

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Basin Electric Power Cooperative
Tande to Saskatchewan 230kV Transmission Line
Siting Application**

Case No. PU-25-284

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

May 14, 2026

Appearances

Chair Randy Christmann, Commissioner Sheri Haugen-Hoffart, and Commissioner Jill Kringstad.

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

Chris Martens, 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 November 4, 2025, Basin Electric Power Cooperative (Basin) filed a consolidated application for a certificate of corridor compatibility and a route permit concerning approximately 58 miles of single circuit 230-kV electric transmission line and associated facilities in Burke, Divide, and Mountrail Counties, North Dakota (Project).

On November 10, 2025, Basin filed an amended application to make minor corrections.

On January 28, 2026, the North Dakota Public Service Commission (Commission) issued a Notice of Consolidated Hearings (Notice) for Case Nos. PU-25-283 and PU-25-284, scheduling two hearings, one for March 17, 2026, at 10:00 a.m. Central Time at the Divide County Courthouse, 200 North Main, Crosby, ND 58730 and the second for March 20, 2026, at 10:00 a.m. Central Time at the Ray Auditorium, 215 Main Street, Ray, ND 58849.

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

1. Will the construction, operation, and maintenance of the facility at the proposed location produce minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota?
2. Are the proposed facilities compatible with the environmental preservation and the efficient use of resources?
3. Will construction, operation, and maintenance of the facility at the proposed 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 February 5, 2026, the Commission deemed the application for a certificate of corridor compatibility and route permit complete.

On March 17, 2026, and March 20, 2026, the hearings were held as scheduled.

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 is a North Dakota cooperative association authorized to do business in the State of North Dakota, as evidenced by the corporate papers filed with the Commission in Case No. PU-23-42.

Size, Type, and Preferred Location of Facility

2. The Project will consist of approximately 58 miles of new, single circuit 230-kV electric transmission line and associated facilities to be located in Burke, Divide, and Mountrail Counties, North Dakota. The Project will originate at the existing Tande Substation, located approximately 3.8 miles west of Tioga in Mountrail County, North Dakota, and terminates at the United States/Canadian border, approximately 6.8 miles northwest of Crosby, North Dakota (Project).
3. The Project consists of approximately 327 transmission structures. All tangent structures will be directly embedded with gravel backfill and angle structures will be placed on drilled pier concrete foundations. Structure heights will range from 80 to 160 feet tall, varying based on required span distances and topography.

4. The Project will use an aluminum conductor of 1.315 inches in diameter with a composite carbon fiber conductor core. The minimum conductor clearance to ground will be 26 feet at all operating conditions.
5. Basin seeks a Project corridor that is 125 feet wide.
6. The total cost of the Project is estimated to be \$97 million.

Study of Preferred Location

7. Basin initiated correspondence seeking comments from the following federal, state, and local agencies regarding the Project:
 - a. Federal: (1) Federal Aviation Administration; (2) U.S. Army Corps of Engineers (USACE); (3) U.S. Department of Defense; (4) U.S. Fish and Wildlife Service; (5) Minot Air Force Base; (6) Grand Forks Air Force Base; (7) U.S. Bureau of Land Management; (8) U.S. Department of Agriculture, Natural Resources Conservation Service; (9) Military Aviation and Installation Assurance Siting Clearinghouse
 - b. State: (1) North Dakota Office of Attorney General; (2) North Dakota Department of Career and Technical Education; (3) Job Service of North Dakota; (4) North Dakota Aeronautics Commission; (5) North Dakota Department of Commerce; (6) North Dakota Department of Environmental Quality – Environmental Health Section; (7) North Dakota Department of Human Services; (8) North Dakota Department of Transportation; (9) North Dakota Department of Trust Lands; (10) North Dakota Energy Development Impact Office; (11) North Dakota Forest Service; (12) North Dakota Game and Fish Department; (13) North Dakota Geological Survey; (14) North Dakota Indian Affairs Commission; (15) North Dakota Industrial Commission; (16) North Dakota Labor Department; (17) North Dakota Office of the Governor; (18) North Dakota Parks and Recreation Department; (19) North Dakota Department of Agriculture; (20) North Dakota State Water Commission; (21) State Historical Society of North Dakota; (22) North Dakota Pipeline Authority; and (23) North Dakota Transmission Authority.
 - c. Local: (1) Burke County Planning and Zoning Department; (2) Burke County Commission; (3) Burke County Auditor; (4) Burke County Weed Board; (5) Divide County Planning and Zoning Department; (6) Divide County Commission; (7) Divide County Auditor; (8) Divide County Weed Board; (9) Mountrail County Planning and Zoning Department; (10) Mountrail County Commission; (11) Mountrail County Auditor; (12) Mountrail County Weed Board; (13) North Dakota District 2 State Representative; (14) North Dakota District 2 State Senators.
8. Basin conducted the following studies and surveys for the Project: Class I and Class III cultural resource inventory report; wildlife, wetlands and waterbodies surveys;

and a natural resources inventory report. Basin provided the following reports in support of the Application:

- a. **Class I literature review and Class III cultural resource inventory report.** Basin engaged with the North Dakota State Historic Preservation Office (NDSHPO) on the appropriate level of studies and surveys for the Project. The Class I review was completed for the survey area. Class III surveys and corresponding reports were completed on a 200-foot-wide area, 100 feet on either side of the Project route. On October 28, 2025, NDSHPO sent a letter of concurrence with the Tande-to-Saskatchewan Line Report submitted by Basin. Basin submitted an updated report on February 20, 2026, for all but one side of ½ mile of the Project remaining to be surveyed. A response from the NDSHPO on this report was due by April 27, 2026. The remaining side of the ½ mile of the project will be submitted separately once that survey is completed.
- b. **Wetlands and waterbodies surveys.** Basin performed a desktop assessment for the survey area with a 300-foot-wide area centered on the Project route. Field delineations were further conducted utilizing the presence of hydrophytic vegetation and landscape hydrology to identify additional wetlands. Three structures (386-131, -132, -133) will be placed within a wetland boundary, but Basin will implement measures to mitigate their impact upon the wetlands.
- c. **Grasslands habitat analysis.** A desktop analysis was performed to assess potential grassland habitats within the Corridor. Temporary and permanent impacts on unbroken grasslands have been avoided to the extent practicable. Basin performed habitat surveys according to the standards established by the United States Fish and Wildlife Service (USFWS) and North Dakota Game and Fish Department (NDGFD) and has avoided placing permanent infrastructure within unbroken grasslands to the greatest extent practicable.
- d. **Tree and shrub inventory.** A tree and shrub inventory was completed within the Corridor where access has been granted by landowners.
- e. **Wildlife studies and surveys:**
 - i. An aerial eagle nest survey was completed covering the Initial Project Routing Area in coordination with the USFWS and NDGFD. If construction starts between May 1 and July 15, a pedestrian pre-construction survey will also be performed.
 - ii. A field survey of suitable habitat for threatened and endangered species was completed according to USFWS standards over a 200-

foot buffer, including 100 feet on each side of the Project route. There is no federally designated critical habitat within the Corridor. Six species were identified through the USFWS IPaC tool that could potentially exist within the Corridor: northern long-eared bat, whooping crane, Dakota skipper, piping plover, (Rufa) red knot, and Suckley's cuckoo bumble bee, as well as two proposed threatened species: the Monarch butterfly and western regal fritillary.

- iii. Approximately 10.5 miles of the Project are within the northern long-eared bat (NLEB) range as established by the USFWS. An area is considered to be NLEB range if it has sufficient climate, habitat and geology and documented activity. While tree habitat is sparse within the Project area, there are 1.3 acres of surveyed area within the USFWS current NLEB range. Basin has committed to removing trees from November 1 to April 14, which is outside the NLEB active period and none of the trees to be removed are within the NLEB range. If tree clearing is required during the active period, Basin will contact the USFWS for direction and inform the Commission.
- iv. The Project is located within the migration path of the whooping crane. The Project was analyzed using the USGS and USFWS model that predicts that 95% of the Project is within the 1st and 2nd decile on the 1-10 range for probability of use by whooping cranes. If a whooping crane is sighted within 1 mile of the Project, heavy equipment usage will be halted, and Basin will contact the USFWS. Activity would resume once the cranes have left the area.
- v. Area Surveys indicated that 452.31 acres or 34% of the Project contains grassland habitat. But of that total, only seven locations totaling 0.18 acres, or less than 1% of the Project, contain suitable habitat for the Dakota Skipper (DASK). ½ mile buffers will be placed around this habitat to minimize disturbance to the grassland habitat. A 500-meter avoidance buffer will also be created around the potential DASK habitat.
- vi. The Project contains minimal suitable habitat for the Piping Plover and Rufa Red Knot.

9. Basin conducted a desktop review of geologic resources. Basin also performed subsurface soil exploration and a geotechnical engineering study for the Project Corridor and reviewed historic landslide data from the North Dakota Geologic Survey. There are thirty-five acres of geologically unstable soils within the Project corridor, but there are no structures located within these areas.

Issues Raised in Public Comments

10. The Commission received public comments during the public hearings and via direct contact with the Public Service Commission. The comments expressed concerns regarding easements; setback distances; impacts to agriculture operations; alternate routing; underground versus overhead construction; and the impact upon migratory birds.

11. Having considered the public comments, the issue of easements is outside the jurisdiction of the Commission.

12. Commenters asserted that greater setback distances on high-voltage electric transmission lines should be considered. NDCC Section 49-22-05.1(3) specifies that areas within 500 feet of an inhabited rural residence must be designated an avoidance area unless waived in writing by the owner of the inhabited rural residence. Basin testified that this requirement has been met by either avoiding the location or obtaining a signed waiver.

13. Commenters asserted that they have concerns about the impact of the Project to existing agriculture operations. Specific concerns were raised regarding aerial crop spraying, agriculture equipment and Global Positioning System (GPS) operation near electric transmission structures. The Commission finds that adverse effects have been adequately minimized for the welfare of the people and the environment of the state by Basin's construction plan combined with the Commission's Certification Relating to Order Provisions – Transmission Facility Siting requirements.

14. Commenters asserted that Basin should have considered alternate routes rather than the route proposed. The Commission finds that Basin has satisfied this comment by considering alternate routes as discussed in Exhibit 3.

15. Commenters asserted that Basin should consider underground versus overhead construction for the Project. It is generally understood that underground construction causes greater environmental impacts, dramatically increases construction and maintenance costs and shortens the life expectancy of the facilities. The Commission finds that requiring Basin to utilize underground construction for the Project would result in greater negative impacts than overhead construction.

16. Commenters expressed concerns that the Project will fall within the migratory route for whooping cranes. The Commission finds that Basin has adequately addressed this issue by conducting surveys according to USFWS standards; the installation of flight diverters; and the commitment to cease construction and seek direction from the USFWS if there are any whooping crane sightings within one mile of the Project.

Siting Criteria

17. The Commission has developed criteria pursuant to North Dakota Century Code (NDCC) section 49-22-05.1 to guide the site, corridor, and route suitability evaluation and designation process. The criteria, as set forth in North Dakota Administrative Code (NDAC) section 69-06-08-02, are classified as Exclusion Areas, Avoidance Areas, Selection Criteria, and Policy Criteria.

18. Basin evaluated the Project with respect to the Exclusion, Avoidance, Selection, and Policy criteria of the Commission.

19. An Exclusion Area is a geographic 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 at no given point may such an area or areas encompass more than fifty percent of the corridor width unless there is no reasonable alternative.

20. Designated or registered state archaeological sites are Exclusion Areas. Basin identified twenty-four sites within the Study Area. Basin has committed to avoiding all these sites and buffer zones have been placed around each site. Temporary fencing will be installed around each buffer zone prior to construction.

21. Basin's surveys did not identify any additional Exclusion Areas within the Corridor.

22. 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. In determining whether an Avoidance Area should be designated for a transmission 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 routes.

23. Historical resources are Avoidance Areas. These resources will be avoided by the Project. Buffers will be created for historical resources that are to be avoided. The distance of a buffer will vary based upon the sensitivity of the resources to disturbance and fencing may be incorporated to further protect the resources.

24. Areas within five hundred feet of an occupied residence are Avoidance Areas. Basin's surveys identified four occupied residences within five hundred feet of the Project Route. Basin has obtained waivers from all affected residents.

25. Areas that are geologically unstable are Exclusion Areas. Basin identified thirty-five acres of geologically unstable soils within the Project Corridor. No structures or access roads are located within these areas, thereby minimizing the impact.

26. No other Avoidance Areas were identified within the Corridor.

27. In accordance with the Commission's Selection Criteria set forth in NDAC Section 69-06-08-02(3), a transmission facility corridor or route shall be approved only if it is demonstrated that any significant adverse effects that will result from the location, construction, and maintenance of the transmission facility will be at an acceptable minimum, or that those effects will be managed and maintained at an acceptable minimum.

28. Basin has analyzed the impacts of the Project in relation to all relevant Selection Criteria. No significant adverse impact will result from the location, construction, and operation of the Project.

29. The Commission's Policy Criteria are set forth in NDAC Section 69-06-08-02(4). The Commission may give preference to an applicant that will maximize benefits that result from the adoption of various policies and practices. There is no need for the Commission to give preference to the applicant in this proceeding.

Measures to Minimize Impact

30. Basin has agreed to a number of steps to mitigate the impact of the Project as indicated by the Certification Relating to Order Provisions – Transmission Facility Siting with accompanying Tree and Shrub Mitigation Specifications filed in this proceeding, which is incorporated by reference and attached to this Order.

31. Basin will implement appropriate measures to minimize avian collision risk with overhead transmission lines, consistent with the Avian Power Line Interaction Committee (APLIC) Reducing Avian Collisions with Power Lines (APLIC 2012), as outlined in Basin's Avian and Bat Protection Plan.

32. The Project will be constructed according to standards of the United States Department of Agriculture Rural Utilities Service, the National Electric Safety Code, the American Society of Civil Engineers, the American Concrete Institute, the American Welding Society, the International Council on Large Electric Systems, the International Electrotechnical Commission, and the National Electric Manufacturers Association.

33. Basin has filed a Noxious Weed Management Plan in Appendix F of the Application. The plan has also been submitted to the Burke, Divide and Mountrail County Weed Boards.

34. Basin will implement the following erosion and sediment control mitigation measures for the Project: excess subsoils and rocks will be hauled off-site to an approved landfill; erosion and sediment controls will be established prior to construction and thereafter maintained and controlled through application of a storm water pollution prevention plan; where required, silt fences or other sediment control measures will be used to prevent sediment from moving off-site; maintenance will be scheduled during

periods of minimum precipitation; temporary laydown areas will be located in previously disturbed areas and/or areas previously surveyed for cultural and biological resources.

35. Basin will complete surveys on all remaining parcels that have not been surveyed.

36. Basin will submit the line route to local emergency agencies prior to any construction so first responders will have GPS coordinates to the site. The Tande Substation has a 911 address that will be communicated to all contractors working on those sites. Basin has an OSHA-based safety program supported by the Energy Coalition for Contractor Safety for all contractors that work for the Cooperative.

37. Basin has requested authorization from the Commission to clear trees wider than 50 feet in 17 locations, from structures 386-032 to 386-033, 386-074 to 386-075, 386-075 to 386-076, 386-080 to 386-081, 386-133 to 386-134, 386-141 to 386-142, 386-142 to 386-143, 386-147 to 386-148, 386-226 to 386-227, 386-261 to 386-262, 386-305 to 386-306, and 386-312 to 386-313.

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

Conclusions of Law

1. The Commission has jurisdiction over Basin Electric Power Cooperative (Basin) and the subject matter of these applications under North Dakota Century Code chapter 49-22.

2. Basin is a utility as defined in NDCC section 49-22-03(16).

3. The Project proposed by Basin is an electric transmission facility as defined in NDCC section 49-22-03(7).

4. Based on the above Findings of Fact, the Commission concludes the location, construction, and operation of the Project will produce minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota.

5. Based on the above Findings of Fact, the Commission concludes the Project is compatible with the environmental preservation and the efficient use of resources.

6. Based on the above Findings of Fact, the Commission concludes 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 Findings of Fact and Conclusions of Law, the Commission makes the following order:

Order

The Commission orders:

1. Basin Electric Power Cooperative's (Basin) consolidated application for a certificate of corridor compatibility and a route permit is granted.
2. Certificate of Corridor Compatibility No. 247 is issued to Basin designating a corridor for the construction, operation, and maintenance of approximately 58 miles of single circuit 230-kV electric transmission line and associated facilities in Burke, Divide, and Mountrail Counties, North Dakota. For purposes of the Certificate, the designated corridor is 125 feet wide for the Project.
3. Route Permit No. 258 is issued to Basin designating a route for the construction, operation, and maintenance of approximately 58 miles of single circuit 230-kV electric transmission line and associated facilities in Burke, Divide, and Mountrail Counties, North Dakota. For purposes of the Permit, the designated route is the proposed route depicted in Hearing Exhibit No. 12.
4. The March 10, 2026, Certification Relating to Order Provisions - Transmission Facility Siting (Certification), with accompanying Tree and Shrub Mitigation Specifications, is incorporated by reference and attached to this Order.
5. Basin is authorized to clear trees wider than 50 feet in 17 locations up to the full corridor width, from structures 386-032 to 386-033, 386-074 to 386-075, 386-075 to 386-076, 386-080 to 386-081, 386-133 to 386-134, 386-141 to 386-142, 386-142 to 386-143, 386-147 to 386-148, 386-226 to 386-227, 386-261 to 386-262, 386-305 to 386-306, and 386-312 to 386-313.
6. To the extent that there are any conflicts or inconsistencies between Basin's Application in this proceeding and the Certification, the Certification provisions control.
7. Basin shall obtain all other necessary licenses and permits prior to commencing construction on such portion of the Project for which the license and/or permit is required and shall provide copies of such licenses and permits to the Commission prior to construction.
8. Basin shall conduct a Class III cultural resources inventory and file with the Commission documentation from SHPO indicating concurrence that no historic properties or sites will be affected prior to beginning construction on any portion of the Project where SHPO concurrence has not yet been received.

9. Basin is required to comply with all applicable laws, rules, and/or regulations in the event they desire to construct another or a different transmission facility than was specified in the Application within the corridor granted in this proceeding.

10. Basin will notify the Commission when structure relocations occur within the designated corridor if a relocation is more than twenty feet from the original structure location.

PUBLIC SERVICE COMMISSION

		
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Sheri Haugen-Hoffart Commissioner	Randy Christmann Chair	Jill Kringstad Commissioner

**PUBLIC SERVICE COMMISSION
STATE OF NORTH DAKOTA**

Route Permit Number 258

This is to certify that the Commission has designated a transmission facility route for Basin Electric Power Cooperative for the construction, operation, and maintenance of approximately 58 miles of single circuit 230-kV electric transmission line and associated facilities in Burke, Divide, and Mountrail Counties, North Dakota.

This permit is issued in accordance with the Order of this Commission dated May 14, 2026, in Case No. PU-25-284 and is subject to the conditions and limitations noted in the Order.

Bismarck, North Dakota, May 14, 2026.

ATTEST:

PUBLIC SERVICE COMMISSION



Executive Secretary



Commissioner

**PUBLIC SERVICE COMMISSION
STATE OF NORTH DAKOTA**

Certificate of Corridor Compatibility Number 247

This is to certify that the Commission has designated a transmission facility corridor for Basin Electric Power Cooperative for the construction, operation, and maintenance of approximately 58 miles of single circuit 230-kV electric transmission line and associated facilities in Burke, Divide, and Mountrail Counties, North Dakota.

This permit is issued in accordance with the Order of this Commission dated May 14, 2026, in Case No. PU-25-284 and is subject to the conditions and limitations noted in the Order.

Bismarck, North Dakota, May 14, 2026.

ATTEST:

PUBLIC SERVICE COMMISSION



Executive Secretary



Commissioner

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**Basin Electric Power Cooperative
Tande to Saskatchewan 230kV Transmission Line
Siting Application**

Case No. PU-25-284

**CERTIFICATION RELATING TO ORDER PROVISIONS
TRANSMISSION FACILITY SITING**

I am Bobby Nasset, 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 any Certificate of Corridor Compatibility or Route Permit issued by the Commission will be 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 transmission 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 transmission facility that requires said license or permit.
4. Company understands and agrees that any Certificate of Corridor Compatibility or Route Permit issued by the Commission 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 issuing a Certificate of Corridor Compatibility or Route Permit, 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 any Certificate of Corridor Compatibility or Route Permit issued by the Commission for the

transmission 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 submitted to the North Dakota State Historic Preservation Office and approved 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 transmission 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 on construction activities on a monthly basis.
11. Company understands and agrees that all topsoil, up to 12 inches, or topsoil to the depth of cultivation, whichever is greater, over and along trench areas where cuts will be made, must be carefully stripped and segregated from the subsoil. Any area on which excavated subsoil will be placed must also 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.
12. Company understands and agrees that all buried facility crossings of graded roads must be bored unless the responsible governing agency specifically permits Company to open cut the road.

13. 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.
14. 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 and a report of such examination is filed with the Commission and the State Historical Society.
15. 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.
16. 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:

17. Company understands and agrees that it shall, as soon as practicable upon the completion of the construction of the transmission 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.
18. 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 transmission 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.
19. 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.
20. Company will fulfill its obligation for reclamation and maintenance of the approved transmission facility right-of-way, transmission facility, and associated facilities continuing throughout the life of the transmission facility.
21. Company will repair all fences and gates removed or damaged during all phases of construction and operation of the transmission facility.

22. Company will repair or replace all drainage tile broken or damaged as a result of construction and operation of the transmission facility.
23. Company agrees to comply with the Tree and Shrub Mitigation Specifications, attached.
24. 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 transmission facility.
25. 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.
26. Company understands and agrees that it shall provide any necessary safety measures for traffic control or to restrict public access to the transmission facility.

Communication with Landowners and PSC:

27. Company understands and agrees that, prior to beginning construction of the transmission facility at a location, it shall send a letter to each landowner with whom an easement was executed for that location specifying the name and phone number of the company representative who is responsible for receiving and resolving landowner issues for the life of the easement.
28. Company understands and agrees that it will file with the commission the name and phone number of the current company representative who is responsible for receiving and resolving landowner issues for the transmission facility. The company will update this information whenever there is a change to the current company representative for the life of all easements for the transmission facility.
29. Upon request, Company agrees to provide the Commission with engineering design drawings of the transmission facility prior to construction.
30. 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 transmission facility, including injuries to any person.
31. Company agrees to report to the Commission, as soon as reasonably possible, the presence in the permit area of any critical habitat or threatened or endangered species of which Company becomes aware and which were not previously reported to the Commission.

32. Company understands and agrees that it shall inform the Commission in writing of any plans to modify the transmission facility or of any plans to modify the site plan for the transmission facility.
33. Company agrees to provide the Commission with both an electronic and a paper copy of the corridor approved by the Commission and the facility design specifications for the construction of the transmission facility showing the location of the transmission 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 corridor approved by the Commission and the facility design specifications for the construction of the transmission facility showing the location of the transmission 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.

Route Adjustments Before or During Construction:

36. Company agrees to utilize the following procedures if Company seeks a route adjustment before or during construction of the transmission line.
37. Company will file the name and contact information for a key contact person for the purposes of notice and communication during the adjustment application.
38. **ROUTE ADJUSTMENT WITHIN DESIGNATED CORRIDOR, NO AVOIDANCE AREA AFFECTED:** Before conducting any construction activities for any adjustment to the designated route within the designated corridor, the Company will file:
 - a. Certification and supporting documentation affirming that construction activities will be within the designated corridor, will not affect any known exclusion or avoidance areas within the designated corridor;
 - b. Certification and supporting documentation, including a map meeting the requirements of N.D. Admin. Code § 69-06-04-01(2)(n) identifying the designated corridor, route and the route adjustment;

- c. Certification that Company will comply with the Commission's order, law and rules designating the corridor and route.

39. **ROUTE ADJUSTMENT WITHIN DESIGNATED CORRIDOR, AVOIDANCE AREA AFFECTED:** Before adjusting the route of an electric transmission line within the designated corridor that may affect an avoidance area, and before conducting any construction activities for any adjustment to the designated route within the designated corridor, the Company will file:

- a. 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:
 - i. the designated corridor, route and the route adjustment;
 - ii. all exclusion and avoidance areas within the portion of the designated corridor containing the route adjustment
- b. Certification and supporting documentation affirming:
 - i. That construction activities will be within the designated corridor
 - ii. That construction activities will not affect any known exclusion area
- c. All field studies performed on the portion of the designated corridor containing the route adjustment;
- d. Specific information about any mitigation measures Company will take within the adjustment area;
- e. Certification that each owner of real property on which the adjustment is to be located and any applicable governmental entity with an interest in the same adjustment area do not oppose the adjustment;
- f. 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;
- g. Certification that Company will comply with the Commission's order, law and rules designating the corridor and route.

40. **ROUTE ADJUSTMENT OUTSIDE DESIGNATED CORRIDOR, NO AVOIDANCE AREA AFFECTED:** Before adjusting the route of an electric transmission line outside the designated corridor and not affecting any exclusion and avoidance area, before conducting any construction activities for any adjustment to the designated route outside the designated corridor, the Company will file:
- a. Certification and supporting documentation affirming that construction activities will not affect any known exclusion or avoidance areas,
 - b. Certification and supporting documents stating the length of the proposed route outside of the corridor and a map meeting the requirements of N.D. Admin. Code § 69-06-04-01(2)(n) identifying the designated corridor, corridor adjustment, designated route and the route adjustment;
 - c. Certification that each owner of real property on which the adjustment is to be located and any applicable governmental entity with an interest in the same adjustment area do not oppose the adjustment; and
 - d. Detailed field studies indicating exclusion and avoidance areas for the proposed adjustment area; and
 - e. Certification that Company will comply with the Commission's order, law and rules designating the corridor and route.
41. **ROUTE ADJUSTMENT OUTSIDE DESIGNATED CORRIDOR, AVOIDANCE AREA AFFECTED:** Before adjusting the route of an electric transmission line outside the designated corridor that may affect an avoidance area, and before conducting any construction activities for any adjustment to the designated route outside the designated corridor, the Company will file:
- a. 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:
 - i. the designated corridor, corridor adjustment, route and the route adjustment;
 - ii. all exclusion and avoidance areas within the adjustment area
 - b. Certification that construction activities will not affect any known exclusion area;
 - c. Certification that the utility has good cause and a specific reason to impact the avoidance area and a reasonable alternative does not exist within the designated corridor and route;
 - d. Certification that each owner of real property on which the adjustment is to be located and any applicable governmental entity with an interest in the same adjustment area do not oppose the adjustment;
 - e. Provide specific information about any mitigation measures Company will take within the adjustment area;
 - f. Detailed field studies indicating exclusion and avoidance areas for the proposed adjustment area; and

g. Certification that Company will comply with the Commission's order, law and rules designating the corridor and route.

Company acknowledges and agrees that:

42. When applicable, Company may submit the field studies from the original application for the corridor and route provided they cover the adjustment area.
43. 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 10th day of March, 2026.

BASIN ELECTRIC POWER COOPERATIVE

By Bob Mc

Its Project Manager

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**Basin Electric Power Cooperative
Tande to Saskatchewan 230kV Transmission Line
Siting Application**

Case No. PU-25-284

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.