analysis with respect to the piping plover.**

A.20. Field surveys documented that the Project Corridor is predominantly cropland and contains wetlands and waterbodies that are well vegetated and do not provide bare ground suitable for nesting habitat. The nearest critical habitat to the Wheelock Circuit is the Missouri River, approximately 14.5 miles south. The nearest critical habitat to the Tande Circuit is Cottonwood Lake, approximately 11 miles east.

**Q.21. Please describe the measures that will be taken to protect the piping plover.**

A.21. During the USFWS designated period of concern (April 15 to August 15), prior to construction, a migratory bird and nest survey will be completed along both circuits. If piping plovers are observed during the surveys, a ½-mile buffer will be placed around that wetland or waterbody and no construction would occur until any chicks have fledged.

Additionally, flight diverters will be installed on the transmission line, per APLIC standards.

#### **5. Rufa red knot**

**Q.22. Please describe the findings of Basin Electric's analysis with respect to the rufa red knot.**

A.22. This species is rare and is not reported in North Dakota every year. Wetlands and waterbodies within the Project Corridor do not have suitable stopover habitat for the

rufa red knot. Therefore, adverse impacts to the rufa red knot are not anticipated.

## **B. Bald and Golden Eagles**

**Q.23. How are bald and golden eagles treated under federal law?**

A.23. Eagles are protected under the Bald and Golden Eagle Protection Act, which does not designate critical habitat for the species but does protect individual eagles and their nests from disturbance.

**Q.24. Please describe the findings of Basin Electric's analysis with respect to bald and golden eagles.**

A.24. An aerial survey of the Project Corridor, with a one-mile buffer on either side of the centerline, was conducted in May 2024. One active raptor nest was observed along the Wheelock Circuit, and two active raptor nests were observed along the Tande Circuit, none of which were documented as bald eagle nests. These nests are approximately 0.5 and 0.4 miles from the Project centerline.

**Q.25. Please describe the measures that will be taken to protect bald and golden eagles.**

A.25. Prior to construction, a migratory bird nest survey will be completed, with on the ground survey for eagle nests as part of that protocol. If a nest is observed, the USFWS will be notified to determine appropriate buffer zones and constraint periods.

## **C. Wetlands and Waterbodies**

**Q.26. Please briefly explain the Project's potential impacts on wetlands and waterbodies.**

A.26. The Project has been sited to avoid permanent impacts to wetlands and waterbodies to the greatest extent possible. The Project avoids permanent impacts to wetlands except for one location, structures 386-131, 386-132, and 386-133 of the Tande Circuit, will be placed within a delineated wetland. Permanent wetland impacts are anticipated to be less than 0.01 acres.

**Q.27. Please describe the measures that Basin Electric will take to protect wetlands**

**and waterbodies.**

- A.27. Basin Electric is working with the United States Army Corps of Engineers (“USACE”) through Nationwide permitting for impacting the above-described wetlands. Except for the one wetland, all field delineated wetlands and waterbodies will have temporary fencing installed around the boundaries to ensure construction activities remain outside of the resource.

**D. Trees and Shrubs**

- Q.28. Please briefly explain the Project’s potential impact on trees and shrubs.**

- A.28. Approximately 19 acres of trees, 4 acres along the Wheelock Circuit Corridor and 15 acres along the Tande Circuit Corridor, present clearance violations to the proposed line and will need to be removed in accordance with the requirements of the National Electric Reliability Council (“NERC”). For unavoidable tree and shrub impacts during the Project’s construction and operation, Basin Electric will comply with the Commission’s Tree and Shrub Mitigation Specifications and submit a tree and shrub inventory and replacement plan for Commission review and approval.

- Q.29. Is Basin Electric requesting the ability to clear trees in areas wider than 50 feet?**

- A.29. Yes. To meet the NERC requirements, Basin Electric is requesting the ability to clear trees wider than 50 feet in five locations along the Wheelock Circuit and 17 locations along the Tande Circuit. For reference, please see Exhibit 9 and 10, which are maps produced by Basin Electric showing these tree removal areas. (Ex. 9 and 10 to Pre-filed Test.)

**E. Cultural and Historic Resources**

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

- A.30. Basin Electric, through its consultant Burns & McDonnell, consulted with the North Dakota State Historic Preservation Office (“NDSHPO”) regarding survey and testing methodology and reporting needs. To assess potential impacts to cultural and historic resources, a Class I Literature Search and a Class III Intensive Inventory were performed for all areas directly impacted. The Class I Literature Search identifies

previously documented cultural resources. It determines whether any known cultural resources in affected areas require further evaluation. The Class III Intensive Inventory is a systematic, pedestrian field survey to identify cultural resources in previously un-surveyed areas, update previously recorded resources, and make recommendations on each cultural resource's potential eligibility for the State Registry or the National Register of Historic Places ("NRHP").

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

A.31. Burns & McDonnell completed and submitted Class III Inventory reports for each circuit to NDSHPO for review. These reports detailed their findings and include precontact archaeological sites and site leads, historical archaeological sites and site leads, and architectural sites and site leads. Nearly all the precontact archaeological sites or site leads were lithic scatters or stone circle sites. The documented historical archaeological sites include abandoned farmsteads, collapsed structures, foundations, scattered cultural material, or a combination of these features. The reports recommended that none of the documented cultural resources are eligible for consideration for the State Registry or NRHP, and no eligible or unevaluated cultural resource lies within the footprint of the Project. Therefore, no cultural resource will be impacted by the Project's temporary construction activities or permanent operations.

NDSPHO is currently reviewing the reports, and we will notify the Commission when we have received concurrence.

**Q.32. Please describe any mitigation efforts being implemented for cultural and historic resources.**

A.32. During the Class III Intensive Inventory, Burns & McDonnell documented and mapped each site or site lead and placed avoidance buffers around them, as appropriate. All sites, including their buffers, will be temporarily fenced during construction and avoidance labels will be placed on these areas within the construction GIS files. No further avoidance or additional research is recommended, and as such, no mitigation measures are anticipated.

**IV. Agency Coordination**

**Q.33. Will the Project impact existing development plans of federal, state, or local**

**agencies, or private entities?**

A.33. No. The Project will not impact any existing development plans. Agency and public correspondence as of November 2025 is included in the Applications. (Wheelock Amended Application, Appx. H, Docket No. 2; Tande Amended Application, Appx. H, Docket No. 2.) No further correspondence was received. The Project Routes presented here are a work product of input from multiple local, county, state, and federal offices, as well as the multitude of landowners. Basin Electric believes that this route is a balance between a viable, cost-effective project and one that satisfactorily minimizes impacts.

**Q.34. Can you please explain the consultation with federal agencies to date?**

A.34. Basin Electric consulted with federal agencies, as follows:

- The United States Department of Energy reviews and issues Presidential Permits on behalf of the President. A Presidential Permit is needed to construct and operate the Project as it crosses the United States/Canadian border. An application has been submitted.
- The USFWS requires a Compatibility Determination and Special Use Permit for structures located within USFWS-managed grassland easements. The Wheelock Circuit has two structures within a grassland easement. An application has been submitted.
- USACE requires authorization under Nationwide Permit 57 to place structures within a wetland. The Tande Circuit has three structures that will be placed within a wetland. A compliance request has been submitted.
- Basin Electric has consulted with the United States Department of War (“DOW”) regarding structure placement in relation to their operations. The DOW concluded the Project will have minimal impacts on military operations conducted in the area.
- Basin Electric consulted with the Federal Aviation Administration regarding structure locations and heights. It was determined that all structures have a determination of no hazard to air navigation.
- Authorization from the International Boundary Commission is needed prior to any construction activity within 10 feet of the United States and Canada border. Approval has been received.

Q.35. **Can you please explain the consultation with state agencies to date?**

A.35. State 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.

Q.36. **Can you please explain the consultation with local agencies to date?**

A.36. Overhead transmission lines are permitted under conditional uses in Burke, Divide, and Mountrail Counties. Overhead transmission lines are a permitted use in Williams County.

Basin Electric will be submitting conditional use permit applications to Divide County for the Wheelock Circuit and Burke, Divide, and Mountrail Counties for the Tande Circuit.

Bicker Township in Mountrail County and Hawkeye Township in Divide County also require Conditional Use Permits. Applications will be submitted.

Q.37. **Are there any other outstanding permits or approvals are needed to begin construction of the Project?**

A.37. No, there are no other outstanding permits or approvals.

**V. Selection Criteria**

Q.38. **What do the Commission's rules require regarding the Selection Criteria?**

A.38. Under the Commission's rules, an applicant 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 maintenance of the facility will be minimal.

**Q.39. Did Basin Electric evaluate the impacts to public health and welfare, natural resources and the environment that could be expected from the Project's location, construction, and operation?**

A.39. Yes. Basin Electric addresses these issues in the Applications. (Wheelock Amended Application, Section 5, Docket No. 2; Tande Amended Application, Section 5, Docket No. 2.) Based on the careful analyses presented in the Application, the Project will not have any significant impacts to public health and welfare, natural resources, or the environment.

**Q.40. Will any adverse effects on agricultural production and family farms and ranches be kept to an acceptable minimum?**

A.40. The Project route was selected to minimize impacts on agriculture by placing structures on field splits or quarter lines and accommodating landowner requests where feasible, as explained in other witnesses' pre-filed testimony. (Murray Pre-filed Test., Sections II and III; Nasset Pre-filed Test., Section IV.)

**Q.41. Do you anticipate any significant adverse effects on noise-sensitive land uses resulting from the Project's location, construction, or maintenance?**

A.41. There may be temporary noise impacts from construction activities. Temporary construction noise would be limited to no more than a few days at any particular location along the circuits and would be mitigated by scheduling work to daylight hours, particularly when near sensitive receptors.

**Q.42. Will the Project have any visual impacts to the adjacent areas?**

A.42. The Project will be visible to landowners and travelers along roadways. Existing transmission lines, oil and gas well pads, and roads are already present in the viewshed.

**Q.43. Do you anticipate any significant impacts on areas of extractive or storage resources?**

A.43. The Project will not directly affect any wells or drill rigs, because the Project has been designed to avoid these areas and provide sufficient clearance for well maintenance and operation.

Q.44. **Do you anticipate any significant impacts on wetlands, woodlands, or wooded areas?**

A.44. The Project will avoid permanent impacts to wetlands, where feasible, with exception to the three structure locations along the Tande Circuit. Any trees or shrubs removed will be replaced consistent with the Commission's Tree and Shrub Mitigation Specifications.

Q.45. **Will the Project effect radio and television reception, and other communication or electronic control facilities?**

A.45. No, the Project is not anticipated to affect radio, television, communication, or other electronic control facilities.

Q.46. **Will the Project affect human health and safety, animal health and safety, or plant life?**

A.46. The Project is not anticipated to have an effect on human or animal health and safety and will have a negligible effect on plant life where the structures are installed. Basin Electric will replace trees and shrubs consistent with the Commission's Tree and Shrub Mitigation Specifications.

## VI. **Conclusion**

Q.47. **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.47. 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.48. **Based on your knowledge of the Project, is it compatible with the environmental preservation and the efficient use of resources?**

A.48. 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 )  
Wheelock–Saskatchewan 230kV Transmission Line) Case Nos.: PU-25-283 and PU-25-284:  
Siting Application; and ) OAH File No. 20250371  
Tande–Saskatchewan 230kV Transmission Line )  
Siting Application )

**AFFIDAVIT OF  
RYAN KING**

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.

  
\_\_\_\_\_  
Ryan King

Subscribed and sworn to before me, this 6<sup>th</sup> day of March, 2026.

  
\_\_\_\_\_  
Notary Public  
My Commission Expires: 10.19.26

