

Exhibit 15

John Kuba Pre-Filed Direct Testimony

**BEFORE THE STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**NORTH PLAINS CONNECTOR LLC
NORTH PLAINS CONNECTOR TRANSMISSION PROJECT
SITING APPLICATION**

CASE NO. PU-26-82

**PRE-FILED TESTIMONY OF JOHN KUBA
ON BEHALF OF NORTH PLAINS CONNECTOR LLC**

August 21, 2026

I. INTRODUCTION AND QUALIFICATIONS

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

A. My name is John Kuba. I am employed by Grid United LLC ("Grid United") and my business address is 712 Main Street, Suite 2500, Houston, TX 77002.

Q. What is your position with Grid United?

A. I am the Vice President of Environmental.

Q. Briefly describe your work history and education.

A. I hold a Bachelor of Science in Animal Science with a minor in Biology from Tarleton State University. I have nearly 20 years of experience supporting energy development through analysis of natural, cultural, and human environments. My experience includes overseeing environmental studies, agency and Tribal consultation, and permitting. Since April 2024, I have been with Grid United, leading environmental analysis of the North Plains Connector Transmission Project ("North Plains Connector").

Q. What is your role with respect to the North Plains Connector?

A. My role includes oversight of environmental studies; coordination with federal, state, and local agencies; Tribal consultation; and management of state and federal environmental permitting.

Q. What proposed hearing exhibits are you sponsoring in your testimony?

A. I am sponsoring the following proposed hearing exhibits:

- Exhibit 1: Consolidated Certificate of Corridor Compatibility and Route Permit Application ("Consolidated Application");
- Exhibit 9: Updated Potential Permits and Approvals Table;
- Exhibit 10: Programmatic Agreement;
- Exhibit 11: State Historical Society of North Dakota ("SHSND") Correspondence;

- Exhibit 12: North Dakota Game and Fish Department (“NDGFD”) Correspondence;
- Exhibit 13: Summary of Avoidance and Minimization Measures;
- Exhibit 15: John Kuba Pre-Filed Direct Testimony; and
- Exhibit 15-A: John Kuba Curriculum Vitae.

Q. What is the purpose of your Direct Testimony?

A. The purpose of my testimony is to provide an overview of the environmental analysis conducted for the North Plains Connector, including the status of the federal and Montana permitting processes. For the North Dakota portion of the North Plains Connector (“Project”), which is the subject of North Plains’ Consolidated Application, I discuss the environmental factors used to select the proposed Project Corridor and Route, including federal and state agency coordination, Tribal coordination, and multiple years of survey efforts. I also discuss how the Project has been designed and will be constructed to avoid or minimize potential impacts to humans and the environment, and the measures that will be employed during construction and operations to minimize potential Project impacts.

II. PERMITS AND APPROVALS

Q. Please discuss what information is provided in proposed Exhibit 9.

A. Proposed Exhibit 9 is an updated version of Table 2.1-1 in Section 2.1 of the Consolidated Application. It identifies the major permits and approvals required for the North Plains Connector and notes the actual or anticipated submittal and approval dates.

Q. As noted in Exhibit 9, the North Plains Connector is required to complete a National Environmental Policy Act (“NEPA”) review. What federal action or actions triggered the NEPA review?

A. The North Plains Connector crosses federal lands managed by the Bureau of Land Management (“BLM”), United States Forest Service (“USFS”), and the United States

Department of Agriculture (“USDA”) Agricultural Research Service (“ARS”), which requires right-of-way (“ROW”) or special permit approvals from each of the respective agencies. Additionally, the Department of Energy (“DOE”) has conditionally awarded the North Plains Connector a grant through the Grid Resilience and Innovation Partnerships (“GRIP”) Program. The potential effects of the North Plains Connector, including each of these federal actions, are being analyzed in a single NEPA review. The DOE is the lead federal agency for the NEPA review under Section 216(h) of the Federal Power Act, which designates DOE as the lead agency for coordinating federal authorization and environmental review for interstate electric transmission facilities.

Q. Does the NEPA review apply to the entirety of the North Plains Connector, including the North Dakota portion?

A. Yes, although each participating agency’s decision will be specific to the lands managed by that agency (BLM, USFS, and USDA ARS) or the agency’s grant requirements (DOE).

Q. The portion of the North Plains Connector in Montana requires a Certificate of Compliance from the Montana Department of Environmental Quality (“MT DEQ”), is that correct?

A. Yes.

Q. What is the status of the MT DEQ permitting process?

A. North Plains submitted an application for a Certificate of Compliance under the Montana Major Facility Siting Act (“MFSA”) with the MT DEQ on September 9, 2024. The MT DEQ’s decision is subject to the Montana Environmental Policy Act (“MEPA”); therefore, MT DEQ is completing its review through a joint NEPA/MEPA process.

Q. What is the current status of the NEPA/MEPA process?

A. On October 25, 2024, the DOE and the MT DEQ jointly published a Notice of Intent (“NOI”) to prepare an Environmental Impact Statement (“EIS”) for the North Plains Connector and completed a 45-day public scoping period in December 2024. The

October 2024 NOI described federal right-of-way ("ROW") or special use permit authorizations being considered by BLM, USFS, and USDA ARS, each a cooperating agency in the NEPA process, as well as the MT DEQ MFSA certification that is subject to the MEPA review. The NOI described DOE's lead agency role, jointly with MT DEQ, to perform a single, combined NEPA and MEPA review for the Project. On November 19, 2025, DOE published an Amended NOI clarifying that DOE has a decision-making role with respect to the conditional award pursuant to DOE's GRIP Program.

DOE published a Draft EIS ("DEIS") on January 9, 2026, which was followed by a 45-day public comment period.

Q. When is the NEPA/MEPA review anticipated to be complete?

A. The NEPA/MEPA review is anticipated to be completed upon issuance of the Final Environmental Impact Statement in the third quarter of 2026.

Q. Does North Plains anticipate receiving favorable decisions in the federal and MT DEQ processes?

A. Yes, we anticipate receiving the required federal authorizations and the MT DEQ Certificate of Compliance.

III. AGENCY AND TRIBAL NATION ENGAGEMENT

Q. In his direct testimony, Brant Johnson describes the stakeholder-first approach used by North Plains when selecting the proposed Corridor and Route. Please discuss how the stakeholder-first approach was implemented with environmental and land use agencies.

A. As Brant discusses in his testimony, North Plains initially identified potential routes through a desktop analysis, which considered regulatory compliance, avoiding/minimizing potential human and environmental impacts, maximizing co-location, and minimizing engineering and design constraints. North Plains then initiated coordination with federal and state environmental and land use agencies, as

well as other stakeholders, to receive feedback on the potential routes and input on studies recommended as part of the development process.

As the route continued to be refined through agency and landowner input, environmental survey results, and further engineering analysis, North Plains continued its agency coordination to ensure an open dialogue and iterative route development process. This coordination has continued as the North Plains Connector progresses through local, state, and federal permitting processes, and will continue throughout Project construction.

Q. Was the stakeholder-first approach also utilized with Tribal Nations?

A. Yes. North Plains performed early outreach and coordination with Tribal Historic Preservation Officers from 21 Tribal Nations. As part of this early coordination, North Plains incorporated Tribal Cultural Specialists in field survey work and adopted reroutes and avoidance and minimization measures based on feedback from coordinating Tribes.

Q. In addition to the separate coordination with agencies and Tribal Nations described above, did North Plains send consultation letters to all agencies and entities identified in NDAC Section 69-06-01-05 prior to filing the Consolidated Application?

A. Yes.

Q. Does Section 7.0 of the Consolidated Application provide summaries of the stakeholder correspondence received prior to filing the application?

A. Yes.

Q. Since the Application was filed, has North Plains received any additional stakeholder correspondence?

A. Yes. As discussed in Brant's testimony, additional correspondence was received from water resource/management districts and County Weed Boards. Additionally, as

discussed later in my testimony, the Project received additional correspondence from NDGFD.

Q. To date, have any agencies or Tribal Nations identified any environmental or land use concerns that would impact the ability to construct or operate the Project?

A. No, I am not aware of any concerns that would affect Project construction or operation. As noted above, the proposed Corridor and Route were the result of extensive stakeholder coordination and environmental analysis. Input from agencies and Tribal Nations has been considered in the Project design, as well as in the plans North Plains has developed to avoid or minimize potential impacts from Project construction and operation.

IV. OVERVIEW OF PROJECT STUDY AREA, CORRIDOR, AND ROUTE

Q. What Study Area was used to analyze the Project in the Consolidated Application?

A. The Study Area includes all areas within 0.5-mile of the Project Route. The sections, townships, and ranges in which the Study Area is located are provided in Table 1.7.4-1 of the Consolidated Application.

Q. Are all anticipated permanent and temporary Project impacts identified and evaluated in the Consolidated Application?

A. Yes.

Q. In acres, what are the permanent and temporary impact estimates for the Project?

A. Estimated permanent impacts are 91.7 acres and temporary impacts are 2,988.4 acres. A summary of the potential temporary and permanent impacts by transmission line and feature or activity are provided in Table 4.5-1 of the Consolidated Application.

Q. Are these estimates conservative? Please explain.

A. Yes. As an example, the permanent impacts include upgrades to existing access roads, even though much of the impact already has occurred. Additionally, the temporary impact calculation includes separate acreages for workspaces that often overlap and accounts for the entirety of the land area available for construction workspace, but the actual ground disturbance within the workspace is anticipated to be less. Thus, the temporary impacts are also overestimated.

V. ENVIRONMENTAL ANALYSIS

Q. Are the biological resource field surveys and assessments conducted for the Project identified in Table 6.11.1-1 of the Consolidated Application?

A. Yes.

Q. In addition to biological field surveys and assessments, what other environmental field survey work was conducted for the Project prior to filing the Consolidated Application?

A. Additional surveys include a Class I Literature Review and Class III Cultural Resource Inventory.

Q. Since the Consolidated Application was submitted, have any additional field surveys and/or assessments been conducted for the Project? If so, please discuss those surveys/assessments.

A. Yes. Between the 2022 and 2025 field survey seasons, North Plains completed field surveys on greater than 99 percent of the Project Corridor. Since submitting the Consolidated Application in February 2026, a small amount of survey was performed between June and August in 2026, focusing on remaining survey areas. Surveys included a general habitat assessment, wetland/waterbody delineations, and cultural resource surveys, as well as species-specific surveys for bat presence and Dakota skipper habitat.

217 **Q. Are any future field surveys and/or assessments planned for the Project? If so,**
218 **please discuss those surveys/assessments.**

219 A. Additional field surveys are planned in 2027 to support pre-construction planning, such
220 as tree and shrub, raptor nest, and migratory bird surveys.

222 **Q. Do you anticipate the results of any remaining surveys or assessments will**
223 **affect the conclusions presented in the Consolidated Application or in your**
224 **testimony?**

225 A. No.

227 **Q. Section 6 of the Consolidated Application discusses the human and**
228 **environmental resources analyzed for the Project's Study Area, Corridor, and**
229 **Route, is that correct?**

230 A. Yes, Section 6 provides a comprehensive review of existing conditions and potential
231 impacts to human and environmental resources.

233 **Q. Does Section 6 of the Consolidated Application also discuss the avoidance and**
234 **minimization measures the Project has employed or will employ to avoid and/or**
235 **minimize the Project's potential adverse human and environmental impacts?**

236 A. Yes, each subsection within Section 6 provides a description of measures taken or
237 planned to avoid and/or minimize potential effects on the respective resource.

239 **1. CULTURAL RESOURCES**

241 **Q. Please describe the cultural resource investigations conducted for the Project**
242 **to-date.**

243 A. North Plains performed both comprehensive desktop and field-based investigations
244 for the Project, as described in Section 6.4.1 of the Consolidated Application. North
245 Plains completed a Class I Literature Review to identify past studies that were
246 performed in the Project Corridor and any previously recorded historic properties.
247 Additionally, North Plains conducted a Class III Cultural Resource Inventory, following

North Dakota State Historic Preservation Office (“ND SHPO”) inventory standards, which involved a pedestrian survey by archaeologists and Tribal Cultural Specialists. Additional detail regarding the surveys conducted is provided in the Archaeology Summary Report in Appendix I of the Consolidated Application.

Additional cultural resource surveys are in progress and anticipated to be completed in August 2026, which include the route adjustments discussed in Brant’s direct testimony and small areas not covered by prior survey efforts.

Q. Please discuss the Tribal cultural resource surveys completed.

A. Over the course of four survey seasons, 18 Tribal Nations elected to participate directly in Tribal cultural resource surveys conducted along the Project Route. These surveys were conducted alongside archaeological investigations and emphasized identification of Tribal cultural resources.

Q. With respect to cultural resources, why is compliance with Section 106 of the National Historic Preservation Act (“NHPA”) required for the Project?

A. The purpose of NHPA consultation is to identify historic properties that may be affected by a federal undertaking and identify opportunities to avoid, minimize, or mitigate adverse effects. It is a requirement for federal agencies to consult with SHPOs, as well as federally recognized Tribes, and other consulting parties, when the federal agency action has the potential to affect historic properties.

Q. Please describe the ND SHPO’s role with respect to Section 106 compliance, and the coordination conducted with ND SHPO for the Project.

A. Coordination with the ND SHPO began in 2022 with a focus on early desktop data collection and Class III field survey preparation. More recently formal coordination occurred through NEPA and NHPA consultations, leading to development of a Programmatic Agreement, which outlines the process for compliance with Section 106 of the NHPA.

Q. Proposed Exhibit 10 is the Programmatic Agreement for the North Plains Connector Project. At a high level, what is the purpose of the Programmatic Agreement and who are the signatories?

A. The Programmatic Agreement establishes the framework for how federal agencies are meeting their consultation obligations under Section 106 of the NHPA for the North Plains Connector. It defines the agreed-upon process for identifying, evaluating, and resolving potential impacts on historic and Tribal cultural resources across the Project.

The required Signatories are the US DOE, MT SHPO, and ND SHPO. The Invited Signatories are the USDA ARS, BLM, USFS, and North Plains, who all signed the agreement. MT DEQ and 21 Tribal Nations are also included as Consulting Parties in the development and implementation of the Programmatic Agreement.

Q. Please summarize how the Programmatic Agreement addresses the identification, evaluation, and reporting of resources.

A. The Programmatic Agreement outlines general stipulations to the consultation process such as roles and responsibilities, communications practices, standards and qualifications, and confidentiality provisions, as well as more detailed requirements such as defining the location to be evaluated ("Area of Potential Effect" or "APE"), methods to identify historic properties or Tribal Cultural Sites, the process for evaluating National Register of Historic Preservation ("NRHP") eligibility, and documentation requirements. An overall purpose of the Programmatic Agreement is to ensure early alignment on important identification and evaluation elements of NHPA consultation that otherwise may occur over a lengthy period of development or construction.

Q. If potentially adverse effects to an NRHP eligible, potentially eligible, or unevaluated resource are identified, what steps are outlined in the Programmatic Agreement to address those potential effects?

A. Section V of the Programmatic Agreement outlines an agreed-upon process for resolving adverse effects through development of a Historic Property Treatment Plan.

North Plains will develop one or multiple Historic Property Treatment Plan(s) that identifies historic properties, Tribal Cultural Sites, or unevaluated resources that are presumed eligible, and documents treatment measures to avoid, minimize, or mitigate adverse effects.

Q. Does the Programmatic Agreement address the potential for adjustments to the Corridor or Route?

A. Yes. Section VI of the Programmatic Agreement specifically addresses changes to the Route or associated APE that could occur prior to or during construction. These changes would follow the underlying identification, evaluation, and treatment stipulations of the Programmatic Agreement, with streamlined review procedures to ensure timely review.

Q. Is all cultural resource survey work conducted for the Project subject to the Programmatic Agreement?

A. Yes.

Q. Will the Project's compliance with the Programmatic Agreement ensure protection of NRHP eligible, potentially eligible, or unevaluated cultural resources?

A. Yes.

Q. Does this include any previously unidentified cultural resources encountered during construction?

A. Yes. The Post Review Discovery Plan, which is being developed in consultation with the SHPOs and other agencies, will address the procedures and protections in the event a previously unidentified resource is encountered during construction.

Q. Proposed Exhibit 11 is a letter dated August 13, 2026 filed by the SHSND with the PSC. Are you familiar with that letter?

A. Yes.

341 **Q. Since the SHSND filed its letter with the PSC, has North Plains coordinated with**
342 **the SHSND?**

343 A. Yes. On August 18, 2026, North Plains met with the SHSND to provide an update on
344 the Project, as well as the current status of Programmatic Agreement implementation
345 and Class III reports. With respect to the Class III reports, we discussed the status of
346 report preparation and that North Plains is working through federal agency comments
347 per the terms of the Programmatic Agreement, which requires those comments be
348 addressed prior to DOE submitting reports to the state SHPOs for review. The
349 SHSND acknowledged the comprehensive review fundamental to the Project's
350 Section 106 compliance, and the direct coordination required between DOE and ND
351 SHPO.

352
353 North Plains confirmed with SHSND that the methodologies, approaches to survey,
354 avoidance of resources, and resource treatment outlined in the Programmatic
355 Agreement align with the SHSND's expectations. North Plains also acknowledged
356 that any references to NRHP eligibility determinations for resources were intended as
357 recommendations only, and are subject to ND SHPO review. To address the
358 SHSND's concerns regarding review of cultural resource information for the PSC
359 process, North Plains offered to provide the PSC Corridor and Route as GIS
360 information to the SHSND ahead of the Class III reports, and the SHSND indicated
361 the information would be reviewed quickly once received. The SHSND indicated that
362 once it received and reviewed the GIS data, an updated letter could be submitted to
363 the PSC prior to the September 1 technical hearing.

364
365 North Plains (via its consultant, Merjent) provided the corridor and route GIS
366 information to the SHSND via e-mail on August 19, 2026.

367
368 **Q. Is a copy of that e-mail correspondence included in proposed Exhibit 11?**

369 A. Yes.
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371

2. PUBLIC LANDS, EASEMENTS, AND RECREATIONAL AREAS

Q. Please discuss any state or federally owned or managed lands crossed by the Project Corridor and Route.

A. Approximately 94 percent of the Project Corridor is located on privately owned land, while 2 percent of the Project Corridor is located on North Dakota Department of Trust Lands ("NDDTL"), and 4 percent of the Project Corridor is located on USFS-managed National Forest System ("NFS") land.

Q. Please discuss the Project's coordination with federal land-managing agencies, and how the Project is minimizing potential impacts to federal lands.

A. North Plains coordinated with federal land-managing agencies early in Project route development. That coordination included agency input on routing sensitivity and constraint considerations, as well as application requirements, environmental studies, and avoidance and minimization measures that may be required for siting, construction, or operation on federal lands. Federal agency requirements, including USFS requirements, have been incorporated in the permitting authorizations for federal lands, and resource-specific protection measures identified by the federal land agencies are incorporated into the Project's Construction, Mitigation, and Reclamation Plan ("CMRP").

Q. Please discuss the Project's coordination with the state land-managing agencies, and how the Project is minimizing potential impacts to state lands.

A. North Plains coordinated with the NDDTL and the North Dakota Game and Fish Department ("NDGFD") during Project routing and design to identify state-managed lands, receive input on routing considerations, and discuss the requirements to secure easements across NDDTL lands. That coordination included onsite reviews, route refinements, and incorporation of agency requested setbacks (e.g., setbacks from Wildlife Management Areas) and conditions to minimize impacts to North Dakota State Trust Lands. Approximately 4.7 miles of North Dakota State Trust Lands are crossed by the Project, and North Plains will complete the acquisition process once PSC and

federal permitting have been completed. Protective measures and agency conditions are incorporated into the Project design and the CMRP to avoid or minimize impacts to state lands.

Q. Please discuss any other public-use agreements or easements in or near the Project Corridor and Route and how North Plains is minimizing potential impacts.

A. The Project Route crosses land enrolled in the Private Land Open to Sportsmen ("PLOTS") program, which provides walk-in public hunting access. North Plains met with NDGFD staff on December 22, 2025 to discuss the Project Route. Based on NDGFD staff review, the Route crosses eight PLOTS agreements. NDGFD staff provided recommendations for hunting access considerations, post-construction impact assessments, and restoration. North Plains met with NDGFD on August 13, 2026, to discuss commitments to further avoid disruption to recreational use of PLOTS parcels. In particular, North Plains will not restrict hunting outside of the immediate construction area and will perform construction outside of applicable hunting seasons to the extent possible. Where construction cannot be avoided during the hunting season, due to other time of year restrictions or habitat sensitivities, North Plains will work closely with NDGFD staff to minimize disruption to hunting use on PLOTS. Prior to beginning post-construction reclamation activities for temporary disturbed areas, North Plains will consult with NDGFD to ensure reclamation practices described in the CMRP and proposed seed mixes support the habitat goals for the eight PLOTS parcels.

The Project also crosses Oliver County Water Resource District and Morton County Water Management District easements that were established for the construction of Square Butte 5 Dam. As discussed in Brant's direct testimony, in coordination with the districts, North Plains has adjusted the proposed Corridor and Route to avoid placing structures in the spillway and flood control area for the dam.

3. GEOLOGICAL AND SOIL RESOURCES

Q. Are any geologically unstable areas crossed by the Project Corridor and Route?

A. Yes, areas of landslide deposits mapped by the North Dakota Geological Survey ("NDGS") are crossed by the Project Route. Since landslide deposits are common in southwest North Dakota, there is no reasonable alternative but for the Route and Corridor to cross these areas.

Q. What steps have been or will be taken to minimize potential risks in these areas?

A. Project structures will span unstable areas to avoid direct impacts. Additionally, North Plains is performing geotechnical investigations to determine site-specific soil conditions and design structure foundations accordingly.

Q. How will the Project minimize the potential for soil erosion during Project construction?

A. North Plains will minimize ground disturbance activities to the extent possible to minimize the potential for soil erosion. North Plains will also prepare and implement a Stormwater Pollution Prevention Plan ("SWPPP") in accordance with the National Pollutant Discharge Elimination System ("NPDES") Stormwater Construction General Permit administered by the North Dakota Department of Environmental Quality ("NDDEQ"). The SWPPP will describe the timing, location, and type of erosion prevention and sediment control best management practices ("BMPs") to be implemented during construction. North Plains will also reclaim and revegetate disturbed areas following construction in accordance with the CMRP, landowner agreements, and applicable permit requirements.

4. WATER RESOURCES

Q. As of the time of filing the Consolidated Application, what analysis had North Plains conducted to identify surface waters crossed by or near the Project's Corridor and Route?

A. Early Project routing incorporated publicly available surface water data sets, such as the National Wetland Inventory and National Hydrology Dataset. From 2022 to 2025, in-field wetland and waterbody delineations for the Project Corridor were conducted following the methodologies outlined in United States Army Corps of Engineers ("USACE") Regulatory Guidance Letter 05-05, Wetland Delineation Manual and Great Plains Regional Supplement. Seeps and springs were also documented in the field, when observed. Additional detail regarding the desktop analysis and field surveys conducted is provided in the Aquatic Resources Inventory report in Appendix I of the Consolidated Application.

Q. Since filing the Consolidated Application, have any additional surface water field surveys been conducted or are any planned for the Project? If so, please discuss.

A. Yes. Additional wetland and waterbody surveys are in progress and anticipated to be complete in August 2026. The additional survey areas are the same as those being surveyed for cultural resources.

Q. Did North Plains consider potential impacts to surface waters when designing the Project? If so, how?

A. Yes. The Project has been designed to avoid impacts to surface waters, including wetlands and waterbodies, to the extent practicable.

Transmission structures and other temporary Project workspaces have been sited to minimize impacts to wetlands where avoidance is not possible. Across the Project workspace, North Plains anticipates approximately 0.1 acre of permanent wetland impacts and 9.1 acres of temporary wetland impacts.

Transmission line structures and related workspaces have been sited to span and avoid waterbodies; however, construction equipment will need to cross waterbodies. North Plains anticipates approximately 0.1 acre of permanent waterbody impacts and 0.2 acres of temporary waterbody impacts from Project access roads. The Project

Route crosses two state navigable waters, the Heart and Cannonball Rivers, and one state scenic river, the Little Missouri River. The Project has been designed to span all three rivers and transmission structures have been sited to avoid placement within the rivers. No travel through the rivers (except on existing roads) will occur during construction or operation of the Project.

Q. What steps will North Plains take to avoid and/or minimize potential impacts to surface waters during Project construction?

A. North Plains will minimize construction activities in surface waters to the extent possible. In addition, North Plains will implement construction BMPs outlined in the CMRP to minimize the potential for rutting and sedimentation in wetlands and waterbodies, including compliance with USACE Section 404 Nationwide Permit requirements, NDDEQ Section 401 Water Quality Certificate conditions, and NDDEQ NPDES Stormwater Construction General Permit requirements.

Q. Did North Plains consider potential impacts to groundwater when designing the Project? If so, how?

A. Yes. North Plains performed a desktop review of known aquifers, wellhead protection areas, and existing water wells, which were considered in routing, design and construction planning. The construction and operation of the Project are not anticipated to adversely impact access to or supply of groundwater resources in the region. The Project will not require substantial groundwater resources for operation, is not anticipated to affect Source Water Protection Areas, and will avoid impacts to existing water wells in the vicinity of the right-of-way.

Q. Does the Project cross any Federal Emergency Management Agency ("FEMA") floodplains?

A. Yes. The Project Route crosses FEMA designated 100-year floodplains at 15 locations along the Project Corridor.

Q. What steps will North Plains implement to minimize potential impacts to floodplains?

A. The Project has been designed to avoid placement of permanent facilities within the 100-year floodplain by spanning the designated floodplain area, with the exception of one location in Morton County. The extent of the 100-year floodplain adjacent to the Heart River in Morton County exceeds the typical 1,200-foot span distance between structures and, as a result, will require three structures within the floodplain. North Plains has coordinated with Morton County regarding the planned structure placement and will obtain a floodplain permit from Morton County prior to construction.

5. VEGETATION RESOURCES

Q. Are trees and/or shrubs present within the Corridor and Route?

A. Yes, approximately 410 acres of shrub communities and 36 acres of forest are present in the Project Corridor.

Q. Will Project construction and operation require removal of trees and/or shrubs?

A. Yes. North Plains will remove trees and tall-growing shrub species within the right-of-way, along with other trees and woody vegetation in the Project workspace. During operations, removal of tree and shrub growth within the right-of-way will be necessary to maintain adequate clearance beneath the transmission line and ensure safe operation and reliability.

Q. Are you familiar with the PSC's Tree and Shrub Mitigation Specifications?

A. Yes.

Q. In his direct testimony, Brant Johnson discusses a request to clear certain areas wider than 50 feet. With the exception of this request, will North Plains comply with the PSC's Tree and Shrub Mitigation Specifications?

A. Yes.

6. WILDLIFE AND SPECIAL STATUS SPECIES RESOURCES**Q. How has compliance with Section 7 of the Endangered Species Act ("ESA") factored into the Project's analysis of federally protected species?**

A. Consultation pursuant to Section 7 of the ESA is a separate analysis from the federal NEPA review; however, the two processes generally are performed in parallel and closely coordinated by the lead federal agency. The NEPA analysis provides a high-level review of potential impacts to sensitive species including any state-listed species and federal-listed species under the ESA, while the Section 7 consultation provides a more focused review on direct and indirect effects to species federally listed as endangered, threatened, or candidates for protection under the ESA.

North Plains performed an initial review of the United States Fish and Wildlife Service ("USFWS") Information for Planning and Consultation ("IPaC") system to identify listed species that may be present in the Project vicinity, which factored into the Project routing and design. This list also served as the basis for development of the Biological Assessment, a robust evaluation of each listed, proposed, and under review species that may occur in the vicinity of the Project. The Biological Assessment also identifies proposed conservation measures to reduce the potential for adverse effects. This documentation serves as the baseline for formal Section 7 consultation with USFWS and is anticipated to result in a Biological Opinion, which will complete the Section 7 process.

Q. What wildlife surveys or studies have been conducted for the Project specific to ESA-listed species or species proposed for listing?

A. A comprehensive list of field surveys and assessments conducted can be found in Table 6.11.1-1 of the Consolidated Application.

Q. Based on the surveys and studies conducted, is the Project anticipated to have minimal adverse effects on ESA-listed species or species proposed for listing?

A. Yes. Based on the field surveys completed, along with implementation of proposed voluntary conservation measures, the Project is anticipated to have minimal potential adverse effects on ESA-listed species and species proposed for listing.

Q. Please discuss the raptor and eagle surveys conducted and associated results.

A. North Plains conducted aerial raptor and eagle nest surveys in 2022 and 2023 within a one-mile buffer of the Project route at the time of survey, which was expanded to two miles in areas with higher predicted golden eagle nesting potential. Surveys in 2022 documented one golden eagle nest in an existing powerline structure located adjacent to the Project right-of-way in Morton County; however, this nest was removed by the line owner and confirmed absent during Project surveys in 2023. Though no other confirmed bald or golden eagle nests were documented within one mile of the Project Route, four other nests consistent in size and structure with an eagle nest (i.e., potential bald or golden eagle nests) were observed within the Study Area in Slope and Grant counties, including one active ferruginous hawk nest. One additional active ferruginous hawk nest (non-eagle sized nest) was recorded in Hettinger County and one prairie falcon nest was recorded in Slope County; both these nests were located within one mile of the Project Route, but outside the Study Area. The 2022 and 2023 Raptor Nest Survey Report is provided in Appendix I-7.

Q. Based on the surveys conducted, is the Project anticipated to have minimal adverse effects on raptors and eagles?

A. Yes. Based on surveys and the implementation of avian conservation commitments referenced in the CMRP, which include preparation of an Eagle Management Plan, Migratory Bird Treaty Act ("MBTA") Compliance Plan, and Avian Protection Plan, the Project is anticipated to have minimal adverse effects on raptors and eagles.

Q. Please discuss the surveys conducted for sharp-tailed grouse and greater sage-grouse and associated results.

A. North Plains conducted aerial lek surveys for sharp-tailed grouse and greater sage-grouse in North Dakota in 2022. The aerial lek survey documented 18 active sharp-tailed grouse leks within one mile of Project structures, including five active sharp-tailed grouse leks within the Study Area and typical nesting range. No active leks were documented within the Project Corridor. No active greater sage-grouse leks were observed in North Dakota during surveys. Lek data provided by NDGFD for 2021 identified no active greater sage-grouse leks within two miles of the Project Corridor. The closest active greater sage-grouse lek is approximately 3.2 miles south of the Study Area in Slope County. The Greater Sage-Grouse and Sharp-tailed Grouse Lek Survey Report is provided in Appendix I-8.

Q. How will the Project minimize potential impacts to sharp-tailed grouse?

A. North Plains has sited the Project workspace and right-of-way to avoid all 18 sharp-tailed grouse leks identified during survey. Additionally, for five leks, structures within one mile are sited in cropland or already fragmented and isolated grasslands, and are co-located with existing roads. For the remaining 13 leks where Project structures are sited within one mile and within potential sharp-tailed grouse nesting habitat, North Plains has developed proposed conservation measures in coordination with the NDGFD to minimize potential impacts. Proposed conservation measures focus on construction time-of-year restrictions that minimize disturbance activities during the lekking and nesting seasons. These measures were discussed with NDGFD at a meeting on January 12, 2026 (see meeting minutes provided in Appendix J to the Consolidated Application).

Q. Since filing the Consolidated Application, did you receive e-mail confirmation that the NDGFD had reviewed and concurred with the January 12, 2026 meeting minutes?

A. Yes.

Q. Is that correspondence provided in proposed Exhibit 12?

A. Yes.

647

648 **Q. What measures will North Plains implement during construction to minimize**
649 **potential impacts to wildlife overall?**

650 A. During construction, North Plains will implement the measures outlined in the CMRP
651 to minimize wildlife impacts, including limiting disturbance to approved workspaces,
652 using environmental awareness training, employing on-site biological monitors, and
653 applying seasonal and spatial restrictions in sensitive habitats such as grouse lek
654 buffers and occupied bat roosting areas.

655

656 **Q. How will North Plains ensure these commitments are implemented during**
657 **construction?**

658 A. These commitments will be enforced through contractor requirements, Project-
659 specific environmental training, and on-site compliance monitoring by environmental
660 inspectors.

661

662 **Q. Please discuss the information provided in proposed Exhibit 13.**

663 A. Proposed Exhibit 13 is a summary of the avoidance and minimization measures that
664 have been or will be implemented for the Project for the various resources considered
665 in selecting the Project Route and Corridor. The exhibit is intended as an overview
666 for easy reference, while the more extensive detail is provided in the Consolidated
667 Application and in testimony.

668

669 **Q. Have any updates to the proposed avoidance and minimization measures been**
670 **made since the Consolidated Application was filed?**

671 A. Yes, clarifications were made to the measures outlined for bats and Dakota skipper in
672 the Consolidated Application, and Exhibit 13 incorporates those clarifications. The
673 clarifications have been discussed with and approved by the USFWS as part of the
674 Section 7 consultation. No other changes were made to proposed avoidance and
675 minimization measures.

676

677

VI. COMPLIANCE WITH PSC SITING RULES

Q. Are you familiar with the exclusion areas, avoidance areas, selection criteria, and policy criteria identified in NDAC Section 69-06-08-02?

A. Yes.

Q. Please discuss whether any exclusion areas are located within the proposed Corridor or Route.

A. No exclusion areas are located within the proposed Corridor or Route.

Q. Please discuss whether any avoidance areas are located within the proposed Corridor or Route.

A. Yes, the following avoidance areas are present within the Project Corridor and crossed by the Project Route:

- The Little Missouri National Grassland ("LMNG"), a designated national grassland, is crossed by the Project Route and is located within more than 50 percent of the Project Corridor in some locations. As noted in Table 3.2-1 of the Consolidated Application, the LMNG stretches 109-miles perpendicular to the Project Route in the western part of the state. As a result, the Project identified no reasonable alternative but to cross the LMNG.
- The Little Missouri River, a state scenic river, is crossed by the Project Route and is within the Project Corridor. Given the Project's endpoints, and that the Little Missouri River extends from the southwest corner of North Dakota north, there is no reasonable alternative but to cross the river. As discussed above, the river will be spanned, no structures will be placed in the river, and no travel across the river (except via existing roads) will be allowed during construction or operations.
- Historic resources are present within the Project Route and Project Corridor. In some locations, historic resources make up more than 50 percent of the Project Corridor. However, there is no reasonable alternative, since shifting

the Project Corridor will result in 1) encountering additional historic resource sites, 2) shifting onto an adjacent biological resource, 3) shifting into an area with topographical or engineering constraints, 4) shifting onto an adjacent parcel where North Plains does not have an option agreement, and/or 5) causing an increased impact to landowners or farming activities. As discussed above, North Plains will comply with the Programmatic Agreement established in coordination with multiple stakeholders, including the ND SHPO, to ensure protection of NRHP eligible, potentially eligible, or unevaluated cultural resources.

- Landslide deposits are crossed by the Project Route and encompass more than 50 percent of the Project Corridor in some locations. These types of geologically unstable areas are common in southwest North Dakota; therefore, no reasonable alternative was identified but to cross the landslide deposits. Unstable areas will be spanned to avoid direct impacts.
- One potential occupied residence (a hunting cabin) is located within 500 feet of the Project right-of-way. The location placement was at the owner's request, and the owner has executed a written waiver, as noted in Brant's direct testimony.

Q. Will any significant adverse effects resulting from the location, construction, and operation of the Project as they relate to the selection criteria set forth in the PSC's rules be at an acceptable minimum or managed and maintained at an acceptable minimum?

A. Yes.

Q. Were the policy criteria set forth in the PSC's siting rules considered and utilized to the extent possible by North Plains when designing the proposed Project?

A. Yes.

Q. Were the factors set forth in NDCC Section 49-22-09 considered by North Plains when designing the proposed Project?

740 A. Yes.

741

742 **VII. CONCLUSION**

743

744 **Q. Based on the analysis conducted by North Plains, as set forth in the proposed**
745 **hearing exhibits, will construction of the proposed Project produce minimal**
746 **adverse human and environmental effects?**

747 A. Yes.

748

749 **Q. Does this conclude your Testimony?**

750 A. Yes.

751