

Exhibit 13

Brie Anderson Pre-Filed Direct Testimony

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

**HOMESTEAD WIND, LLC
HOMESTEAD WIND PROJECT – WILLIAMS COUNTY
SITING APPLICATION**

CASE NO. PU-26-086

**PRE-FILED TESTIMONY OF BRIE ANDERSON
ON BEHALF OF HOMESTEAD WIND, LLC**

September 18, 2026

I. INTRODUCTION AND QUALIFICATIONS

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

A. My name is Brie Anderson. I am employed by Apex Clean Energy, Inc. ("Apex"). My business address is 120 Garrett Street, Suite 700, Charlottesville, VA 22902.

Q. What is your position with Apex?

A. I am a Senior Director of Project Permitting.

Q. Briefly describe your work history and education.

A. I have a Bachelor of Science degree in ecology and field biology with a wildlife emphasis and a Master of Science degree in Geographic Information Systems for Natural Resources. I have more than 18 years of experience permitting various infrastructure projects at the federal, state, and local levels. A copy of my resume is attached as proposed Exhibit 13-A.

Q. What is your role with respect to the Homestead Wind Project ("Project")?

A. I am responsible for ensuring the Project's compliance with all applicable local, state, and federal permitting requirements and environmental regulations. My role includes overseeing coordination with governmental agencies such as the U.S. Fish and Wildlife Service ("USFWS"), the North Dakota Game and Fish Department ("NDGF"), the State Historical Society of North Dakota ("SHSND"), and the U.S. Army Corps of Engineers ("USACE"). In addition, I oversee the selection and work of consultants completing environmental and wildlife studies and surveys for the Project that are used to ensure compliance with applicable requirements and inform siting of Project facilities to avoid or minimize impacts to environmental resources.

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

A. I am sponsoring the following proposed hearing exhibits:

- Exhibit 1: Certificate of Site Compatibility Application

- Exhibit 2: Updated Figure 4 (Avoidance Areas); Updated Figure 5 (Constraints); and Updated Figure 11 (Newspaper Map)
- Exhibit 4: Supplemental Information on Sound
- Exhibit 5: Supplemental Information on Shadow Flicker
- Exhibit 6: Project Receptor Chart
- Exhibit 7: Updated Appendix H.1 - Class II Architectural Report (dated May 2026)
- Exhibit 8: Updated Appendix H.2 - Class III Archaeological Report (dated March 2026)
- Exhibit 9: Additional State Historical Society of North Dakota Correspondence
- Exhibit 11: Summary of Avoidance, Minimization, and Mitigation Measures
- Exhibit 13: Anderson Testimony
- Exhibit 13-A: Anderson Resume

Q. What is the purpose of your Direct Testimony?

A. The purpose of my testimony is to discuss the environmental and land use analysis conducted for the Project, including the results of the various reports included in support of the Application and the Project's compliance with the North Dakota Public Service Commission's ("PSC") siting criteria and the Siting Act (NDCC Ch. 49-22). I also provide an update on the status of permits/approvals and agency consultation.

II. SETBACKS

Q. Is the Project designed to comply with all the setback requirements in the Siting Act and the PSC's rules?

A. Yes. The Project is designed to comply with all setbacks outlined in Table 4.2-1 in the Application (proposed Exhibit 1).

Q. Is the Project also designed to comply with all applicable local setback requirements?

A. Yes. Homestead Wind, LLC (“Homestead Wind”) has designed the Project to comply with all applicable Williams County setback and design requirements, unless a variance was obtained (see Table 4.2-1 in the Application, proposed Exhibit 1).

Q. In calculating your setback distances, did you measure from the closest edge of the base of the turbine tower to the closest edge of the applicable feature or specified right-of-way?

A. Yes.

Q. Has Homestead Wind prepared a figure that depicts setbacks and other siting constraints for the Project?

A. Yes. That information is depicted in the constraints map provided as updated Figure 5 (proposed Exhibit 2). Note that Figure 5 does not show the location of cultural resources, which are confidential. Additionally, Exclusion Areas are shown on Figure 3 (proposed Exhibit 1) and Avoidance Areas are shown on updated Figure 4 (proposed Exhibit 2).

Q. Does the constraints map show participating and nonparticipating residences?

A. Yes. The orange dots are nonparticipating occupied residences and the green dots are participating occupied residences.

Q. Please describe how Homestead Wind identified occupied residences.

A. Homestead Wind applied multiple strategies to identify occupied residences, such as reviewing publicly available aerial imagery and county tax records, conducting field reconnaissance on the site, and getting feedback from landowners. To be conservative, if we could not confirm a structure was unoccupied, we considered it an occupied residence for purposes of our analysis.

Q. Has Homestead Wind also prepared a table summarizing information pertaining to receptors in and around the Project Area?

A. Yes, the Project Receptor Chart is provided as proposed Exhibit 6. The chart lists the participant status of the residence, the nearest turbine to each structure, the distance in feet from the nearest turbine to the residence, the modeled sound level in A-weighted decibel ("dBA") for each turbine model, and the modeled shadow flicker in hours per year for each turbine model.

Q. What is the shortest distance between a Project turbine and a participating landowner's occupied residence?

A. The shortest distance between a Project turbine and a participating landowner's occupied residence is 2,572 feet. This is the distance between Receptor 28 and Turbine T66.

Q. What is the shortest distance between a Project turbine and a non-participating landowner's occupied residence?

A. The shortest distance between a Project turbine and a non-participating landowner's occupied residence is 2,891 feet. This is the distance between Receptor 11 and Turbine T07. While this residence (Receptor 11) is not participating in the Project, the owner of that residence is a participant with other parcels in the Project. The same is true for the next closest non-participating occupied residence (Receptor 12, located 2,893 feet from Turbine T07). The shortest distance to a non-participating residence owned by a landowner who does not have any parcels participating in the Project is 3,435 feet, which is the distance between Receptor 7 and Turbine T17.

III. EXISTING INFRASTRUCTURE

Q. Did Homestead Wind conduct telecommunications studies for the Project?

A. Yes. The telecommunications studies include the microwave study, off-air television report, land mobile and emergency services report, and AM/FM radio report.

Q. Do Project facilities avoid all microwave beam paths?

A. Yes. There are no microwave beam paths or towers in the Project Area or its vicinity.

Q. Will the Project avoid impacts to off-air television stations?

A. Yes. Television reception at residences relying on cable or satellite television service will not be impacted by construction or operation of the Project. If residences that rely on antennas experience signal disruption, Homestead Wind will coordinate with the resident to mitigate the disruption.

Q. Will the Project avoid interference with communication towers and antennas?

A. Yes. There are no Federal Communication Commission ("FCC")-licensed land mobile or public safety transmitting stations/towers or AM or FM towers within the Project Area.

Q. Did Homestead Wind consider existing infrastructure in Project design?

A. Yes. In addition to applying required setbacks from specified structures, Homestead Wind has designed the Project to avoid impacts to other existing infrastructure, including domestic, stock, industrial, and observational water wells.

Q. Will the Project avoid potential impacts to oil and gas operations?

A. Yes. Homestead Wind has sited turbines at least 500 feet from all existing and active above ground oil and gas wellhead and tank battery locations. Additionally, Homestead Wind used ground-penetrating radar to evaluate the presence of linear oil distribution lines in the vicinity of turbine locations. As a result of this work early in the design process, Homestead Wind shifted turbine locations to avoid these underground distribution lines. Homestead Wind will continue to coordinate with oil and gas companies in or near the Project Area to allow for the continued development of both the mineral and surface estates.

Q. Will Homestead Wind participate in the North Dakota One-Call program, both prior to construction and as a facility owner once the Project is constructed?

150 A. Yes.

151
152 **IV. SOUND ANALYSIS REPORT**

153
154 **Q. Does Williams County have a sound requirement for wind energy conversion**
155 **facilities?**

156 A. No.

157
158 **Q. Was a sound modeling analysis conducted for the Project to determine**
159 **compliance with the PSC's sound requirement?**

160 A. Yes. Homestead Wind contracted with Paxwood Acoustics ("Paxwood") to conduct a
161 sound modeling analysis to determine if the Project would comply with the applicable
162 PSC requirement. Paxwood's report is provided in Appendix F to the Application
163 (proposed Exhibit 1).

164
165 **Q. What turbine models and locations were used for the sound modeling analysis?**

166 A. The sound modeling analysis was conducted using both turbine models under
167 consideration: General Electric ("GE") 154-3.8 megawatts ("MW") turbines with a hub
168 height of 116 meters (381 feet) and a rotor diameter of 154 meters (505 feet), and
169 Vestas V163-4.5 MW turbines with a hub height of 113 meters (371 feet) and a rotor
170 diameter of 163 meters (535 feet). The blades of the GE 154 turbines have Low-
171 Noise Trailing Edges ("LTNE"), and the V163 turbines have serrated trailing edges,
172 both of which reduce the overall sound emissions from the turbines. Although no more
173 than 67 turbines would be constructed, modeling was completed for both the GE 154
174 and V163 at all 81 potential turbine locations. Additionally, as industry best practice,
175 Homestead Wind included the two transformers at the Project substation in the sound
176 modeling.

177
178 **Q. What receptors were included?**

A. The receptors in the sound modeling analysis included the 29 inhabited residences within one mile of the Project Area. There are no community buildings located within one mile of the Project Area.

Q. What assumptions were included in the model?

A. The modeling utilized conservative assumptions, including the following:

- each turbine and transformer transmits its maximum sound level in all directions at all times;
- all receptors are downwind from every turbine/transformer (which is not possible);
- atmospheric conditions are favorable to sound propagation (ten degrees Celsius and seventy percent humidity);
- all 81 turbines are operating, even though only up to 67 turbines would be constructed;
- a conservative ground attenuation value of 0.5, and a +2 decibel (“dB”) uncertainty factor (meaning the turbines are modeled with sound power levels 2 dB higher than the manufacturer specification).

Because of these conservative assumptions, predicted sound levels are anticipated to be higher than what would actually occur.

Q. After the Application was filed, did PSC staff request that Homestead Wind provide supplemental information on the sound modeling prior to the public hearing?

A. Yes. PSC staff requested that we provide the following additional information regarding sound:

- Sound modeling results using a ground factor of 0.0; and
- Modeled sound levels at receptors to two decimals.

Q. Did Homestead Wind provide the requested supplemental information?

A. Homestead Wind’s consultant, Paxwood, prepared a technical memorandum, provided as proposed Exhibit 4, containing supplemental information in response to

PSC staff's request. Specifically, the technical memorandum provides a brief overview of the two sets of modeling parameters relevant to ground factors as set forth in the American National Standards Institute/American Clean Power ("ANSI/ACP") wind turbine sound modeling standard: a ground factor of 0.0 or a ground factor of 0.5 and a +2 dB uncertainty factor. While Exhibit 4 provides updated sound modeling results for the Project utilizing a ground factor of 0.0 in place of a ground factor of 0.5 and the +2 dB uncertainty factor, it also explains why it was appropriate for the sound modeling provided in Appendix F to the Application to use a ground factor of 0.5 (with a +2 dB factor).

Table 1 in proposed Exhibit 4 provides modeled sound levels at receptors to one decimal place, rather than in whole numbers. As explained in proposed Exhibit 4, the modeling software CadnaA does not produce outputs out to two decimals.

Q. Based on the sound modeling analyses, does the Project comply with the PSC's sound requirement?

A. Yes. Based on the sound modeling conducted, including the additional analysis requested by PSC staff, the modeled sound levels for both turbine models are projected to be 45 dBA or less within 100 feet of a receptor.

V. SHADOW FLICKER REPORT

Q. Are you aware of any federal, state, or local shadow flicker regulations for the Project?

A. Shadow flicker is not currently regulated in applicable federal, state, or local law. Although the PSC does not have a shadow flicker requirement specified in statute or rule, the PSC typically expects applicants to limit shadow flicker at occupied residences to 30 hours per year or less, unless the owner of the residence grants a waiver, and Homestead Wind has designed the Project to comply with this expectation.

Q. Please discuss the shadow flicker analysis conducted for the Project.

A. Homestead Wind retained Environmental Design & Research, D.P.C. ("EDR") to conduct a shadow flicker analysis using both turbine models under consideration: GE 154-3.8 MW turbines with a hub height of 116 meters (381 feet) and a rotor diameter of 154 meters (505 feet), and Vestas V163-4.5 MW turbines with a hub height of 113 meters (371 feet) and a rotor diameter of 163 meters (535 feet). Although no more than 67 turbines would be constructed, modeling was completed for both the GE 154 and V163 at all 81 potential turbine locations. The shadow flicker analysis included as receptors the 29 occupied residences within one mile of the Project Area.

Q. What assumptions were included in the model?

A. The shadow flicker modeling was performed using a combination of conservative assumptions and Project Area-specific conditions, including the following:

- the model utilizes a "greenhouse" approach which models each receptor as having windows on all sides and effectively causing the home to be susceptible to flicker effects in all directions;
- existing obstacles or screening around a particular residence (i.e., existing buildings and trees) were not included;
- topography data was used to place turbines and receptors at the proper elevation;
- all 81 turbines are operating, even though only up to 67 turbines would be constructed; and
- assumes that the turbines are always spinning, which is conservative.

Q. After the Application was filed, did PSC staff request that Homestead Wind provide additional detailed information from the shadow flicker modeling prior to the public hearing?

A. Yes. PSC staff requested that we provide additional receptor-level details on expected shadow flicker. Homestead Wind's consultant EDR prepared a technical memorandum, included as proposed Exhibit 5, which provides the following details for each receptor where shadow flicker is modeled to occur:

- Turbines contributing to shadow flicker at each receptor;

- Turbine shadow flicker contribution at each receptor; and
- Minutes per day of shadow flicker at each receptor by turbine.

Q. Based on the shadow flicker analysis conducted, does the Project comply with the expectation of 30 hours per year or less at occupied residences?

A. Yes. The maximum annual shadow flicker modeled is less than 30 hours for participating residences and less than 21 hours for non-participating residences (both for the Vestas V163 turbine model; shadow flicker results are slightly less for both participating and non-participating residences for the GE-154 turbine model compared to the V163).

VI. ENVIRONMENTAL AND SITE ANALYSIS OVERVIEW

Q. Please provide a general description of the Project site from a land use perspective.

A. The Project site is located in Williams County, North Dakota, in a predominantly rural agricultural area. The majority of the Project Area is currently comprised of agricultural land (81 percent cultivated crops).

Q. What was the overall approach to environmental analysis of the Project Area?

A. Homestead Wind followed the USFWS's Land-Based Wind Energy Guidelines ("WEGs") and Eagle Conversation Plan Guidance ("ECPG"). The WEGs are a tier-based approach that starts at Tier 1 (preliminary site evaluation), moves to Tier 2 (desktop review and agency coordination) and Tier 3 (field studies) and then to Tiers 4 and 5 (post-construction studies), if necessary. The ECPG also recommends wind project developers take a staged approach to siting new projects gather eagle-specific data and determine appropriate avoidance and minimization measures.

Homestead Wind initiated coordination with the NDGF in February 2023 and with USFWS in April 2024 and has continued to coordinate with these agencies regarding survey selection, protocols, and associated results throughout Project development.

In June 2025, Homestead Wind met with USFWS, NDGF, and North Dakota Department of Agriculture (“NDDA”) to discuss survey results, how those results were incorporated into the layout, and proposed avoidance and minimization measures. On July 28, 2025, NDGF provided a letter summarizing the Project’s proposed avoidance and minimization measures and acknowledging Homestead Wind’s commitment to avoiding sensitive habitats, such as unbroken grasslands, wetlands, and areas important to declining species, such as the sharp-tailed grouse leks is a crucial first step in siting development in a manner least impactful to wildlife (proposed Exhibit 1, Appendix D.2).

Additionally, the environmental studies and assessments completed informed Homestead Wind’s development of a Bird and Bat Conservation Strategy (“BBCS”) in coordination with the wildlife agencies, which outlines avoidance, minimization, and mitigation measures that have been or will be implemented by the Project. A copy of the BBCS was provided as Appendix L to the Application (proposed Exhibit 1). The Project’s avoidance, minimization, and/or mitigation measures are also summarized in proposed Exhibit 11. Homestead Wind will continue to coordinate with USFWS and NDGF regarding the Project as needed.

Q. What environmental and site analyses have been completed for the Project?

A. The wildlife and habitat studies and associated reports are listed in Table 6.15-1 of the Application (proposed Exhibit 1). Homestead Wind also completed analysis of telecommunications, sound and shadow flicker modeling, architectural and archaeological resources, soil types, and wetlands.

Q. Are any future field surveys planned for the Project?

A. As a standard pre-construction measure, Homestead Wind plans to conduct a raptor and eagle nest survey prior to starting construction.

VII. ARCHAEOLOGICAL AND ARCHITECTURAL RESOURCES

Q. Please provide an overview of the archaeological and architectural resource investigations conducted for the Project.

A. In accordance with SHSND recommendations, Homestead Wind has conducted the following:

- A Class I literature search of a larger project area and one-mile buffer was conducted in April of 2024. The Class I literature search area was later refined (reduced) to include the direct area of potential effect (“direct APE”) (the approximately 4,379 acres where ground disturbing activity may occur for the construction of the Project) plus a one-mile buffer (“Research Area”). In September 2025, Homestead Wind conducted an additional desktop review of the Project’s visual APE (a two-mile buffer surrounding the proposed turbine locations).
- A Class II (reconnaissance) survey for standing buildings and structures over 45 years old within two miles of individual turbine locations was conducted in September 2025.
- A Class III intensive archaeological survey of direct impact areas (i.e., proposed facilities) was conducted between May and October 2025 and covered approximately 26,950 acres including the approximately 4,379-acre direct APE (“Class III Survey Area”).

Q. Have the Class I and Class III results been submitted to the SHSND?

A. Yes. The Class III archaeological report provided in Appendix H.2 to the Application was submitted to the SHSND on February 6, 2026, and then was revised based on comments from SHSND and submitted to SHSND on June 11, 2026 (proposed Exhibit 8). SHSND provided an acceptance letter for the report, which is provided in proposed Exhibit 9.

Q. Please describe the results of the Class I and Class III archaeological survey work conducted for the Project.

A. The Class I literature search identified 19 previously recorded archaeological resources, two architectural resources, and one unrecorded cemetery located within the Research Area. Of the previously recorded resources identified, one is protected by burial laws (cemetery), two are unevaluated for National Register of Historic Places (“NRHP”) eligibility, and sixteen have been recommended as not eligible for the NRHP. The protected cemetery and one of the two unevaluated sites are located outside of the direct APE; one previously unevaluated site (32WIX384) is located within the direct APE, was revisited during Class III surveys, and has been recommended as not eligible for the NRHP (discussed further below).

A Class III Intensive Cultural Resources Pedestrian Inventory was conducted between May and October 2025 and covered approximately 26,950 acres including the approximately 4,379-acre direct APE (“Class III Survey Area”). The Class III survey identified 42 new archaeological resources (17 sites and 25 isolated finds) and revisited seven previously recorded resources (six sites and one site lead) within the Class III Survey Area; of these, 14 are located within (or adjacent to) the direct APE. Of the 14 resources located within (or adjacent to) the direct APE, eight are recommended as not eligible for the NRHP, five sites (32WI2594, 32WI2599, 32WI2600, 32WI2608, and 32WI2609) located within the direct APE, and one (32WIX268) located adjacent to the direct APE is unevaluated for NRHP eligibility.

With respect to the five sites (32WI2594, 32WI2599, 32WI2600, 32WI2608, and 32WI2609) located within the direct APE that are unevaluated for NRHP eligibility:

- Newly recorded sites 32WI2594, 32WI2608, and 32WI2609 intersect the direct APE remain unevaluated and will be avoided by the final Project design.
- Newly recorded sites 32WI2599 and 32WI2600 are both located within the direct APE but outside of the limits of ground disturbance. Both sites were probed for subsurface artifacts, and subsequent probes were negative for cultural material. Both sites remain unevaluated and will be avoided by the Project.

In accordance with SHSND recommendations in its June 17, 2026 and July 31, 2026 letters (provided in Exhibit 9), Homestead Wind will avoid these five sites by at least 50 feet.

Previously recorded unevaluated site lead 32WIX268 was revisited during the field surveys and no artifacts or features were observed; this site lead remains unevaluated and will not be directly affected by the Project.

Q. Will there be procedures in place to address previously unidentified archaeological resources encountered during construction?

A. Yes. Homestead Wind prepared an Unanticipated Discoveries Plan (“UDP”) for the Project and submitted the UDP to SHSND with the Class III report.

Q. Please describe the results of the Class II architectural survey work conducted for the Project.

A. The Class II reconnaissance survey for architectural resources identified 58 newly identified properties and five previously recorded properties with buildings or structures over 45 years of age were visited. Of the 63 properties, 13 were determined in the field to have structures that may be eligible for listing on the NRHP or necessitated a re-recording. Following post-field research, nine of these properties were recommended to have at least one building or structure eligible or potentially eligible for listing on the NRHP. Three of these properties (32WI2458, 32WI2593, and 32WI2589) have resources within the visual APE and could be indirectly affected by the Project.

Q. Have the Class II results been submitted to the SHSND?

A. Yes. The Class II architectural report (Appendix H.1 to the Application) was submitted to the SHSND on February 9, 2026; a revised report incorporating comments from SHSND was submitted on May 15, 2026 (proposed Exhibit 7). SHSND issued an acceptance letter, dated June 11, 2026 (proposed Exhibit 9). SHSND also provided a letter, dated June 17, 2026 noting potential viewshed impacts to architectural sites

32WI2458, 32WI2593, and 32WI2589 and recommending that these effects be mitigated or plans adjusted to avoid the adverse effects (proposed Exhibit 9).

Q. Have Homestead Wind and SHSND agreed upon plans to mitigate the potential impacts to the three architectural sites?

A. Yes. As documented in SHSND's July 31, 2026 letter (provided in proposed Exhibit 9), Homestead Wind and SHSND coordinated on mitigation and the SHSND agreed that the potential impacts to these sites will be mitigated by completion of Historic American Building Survey ("HABS") Level III documentation for each of the three properties. Homestead Wind will submit the final HABS documentation to the SHSND once complete.

VIII. WETLANDS AND WATERBODIES

Q. How has Homestead Wind identified wetlands and waterbodies within the Project Area?

A. Homestead Wind initially identified wetlands and waterbodies within the Project Area using desktop data sources. Then, between April and September 2025, field wetland delineations were completed within a survey corridor that included any ground surface area that has the potential to be disturbed by any construction or installed activities associated with the Project. The field delineation identified 28.2 acres of wetlands within the survey corridors. A Wetland Delineation Report with the results is included as Appendix J to the Application (proposed Exhibit 1).

Q. Did Homestead Wind consider potential impacts to wetlands and waterbodies when designing the Project layout? If so, how?

A. Yes. Homestead Wind designed the Project to avoid permanent impacts to delineated wetlands and waterbodies. Temporary impacts associated with temporary access roads and crane paths will be minimized by the use of matting during construction. Homestead Wind plans to install underground collection lines by boring beneath wetlands and waterbodies, thereby avoiding impacts.

Q. If the discharge of dredge or fill material into the Waters of the U.S. (“WOTUS”) occurs, will the Project qualify for coverage under one or more USACE Section 404 Clean Water Act (“CWA”) Nationwide Permits (“NWP”)?

A. Yes.

Q. Are there any Federal Emergency Management Agency (“FEMA”) flood hazard areas or floodplains within the Project Area?

A. No.

IX. AVIAN AND BAT ANALYSES

Q. Did Homestead Wind conduct the wildlife studies recommended by the USFWS and NDGF in accordance with the agreed-upon protocols?

A. Yes. From April 2024 through present, Homestead Wind has engaged in extensive coordination with the USFWS and NDGF on surveys and protocols, Project design, and avoidance and minimization measures. That extensive coordination is outlined in Section 9.3 of the Application (proposed Exhibit 1).

Q. Please discuss the avian use surveys conducted and associated results.

A. Homestead Wind completed two years of general avian use surveys from February 2023 to January 2024 and from October 2024 to September 2025 to evaluate species composition and seasonal and spatial use of the Project Area by birds, with a particular focus on eagles and species of concern.

No federally listed threatened or endangered species were observed during avian use surveys. During the first year of studies, two golden eagles and zero bald eagles were observed during surveys. During the second year of studies, zero golden eagles and one bald eagle were observed during surveys. Incidental observations, which were observations of eagles made outside of the standardized surveys (i.e. driving to/from the site, birds observed outside of the standard survey radius), included two golden

and five bald eagles during the first year and four golden and seven bald eagles during the second year.

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

A. Homestead Wind conducted a series of ground-based and aerial eagle and raptor nest surveys in March/April 2023 and February/April 2025. The eagle and raptor nest surveys conducted to-date cover the current Project Area and associated one-mile buffer for raptors and two-mile buffer for bald and golden eagles, which aligns with current USFWS guidance.

In 2023, aerial raptor nest surveys identified three active non-eagle raptor nests within the larger Project area. In 2025, ground-based and aerial raptor nest surveys identified three active non-eagle raptor nests within the current Project Area. The non-eagle raptor nests from 2023 and 2025 do not overlap (i.e., are not the same nests). No bald or golden eagle nests were identified within the Project Area or the two-mile buffer during surveys in 2023 or 2025.

Q. What do the results of the avian use surveys and raptor and eagle nest surveys indicate about avian and eagle use in the Project Area?

A. Overall, the species composition, seasonal abundance, and spatial use documented during avian surveys are considered typical for birds in this region. The Project is not anticipated to result in population-level impacts to avian species. In addition, the North Dakota Parks and Recreation Department confirmed that based on a query of the North Dakota Natural Heritage biological conservation database, there are no documented occurrences of plant or animal species of concern, or significant ecological communities, within or immediately adjacent to the Project Area (see Appendix D, proposed Exhibit 1).

Bald eagles were only recorded within the Project Area during spring and fall, which indicates bald eagles may be using the area for foraging and not for breeding. The

lack of major water features and preferred nesting habitat suggests that the Project is not likely to attract bald eagles in large numbers. Therefore, the Project is not anticipated to impact bald eagles.

Golden eagles exhibited similar spatial use patterns to bald eagles. The Project is located in an area with very limited nesting habitat for golden eagles. Therefore, the Project is not anticipated to impact golden eagles.

Q. Please discuss the whooping crane habitat assessment conducted and associated results.

A. The Project falls within the whooping crane 75 percent migration corridor (i.e., the 80-mile-wide band where 75 percent of all whooping crane sightings have occurred). Based on publicly available data, the nearest confirmed observation of a whooping crane to the Project Area is approximately 1.8 miles to the north. In accordance with USFWS's recommendation, Homestead Wind conducted a whooping crane stopover habitat assessment of the Project Area and buffer areas. Results of the analysis suggest no historical, traditional stopover habitat areas exist within the Project Area or buffer areas and that overall likelihood of species occurrence within the Project Area is low. Therefore, the potential for whooping crane to use the Project Area is low and the potential for impacts is also low.

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

A. Homestead Wind conducted ground-based lek surveys in 2023 and 2025 to document the location and status of sharp-tailed grouse leks. Historic lek locations were requested from NDGF prior to the 2023 survey; however, no historic leks were known to occur within the larger Project area (as it existed at that time) plus a two-mile buffer. In 2023, six active leks were observed within the larger project area (of these, two are within the current Project Area), and three active leks were observed within the two-mile buffer. In 2025, no active leks were observed within the current Project Area and

four active leks were observed within the two-mile buffer (the closest being approximately 0.5 miles from the current Project Area).

Q. How will the Project avoid and/or minimize potential impacts to sharp-tailed grouse?

A. No active sharp-tailed grouse leks were documented within the Project Area in 2025. Additionally, Homestead Wind has minimized siting turbines in unbroken grassland (79 of 81 turbines are in cultivated cropland), thereby minimizing the potential for impacts on grassland-dependent species such as sharp-tailed grouse. Two turbine locations are in unbroken grassland on North Dakota Department of Trust Lands ("NDDTL") surface tract parcels, which are largely surrounded by cropland and are part of a fragmented and developed/oil/gas landscape. Sharp-tailed grouse are known to nest within grassland within two miles of a lek site; however, both turbines in grasslands are more than two miles away from an active lek site, and therefore, are not expected to impact grouse nests. Homestead Wind has also entered into a Memorandum of Understanding with the NDDA regarding voluntary offsets for potential impacts to unbroken grasslands.

Q. Please discuss the acoustic bat monitoring conducted and associated results.

A. Homestead Wind conducted an acoustic survey in 2025 to characterize bat activity in the Project vicinity. Overall, bat activity was relatively low. No northern long-eared bat ("NLEB") calls were detected during the acoustic monitoring survey, indicating NLEB are likely not present within the Project Area, or vicinity, as the area surveyed extended beyond the current Project Area. No other protected bat species' calls were detected.

Q. In addition to the avoidance and minimization measures discussed above with respect to avian species, how will the Project avoid and/or minimize potential impacts to bats?

A. Homestead Wind has designed the Project to avoid and/or minimize potential impacts to bat species by minimizing tree removal to the extent possible. Where tree removal

is necessary, Homestead Wind will implement timing restrictions and will follow the PSC's tree and shrub mitigation specifications. Additionally, although bat activity was relatively low during the survey period, as an additional protection measure, turbines will be curtailed from one-half hour before sunset to one-half hour after sunrise from August 16 to October 31 to minimize risk to migrating bats. Further details on avian and bat protection measures are outlined in the BBCS.

X. PERMITS AND APPROVALS

Q. Are other permits besides the Certificate of Site Compatibility required for this Project?

A. Yes. Potential permits and approvals for the Project were identified in Table 7.01-1 of the Application (proposed Exhibit 1).

Q. Has Homestead Wind committed to obtaining all necessary federal, state, and local permits?

A. Yes.

XI. AGENCY COORDINATION

Q. Prior to filing its Application, did Homestead Wind send consultation letters to all agencies and entities identified in North Dakota Administrative Code ("NDAC") Section 69-06-01-05?

A. Yes. Homestead Wind sent notification letters to the agencies and entities identified in NDAC Section 69-06-01-05. The list of recipients and copies of the correspondence sent and received are provided in Appendix D.2 of the Application (proposed Exhibit 1).

Q. Does Section 9.0 of the Application provide summaries of the agency and stakeholder correspondence received prior to filing the Application?

A. Yes.

609

610 **Q. Since the Application was filed, has Homestead Wind received any additional**
 611 **agency correspondence?**

612 A. Yes. As noted above, after the Application was filed, Homestead Wind received
 613 additional comments and correspondence from the SHSND.

614

615 **Q. Is that additional correspondence provided in proposed Exhibit 9?**

616 A. Yes.

617

618 **XII. COMPLIANCE WITH PSC SITING RULES**

619

620 **Q. Are you familiar with the exclusion areas, avoidance areas, selection criteria,**
 621 **and policy criteria identified in NDAC Section 69-06-08-01?**

622 A. Yes.

623

624 **Q. Are any general exclusion areas located within the Project Area?**

625 A. There are no categories of general exclusion areas within the Project Area.

626

627 **Q. Are any of the exclusion areas specific to wind energy conversion facilities**
 628 **located within the Project Area?**

629 A. Three exclusion areas specific to wind energy conversion facilities are present within
 630 the Project Area:

- 631 • Areas less than 1.1 times the height of the turbine plus 75 feet from the centerline
 632 of any county or maintained township roadway;
- 633 • Areas less than 1.1 times the turbine height from the nearest edge of a 115 kilovolt
 634 ("kV") or higher transmission line right-of-way; and
- 635 • Areas less than 1.1 times the turbine height from the property line of a non-
 636 participating landowner and 3 times the height of the turbine from an inhabited rural
 637 residence of a non-participating landowner, unless a variance is granted.

638

Although present within the Project Area, the turbines have been sited to avoid these areas.

Q. Are any general avoidance areas present within the Project Area?

A. Yes. The following general avoidance areas are present within the Project Area:

- Historical resources which are not designated as exclusion areas. Homestead Wind has sited Project facilities to avoid the five archaeological sites located within the direct APE that are unevaluated for NRHP eligibility. Homestead Wind and SHSND have coordinated on a strategy to mitigate potential impacts to three architectural sites.
- Woodlands and wetlands. Wetlands and woodlands are present within the Project Area. Homestead Wind has designed the Project to avoid permanent impacts to wetlands, and has minimized temporary impacts to wetlands. Trees are sparsely located throughout the Project Area and Homestead Wind has designed the Project to minimize tree removal to the extent possible. Where impacts to trees occur, Homestead Wind will follow the PSC's tree and shrub mitigation specifications.

Q. Will the Project comply with the wind energy conversion facility-specific sound avoidance area requirement?

A. Yes. As discussed earlier in my testimony, based on the sound modeling analysis for the Project, no occupied residences or community buildings will have sound levels above 45 dBA within 100 feet of the building, and therefore, the Project will comply with the PSC's sound level requirement.

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 Homestead Wind when designing the proposed Project?

A. Yes.

Q. Were the factors set forth in North Dakota Century Code ("NDCC") Section 49-22-09 considered by Homestead Wind when designing the proposed Project?

A. Yes.

IV. CONCLUSION

Q. Based on the analysis conducted by Homestead Wind, as set forth in the proposed hearing exhibits, will construction of the proposed Project produce minimal adverse human and environmental effects?

A. Yes.

Q. Does this conclude your Testimony?

A. Yes.