STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

Homestead Wind, LLC	**:**	**Case No.**
Homestead Wind Project - Williams County	**:**	**PU-26-86**
Siting Application	**:**	

TRANSCRIPT OF

PUBLIC HEARING

Taken At
3601 Second Avenue West
Williston, North Dakota
September 29, 2026

BEFORE HOPE L. HOGAN
-- ADMINISTRATIVE LAW JUDGE --

A P P E A R A N C E S

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COMMISSIONER SHERI HAUGEN-HOFFART
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1-15	17	18

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(The following proceedings were had and made of record herein, commencing at 9:30 a.m., Tuesday, the 29th day of September, 2026:)

JUDGE HOGAN: All right. Good morning. We are going to get started. Today is September 29, 2026, at 8 -- I'm sorry -- 9:30 a.m.

This is the time and date set by the notice of filing and notice of public hearing issued by the North Dakota Public Service Commission on August 12, 2026, for Case Number PU-26-86.

My name is Hope Hogan, and I am the hearing officer that has been designated for today's hearing.

This hearing is being held at the Grand Williston Hotel & Conference Center in Williston, North Dakota.

As we begin today, I would ask everybody please check your cell phones to make sure they're either silenced or turned off so that we don't have cell phone interruptions throughout our hearing today.

There was an attendance sheet that was being passed around before our hearing began. I'd ask that you please sign that sheet so that the

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Commission has a record of everyone who attended today's hearing.

This is a hearing on the application of Homestead Wind, LLC, for a certificate of site compatibility to construct an up-to 256.5 megawatt Homestead Wind project consisting of up to 67 wind turbine generators and associated facilities in Williams County, North Dakota.

This filing and notice of public hearing specified the following issues to be considered and determined at this hearing: Number 1, will the location and operation of the proposed facilities produce minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota?

Number 2, are the proposed facilities compatible with the environmental preservation and the efficient use of resources?

Number 3, will the proposed facilities' locations minimize adverse human and environmental impact while ensuring continuing system reliability and integrity and ensuring that the energy needs are met and fulfilled in an orderly and timely fashion?

I'm now going to ask the parties to note

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their appearance for the record, and I will start with the applicant. If counsel wants to introduce themselves for the record and introduce the witnesses they intend to call today.

MS. DUFFUS: Good morning. My name is Bridget Duffus. I'm joined by Mollie Smith of Fredrikson & Byron, and we are also joined by Jerald Hess of Apex Clean Energy, and we are here on behalf of Homestead Wind, LLC.

And we plan to call two witnesses today, Matt Eberl and Brie Anderson.

JUDGE HOGAN: All right. Thank you.

And, Mr. Pelham, do you want to state your appearance for the record and introduce Commission staff who's appearing with you today?

MR. PELHAM: Thank you, Your Honor. Good morning. Zachary Pelham, Special Assistant Attorney General, on behalf of the Public Service Commission.

To my right is Public Utilities Director Victor Schock. He may have questions today to ask, and we ask that he be permitted to do so. Thank you.

JUDGE HOGAN: All right. Thank you.

Testimony from the public will be taken

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after the completion of the applicant's witness testimony today. I encourage you to take this opportunity to tell the commissioners anything you think they should know about this matter. I assure you that what you have to say is important to the Commission and will be considered by them.

If you do wish to testify today, I'd ask that you please note that on the attendance sheet. That just gives me an idea for planning purposes how many people want to testify. You're not held to that one way or the other. So if you change your mind, -- if you didn't check yes and you want to testify, you can still do that; and, likewise, if you checked yes and change your mind no, that's fine as well.

If you have any questions about providing testimony today, please don't hesitate to ask me during our morning break.

We'll now take opening comments from the commissioners, and we will start with Commissioner Kringstad.

COMMISSIONER KRINGSTAD: Thank you.

Good morning, everybody. Thank you, first of all, for welcoming us here today in Williston. We're really glad to be here, and I always

appreciate when I see a room full of people who are willing to engage in our process. So thank you all for being here.

As Judge Hogan talked about, just want to give a little more detail about kind of why we -- we run the hearing the way we do. Sometimes we get questions about, you know, why -- why does the company go first? Why do we have to sit through listening to what the company says? And the reason why we do it that way is because we want to make sure that we are hearing the most up-to-date information and that you guys can hear the most up-to-date information as well.

There have been times where, you know, we got this big application earlier this year, we've gone through it, we have some questions, we've asked them for additional information that they've provided that's available online, but they are also actively working here in the community to make changes and do additional studies. So sometimes what we may have heard a couple months ago may have changed or have an update to it. So we just want to make sure that everybody gets the most up-to-date information up front.

And then once we hear from the company,

then we're going to take public testimony. And to me, that's the most important reason why we're here. I always say there's only so much I can learn and grasp from all of this paper, but truly for me, one of the most valuable things is coming out, having you guys bring something forward -- and it happens almost every hearing. There's almost always something that comes forward that we as commissioners wouldn't be aware of or the company wouldn't be aware if it wasn't for somebody who lives here locally and knows and can say, hey, there's something out here, can you take a look at it.

So if you have anything to say, really encourage you, please come forward. It really does help us make the absolute best decision that we can.

So thanks again for being here today, and I'm looking forward to a good hearing.

JUDGE HOGAN: Commissioner Christmann.

COMMISSIONER CHRISTMANN: Not much to add to that, but I'd just -- the little bit I will add to it is that we -- we are not proponents of getting a project built, nor is it our job to be the ones to try and find a way to get in the way

and stop it. We, as the judge talked about, try to make sure there are minimal adverse effects, not no adverse effects at all. There will be things with almost any big project, but minimal adverse effects.

And in our job of evaluating that, the more information we have the better. That's why we go out and have hearings like this, and as Jill talked about, you might know something that us or the company would have no way of knowing about -- some archeological feature or some planned use of something or something like that that helps us to minimize adverse impacts.

And so that is why we're here because -- because we want to make the best decision possible. In order to do that, having all the information possible is important.

And just don't feel uncomfortable. We're regular folks. After the company has made their -- their presentation, if you have something you want us to know, please do come forward.

JUDGE HOGAN: Thank you.

Commissioner Haugen-Hoffart.

COMMISSIONER HAUGEN-HOFFART: Good morning. All I'm going to add is on the table up

there, the black binder was the initial filing. So if you want to read that, I'm going to direct you to our website where you can do a case search and you can look in -- in the case and see everything that was docketed.

So the transparency we do have at the Public Service Commission, and then the white binder is the exhibits for this hearing, too, that we went through.

So I would encourage you, if you want to read the whole case, that black binder -- it might take you a little bit. There are pictures, so enjoy.

But I do look forward to hearing from the public. I think the company presents its case, but we don't have any witness statements from the public. So I encourage you, if you have something to say, to come up and please be a part of the hearing.

Thank you.

JUDGE HOGAN: All right. Thank you. So the applicant filed -- prefiled 13 exhibits, including Exhibits 12A and 13A; is that correct, Ms. Duffus?

MS. DUFFUS: That's correct. And I also

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handed out three items this morning. So one is a correction to one page of the sound report, which was Appendix F in the application, which is Exhibit 1. There was just a duplicate figure, so we found that and corrected it. And then the other two items I handed out, one we're asking to be marked as Exhibit 14. It's correspondence from the airstrip owner. And then Exhibit 15, which is a letter of support from Mountrail-Williams Electric Cooperative.

JUDGE HOGAN: All right. Thank you. Mr. Pelham, any objection to admitting those exhibits?

MR. PELHAM: No, I've received the exhibits and do not have any objection.

JUDGE HOGAN: All right. Then Exhibits 1 through 15 will be admitted into the record.

And as Commissioner Haugen-Hoffart pointed out, the exhibits are available through the Commission's docket, which is -- you can access through their website. These latest filed ones, I don't know if they're docketed yet, but they will be on the docket eventually.

So with that, I'll ask if there's any other preliminary matters we need to address.

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Ms. Duffus, did you have anything?

MS. DUFFUS: No.

JUDGE HOGAN: Mr. Pelham.

MR. PELHAM: No, Your Honor.

JUDGE HOGAN: Then you can call your first witness.

MS. SMITH: We call Matt Eberl. And I'll just note the giant binder, there's a copy of that and the exhibits on the back small table in case anyone does want to see it from the -- from the audience.

JUDGE HOGAN: Good morning. I'll have you start by stating your full name for the record and spelling your last name.

MR. EBERL: Matthew Eberl, E-b-e-r-l.

JUDGE HOGAN: Mr. Eberl, before you testify today, I'm required by law to advise you on the penalties for perjury in the state of North Dakota. Perjury is a Class C felony, punishable by a maximum fine of $10,000, a maximum five years' imprisonment or both.

Do you understand what perjury is?

MR. EBERL: Yes.

(Witness sworn.)

JUDGE HOGAN: All right. Thank you.

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Go ahead, Ms. Smith.

MATT EBERL,

having been first duly sworn, was examined and testified as follows:

EXAMINATION

BY MS. SMITH:

Q. And, Matt, I'm just going to say I think -- can you pull your mike a little bit closer to you?

A. How's that?

Q. That's good. I don't want you to have to holler the -- the whole time.

Can you tell the Commission what your position is with Apex Clean Energy?

A. I'm a senior development manager.

Q. And just a little bit about your education and your work history?

A. I have a bachelor's of science degree in environmental engineering from the State University of New York School of Environmental Science & Forestry, and I have over 20 years' experience in engineering and development, including wind projects throughout the United States and here in North Dakota.

Q. And did you file prefiled testimony in

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this matter on September 18, 2026?

A. Yes.

Q. And is that prefiled testimony and your résumé identified as Exhibits 12 and 12A?

A. Yes.

Q. And what topics do you cover in your prefiled testimony?

A. My prefiled testimony provides an overview of the project's development history, including site selection, landowner coordination, layout and facility design, land use compatibility and local permitting and coordination. It also discusses project construction, operation and decommissioning.

Q. Will Homestead Wind, LLC, construct, own and operate the project?

A. Yes.

Q. What is Apex's connection to Homestead Wind, LLC?

A. Homestead Wind is a subsidiary of Apex Clean Energy, and Apex is assisting Homestead Wind with development of the project.

Q. And can you discuss Apex's experience in the renewable energy industry, including here in North Dakota?

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A. Yes. Apex is an independent renewable energy company. We've been in business for over 15 years, and we're headquartered in Charlottesville, Virginia, where I live. Apex has commercialized over 50 projects with nearly 12 gigawatts of capacity, and operating assets under Apex's management have grown to more than 2 gigawatts with nearly another gigawatt of capacity under construction.

Q. And do you -- does Apex operate a project here in North Dakota?

A. Yes. Apex currently owns and operates Bowman Wind, which is south of here in Bowman County, North Dakota.

Q. Could you give us a brief overview of the project's development history?

A. So the project has been under development since 2015. In 2015, we identified a general area of wind development interest in the northwest corner of Williams County here, and we began community outreach and land control efforts.

By 2016, Homestead Wind had installed two temporary meteorological towers and we began collecting and assessing wind resource data.

In 2018, Homestead Wind filed our

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interconnection queue position with the Southwest Power Pool, or SPP.

And in 2022, Homestead began coordinating with Mountrail-Williams Electric Cooperative, who is the owner of the Strandahl substation on interconnection matters.

In 2023 and 2024, based on landowner support, we expanded our area of interest and conducted environmental studies and surveys throughout the study area.

In 2025, Homestead executed its GIA with Mountrail-Williams and SPP. Also in 2025, Homestead Wind refined the project area and design based on the results of the ongoing specific studies that we were doing with agency coordination and landowner and other stakeholder input. The result is the currently proposed project.

In January of this year, Homestead Wind received county approval for the conditional use permit and variances for the project.

Q. And is the project before the Commission today the same as was presented and approved by Williams County?

A. Yes.

Q. Has Homestead Wind obtained the necessary

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property rights to construct the project in the proposed project area?

A. Homestead Wind has agreements with all private landowners within the project area. All agreements are wind leases, except for one underground cabling easement. And we have four parcels that are managed by North Dakota Department of Trust Lands that are within the project area, and we expect to finalize those easements with NDTL once the PSC permitting process is completed.

Q. So let's look at Figure 2 in the application. It's also on the poster boards in the room as well. Are the wind lease parcels shown in dark green on that figure?

A. Yes.

Q. And are the underground easement parcels shown in orange?

A. Yes.

Q. And then we have the North Dakota Trust Land-managed parcels. Are those in light green?

A. Yes. That's correct.

Q. Could you discuss the outreach Homestead Wind conducted within the local community?

A. We've -- we've been out here for a long time. I personally have been working on this

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project for more than four and a half years, and I have met all of our participating landowners and several of the nonparticipating landowners.

We also hired a local land leasing company here in Williston, Diamond Resources, and they assisted us with outreach. We made attempts to contact every landowner in the study area.

Early on, we had talked with a landowner who eventually signed a wind lease. Through our discussions with him -- his name is Kurt Andre, and he's here in the room. But he's born and raised in the project area, and some of the land that he has in the project has been in his family for nearly a hundred years. Because of that, Kurt knows his neighbors and other landowners out there, and he's been a tremendous resource to the company and me personally as he was able to connect with folks who are not participating in the project and relay some of their concerns and issues that they had.

He was able to connect me to some of those folks so I could talk to them about the concerns, and in other instances Kurt would just continue to let me know what those concerns are. And that's incredibly important in building a project, not just with the folks who are participating, but to

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hear what the concerns are from people who are, frankly, not for the project. And we try to incorporate that into the design and development of Homestead Wind.

Q. So as -- as far as these concerns, what were some of the concerns and how did Homestead Wind incorporate that feedback into the project design?

A. One of the -- one of the concerns we heard a lot was about the roads, and that's a valid complaint. The roads out here are a big asset, especially if you live out there and you're -- you're driving it for work and agricultural purposes. So we understand that.

And -- and how we would explain that is we're required to have an approved road use agreement with the county before we can start construction, and that road use agreement goes into great detail on the steps that Homestead Wind has to do prior to construction to evaluate the roads, during construction to maintain and repair them, and after construction to do a post-evaluation and repair the roads to as good or better condition.

And most importantly, the road use agreement holds Homestead Wind responsible for

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financial security so that we can and will pay for all of those repairs and all of those activities.

Another pretty common concern we heard, which again is a valid one, was about decommissioning. Folks were worried what happens to these towers if your company goes out of business.

And, again, we were able to explain that here in North Dakota we're required to have an approved decommissioning plan from this Commission, and that decommissioning plan will be prepared by a third-party North Dakota engineer, and it defines all the steps that are necessary to remove the facilities from our project whenever it becomes nonoperational.

And equally important, it also requires financial security to prove that Homestead Wind can and will pay for all decommissioning.

I think lastly and probably -- maybe the most common thing we heard from landowners was concerns about the setbacks here in the county; that they thought nonparticipating homes at 1400 feet might not be enough.

We heard that loud and clear. And we took -- took great efforts during the design of

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this project and throughout to maintain the furthest distance that we could from nonparticipating homes in the project area.

Q. Let's turn to Exhibit 6 in the binder. And I'll just give you a second to get there.

A. Let me see if I can do that. Okay.

Q. Is that a chart summarizing information pertaining to the inhabited residences in and around the project area?

A. Yes.

Q. And does the chart in Exhibit 6 list the participant status of the residents, the nearest turbine to each residence, the distance and feet from the nearest turbine to the residence, the modeled sound level and the modeled shadow flicker in the hours per year?

A. Yes, it does.

Q. Please discuss the review that was conducted by Homestead Wind to identified occupied residences and community buildings in and around the project area.

A. We have a formalized process for identifying occupied residences, and we followed that process for Homestead Wind. We began by gathering information that we already had from

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participating landowners regarding their property. We review aerial imagery to identify structures in the project area and within one mile of that project area. We then drive the site and surrounding area to look at structures identified in the desktop analysis to determine if they are occupied residences.

We also talked to our landowners to confirm information about their parcels and to sometimes gather information that might be on their neighboring parcels that are not participating.

I was part of the team that drove the area and talked to landowners. I'm very familiar with the area from having worked here for several years now.

The result is that unless we could confirm the structure was unoccupied, we treated the structure as occupied -- as an occupied residence for the purposes of setbacks and sound and flicker analysis. We also did not identify any community buildings within one mile of the project area.

Q. Are the nonparticipating and participating occupied residences that you identified shown in the figures provided in the application, which would be Exhibit 1, as well as the updated

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Figures 4 and 5 in Exhibit 2?
A. Yes. That's accurate.
Q. And then looking back at Exhibit 6, what is the shortest distance between a project turbine and a participating landowner's occupied residence?
A. That's 2,572, which is the distance between receptor 28 and turbine 66.
Q. And what is the shortest distance between a project turbine and a nonparticipating landowner's occupied residence?
A. The shortest distance is 2,891 feet, which is the distance between receptor 11 and turbine 7. This home is owned by a landowner who has other adjacent parcels in the project, so it is a participating landowner, but this particular parcel is not part of the project. It should be noted that turbine 7, which is closest to their home, is on their own adjacent parcel.
Q. And what's the next shortest distance between a nonparticipating residence and a -- and a turbine?
A. That would be 3,435 feet, which is between receptor 7 and turbine 17.
Q. And what is the occupied residence setback for the project per the Commission's rules and

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Williams County's requirements?
A. The PSC setback is three times tip height, which equates to 1,914 feet for the tallest turbine model under consideration here. The county's setback at the time that we received our conditional use permit for the project was 1,400 feet.
Q. So the project turbines are set back from nonparticipating occupied residences a distance that is much greater than the required setbacks?
A. Yes. That's intentional and by design.
Q. Homestead Wind received a conditional use permit and variances. You indicated that in your testimony earlier. That was January 6, 2026?
A. Yes.
Q. And is a copy of the CUP and variance letter from Williams County provided in Appendix B to the application, also Exhibit 1?
A. In my exhibit here?
Q. It's in the actual -- yep.
A. Yes.
Q. You mentioned that Homestead Wind executed a generator interconnection agreement in 2025 with Mountrail-Williams Electric Cooperative and SPP; is that correct?

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A. That is correct.
Q. Will Homestead Wind pay all costs associated with the upgrades to the system in order to facilitate the interconnection of the project to the grid at that interconnection point?
A. Yes.
Q. Did Mountrail-Williams Electric Cooperative provide a letter noting some ancillary benefits of the upgrades that are needed for the interconnection of this project to the system as a whole?
A. Yes, they did.
Q. And what were those ancillary benefits?
A. I just also wanted to correct, earlier we had mentioned that it was a letter of support from Mountrail-Williams. I don't -- just want to be clear that that's not really accurate. I had asked them just if they could comment if there were benefits to the local community, and they were kind enough to respond to explain those. So it was not necessarily a letter of support. I just wanted to clarify that.
Q. Sure.
A. But in that letter, there's -- there's two main upgrades that are being done. One is a

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15-mile transmission line that's being constructed right now by Mountrail-Williams, and they had noted that installing this new line would create enhanced contingency coverage for their members and ratepayers and would also improve service reliability.
The other major upgrade is rebuilding a line as well here in Williams County, and in the letter they mentioned that the -- it's called a reconductor and replacing the lines on the existing ones, because those lines are over 50 years old and that they were going to need to be done anyway, but by Homestead Wind doing this, we will be paying for it instead of the ratepayers, so it saves their money -- their members money.
Q. Is a copy of the letter that you were just referencing provided as Exhibit 15 that was handed out today?
A. Yes.
Q. What is the project's planned nameplate capacity?
A. 256.5 megawatts with up to 255 megawatts being delivered to the grid.
Q. Has Homestead Wind determined what turbine model it will use for the project?

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A. No. But we have narrowed it down to two turbine models that are discussed in the application.

Q. And what are those two turbine models?

A. The Vestas V163 4.5-megawatt turbine and the GE 154 3.5-megawatt turbine.

Q. And were both turbine models considered in the design of the project and the analysis presented in the application?

A. Yes. For example, we used the tallest turbine and rotor diameter to calculate setbacks. Both turbines were modeled for sound and shadow flicker compliance using all 81 locations.

Q. How many of the 81 turbine locations will be constructed depending on the turbine model selected?

A. If the Vestas turbine is selected, we would use 57 of the turbine locations, and if the GE model is selected, we would use 67 of the locations.

Q. And regardless of the turbine models selected and the turbine locations selected, will the project comply with applicable setbacks, sound and shadow flicker requirements and commitments?

A. Yes. Except for where Williams County

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granted a variance.

Q. And because there's been a variance, that's now an exception that's allowed for the project; is that correct?

A. That's correct.

Q. Did Homestead Wind take into consideration any input from landowners and their existing land use in the project design?

A. Yes. We tried to avoid and minimize impacts to existing agricultural operations by using existing roads, driveways and field edges and other previously disturbed areas or access roads wherever we could. We also coordinated directly with landowners reviewing site plans with facilities on their properties and giving them the opportunity to comment on them, and in many cases we were able to accommodate those requests.

Q. Does Homestead Wind plan to install light-mitigating technology on the project?

A. Yes. Subject to approval by the Federal Aviation Administration, or the FAA, Homestead Wind plans to install aircraft detection lighting system, known as ADLS, for the project.

Q. What is the status of the ADLS plan reviewed by the FAA?

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A. We submitted the request to use ADLS on the project in December of 2025. We had previously submitted the layout for the turbines for the determinations of no hazard to the FAA in September of 2025.

Q. And when do you expect the plan and the DNHs to complete that process?

A. Both are in process, and we expect that to be completed in the early part of 2027.

Q. In addition to submitting the layout and ADLS request to the FAA, did Homestead Wind consult with the Williston Basin International Airport?

A. Yes. We originally -- originally reached out to the North Dakota Aeronautics Commission, or the NADC [sic], for any input on the project. The NADC responded that the project would not have any significant impacts on the air space around Williston airport, but also recommended that we contact the airport.

I sent the project information to the airport director. He agreed with the NDAC that the project would not affect airport operations once it was operational. He did have some questions regarding construction equipment and methods and asked us to confirm if the project would be

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completing the FAA review. I responded via email confirming the project layout was under FAA review, and explained that the construction equipment would not exceed the height of the tallest turbine and therefore also would not have impacts to the airport.

We did not receive any additional questions or comments from the airport after that.

Q. Is that correspondence with both the Aeronautics Commission and the Williston Basin International Airport provided in Appendix D to the application?

A. Yes, it is.

Q. The application notes that a private airstrip is located within the project area; is that accurate?

A. Yes.

Q. Did you coordinate with the owner of the airstrip?

A. Yes. That's Mr. Hought. I've spoken with him several times regarding his airstrip and our locations of turbines, and he agreed that those turbines -- that particular turbine would not have an impact on his airstrip, and I've shared that in an email that he confirmed. So we have that in

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writing.
Q. Is that email correspondence that you were just describing with the airstrip owner provided in Exhibit 14?
A. Yes, it is.
Q. What's the anticipated construction and commercial operation schedule for the project?
A. We anticipate the project construction could begin as early as the third quarter in 2027, and the project could be fully operational by the end of 2028.
Q. How will the -- how will Homestead Wind coordinate with landowners and the local community during project construction?
A. We're in constant coordination with participating landowners when we plan to be on their land, and that will continue to go through construction and project development.
Typically, we offer regular meetings with local officials during project construction and provide contact information. We also provide contact information to folks like the school bus drivers and offer to meet with them to discuss any concerns they might have about sharing the roads with us.

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We have been and will continue to be in regular communication with the county highway department on all road-related matters, and we will also coordinate with local emergency responders on construction and operation, emergency response procedures. During operations we also offer training with local emergency responders.
Q. I understand it's usual to have concerns about dust control on a project like this. What dust control measures will be implemented during project construction?
A. We will follow all of the required dust control procedures that are in the road use agreement, which in this particular case includes a chemical that is laid down over the roads as opposed to water trucks.
Q. Is the noxious weed management and control plan for the project in Appendix K to the application?
A. Yes, it is.
Q. Has Homestead Wind shared the plan with Williams County Weed Board?
A. Yes, we did share it with them and it has been approved.
Q. Is a copy of that correspondence

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documenting their approval provided in Appendix D to the application?
A. Yes, it is.
Q. With respect to project decommissioning, you've talked quite a bit about that, including the financial assurance. Will Homestead Wind commit to complying with all of the rules and financial security requirements?
A. Yes.
Q. What are some of the project's benefits?
A. Well, the first obvious benefit is the direct payments that are made to landowners who are participating in the project, and those, you know, over a 30-year life span will continue to bring revenue into landowners.
Also a tax revenue estimated over a 30-year project life of approximately $35 million to state and local taxing authorities, including approximately 11.7 million to the State of North Dakota, over 3 and a half million directly to Williams County, and more than $15 million to Grenora -- Grenora School District.
Would also be increased spending during construction in the vicinity of the project due to increased demand for lodging, food, supplies, et

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cetera.
Q. Now, you mentioned Grenora School District. Are there letters of support from Grenora School District as well as the Williston Area Chamber of Commerce and the James Memorial Preservation Society noting some of those local benefits? Is that provided in Appendix D to the application?
A. Yes, it is.
Q. If you will look at what's been marked as Exhibit 10.
A. Okay.
Q. Is that the signed certification relating to order provisions for wind energy conversion facility siting with accompanying tree and shrub mitigation specifications?
A. It is.
Q. Who signed this certification on behalf of Homestead Wind?
A. Kurt Friesen.
Q. And what's Kurt's title with Apex?
A. He is the chief legal officer of Apex Wind Energy.
Q. Does Mr. Friesen have authority to bind Homestead Wind with respect to adhering to the

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certification?
A. Yes, he does.
Q. With respect to the tree and shrub clearing, is Homestead Wind requesting the ability to clear an area wider than 50 feet in some locations within the project area?
A. Yes.
Q. And with one exception or one update we're just -- we're going to talk about in a second, if you turn to Exhibit 3, does that show the areas that Apex is -- or Homestead Wind -- excuse me -- is asking to have authority to clear areas wider than 50 feet?
A. Yes.
Q. And it shows -- currently shows five areas; is that accurate?
A. Yes, it shows five areas.
Q. Is there one of those areas that we've determined is actually not 50 feet wide and we no longer need to request approval for clearing an extra-wide area?
A. Yes. That would be the southwesternmost highlighted in yellow area that is no longer determined greater than 50 feet and is not being requested as the need to go beyond 50 feet.

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Q. Yeah. Was it simply that they were measuring the entirety of the work space that was needed to be cleared and not the actual width of tree clearing?
A. That's correct.
MS. SMITH: And so we will file an update to this exhibit as a late-filed exhibit. We will just continue to call it Exhibit 4, but we can -- if you would prefer, we can call it late-filed update 4.
JUDGE HOGAN: That sounds good. Thank you.
MS. SMITH: Oh, sorry. I've been told it's 3. So let's not call it 4. Let's call it 3.
Q. (MS. SMITH CONTINUING) And what is the reason that Homestead Wind is asking for the other areas to have that ability to clear an area wider than 50 feet?
A. In those areas, we are co-locating some facilities like crane paths and roads, which just requires a larger area of clearance.
Q. With the exception of the -- the four areas we just discussed, will Homestead Wind comply with the Commission's tree and shrub mitigation specifications?

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A. Yes.
Q. And with the exceptions of the updates we just talked about today in your testimony, if I asked you all the questions in your prefiled testimony, would your answers be the same?
A. Yes.
MS. SMITH: I have no further questions.
JUDGE HOGAN: Mr. Pelham, any questions?
MR. PELHAM: I do. Thank you.

EXAMINATION

BY MR. PELHAM:

Q. Good morning, Mr. Eberl. I have some questions for you.
And I think you asked -- answered this question, but I just want to confirm. Are there any plans to assign or transfer ownership of Homestead Wind to any other entities?
A. No.
Q. So operating -- construct -- constructing, operating, maintaining the proposed project will be done by Homestead; correct?
A. That's correct.
Q. Take me through the -- the process used during construction for topsoil separation. What does the company anticipate with that process?

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A. So there are a few different methods, depending on what type of construction is taking place and whether that's a temporary disturbance or a more permanent disturbance. For example, with installing underground cables, we will be open-trenching using an excavator, so the first step would be to strip that topsoil and then segregate it appropriately.
When we segregate it, we will make sure that it's not put into drainage areas or in areas that it could be compacted, and we'll make sure that proper erosion control is taking place.
And the open trenching that once the cables are laid, the backfill will go in first and then the topsoil will be pushed back over the area of disturbance.
In more permanent areas, like roads and turbine pads, same procedure will be done in the area of disturbance. The topsoil will be stripped and segregated. In those conditions we typically will mound it up against the roadside or along the apron of the turbine pad so that whenever decommissioning occurs, that topsoil can then be pushed back over the area of disturbance.
And we would acknowledge that we would not

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be doing any segregating of topsoil in frozen conditions or in winter without prior approval.

Q. At this time is winter construction anticipated?

A. No.

Q. And if winter construction is deemed needed by the company, what does the company plan on doing in terms of notifying the Commission?

A. We would follow all the procedures that are necessary to get proper approvals from the Commission before doing any winter construction.

Q. As far as the -- you said there are plans to store the topsoil. Removal of topsoil, the installation of the pads, there's quite a bit of topsoil there. I mean, what -- is there a protocol in place that the company follows for that?

A. There is. And it typically is around the edges to mound it or half-moon it along those sides so that at the end it can be pushed back over that area.

Q. Understood.

The SCADA monitoring system, could you take us and -- explain that process. Where it's -- where the monitoring is taking place, who are the people doing it, what capabilities does the

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monitoring system have?

A. Yeah. So the SCADA system connects all the turbines through communication wires back to our control center, which is at our headquarters in Charlottesville where I work. It's two stories above my office, actually.

It is staffed 24 hours a day. We maintain several different wind farms and solar farms throughout the country at this facility. They have the ability to monitor second-by-second situations with turbines, including what would be at Homestead Wind, and they have the ability to shut turbines down and also do remote controls with them.

In addition to that, we will have an operations and maintenance facility here, right at the -- just around the corner from the substation, actually, that will be staffed full-time, and those folks also are tied into what's going on in the SCADA system. They're in communication with our folks back at the control center so that we can have boots on the ground to deal with issues.

And all of these folks are fully trained in what the procedures are related to safety, maintenance and operation of the wind farm.

Q. So the folks on the ground in North

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Dakota, approximately how many permanent employees are anticipated to be employed by Homestead?

A. Overall, the facility would have, depending on which turbine is chosen, somewhere between four to seven employees. The site manager would be a direct employee of Homestead Wind. The other employees would be typically hired by the turbine manufacturers themselves that oversee the operation and maintenance of the turbines.

Q. And you had testified earlier about a training offer to first responders. What type of coordination between the proposed permanent employees of Homestead and the manufacturers and first responders would there be if this project is built?

A. We would look to be in -- in pretty constant contact with them. Typically, we have annual events where we invite first responders out to look to see what kind of procedures might be needed to be done, if there needed to be a rescue from heights or how to deal with fires and deal with fire departments and police departments, and make sure that lines of communication are clear, what are the basic steps that need to be followed in the event -- in the unlikely event of an

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incident. And, again, that's -- safety is key one for us on these projects, so it's super important for us to have constant communication with first responders.

Q. Are there any procedures or protocols that you're aware of, sir, that Homestead would utilize in the event of extreme drought or extreme dry conditions where potential for wildfires are present? Anything additional that's done?

A. Not that I'm aware of.

Q. So, for example, personnel. I mean, if -- you know, because we've had some fairly serious wildfires out in North Dakota in recent years. Anything particular? I mean, are they carrying --

A. Sure.

Q. -- water with them in their trucks as a precautionary thing?

A. Sure. They would -- I'm most certain they would have fire extinguishers in their trucks. We do not drive into fields. That's why we have access roads. So, you know, when we're out -- even when we're developing these projects, you know, it gets dry out there and we have to do things in the field, we know not to drive pickup trucks out in the field in super dry areas and start things on

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fire. So, yes, basic safety procedures related to drought and fire would be followed.

Q. The coordination with local first responders, are first responders also communicating with you as far as some of these protocols that exist that are perhaps unique to this area of the country?

A. Yes. And that's specifically why we reach out to them. You know, every area is different. Again, we do own and operate a wind farm here in North Dakota, so we are familiar with the conditions. But every smaller area is unique. So that is the point of us having constant communication and reaching out to first responders.

Q. Sir, you were asked about some of the coordination done with local landowners, both participating and nonparticipating. I believe you mentioned a gentleman -- Kurt I believe was his name, and he assisted in relaying concerns of nonparticipating landowners. And you talked about three of the -- kind of the -- I don't know if you said the main concern, but you talked about three concerns that were brought to the attention of the company: roads, decommissioning and setbacks.

I'm wondering what other concerns of

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nonparticipating landowners were brought to the company aside from those three items?

A. Those are really the -- the main items that came up the most. Of course, there would be some other typical ones that we hear at any project. Concerns about the wildlife and impacts to the environment, which again are valid concerns.

But, you know, we've -- we've done significant amount of studies here, and we have experts here who can testify on the work that we've done to prove that those -- we've mitigated or avoided those risks. So those are pretty typical things that we hear that people are concerned about whenever we're developing a wind project.

Q. And I understand the next witness, Ms. Anderson, is going to talk about the environmental items that were analyzed by the company; is that correct?

A. Yes. That's correct.

Q. As far as specific concerns of nonparticipating landowners related to the setbacks, were there requested changes of locations of turbines that were moved as a result of concerns raised by nonparticipating landowners?

A. What the process was for us was -- in

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designing the layout for it, one of the main criteria was to place turbines as far away as we could from nonparticipating homes, and we accomplished that. I'm sure that there are some people who would still like them to be further. That's not really possible for us for various reasons.

But we're very proud of the efforts we put in to try to accommodate those nonparticipating landowners, and I believe that our design and layout proved that.

Q. And the project had its -- had its genesis in -- did you say 2015?

A. Yes, sir.

Q. So the company has been working on this for quite some time.

A. Very long time.

Q. Is there a reason for -- for the process? It just has evolved in that manner? Are there any reasons for why it's taken this long to get to today in the siting hearing?

A. Ten years may seem like an incredibly long time for most things. It's not an overly long process for us. It's longer than most, for sure. I was not working on it when the project originally

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started. Sometimes things happen along the lines of interconnection might be paused so there's no particular rush to get it through because we're not capable of putting, for example, the energy onto the grid. And there are other things to work through, making sure that we've done all the necessary studies that are required. Sometimes it just takes a little bit longer than others.

Q. Participating and nonparticipating landowners, are they each provided with direct contact information of someone at the company that they can contact if there's some type of question or an issue arises?

A. Do you mean during the development process or construction?

Q. During the construction process and then also during the operation, assuming it's built.

A. Yes. We -- we maintain an active website that has contact information. Once it's built, our operations and maintenance building will be right there in the community that folks could stop by and discuss. And our phone numbers and contact information will be available to the county and searchable for anybody who would be interested in it.

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Q. You were asked a little bit about the ADLS, Aircraft Detection Lighting System, and in your prepared prefiled testimony, the language used in your response at page 10 was, "Homestead will use commercially reasonably" -- rather, "commercially reasonable efforts to install light-mitigating technology."

I'm wondering if you can tell me what "commercially reasonable efforts" means.

A. We are coordinating with the vendor for this, which is DeTect. They do an analysis of the project to determine what would be the best location for the ADLS tower.

We have gone through that process. They have looked at our -- our layout for turbines and approved a location for that tower. We then have -- were able to sign a separate -- well, have an agreement to house that facility on that land.

We then submitted the location for approval to the FAA and that is currently ongoing, and we anticipate receiving approval for that in 2027.

So I would consider that to be our commercial reasonable efforts that we're doing.

Q. And I appreciate that. That's helpful

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information because, you know, aside from indicating that the application has been made to the FAA, efforts having been taken to -- to actually construct this ADLS system -- because we don't have -- here we don't have a nearby air base where there may be concerns of, you know, the radar being detected and, you know, use for helicopters moving from missile sites or anything. We don't have that here, do we?

A. No.

Q. No nuclear missile sites in this area?

A. No ICBMs or military training routes either.

Q. Are there -- and I understand and I appreciate the -- the qualifier in using commercially reasonable efforts. At this time as you sit here today before the Commission, are there any impediments to the institution and completion of the ADLS system that you foresee at this time?

A. No.

Q. Any abandoned mines located in the project footprint?

A. No.

MR. PELHAM: Mr. Eberl, I don't have any other questions for you. Mr. Schock may have some

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for you.

THE WITNESS: Thank you.

MR. SCHOCK: All of my questions have been asked.

JUDGE HOGAN: Commissioner Kringstad.

COMMISSIONER KRINGSTAD: I do have a couple.

EXAMINATION

BY COMMISSIONER KRINGSTAD:

Q. Since -- since we just kind of wrapped up a discussion on ADLS and light-mitigating technology, maybe I'll start there.

Those are terms, obviously, that we are more familiar with, but for those in the audience who maybe don't know what light-mitigating technology is and what ADLS is, can you just explain kind of in layman's terms what that technology actually is?

A. Sure. I think everybody here in North Dakota has probably driven through areas where you've seen at night the constant blinking lights on certain towers that go. ADLS is intended to minimize when those lights are on by design.

And what it is is it's radar array. It detects when aircraft enter the project area within

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a certain altitude, within a certain distance that the turbines could be a risk to that aircraft. It will then signal the turbines to turn the lights on. The lights will then remain active until that aircraft, whatever it might be, passes through the area safely and then the lights will turn off again.

Q. And so the intention behind this technology is that the lights are not on all the time; correct?

A. Correct. It's intended to minimize the amount of time that lights are on.

Q. So some of it is essentially whether -- I think sometimes it's referred to as like the light pollution of a potential project, that this is meant to reduce that for landowners in the area so they're not looking at the lights all the time?

A. Yes. That's correct.

Q. Okay. I appreciated the explanation because I had flagged the same thing about commercially reasonable. So just to be clear, I guess, when I first read it, my first thought was it was a cost issue. So to be clear, it's not -- if it becomes too expensive, we're not going to do this?

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A. We already have quotes from our vendor for it and it's already built into our budget, so, yes, we are fully prepared to, once we have approvals through the FAA and the project starts construction, that we would install the ADLS.

Q. With -- we -- you testified a little bit to the FAA, the coordination you had with the Aeronautics Commission, the coordination you had with the director of the Williston airport. Can you just walk through a little bit -- because those are a lot of people who have kind of different pieces of aviation. So can you just walk through kind of what everybody's lane is and what their part is for those three entities in this -- in this process?

A. Yes. And it can get a little complicated. So the first thing that happens is we file our turbine locations with the FAA. They do a process of public notice, which as part of that they will reach out to entities that they think might have potential impacts from our wind farm, one of those being Williston airport.

So they did reach out. You typically get a little post card and it asks you if you have any issues with it and to contact the FAA.

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Additionally, through general agency coordination, we send out notifications to several different agencies through the federal government and the state here in North Dakota, and one of those is the North Dakota Aeronautics Commission, again, making sure they're aware of our project.

They do their own separate review, which, again, they determined that there would not be impacts from our wind project on the airport.

The NAD -- ND -- NADC or -- you know what I'm talking about -- also requested that we contact the airport directly. We would have done that regardless, but we did reach out to them directly to make sure that they had heard through either the FAA or NDAC about our project, and we offered just to answer any questions or see if they have any concerns.

Q. Okay. That's helpful.

You had mentioned -- and I saw this in the application -- the correspondence with the Williston airport, and you talked about one of the questions they had is how during -- you know, while this is constructed, what the height is going to be. And I saw that you replied, you know, it won't exceed the height of the tallest turbine during construction.

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Can you just explain a little bit, if this project is approved, how the turbines are going to be assembled, so the previous comment that you made to the -- to the airport, how that kind of makes sense and ties together?

A. Right. So I think it's first important to note that when the FAA does their review and all the airports, they're looking at the tallest height of the obstacle. So we're looking at the tallest tip height of the turbine, which is 634 feet, but that's -- that's the highest level, and then you're looking at impacts at that level.

So if they determine there is no impact at that level, anything happening below level would also be considered not to have an impact.

When the towers are assembled -- we have our foundation that's poured and then we assemble the base, three large cylindrical metal structures, and we put what's called, then, the cell on top of that, sort of looks like a bus. It sits on top and houses the generator. And the hub is on the front of that. The hub is what the turbine blades connect to, but we don't come from above with the blades. We typically will bring them in with a

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crane and then bolt them into the hubs. The crane itself is a lower height than -- significantly lower than the tip height of the turbine, and that's why the construction methods would not pose a risk to the airport during construction.

Q. Okay. Thank you for that.

So with -- with the turbines, I guess help me understand, like, when you anticipate knowing which model you're going to select.

A. We are still in the analysis phase there. We have the two that we are looking at. We are finalizing some of our geotech studies being done now, looking at foundation designs and finalizing pricing. So that decision will be made at some point probably in the early part of 2027.

Q. Okay. So you maybe referenced this a little bit. My next question was like, I guess, what decision points are still outstanding?

A. Pretty big one here today. And then once we select our turbine model, we will be finalizing our engineering drawings and then moving towards getting building permits with the county here. That will include finalizing our road use agreement as well and then looking to start construction as early as next summer.

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Q. But as far as, like -- let me rephrase my question.

The decision point as far as like which -- which turbine model to select, is that just coming down to essentially cost and technical --

A. That's correct.

Q. -- specifications?

A. Yes. Some engineering things and then still some cost analysis that's being done.

Q. Okay. And when -- when a turbine is selected, again assuming this project moves forward, how is that going to be communicated out to the landowners in the project?

A. We will -- once we have selected our turbine, we will be notifying our landowners of what -- when our final design is set up and completed.

Q. Because you have to obviously know what turbine model you have before you determine the final layout.

A. Correct.

Q. Do you have an idea of what the final layout is going to be for each type or all of that is still --

A. That's still in motion. There's still

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quite a bit of moving parts there.

Q. Okay. And the analysis behind that is, again, like technical specifications? Is that what it's -- what it's going to come down to --

A. Correct.

Q. -- as far as final layout design?

A. Yes.

Q. Okay. We talked about tree clearing. Just to verify with the certification relating to order provisions, there were no modifications to our standard proposed provisions; correct?

A. That's correct.

Q. That's sometimes a question for counsel, so sometimes it's unfair to ask it.

A. They nodded to me, so yes. That's correct.

Q. Okay. Thank you.

And then I think the last thing I just wanted to touch on, I -- I appreciated you walking through both with us and to Mr. Pelham about some of the concerns that you heard. When it comes to roads, you know, you -- obviously that's -- that's something that's outside our jurisdiction at the State. That's a local issue with those road use agreements. But you had talked about essentially

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what would -- what would be detailed during the construction phase. Does that road use agreement also go beyond the construction phase and talk about an outline kind of who's responsible for the maintenance after any construction is completed?

A. After construction is completed, is that the question, what happens with the roads?

Q. Yeah.

A. When we complete our required repairs of the roads, then responsibility goes back to the county for maintaining those roads.

Q. Even for the new access roads?

A. Not -- the new access roads are our responsibility.

Q. For maintaining --

A. Maintenance, yes.

Q. -- and clearing and everything like that?

A. That's correct.

Q. Okay. That's -- and the only reason why I ask that is because sometimes what we hear after the fact is, depending on how a road use agreement was essentially negotiated between the local entity and the company, if the local entity -- you walk through, yes, they're going to receive certain benefits, but if they're also responsible for a lot

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of these new access roads for maintaining them and, you know, clearing snow on them -- say if we have a really heavy winter -- right? -- a lot of the taxable benefits that they see could also go out as expenses for clearing all the roads; right? So there's benefits, there's also expenses. Full disclosure, I'm an accountant, so I'm just balancing both of these at the same time.

But that is helpful to know. That's why I was just curious kind of who has responsibility.

A. I want to clarify, when I say the access roads, I'm talking about access roads on private land.

COMMISSIONER KRINGSTAD: Okay.

THE WITNESS: Okay.

COMMISSIONER KRINGSTAD: I think those are all my questions. Thank you.

JUDGE HOGAN: Commissioner Christmann.

EXAMINATION

BY COMMISSIONER CHRISTMANN:

Q. So with your vast experience, I'm quite confident that you know what you meant and I believe I know what you meant, but I want to clarify for all the people in the room. When you were talking about inflection points on making

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decisions such as which turbines to use, you mentioned one big decision point is what happens today. You do understand that there's already been one late-filed exhibit mentioned, but there's late-filed exhibits, there's more filings that occur, us time to review it or do legal -- we don't make a decision here today. Correct?

A. Thank you.

Q. That's your understanding as well?

A. Yes, I know that. I realize that.

Q. Okay. So in the discussion on the -- the number of turbines, I was scrolling through here and now I couldn't find the size of each of those two options, but if I have it down correct, with one option it would be 57 turbines that'd be built, with the other 67, and if you multiply it out, it comes to like the 256 megawatts; correct?

A. That's correct.

Q. Okay. So on page 10 of the application, which is the need for the facility, there are a number of mentions here about local, regional and even national -- national renewable energy and sustainability goals and green tariffs and things like that. Do you acknowledge that a lot of those things have changed somewhat in recent years from

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over a big part of the time that this project has been in the planning stages?

A. Yes.

Q. And also on that page, you mentioned seeking an off-taker for the energy. Would -- would you proceed with this project while you're still seeking an off-taker, or does beginning construction hinge on finding an off-taker?

A. We have been marketing the project here for a while, and there's significant interest for off-take for this project. We typically finalize off-take after we have completed our permitting process, and we're very confident that we will have formalized off-take prior to starting construction.

Q. Okay. And so it mentions your timing expectations when this was filed, which it takes quite a while till we get to the hearing stage, whatever date that was. You were anticipating getting certification approval from this agency sometime here in the fourth quarter of 2026, beginning construction in the third quarter of 2027, and then beginning operations just a little more than a year later, in the fourth quarter of 2028.

Is that still your time schedule or

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have -- has that been updated along the way?

A. No. That is currently still our anticipated schedule.

Q. And I had mentioned, you know, some of the green deals that you acknowledged have evolved some. One of them was the reconciliation bill that passed a little over a year ago, in July of last year, that my understanding -- and I'm no lawyer, especially when it comes to federal law -- eliminates the production tax credits for projects that aren't completed by the end of 2027, which this would not be based on that timeline.

So does construction of this hinge on that getting changed back, or am I misunderstanding that or -- or does this survive without production tax credits?

A. So, yes, the tax credits are being phased out, so there's definitely timelines associated with that. Right now Homestead Wind is still eligible to receive tax credits. Regardless if it has tax credits or not, this project will still be built.

Q. And it mentions in the application estimating between 1110 and 1120 gigawatt hours per year of electric generation; correct?

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A. Yes.

Q. And so is that about a 50 percent capacity value for the facility?

A. We're right at 49.6 percent.

Q. So it's about in the ballpark of wind in the SPP region; correct?

A. A little bit on the higher side, but yes.

Q. And the cost estimate of the project was like $750 million; right?

A. That's correct.

Q. When we start having all these kilowatts to megawatts to gigawatt multiplications, sometimes I worry I got off by a thousand somewhere. But just thinking about this in my head, I'm astounded, so I'm sure I must be doing it wrong. Do you know how much you would need per megawatt hour to -- what's the life expectancy of this expected to be?

A. We base it off of 30 years.

Q. 30 years.

To come up with $750 million, even if there was no profit or interest charges, how much would you need per megawatt to even reach $750 million?

A. I don't have that number in front of me right now.

Q. I hope I'm doing the math wrong.
So there's 30 -- it says 37 landowner agreements on 207 parcels and roughly 25,000 acres. That's correct; right?
A. Yes. That's correct.
Q. And so within those landowner agreements and the -- the receptor list that was discussed, whatever that exhibit number was -- on your project, was -- was there an option for people to get some compensation and be considered a participant even though there's no turbine planned in theirs, or are they just carved out of the map if there's not a turbine on any of their property?
A. Our goal is to always have everyone sign to an agreement. We have offered one good-neighbor agreement to a gentleman who was a little bit on the fence, let's call it. Most of the other folks here, it was pretty much a black-or-white issue. They either wanted to be part of the project or they did not. So no other arrangement was really prudent at that point.
Q. So it's -- people had an option of being a participant and not having a turbine on their land?
A. They -- we could have, yes. We have offered good-neighbor agreements here in the

neighborhood.
Q. And then one thing I might have misunderstood when you were answering Mr. Pelham's questions, it said in the application up to four FTEs and I thought you said four to seven. And so I was thinking up to four meant maybe less than four, so --
A. I'm sorry. It would be a minimum of four and a maximum of seven, I believe is what's in our --
Q. Okay. I'll go with that.
And are those people who would live here in the area to work on it or are you counting an employee sitting in Bismarck or Minot that works for the company?
A. We would definitely prefer to have local folks.
Q. Okay. You went through the tax stuff. The, like, grasslands and environmental things, those are for Ms. Anderson; right?
A. That's correct.
Q. Okay. Your Exhibit 2 in the binder, could you take a look at that, please. Page 1 of 3.
A. Okay.
Q. Jeez, you're fast. So there's kind of a

smaller area up to the northeast and it does on the very east side connect, but it's almost separated from the bulk of the footprint. You see what I'm talking about; right?
A. Yes, sir.
Q. And so is there a reason for that? Was that just all people who chose not to be participants? Is there a big valley there? Or why is that big kind of hole out of there?
A. That would be for folks that did not sign agreements.
Q. Okay. And then the -- like the project area is marked in the clear black lines that are -- that are always running either north and south or east and west. The -- the blue lines that just kind of curve around, like they were just drawn in randomly with an ink pen, that is the distance for noise where you need to be --
A. For -- that's the 45 dBa --
Q. -- outside of the noise; correct?
THE REPORTER: I'm sorry. I didn't hear either of you because you were both talking at the same time.
THE WITNESS: Sorry.
Q. (COMMISSIONER CHRISTMANN CONTINUING)

The -- the blue line that circles some of these, that signifies the area that would probably exceed the noise requirements; right?
A. Yes. That is the 45 dBA isoline.
Q. Okay. Now, just below that kind of a gap that I highlighted, there's a north-south road that's 144th Avenue Northwest and it intersects with 72nd Street Northwest, and just to the southwest of that is a small -- I believe a 40-acre tract that's boxed out, but I can't see the yellow circle indicating a nonparticipating residence there. Is there something else there or what is the issue with that spot?
A. If I'm looking at the same location as you are, all of the cutouts there are unsigned parcels, and if we're looking at that particular parcel, there is an occupied residence there, I believe, if we're looking at the same area.
Q. There is one. Okay.
MS. SMITH: Commissioner Christmann, are you talking about the cutout that's next to T22?
COMMISSIONER CHRISTMANN: Correct. Just to the east of T22.
MS. SMITH: Okay. Is that -- does that change your answer? I just want to make sure we're

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talking about the same cutout.
THE WITNESS: Yes. I was looking at the wrong one. Sorry. That is an unsigned parcel, but I do not believe -- there is not a residence on that parcel.
Q. (COMMISSIONER CHRISTMANN CONTINUING) There is no residence?
A. That's correct.
COMMISSIONER CHRISTMANN: Mollie doesn't miss anything.
Q. (COMMISSIONER CHRISTMANN CONTINUING) And so one of the things that concerned me in looking at this map -- and, now, I'm not talking about the project footprint -- I'll acknowledge that -- but I'm looking at the study area. And I would say I see roughly twice as many nonparticipants as participants. They are outside of the project area, but does that concern you that a significant number of people in the area just do not seem to want to deal with this?
A. We have a significant number of participating landowners who do live in the study area as well.
Q. About ten?
A. Yeah, about close to a third of the folks

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who signed.
Q. Okay. And then I also -- and I'm strained from this a little bit, but just with the -- thinking about the impacts on people and trying to minimize the adverse impacts, because one thing about -- we can have the setback requirement. It's a requirement of law. But these things are visible for many miles. And the -- the eastern side of your footprint and your turbines are, what, maybe three miles or so from Blacktail Dam?
A. That's about right, yes.
Q. How many homes are at Blacktail Dam?
A. I don't know that off the top of my head.
Q. Like, do you think more than 50?
A. I honestly don't know because it isn't part of our area of study.
Q. So you didn't hold any community things around there or gauge support from -- and I know it's not an incorporated town or anything, but you didn't gauge any support from that pretty significant group of people within several miles?
A. Did not, but we have had county hearings and other things here within the community. We do have an active website if people wanted to contact us directly to ask questions or have concerns.

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It's been critical to us to get that feedback, and I think we've done a good job of getting that feedback, especially here in our study area.
COMMISSIONER CHRISTMANN: Okay. No other questions, Your Honor.
JUDGE HOGAN: Commissioner Haugen-Hoffart.

EXAMINATION

BY COMMISSIONER HAUGEN-HOFFART:

Q. Thank you. A lot of my questions have been answered, but I do have a few more.
At the beginning you talked about your experience. Can you tell me how many wind farms you have been involved with in North Dakota? You said "several." What does that mean?
A. Several throughout the United States and some here in North Dakota. I worked on the Bowman Wind farm in Bowman, North Dakota, and also worked on development activities for a wind farm up in McLean County.
Q. Okay. Thank you. You've addressed the things about how -- the process on the turbines, on how you're going to decide, so thank you.
How many -- let's talk about during the construction. How many employees will be here when you are in full strength -- full strength during

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construction?
A. We anticipate approximately 250.
Q. And do you -- do you hire like a contractor or are you the -- do you sub that out or how is that done?
A. Wanzek Construction Company out of Fargo will be the EPC, or engineering procurement construction, firm for this, and they will be ultimately responsible for the hiring for services performed in the construction of the project.
Q. Okay. One of the concerns from the landowners was decommissioning of the site, and we talked about it as far as the worst-case scenario if the company goes bankrupt or whatever. We've seen this past summer a lot of damages to wind towers due to weather. High speed, lightning, various other reasons.
Can you talk about the company's plan that if there is damage, wind towers, blades come down, what's your plan on restoring and cleaning up if there's damage?
A. If there's any impacts to anyone's land that's the result of our wind project, we are ultimately responsible for it. And of course, we have insurance like any company would handle that,

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and we would make sure that the impacts are mitigated and repaired as needed, and we would be responsible for those costs.

Q. If a blade is destroyed, where would that blade or blades be taken?

A. They would be disposed of in the manner based on what they're classified are -- as, and wind turbines are not considered hazardous waste. They can be typically disposed of in typical landfills. So that would be the typical way they would be removed.

Q. In our decommissioning, I -- they cannot go to a landfill.

A. Okay.

Q. And so we need to work on that as far as where they would be located within the plan.

MS. SMITH: I -- I think they can go; right? They can go as long as it's a licensed facility is what we've done in the past for, like, repowers. I just want to make sure I'm talking -- thinking of the right thing here so that we're responsive.

COMMISSIONER HAUGEN-HOFFART: I think we're -- Victor, I don't believe that they can go to a landfill in North Dakota.

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MR. SCHOCK: If they're licensed, but I believe right now there's no licensed landfill in North Dakota that can take that waste.

MS. SMITH: Okay. So it just has to be a licensed landfill --

COMMISSIONER HAUGEN-HOFFART: Yeah.

MS. SMITH: -- somewhere in the country. Okay. I hear -- I hear what you're saying. Okay. Got it.

Q. (COMMISSIONER CHRISTMANN CONTINUING) Just want to be clear that, you know, if there's damages, we're not taking them to landfills and they're being piled up or being piled up on any land. I mean, they need to be taken to a licensed landfill or recycled or --

A. Understood. They would not be stored on the property. They would be disposed of in accordance with whatever the Commission requirements are and in the decommissioning plan.

Q. Okay. Thank you.

You talked a little bit about once the turbine selection is made, you're going to be communicating with the landowners on that. Who else needs to be notified on the progression of your project?

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A. We will be in contact with the county on several different levels. We talked about the need for construction as we get closer to construction. We have already started discussions with the county about ensuring there's adequate housing and working through other things that when that workforce comes in, that the county gets the benefits of it and we make sure that we mitigate any potential issues with it.

Again, through our building process and working through road use agreements, once we have those turbine selections finalized, we can begin finalizing transportation plans and the engineering drawings that will bring us closer to submitting our building permits.

We also, again, will have our website active providing updates on that with contact information for folks who aren't directly involved with our project, if they have questions or comments so they can reach out to us. And, again, we would be in pretty much constant contact with our landowners, letting them know what the next steps are and where we're headed.

Q. How about the nonparticipating in that area? How are you going to be communicating with

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them as we looked at the map and there's these gaps of where turbines are?

A. Again, we do have an active website. That is what most people find convenient. I would say that every one of those nonparticipating landowners most likely has my contact information. I've spoken to several of them before, so I would be more than happy to communicate with them on a more regular basis if they'd like.

Q. Yeah. You know, I don't know if an active website should be the only means of communication. I think here in the community, I'm just going to encourage you to think of other ways to get your information out there if people have concerns.

A. Understood.

COMMISSIONER HAUGEN-HOFFART: Thanks. I have no further questions.

JUDGE HOGAN: Ms. Smith, any redirect?

MS. SMITH: I just have one.

FURTHER EXAMINATION

BY MS. SMITH:

Q. We were talking a bit about winter construction. I just want to clarify. If -- there may be tree clearing that occurs in the winter; is that correct?

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A. Yes.
Q. In order to meet environmental restriction -- restriction requirements?
A. That's correct.
Q. And so when you said there wouldn't be winter construction, it would just be there isn't earth-disturbing winter construction?
A. That's correct. I was more referring to the need to segregate topsoil.
MS. SMITH: Got it. I just wanted to make that clarification. I have no other questions.
JUDGE HOGAN: Mr. Pelham?
MR. PELHAM: Appreciate the clarification. No other questions.
JUDGE HOGAN: Mr. Schock?
MR. SCHOCK: No questions.
JUDGE HOGAN: Commissioner -- Commissioner Christmann.
COMMISSIONER CHRISTMANN: I'm sorry. I knew there was a reason why I brought Appendix B with me.

FURTHER EXAMINATION
BY COMMISSIONER CHRISTMANN:

Q. In Appendix B, you had mentioned that you have the approval from the Williams County

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Commission, the conditional use permit. There are a bunch of conditions and restrictions in there. You are going to fulfill them as part of that; correct?
A. Yes, sir.
Q. And one of them is -- it says that a bond estimate must be approved by the Williams County engineer and in place prior to construction beginning on the project. So I know you know about how things evolved with Bowman. Is there a misunderstanding there? Are they doing their own separate bonding thing separate from ours? You had mentioned the PSC's bonding requirements. Are they talking about something else or --
A. I believe we're talking about the road use agreement there.
Q. Oh, their bonding has to do with the road use agreement.
A. Yes, sir.
Q. Okay. Got it. Understood.
And then -- but also then another question not associated with Exhibit B, but you had talked earlier in your testimony about kind of landowner relations and -- and the -- and having some initial concerns from them about decommissioning, and you

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explained the PSC decommissioning requirements. Did you make clear to them that -- well, first of all, let me ask, the foundation below a turbine, what would be the diameter of that slab of concrete?
A. It's dependent on the turbine model we use and specific conditions, but typically at the bottom of the foundation, between 70 to 80 feet.
Q. So we're talking about a slab of concrete the size of this room?
A. At the base of it, yes, sir.
Q. And do -- and so here's my real question: Do -- did you make clear to those people that you only have to remove things to a level of 4 feet below surface and so that slab will just be left below that?
A. That comes up a lot, so we do discuss it. And, again, that slab is conical. It's not a giant square. So although it's 70 to 80 feet at the bottom, it tapers up towards the top. Where we get to the top 4 feet is the pedestal that is removed and remainder of the foundation does remain.
Q. So you -- you did acknowledge that to them?
A. We would discuss that, yes. And I can't

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tell you that I said exactly that to every person I discussed it with, but it was a frequent topic of conversation.
COMMISSIONER CHRISTMANN: Okay. Very good. Thank you.
JUDGE HOGAN: Any other commissioner questions?
All right. That's all the questions for you. Thank you.
THE WITNESS: Thank you.
JUDGE HOGAN: We are going to take our morning break. We will reconvene at 11:15.
(Recessed at 11:01 a.m. and reconvened at 11:16 a.m.)
JUDGE HOGAN: And I know we had a few people that came in late. There is a sign-in sheet on the back table back by the water. If you have not signed in, if you could do that, that would be appreciated so the Commission has a record of everybody who attended our hearing today. And then if you want to testify, if you'd just want to note that on the sheet, that's appreciated as well. That helps me plan as far as breaks and those type of things.
All right. Next witness.

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MS. DUFFUS: Homestead Wind calls Brie Anderson.

JUDGE HOGAN: All right. I'll have you start by stating your full name for the record and spelling your last name.

MS. ANDERSON: Brie Anderson, B-r-i-e A-n-d-e-r-s-o-n.

JUDGE HOGAN: Ms. Anderson, before you testify today, I'm required by law to advise you on the penalties for perjury. Did you hear me go through those earlier?

MS. ANDERSON: I did.

JUDGE HOGAN: And do you understand what perjury is?

MS. ANDERSON: I do.

(Witness sworn.)

JUDGE HOGAN: All right. Thank you.

Go ahead, Ms. Duffus.

BRIE ANDERSON,

having been first duly sworn, was examined and testified as follows:

EXAMINATION

BY MS. DUFFUS:

Q. Okay. Brie, can you please tell the Commission what your position is with Apex?

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A. I'm a senior director of project permitting.

Q. And can you provide a brief overview of your education and work history?

A. Sure. In terms of education, I have a bachelor of science degree in ecology and field biology with a wildlife emphasis. I also have a master's of science degree in geographic information systems for natural resources.

In terms of my work history, I have more than 18 years of experience in various infrastructure projects at the federal, state and local levels.

Q. And did you file prefiled testimony in this matter on September 18, 2026?

A. Yes.

Q. And is that prefiled testimony and your résumé identified as Exhibits 13 and 13A, respectively?

A. Yes.

Q. And what topics did you cover in your prefiled testimony?

A. I covered four topics. First, the results of the sound and shadow flicker analysis conducted for the Homestead Wind project.

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Second, an overview of the environmental and land use analysis conducted for the project.

Third, a summary of agency coordination.

And, fourth, compliance with the siting requirements.

Q. And with the exception of any updates provided in your testimony today, if I asked you the same questions today, would your answers be the same?

A. Yes, they would.

Q. All right. Let's turn first to the sound analysis report conducted for the project. In your prefiled testimony, you summarized the results of that modeling that was conducted for the project. Is that report provided in Appendix F to the application?

A. Yes.

Q. And after the application was filed, did Commission staff ask Homestead Wind to provide supplemental information for the sound modeling using different modeling inputs?

A. Yes.

Q. And did Homestead Wind provide supplemental information on the sound modeling in a technical memorandum prepared by Homestead Wind's

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consultant, Paxwood Acoustics, as Exhibit 4?

A. Yes. Exhibit 4 provides an explanation of the modeling parameters that are relevant to ground factors from the wind turbine sound modeling standard developed by the American National Standards -- Standards Institute and American Clean Power. The technical memo also provides results using the requested ground factor and those results to one decimal place because the software does not produce outputs to two decimal places.

And as noted in that memo, the two modeling inputs produced nearly identical results.

Q. And were both turbine models that are under consideration for the project included in the sound modeling?

A. Yes, they were.

Q. Were all 81 proposed turbine locations included in the modeling even though only up to 67 turbines will be constructed?

A. Yes. The sound modeling was completed for both the GE and the Vestas turbine model for all 81 potential turbine locations. Additionally, as an industry best practice, Homestead Wind also included the two transformers at our project substation in that sound modeling.

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Q. And for the benefit of those present and listening to the hearing, what is the Commission's sound requirement?

A. Sound is limited to 45 dBA within 100 feet of an inhabited residence or community building absent a waiver from the owner of that residence or community building.

Q. Does Williams County have a sound requirement?

A. No, they do not.

Q. And based on the results of the sound modeling conducted for the project, including the additional analysis requested by staff, does the proposed project comply with the Commission's sound requirement?

A. Yes, it does.

Q. So in your prefiled testimony, you also summarized the results of the shadow flicker analysis. Is that report provided in Appendix G to the application?

A. Yes.

Q. And after the application was filed, did Commission staff request additional receptor level details on expected shadow flicker?

A. Yes.

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Q. And did you provide that requested information in another technical memo prepared by Homestead Wind's consultant, EDR, as Exhibit 5?

A. Yes.

Q. And were both turbine models under consideration included in the shadow flicker modeling?

A. Yes.

Q. And were all 81 potential turbine locations included even though only up to 67 will be built?

A. That's correct. Similar to sound, both turbine models, GE and Vestas, at all 81 turbine -- potential turbine locations were modeled for shadow flicker.

Q. And again for the benefit of those listening, does the Commission have a shadow flicker requirement?

A. No. However, in the past, the Commission has expected applicants to limit shadow flicker to 30 hours per year or less at occupied residences, unless a residence owner has signed a waiver.

Q. And does Williams County have a shadow flicker requirement?

A. No, they do not.

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

A. Yes.

Q. So let's -- let's talk about the environmental site analysis overall for the project. What was the overall approach to site selection and the environmental analysis of the project area?

A. We take a tiered approach to evaluate sites. What I mean by this is we start with resource-specific desktop data, coordinate with agencies, then conduct field studies, and then use all of that information to inform the project: where it's located, how it's designed.

For wildlife specifically, we followed the U.S. Fish and Wildlife Service Wind Energy Guidelines and the Eagle Conservation Plan Guidance. These two documents provide a rubric that focus on identifying wildlife, including protected species and their habitats.

We then applied the same or similar tiered approach to cultural resources and wetlands: starting with desktop data, agency coordination,

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field surveys and using that information.

All of this information for wildlife, cultural resources and wetlands has informed our site selection, the project's design and the development of avoidance and minimization measures that we've incorporated into the Homestead Wind bird and bat conservation strategy.

The result of all of our environmental work, it's a really clean site. I work on projects all over the country. I'm really excited about this site and how we've sited this project to avoid and minimize impacts to architectural and archeological resources, wetlands and water bodies and wildlife and their habitats.

Q. Let's start with cultural resources. Did Homestead Wind consult with the State Historical Society of North Dakota regarding archeological and architectural resource investigations?

A. Yes. We conducted a Class I literature search, desktop data, a Class II reconnaissance survey for architectural resources, and a Class III intensive archeological survey.

Q. And have the Class I and Class III results been submitted to the State Historical Society?

A. Yes, they have. The Class III

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archeological report provided in Appendix H.2 to the application was submitted to the State Historical Society in February of this year. It was then revised based on comments from State Historical Society and resubmitted in June of 2026.

Q. And is the revised Class III report provided in Exhibit 8?

A. Yes.

Q. And did the State Historical Society provide a letter accepting the revised Class III report in a letter dated June 17 and provided in Exhibit 9? And since there are two June 17 letters in that exhibit, I'll say this letter is on page 3 of 5.

A. Yes.

Q. And what were the results of the Class III survey work?

A. We identified one archeological site as located adjacent to the direct area of potential effect. The area of potential effect is the area that we may have ground-disturbing activities during the project's construction. So because this archeological site is adjacent to but not within the area of -- or the direct APE, area of potential effect, it will be avoided by the project.

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There were five archeological sites that are unevaluated for the National Register of Historic Places that are located within that direct area of potential effect.

Q. And with respect to those five unevaluated sites located within the direct APE, or area of potential effect, is Homestead Wind avoiding these sites?

A. Yes. Our project design avoids all five sites by at least a 50-foot buffer.

Q. Did the State Historical Society recommend this 50-foot buffer in its June 17 letter?

A. Yes.

Q. And did the State Historical Society acknowledge that the project's design implements this 50-foot buffer in its July 31, 2026, letter?

A. Yes.

Q. And are both of these letters included in Exhibit 9 on pages 4 and 1 of 5, respectively?

A. Yes.

Q. And will Homestead Wind have procedures in place to address previously unidentified cultural resources encountered during construction?

A. Yes. Homestead Wind has developed an unanticipated discoveries plan.

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Q. And was a copy of the unanticipated discoveries plan provided to the State Historical Society with the initial Class III report?

A. Yes.

Q. And turning to architectural, have the Class II report results been submitted to the State Historical Society?

A. Yes. A Class II architectural report provided in Appendix H.1 of the application was submitted to the State Historical Society in February of 2026. It was then revised based on comments from State Historical Society and resubmitted in May.

Q. And is the revised Class II report provided in Exhibit 7?

A. Yes, it is.

Q. And did the State Historical Society provide a letter accepting the revised report dated June 11, and that letter is also in Exhibit 9?

A. Yes.

Q. And can you please give an overview of the results of the Class II survey work?

A. The Class II survey identified three properties that are eligible or potentially eligible for the National Register of Historic

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Places that are located within the visual area of potential effect, which could be indirectly affected by the project.

Q. And in one of its June 17 letters on page 4 of 5 in Exhibit 9, the State Historical Society noted potential viewshed impacts to these three architectural sites and recommended mitigation or adjustment of plans; is that correct?

A. Yes, it is.

Q. And have Homestead Wind and the State Historical Society agreed upon plans to mitigate the potential impacts to those three sites?

A. Yes.

Q. Can you please describe the mitigation plan that was agreed upon?

A. Potential impacts to these three sites will be mitigated by completion of the Historic American Building Survey, also known as HABS, Level III documentation for each of these three properties.

Q. And is this reflected and described in the State Historical Society's July 31 letter?

A. Yes.

Q. And in that letter did you notice that they appeared to have inadvertently used the wrong

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site number for the Eureka school site in the bullet list in the letter?

A. Yes. In the first paragraph of the letter, they identify the three site IDs for the three architectural properties we've been talking about. However, in the bulleted list below, they inadvertently listed the site number for the cemetery instead of the school in the bulleted list.

Q. Okay. Let's turn to wetlands and water bodies. Are wetlands and water bodies identified in Figure 10 in Exhibit 1 submitted with the application and Figure 4 in Exhibit 2?

A. Yes. Wetlands are an avoidance area shown on Figure 4. Wetlands and water bodies are shown on Figure 10.

Q. And how has Homestead Wind considered wetlands in the project design?

A. Our project layout avoids permanent impacts to wetlands. We've also minimized temporary wetlands to the extent possible, for example, for -- through the use of matting. Where we do have temporary wetlands impacts, those will be authorized under Section 404 of the Clean Water Act Nationwide Permit program.

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Q. Moving to birds and bats. Did Homestead Wind coordinate with U.S. Fish and Wildlife and North Dakota Game and Fish regarding wildlife and habitat-related surveys and protocols?

A. Yes. We initiated coordination with North Dakota Game and Fish in February 2023 and with U.S. Fish and Wildlife Service in April 2024, and we have continued to coordinate with these agencies regarding survey selection, protocols and the associated results throughout the project's development.

Q. And are the specific wildlife and habitat surveys and the associated reports conducted for the project identified in Table 6.15-1, which is on page 63 of the application?

A. Yes.

Q. And Homestead Wind conducted two years of avian use surveys for the project; is that correct?

A. That's correct.

Q. Were any federally threatened or endangered species observed during the avian use surveys?

A. No.

Q. And what raptor and eagle nest surveys were conducted for the project?

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A. We conducted ground based and aerial -- eagle and raptor nest surveys in March and April of 2023 and February and April of 2025.

Q. What did the results of the avian use and nest surveys tell us about eagle use of the project area?

A. We observed a handful of bald and golden eagles over the two years of avian use surveys, but no bald or golden eagle nests were identified within the project area or the two-mile buffer during the nest surveys. This project area generally has a lack of major water features and other suitable nesting habitat for eagle species. Based on what we saw, eagle use for this site is considered low and we don't expect impacts.

I will note that we did record six active non-eagle nests during -- within the project area during our raptor nest surveys. These are birds like red-tailed hawks and great horned owls.

Q. And in your prefiled testimony, you discussed the whooping crane habitat assessment that was conducted for the project. Can you please explain what the results of that assessment tell us about potential whooping crane usage of the project area?

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A. So the project falls within the whooping crane's 75 percent migration corridor. Because of this, Fish and Wildlife Service asked us to conduct a whooping crane stopover habitat assessment of the project area and a buffer to understand if there's potential stopover habitat within the project area and the surrounding area.

There is no historical traditional stopover habitat within the project area or the buffer. Therefore, the potential for whooping cranes to use the project area is low because there's more suitable habitat outside of the project area, specifically to the north and to the east.

Q. And can you please discuss the sharp-tailed grouse surveys conducted?

A. So starting with desktop data, prior to surveys, we requested and reviewed historic lek locations from North Dakota Game and Fish in 2023. No historic lek locations were known to occur within a larger project area as it occurred -- was present in 2023 or a two-mile buffer. We then completed fieldwork in 2023 and 2025, ground-based sharp-tailed lek surveys.

Q. Can you please discuss the results of the

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sharp-tailed grouse lek surveys?

A. During the first year of lek surveys, 2023, two active leks were observed within the current project area. During the second year of lek surveys in 2025, no active leks were observed in the current project area. The closest active lek to the project area was a half mile outside of it.

Q. And how has Homestead Wind avoided and/or minimized potential impacts to sharp-tailed grouse?

A. First and foremost, we've minimized siting turbines in unbroken grassland. If I say it different, 79 of 81 turbine locations are located in cultivated cropland. Sharp-tailed grouse do not use cultivated cropland for nesting.

The two turbines that are not in cultivated cropland are in unbroken grassland. However, these two turbine locations are more than two miles away from an active lek. That's the area that sharp-tailed grouse are known to use. These two turbines are also on North Dakota Department of Trust service tract parcels, and they're on parcels that are largely surrounded by cropland and are already part of a fragmented and developed oil and gas landscape. So for these reasons, these two

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turbine locations are not expected to impact grouse.

Q. And in addition to those measures, has Homestead Wind entered into a memorandum of understanding with the North Dakota Department of Agriculture regarding voluntary offsets for potential impacts to unbroken grasslands?

A. Yes, we have.

Q. And is a copy of that MOU included in Appendix D to the application?

A. Yes.

Q. And did -- let's move to bats. So did Homestead Wind conduct bat acoustic monitoring for the project?

A. Yes, we did.

Q. And what did the results of that monitoring indicate regarding bat usage of the project area?

A. Overall, bat activity was relatively low.

Q. What is the likelihood of the northern long-eared bat occurring in the project area?

A. No northern long-eared bat calls were detected during the acoustic survey, indicating that northern long-eared bats are likely not present within the project area or its vicinity.

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Q. And in addition to the avoidance measures in the BBCS and discussed earlier with respect to avian species, how will Homestead Wind avoid or minimize potential impacts to bats?

A. I think in three ways. First, we've minimized tree clearing, as we heard from Matt. Where we do have tree clearing, though, we will implement timing restrictions to the winter and follow the Commission's tree and shrub mitigation specifications.

And then, thirdly, although bat activity was relatively low here at this project site, as an additional protective 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.

Q. And are the permits and approvals that are anticipated to be required for this project identified in Table 7.01-1 of the application?

A. Yes.

Q. And has Homestead Wind committed to obtaining all required permits for this project?

A. Yes, we have.

Q. Did Homestead Wind contact all agencies and entities identified in North Dakota

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Administrative Code Section 69-06-01-05 prior to filing its application?

A. Yes.

Q. And is the agency correspondence that was received prior to filing the application summarized in Section 9 of the application included in Appendix D?

A. Yes.

Q. And was correspondence received regarding the project between the filing of the application and the filing of prefiled testimony?

A. Yes. From the State Historical Society of North Dakota.

Q. And are copies of that correspondence provided in Exhibit 9?

A. Yes.

Q. In your prefiled testimony, you discussed the project's compliance with the Commission's siting criteria. Are any of the Commission's general exclusion areas identified in North Dakota Administrative Code 69-06-08-01.1 present in the project area?

A. No.

Q. Are any of the wind-specific exclusion areas present in the project area?

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A. Yes. Within the project area, we have local roads and transmission lines. Adjacent to the project area, we have nonparticipating residences and their parcel lines.

Q. And has Homestead Wind sited turbines to avoid these areas?

A. Yes.

Q. Are any of the general avoidance areas present in the project area?

A. Yes. Two general avoidance areas are present.

Q. Let's first discuss historic resources not designated as exclusion areas. How is Homestead Wind avoiding and/or minimizing potential impacts?

A. For the archeological resources, we've sited our project facilities to avoid the five archeological sites that are located within the direct area of potential effect that are unevaluated for the natural -- National Register of Historic Places.

Specific to the architectural resources, we've coordinated and agreed upon with the State Historical Society on a strategy to mitigate potential impacts to those three architectural sites.

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Q. Let's discuss woodlands and wetlands. How is Homestead Wind avoiding and/or minimizing potential impacts to this avoidance area?

A. For wetlands, we're avoiding permanent impacts to wetlands. Where we do have temporary impacts to wetlands, those will be minimized and are anticipated to be covered by one or more U.S. Army Corps of Engineer Nationwide Permits.

Specific to woodlands, trees are pretty sparsely located throughout this project area, but where there are permanent woodland impacts, they've been minimized, and any of those impacts will be mitigated in accordance with the Commission's tree and shrub mitigation specifications.

Q. And does the project comply with the Commission's wind-specific sound avoidance area requirement?

A. Yes, it does.

Q. And were the Commission's selection criteria, policy criteria and the factors in North Dakota Century Code 49-22-09 considered by Homestead Wind when designing the project?

A. Yes.

Q. And if you'll look at what has been marked as Exhibit 11, I'll have you explain what's

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provided in that exhibit.

A. Exhibit 11 provides a summary of the measures Homestead Wind has taken or will take to avoid and minimize potential impacts to various resources.

Q. And based on the analysis conducted by Homestead Wind, will construction of the project produce minimal adverse human and environmental effects?

A. Yes.

MS. DUFFUS: Thank you.

JUDGE HOGAN: Mr. Pelham, any questions?

MR. PELHAM: Yes, I have some.

EXAMINATION

BY MR. PELHAM:

Q. As to the shadow flicker analysis that was -- that was performed as well as the supplement, Ms. Anderson, after selection of the turbine models is made, are there plans to do further flicker analysis as to the proposed locations of the turbines that are eventually selected out of the 81, or is this it?

A. We don't have plans to update the shadow flicker modeling because we've shown even with conservative assumptions, like modeling all 81

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turbine locations when only up to 67 will be built, we already -- every residence is under that 30-hour limit.

Q. And just to confirm, there are no waivers needed for shadow flicker; correct?

A. That is correct.

Q. And no waivers needed for the -- the noise, 45 dBA; correct?

A. That is correct. There are no waivers for sound or shadow flicker at this project.

Q. Page 11 of your prefiled testimony, Ms. Anderson, you state that Homestead Wind will continue to coordinate with U.S. Fish and Wildlife Service and North Dakota Game and Fish regarding the project as needed. What coordination is anticipated between those two agencies?

A. We've been coordinating with both the wildlife agencies for multiple years at this point and have gotten to a place where we've designed a layout that really minimizes impacts to wildlife and protected species. We have provided the bird and bat conservation strategy to both agencies. If we receive comments on that, that would be a point of additional coordination.

Q. As far as unbroken grassland, what

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conversations has the company had with Game and Fish?

A. We met with Game and Fish in April 2024 and then in June of 2025 to discuss survey selection, protocols and the results of surveys and how those results have been incorporated into our layout.

Specific to grassland, we provided our turbine layout to North Dakota Game and Fish that shows that all but two of our turbine locations -- all of them on private land are in cultivated cropland, but they did also participate in our meetings with Department of Agriculture as well.

Q. And in those meetings with Department of Agriculture, an offset agreement was reached; right?

A. A memorandum of understanding, that's correct.

Q. A memorandum of understanding. Thank you.

Game and Fish, to your knowledge, do you know if they're aware of that memorandum of understanding, if you know?

A. I don't know specifically.

Q. As far as coordination -- and I don't necessarily expect you to know, so you tell me if

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you just don't know. But in terms of coordination between state agencies -- North Dakota Game and Fish, Department of Agriculture, Department of Trust Lands -- do you know if they meet offline and discuss -- well, do you know if they met offline and discussed this project?

A. I don't know. I don't know how I would know that.

Q. Yeah. And that's fine. Because on one hand you have trust land that is presumably going to benefit in some respects if a turbine is placed -- or two turbines are placed on property owned by trust land, happens to be unbroken grassland which Game and Fish is concerned about, Department of Agriculture is concerned about. Have you had any meetings as far as how these agencies have discussed those countervailing issues between them potentially?

A. We have not had a meeting with all three agencies in the same room. However, you're right, the State Land Board wants to participate in the project. Their land happens to be unbroken grassland.

We have met with Department of Ag and Game and Fish in the same room and talked about the

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avoidance and minimization measures that this project has incorporated. Game and Fish has acknowledged that in a letter to us last July. And even though there are two turbines in unbroken grassland, they have acknowledged our efforts.

Q. Fair enough. Thank you. As to the SHPO, I -- thank you for your testimony on SHPO. I just want to be clear. There is -- aside from the -- and I wrote it down -- the archeo -- the architectural survey, what was that acronym for that again?

A. The mitigation for the --

Q. Right. The --

A. -- architectural.

Q. -- mitigation study that was going to be done.

A. The HABS.

Q. HABS. Okay.

So aside from the HABS for the architectural aspect with SHPO, is there anything else that SHPO needs from the company to satisfy its previously stated concerns?

A. No.

Q. And when is the HABS survey going to be done and -- and presented to SHPO, if you know?

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A. So we've been working with the three property owners of the architectural sites that State Historical Society is concerned with. We anticipate completing on-the-ground field documentation of the three properties in the next couple weeks. There's also then archival research that needs to be done, but our goal is to submit the HABS Level III documentation for all three sites by early November.

Q. And presumably SHPO will then respond to the HABS report that's submitted indicating its satisfaction or it needs improvement; is that fair to say?

A. That's my understanding.

Q. And in terms of providing that documentation from SHPO, is the company committed to providing that to the Commission?

A. We can provide that letter.

MR. PELHAM: Thank you, Ms. Anderson. I don't have any other questions for you.

JUDGE HOGAN: Mr. Schock.

EXAMINATION

BY MR. SCHOCK:

Q. I'd like to go back to the shadow flicker and sound analysis a little bit. So for shadow

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flicker specifically, so you testified that no receptor sites would be above the 30 hours per year. And is that the astronomical worst-case scenario or is that the expected-case scenario?

A. We've provided the expected case.

Q. Okay. So -- and I haven't -- I don't know off the top of my head right now, but it's -- it's possible that the astronomical worst case would have some of them over 30 hours per year if all of the conditions were -- I was going to say right -- but wrong really in this instance?

A. I'm sure. Yes.

Q. Okay. And if that ends up happening to a receptor, does the company commit to resolving that issue? Because shadow flicker uniquely is a solvable problem; right?

A. If -- if any residence were to receive more than 30 hours of shadow flicker or we got a complaint about shadow flicker from any landowner, participating or nonparticipating, we would be committed to resolving it.

But I would -- I would also just say that we've included several conservative assumptions in our shadow flicker modeling in the expected case. Right? All 81 turbines are operating. They're all

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operating all of the time. Every receptor is, for lack of a better word, a greenhouse. And so we've -- the modeling already includes several conservative assumptions to get to a number. That number for every residence is under 30 hours a year. But if anybody had a complaint, we would address it.

Q. Sure. And -- and to be clear, what I mean by addressing the issue, so if that does happen, we don't expect it to happen, but if it were to happen, it's as simple as installing kind of a software system or a limitation on the particular offending turbines that would limit how much shadow flicker that receptor receives?

A. I've never done that form of mitigation in my nearly 20-year career. Typically what I see for mitigation is working directly with the affected landowner on solutions specific to their -- their residence. What orientation are they getting shadow flicker? Could blinds be helpful? I think you're right that turbines are capable of some sort of mitigation. I've never experienced that in my career.

Q. I guess that's -- that's the one I've most typically seen when we've had complaints about it.

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It's the simplest solution. Because shadow flicker is something that happens every single day of every single year. It typically happens usually in the spring and the fall for, you know, varying numbers of minutes per day. So it's a simple matter of turning off the offending turbine or turbines for a relatively short period of time so that it's not causing the actual shadow flicker.

So, anyway, long story short there, you are committing to work with landowners to resolve those issues if they were to arise after the project would be operational?

A. That's right.

Q. And then kind of similar questions on sound but different. Sound's a little bit different animal. So in both the original sound modeling analysis and the supplemental that you provided, no receptor is anticipated to be above 45 dBA within a hundred feet of the occupied residence; correct?

A. That's correct.

Q. Okay. And that analysis is a little bit different than what we were talking about with the shadow flicker. It's not the expected case. It's, in theory, the worst case; is that correct?

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A. We use similar conservative modeling assumptions in our sound modeling. Again, all 81 turbines are operating. We add a 2 decibel adjustment factor to the sound power levels, so that means turbines are operating 2 decibels higher than the turbine manufacture specifications. Turbines are always operating. And the fourth one is that every receptor is always downwind from every turbine, which just isn't meteorologically possible.

So I haven't heard it called worst case, but we do have several conservative assumptions in our sound modeling as well.

Q. Sure. And -- but there's lots of things that can play into that sound -- the actual impact that happens. So do you know what some of those factors are that impact the sound decibel level?

A. Not specifically. Or I'm unsure what you're asking.

Q. Well, it's things such as temperature, humidity, the -- the surface between the sound emitter and the receptor.

A. Sure. All of those things can impact how sound is received.

Q. Okay. And now kind of getting into the

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meat of my question. So on occasion nearby residents do complain that, hey, this sound is louder than I was expecting it to be. I put this app on my phone and it says 70 inside of my house. How would the company go about responding to an occupied residence with that concern?

A. We take all of our complaints very seriously, so if somebody came forward with a sound complaint, we would get the right technical people involved. For us, that usually means somebody like Eddie Duncan, who's here in the room, and Paxwood Acoustics. He would tell us, I'm sure, that we need the right equipment. You know, an iPhone is probably a good measure of sound, but he's got really expensive technical equipment to measure the sound. Right?

If needed, we could conduct a study to ensure that the turbine is operating as it's intended to and provide that documentation that we are within the PSC's sound level requirements, or if we're not, we can mitigate that.

Q. Sure. So he would potentially come -- come on-site and do a sound measurement study for like -- you know, so the studies we're talking about here, these are modeling. It's not

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real-world sound modeling. The modeling is supposedly based on a real-world experience, but what you're talking about is he would actually show up to that person's site and do an actual sound analysis of, okay, what -- what level of sound is there here and where is that sound coming from specifically?

A. That's right. We would call that sound monitoring. So what turbines are contributing to sound at that particular residence? There's a very detailed and technical protocol for this. Turbines -- shutting turbines down to understand what is the background sound during various points of the day and night, and then turning the turbines back on to get the total sound and measuring all of that near a residence.

Q. Has Apex done any of that specific sound analysis -- I guess I'm missing the right term here. But has Apex had this from -- you referenced -- I forget the name of the --

A. Paxwood Acoustics.

Q. Paxwood Acoustics. Have they had them conduct that analysis at any sites that they own or operate within the United States?

A. We have had Paxwood Acoustics conduct

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post-construction sound monitoring on projects.

Q. Are -- did they do any of those within North Dakota?

A. Yes.

Q. Would Apex be willing to share those with the Commission?

MS. SMITH: I would argue that they're not relevant, at least from what I can hear of the conversation, because they're for a different project as they're -- yeah. I mean, I don't see the relevancy to this particular project at this point in time.

MR. SCHOCK: Okay. I don't disagree.

MS. SMITH: Okay. You're just testing us; right?

Q. (MR. SCHOCK CONTINUING) But generally speaking, if -- outside of this case, if I were to reach out to Apex and request some examples of those studies that were completed, would you be willing to provide those?

A. Sure.

MR. SCHOCK: Okay. That's all my questions. Thank you.

JUDGE HOGAN: Commissioner Kringstad.

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EXAMINATION

BY COMMISSIONER KRINGSTAD:

Q. Just a couple, as most of mine have been asked and answered. But on the sound, first of all, thank you for providing the supplemental information. That, as I was going through, was something that I was curious about and specifically asked about. Obviously, when we have an open case, I can't be communicating with the company directly, so that's why the request came through staff. But to me it was helpful because, again, when we're talking about sound, we're making a lot of assumptions based on a model and trying to apply them to the real world.

So it was helpful to be able to see, like, okay, if we essentially change some assumptions or pulled a different trigger, how does that compare and, you know, are we seeing large swings? Are they minimal swings, things like that. But to me -- so I found that helpful.

The other thing that I found interesting, though, is specifically when we're talking about sound, and you've done the analysis for both different types of turbines, it was very evident, though, that one turbine model obviously has better

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operating characteristics, I'll call it, for residents in the area; right? Like the Vestas model essentially has lower impacts, whether you call them lower impacts, better operating characteristics, what have you.

How does that information play into the company's kind of selection process of what turbine they're going to do?

A. I think specific to this project, we've designed all 81 turbine locations to work for either turbine model. As far as how we make a decision on procuring various -- which turbine goes, I think that depends on a lot of other business decisions that are happening within the company and other projects going on at the same time, and I don't -- I'm not privy to -- involved in those discussions. That's outside of my role.

Q. But would -- but would knowing this and having this analysis, does that hold any weight as far as what -- what model the company actually selects?

A. Not to my knowledge, because we've sited the project to -- to comply with the PSC sound regulation for both turbine models. When you compare two things, one's usually going to be

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better.

Q. That's fair.

You mentioned the Army Corps permits. Can you give us an update on the status of those? Have you applied for those?

A. For temporary impacts are you speaking specifically?

Q. Mm-hmm.

A. So we don't -- we intend to utilize the nationwide permit program, and our impacts are low enough such that we don't need to apply. The Army Corps has permits that apply to various projects if an impact is below a certain threshold. We intend to meet that.

Q. Okay. Thank you for that clarification. I misunderstood what you had testified to. I thought you were saying that you did need -- that there were going to be temporary impacts and you would have to get Army Corps permits, so -- okay. Thank you for that clarification.

COMMISSIONER KRINGSTAD: I don't have any other questions.

JUDGE HOGAN: Commissioner Christmann.

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EXAMINATION

BY COMMISSIONER CHRISTMANN:

Q. I hope I remember my own questions because Mr. Schock got me focused on something different here now.

Wind noise does cause us and especially our staff a lot of problems with these things because people call and they're upset, and we certainly do not have monitoring equipment or enforcement capabilities. So -- and I don't know who's in the room who might have concerns about this project or who's here supporting it or what at this point, but help me make sure I am understanding this right and also help our guests.

Unlike most things that we measure numerically, like, for instance, the production meter on my combine, where 90 is twice as much as 45, 55 is a little more than 45, about 20 percent more, but not that much difference. With wind going from 45 to 55, for example, is a pretty significant -- that's like twice as loud, right, roughly?

A. I don't know specifically. It is louder. But, you're right, I'll kind of smirk with you and, like, sound is measured different -- differently.

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10 decibels is whatever, but it's not just 10 decibels louder. It sounds different. It goes in increments.

Q. It spreads?

A. Yes.

Q. Okay. And when someone downloads a decibel meter on their phone and hears that, oh, the PSC's going to make sure this is no more than 45 decibels so they go and they test in various environments and decide, jeez, 45 decibels isn't bad, I can live with that, you're not talking about that they're going to hear 45 decibels. You're talking about that Homestead Wind would be limited to adding 45 decibels to whatever else is existing; correct? Not going from -- not going from 30 plus 45 equals 75, but you would be adding 45 decibels into whatever else is there.

A. The sound modeling that we do does take into account background sound levels in a rural landscape. That's incorporated. Certainly Mr. Duncan can get into the weeds on sound modeling, but every turbine is sited so that we comply with the 45 dBA within a hundred feet of an occupied residence or a community building.

Q. So let me ask it in a different way.

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There will be times when, though, if you look at a decibel meter and there's birds in the background and grass rustling and just normal environmental noise where your decibel meter is going to be jumping above 45, right, or is this saying that they should never hear more than 45 if they're not making any noise themselves?

MS. DUFFUS: Excuse me, Commissioner. We have Eddie Duncan in the room, who is a sound expert, who might be able to provide the level of detail I think you're looking for and explain more about how the map works. Be happy to bring him up to answer your questions.

COMMISSIONER CHRISTMANN: Okay. I'll give that some thought. Yes, I think I'll take advantage of that.

Q. (COMMISSIONER CHRISTMANN CONTINUING) Okay. And you said you didn't want to get into the weeds, and that's a good reminder because I did have a question on weeds.

I believe it's been said that Williams County Weed Board has sound -- signed off on the weed mitigation plan. Do we have that document or verification of that?

A. I think we have it in two locations in the

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binder. So the weed plan itself is an appendix, and then the correspondence with the weed board would be in the agency correspondence. I'm happy to look it up, but --

Q. It is in the agency correspondence?

A. It should be. Yep.

MS. SMITH: I believe it's the very end of the agency correspondence. The last letter.

Q. (COMMISSIONER CHRISTMANN CONTINUING) I'm sorry I missed it, but --

A. That's all right.

Q. Thank you.

And in the original application, there's about eight pages of various permits, and a lot of them -- and some of them are environmental, some of them aren't, but a lot of them say, you know, that this would be obtained if needed. And so I -- am I reading that correctly to take it that if these things turn out to be needed, they will be acquired before construction, not after the damage is already done?

A. Of course.

Q. Okay. And when it comes to some day removal of this, the -- the temporary roads that -- not the county roads, but the roads that are

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specifically built and maintained by Homestead, where is the topsoil stored to reclaim that and get that land back to growing again?

A. So I believe we heard Mr. Eberl say that it's generally stored around the apron of the turbine and along the edge of the access road, and then it could be feathered back in when the road is removed.

Q. Okay. Sorry if I missed that, but -- okay.

And now I want to talk just a little about the grasslands part of it. So you said there's -- there's 81 potential sites for -- depending on the turbine model, either 57 or 67 turbines, so that many will be used. So I commend you guys for having quite a few alternatives because it's nice in case we find some undiscovered thing there and you can't use some.

My concern is -- and you mentioned this -- the Game and Fish acknowledged Homestead Wind's commitment to avoiding sensitive habitat such as unbroken grasslands; correct?

A. That's correct.

Q. But what I'm hearing is despite having all these alternatives, if some government agency that

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has billions of dollars in assets says we'd like to get paid too, you will then not do that and put two of them on unbroken grasslands to appease the Department of Trust Lands?

A. We're working with multiple agencies here. I don't know the backstory of the inner workings amongst all the agencies. North Dakota Trust Lands do want to participate in this project. We've been working with North Dakota Game and Fish for years at this point, and they were in the room with our meeting with Department of Ag where we agreed to -- in a memorandum of understanding to offset those impacts.

Q. So I know you don't necessarily go out and collect easements from people, but would it be conceivable -- and let's just say that you used the turbine model where 67 are built. If we decide, as the agency that actually decides on the permit, to not approve those two permits -- those two sites that are in the unbroken grasslands, that they will then go to one of the other 14 alternative sites and probably make a landowner there just as happy as the Department of Trust Lands will be if it's built on their land?

A. Hypothetically, yes. I mean, sure, a

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landowner would be happy to receive turbines. But some of that turbine selection depends on final engineering. And, again, Department of Trust Lands has been a great partner so far to work with, and they've reiterated that turbines are important to their mission.

COMMISSIONER CHRISTMANN: Not a question here, but just a comment. I just don't think we should treat the government agency better than the neighbors that actually live out there.

I have no other questions, Your Honor.

JUDGE HOGAN: Commissioner Haugen-Hoffart.

COMMISSIONER HAUGEN-HOFFART: Hi, Brie. A lot of my questions have been answered. Mine is just more of a comment and a correction. I appreciate getting pictures of the Class II archaeology report, so I look at that and I compare it to the maps. And I'm a visual person, so mine is just more of a correction.

On page 10 of 17 in the big book -- you can just note it -- on the left side the turbine 32WIX725 should be 775. And I will say kudos to Victor because I was getting really confused on some of this stuff, and he helped me out. So thank you, Victor.

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So I just want to note that. It is helpful. It is very helpful to get that and do a comparison and look at the aerial shot. You can see it's maybe not a residential. A lot of old buildings and the cemetery. So that's just one of the corrections I found.

THE WITNESS: Thank you.

COMMISSIONER HAUGEN-HOFFART: Yep.

JUDGE HOGAN: Any redirect, Ms. Duffus?

MS. DUFFUS: Yes. Just a few items.

FURTHER EXAMINATION

BY MS. DUFFUS:

Q. So, Brie, talking about the -- the relationship between Game and Fish and working with Homestead Wind and Department of Ag and Trust Lands, I'm going to have you turn to Appendix D of the application. It should be maybe the second item of correspondence between -- behind maybe the Game and Fish tab, and it's a July 28, 2025, letter. And I will just pause so everyone can get there.

A. Can you say that again?

Q. Yep. So Appendix D, agency correspondence. It's behind the Game and Fish tab. It's about halfway through the appendix. It's

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the -- I think the first document is like an email and then it's --

A. I even added agency tabs to try and make it easier. I'm -- and you specifically wanted the --

Q. The July 28, 2025, letter.

A. I'm with you.

Q. Okay. So is this a letter from North Dakota Game and Fish?

A. It is.

Q. And it's got a couple bullets on there. Is it your understanding that this letter is Game and Fish summarizing the avoidance of minimization measures that you've discussed with Game and Fish and went over with them during your meetings?

A. That's correct.

Q. Okay. And in that bullet, I think it's like the second-to-last -- third-to-last, they do discuss the two turbines sited on State Trust Land parcels; correct?

A. That's correct.

Q. And they also discuss kind of the circumstances around where those turbines are located in relation to unbroken grasslands in the larger complex or lack thereof; right?

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A. That's correct.

Q. And the memorandum of understanding that we discussed earlier, that was filed with the application in March; correct?

A. Correct. In Appendix D.2.

Q. Okay. Sorry for the whiplash, but turning you back to that July 28 letter, on the second page of the letter, it's in the third paragraph, first sentence. Can I have you read that? It's the one that starts with, "Homestead Wind's commitment to avoiding."

A. Sure. North Dakota Game and Fish writes, "Homestead Wind's commitment to avoiding sensitive habitats, such as unbroken grasslands, wetlands, and areas important to declining species, such as Sharp-tailed Grouse leks, is a crucial first step in siting a development in a manner least impactful to wildlife."

Q. And that sentence written by Game and Fish was written with full knowledge that there were two turbines potentially sited in unbroken grasslands?

A. That's right.

MS. DUFFUS: Thank you. That's all I have for redirect.

JUDGE HOGAN: Mr. Pelham, any other

questions?
MR. PELHAM: No. Thank you.
JUDGE HOGAN: Mr. Schock?
MR. SCHOCK: No, Your Honor.
JUDGE HOGAN: Any other commissioner questions? Nope? All right. Thank you, Ms. Anderson.
All right. We're going to take a lunch break. Let's try to shoot for returning at 1:20. That gives us an hour for lunch. So we'll reconvene at 1:20.
(Recessed at 12:20 p.m. and reconvened at 1:20 p.m.)
JUDGE HOGAN: All right. We are going to get started again. And I believe the applicant was going to call one more witness?
MS. SMITH: Yes. I think we have one additional witness, and then there was one point that was made and I wanted to recall Mr. Eberl.
JUDGE HOGAN: Which -- which do you want to do first?
MS. SMITH: Let's go with Mr. Duncan first.
JUDGE HOGAN: Okay.
MS. SMITH: So Eddie Duncan.

JUDGE HOGAN: Good afternoon. I'll have you start by stating your full name for the record and spelling your last name.
MR. DUNCAN: Eddie Duncan.
JUDGE HOGAN: Can you turn your mike on.
MR. DUNCAN: It's Eddie Duncan. Last name is D-u-n-c-a-n. First name is E-d-d-i-e.
JUDGE HOGAN: Mr. Duncan, did you hear me go through the penalties for perjury this morning?
MR. DUNCAN: I did.
JUDGE HOGAN: Do you understand what perjury is?
MR. DUNCAN: Yes.
(Witness sworn.)
JUDGE HOGAN: All right. Thank you.
Go ahead, Ms. Smith.

EDDIE DUNCAN,

having been first duly sworn, was examined and testified as follows:

EXAMINATION

BY MS. SMITH:

Q. Mr. Duncan, could you please tell the Commission who you work for and what your role is?

A. I am principal consultant at a company called Paxwood Acoustics.

Q. And what do you do for Paxwood?

A. I do noise assessments and noise control engineering and noise studies. I'm also involved in the company strategy and business operations.

Q. And as far as education and work history, what is your education and work history related to what you're doing now at Paxwood?

A. Yes. I have an undergraduate degree in engineering with a focus in acoustics and a master's degree in environmental studies with a focus in environmental law and policy. And I also have over 20 years of experience in noise control engineering, and I'm a board-certified noise control engineer through the Institute of Noise Control Engineering.

Q. What has been your role in working on the Homestead project?

A. Paxwood Acoustics conducted the noise assessment, and I managed the noise assessment for the Homestead Wind project.

Q. And did you also prepare the supplemental information that was provided to the Commission?

A. I did. Yes.

Q. And were you here earlier when there were some questions asked about sound and how you

calculate and model and assess sound from a wind project?

A. Yes.

Q. So I am not going to necessarily try to recreate those questions, but I think could you discuss, first of all, how you would do sound assessment if a project were constructed and you were trying to confirm what the sound levels were? So let's start there.

A. Yes. If a project is constructed and we're trying to determine what the sound levels are at a location, we would typically conduct post-construction -- post-construction sound monitoring, not to be confused with modeling. Monitoring are physical measurements in the field, so we have Type 1 sound level meters, and we are measuring sound levels over a course of usually several days. And we will shut turbines down periodically during that time period to measure background sound levels, and then we will turn them back on -- not us, but the developer will turn them back on and we'll measure operational sound levels, and we're then able to determine how much of the sound is attributable to the project versus background, which I guess I would just add is kind

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of critical because background sound levels can increase with wind speed.

Q. So we were talking a bit about, you know, it being additive, this idea of ambient sound and then these -- the turbine sound, but how does it actually work when you're in the -- out in -- you're around a wind project and you hear the sound? Is it additive? How does that actually work?

A. Yeah. So it can be additive, but it is often not. It just depends on what the level of background sound level is. So background sound levels could range from 20 up to, say, 70 decibels, and so if a wind farm is operating at, say, 45 decibels, then, it may be additive. If it is similar in sound level to background sound levels but if background sound levels are well below that, then the sound level would be that of the wind turbine, and if the sound level is above it, it would be that of background, not the wind turbine.

MS. SMITH: Okay. And I think with that, I will -- I don't have any further questions and I'll let the commissioners follow up.

JUDGE HOGAN: Mr. Pelham, any questions?

MR. PELHAM: I don't. Thank you.

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JUDGE HOGAN: Mr. Schock?

EXAMINATION

BY MR. SCHOCK:

Q. So you conducted the sound modeling for this proceeding. There was some reference from Ms. Anderson that your company has done other sound modeling and also sound monitoring, as you've just described the sound monitoring. Have you conducted sound monitoring in North Dakota?

A. Yes.

Q. Okay. And you -- so you go on site for, you know, as you kind of described it up to several days with the nearby sound emitters on and off so you can kind of get an actual accurate range of what that meter is actually contributing to the sound. And then at the end of that, do you -- is there some sort of report that you generate or do you just kind of give raw data to somebody or what kind of happens then?

A. Yeah. So that depends on the scope of our work, but typically if we're doing post-construction compliance monitoring, we're then doing analysis on the data afterwards to determine how much sound is attributable to a project and how much sound is attributable to background sound

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levels. And then we will either give that to the client, or if it's part of our scope, we'll publish a report that we would then also give to the client that kind of describes the whole methodology and the results.

Q. And did you do a report such as that at any other site in North Dakota?

A. Not at another site in North Dakota. No.

Q. But elsewhere in the United States?

A. Yes.

Q. Okay. Would you be willing to share a kind of example report of what that looked like?

A. Yes. I'll have to go and figure out which one -- you know, which ones are public that we could share, but of course. Yes.

MR. SCHOCK: Okay. I think that is all I have at this time. Thank you.

JUDGE HOGAN: Commissioner Kringstad.

EXAMINATION

BY COMMISSIONER KRINGSTAD:

Q. I may just have you clarify a couple things for the record because this is on page 14 of -- where am I, Appendix F, the sound modeling, but to some of the questions I think that were talked about earlier.

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So when we're talking about kind of the perception of sound levels, essentially if the decibels change by 10, it's either a halving or a doubling, depending on which direction you're going. Is that --

A. If -- yes. If broadband sound levels change by 10 decibels, depending on which direction you're going, it could be a perceived halving or doubling of loudness.

Q. And then we had kind of talked earlier about, like, summing two things together, and I think again on page 14 it sort of walks through this where if you had two people talking at 60 dBA, you can't just add 60 and 60 and get to 120; right? You have to -- you have to essentially take the difference between them and there's a chart in there, but you add essentially three in that case?

A. Yes. That's correct. 60 plus 60 is -- in sound levels, 60 decibels plus 60 decibels does not equal 120 decibels. It equals 63 decibels.

Q. And I know we're looking at it, but for those folks in the room who don't have this in front, can you just give -- because I think what -- what you and I just talked about might -- I have three kids. They're not deep into math yet, but

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this might sound like some really new, weird creative math that we just talked about. Can you just kind of walk through from a very high level the concept that we just talked about when you have -- whether it's -- like in this case of the wind farm, we talked about two voices talking, but if you had background noise and now new noise how you would potentially figure out the difference between the two and maybe where it's coming from.

A. Yes. Let me turn to -- let me turn to Appendix F first.

So briefly just going back to this 60 decibels plus 60 decibels, if we were to add those using regular arithmetic, if it were to equal 120 decibels, 120 decibels is very loud. It would be on the borderline of the threshold of pain. So I think we can talk about this like very intuitively. We know that if we have a conversation at 60 decibels, which is the sound of most conversation, if two people start talking at the same time and it's 60 plus 60, none of us are experiencing pain. So we know that it's not 120. But that's just something that I think is easy to relate to.

In terms of how background sound levels

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might relate to an operational sound level, if you have background sound levels that are at 30 -- I'm just going to keep -- as a constant, we'll say that the sound level from a project is 40. If background sound levels are down around 20 or 30 and the project is 40, then the -- the sound level that you would measure would be 40 decibels. It would not be additive.

If the sound level was within 10 decibels of the project, then it would start to be -- excuse me -- 9 decibels of the project, it would start to become additive. So between 4 decibels and 9 decibels, you would have -- you would add 1 -- 1 decibel to the higher level. So 40 plus 31 would be 41. So the project plus background would be 41.

If the difference was 2 or 3 decibels between those, so let's say the project is 40 and background is -- in this case we'll say the background is 42, you would add 2 decibels to the higher level, in that case background 42 plus 2 would be 44.

And then if they were the same, between 0 and 1 decibels, let's say background of 40, project of 40, the total sound level would be 43.

So the most that you ever add to two sound

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levels coming together is three decibels to the higher value.

COMMISSIONER KRINGSTAD: Okay. Thank you for that explanation. I don't have any more questions.

JUDGE HOGAN: Commissioner Christmann.

EXAMINATION

BY COMMISSIONER CHRISTMANN:

Q. So to start with that last example, if background and the project are each at 40, together they're 43?

A. That's correct. Yes.

Q. But if one is at 40 and one is at 41, then together they're only 42?

A. No. If one is at 40 and one is at 41, that's a 1-decibel difference, and you would add 3 decibels to the higher value, so the total would be 44.

Q. Oh, when was it where you add 1 decibel?

A. You add 1 decibel if the difference is between 4 and 9 decibels.

Q. Okay. So when -- when people aren't happy, they sometimes look for things to lash out about. And so in the cases where you've gone and done testing afterwards, how do you -- how do you

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work with the folks who are unhappy, they feel this is loud, they feel it's annoying, and their meter is showing 75 decibels, and you come in and say, well, that -- that's just not how it works. I'm here, I'm the one getting paid by the company, so believe me. With my really good equipment, don't worry, it's only 45. What -- how do you help people to understand this because it is very confusing?

A. Yes. So I would say -- how do we work with, the first step is always just from a framework of respect. So they're experiencing something and we're measuring something, and we have to see, you know, if what we're measuring matches up with what they're experiencing or not. In the end, we're looking at a number and they're hearing something.

So we would work with them to access the site to conduct sound level measurements, and we would -- you know, the one thing I would note is if they're standing there with a sound level meter measuring sound, we're not necessarily doing that because we're monitoring over a long period of time so that we can gather a variety of environmental conditions. So we're not usually comparing sound

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level meter to sound level meter.
And it also requires -- because background can be comparable to the sound from the project, it requires that post-construction analysis. So we actually have to measure and then we have to take that background sound level and subtract that out of what we measured so that we're saying the wind turbines are 42 or the wind turbines are 35. That way we're able to definitively say how much is coming from the project.
Q. So it sounded, when you gave a description of Paxwood Acoustics, like a pretty good-sized business. You do these for multiple companies in multiple states?
A. Yeah. We do this for a variety of clients, and our clients represent applicants, they represent jurisdictions who are trying to evaluate the noise -- such as yourself, who are trying to evaluate noise studies that are before them, and we also do work for opponents.
Q. So for us, we don't have this equipment. None of the farmers out there have this equipment, I'll assure you. So it's up to the company that the wind farm hires to make this determination. That doesn't really seem right.

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How do the courts work with this around the country to -- is someone responsible for bringing in some neutral third party, or how do you get to the bottom of this in a way that satisfies people that they got a fair shake?
A. Yeah. So, I mean, I do understand that there's a perception that a consultant works for the developer and therefore their answer is predetermined. I would say that that is definitely not the case for Paxwood Acoustics and not the case for a lot of acoustical consulting firms that I know. We are board-certified noise control engineers, and we're bound to a code of ethics as part of that board certification process. And so, you know, there is that aspect of it.
But to your -- to your point, to your question, there are a variety of ways that courts deal with this throughout the United States, and oftentimes there are third parties that will read a noise study who are also experts in acoustics and determine whether or not the methodology was accurate and an appropriate way to do it.
Q. Okay. Now, I want to explore something else with you. And, you know, I'm not thinking of somewhere where there's a giant hill between point

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A and point B or a quarter of a mile of solid thick trees, but normal -- normal North Dakota terrain. How well does the level of sound between point A and point B correlate with the distance between point A and point B?
A. It is certainly correlated to distance, but it is not distance alone that causes it -- that causes the difference between point A and point B.
Q. What are some of the other factors, outside of odd determinants like I mentioned, but --
A. Yeah. So -- well, I would argue that terrain is not odd. Like while you have North Dakota terrain, one thing is clear that it is not entirely flat here. It is undulating, so terrain does come into play. The ground cover also comes into play. Wind speed and wind direction also come into play in terms of determining how sound propagates. All of those things are accounted for in a sound propagation model.
Q. But the sound models, I think always -- as was said in this case, assume that the wind is blowing toward the receptor. So that wouldn't be a variable.
A. Well, if you're talking about modeling

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from point A to point B, then you're right. That wouldn't be a variable because it is always downwind in the model. But if we were actually measuring, it would matter. So the reason that everybody in the model is downwind is because that is the conservative assumption.
Q. So if -- to simplify this world, if we -- if we relied on setbacks alone, is really just the terrain the main thing we would be losing?
A. No. And I would argue that setbacks are not really going to end up regulating noise because tomorrow we could have a turbine that is 50 decibels quieter and tomorrow we could have a turbine that's 50 decibels louder, and at that point in time the setback distance, if that's the standard, is irrelevant because it might not be protective enough or it might be overly protective.
So it really depends on the emissions of the equipment that is, you know, coming from the project.
COMMISSIONER CHRISTMANN: Okay. Thank you. I have no other questions.
JUDGE HOGAN: Commissioner Haugen-Hoffart.

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EXAMINATION
BY COMMISSIONER HAUGEN-HOFFART:
Q. Thank you. We're learning a lot, so glad you're here.
I want to go back to when you talked about if there was a complaint and you said you would access the site, and you talked about the difference between -- if it was me, I'm standing there with my phone saying it's 70 decibels and you said you have to gather a lot of information. Would you work with that person about explaining what information you're taking, what you need and the time period?
A. Yes. So I'm always more than happy -- if there's a landowner that is hosting a monitor, I'm always more than happy to talk with them about the process that we're going through, the information we're collecting, why we're collecting it and why it's important and why it might be different than what they're just seeing on their phone.
Q. Can you frame it up a little bit about what you would be doing during that time and the time period?
A. Sorry. Could you clarify what you -- frame up like the --

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Q. Like --
A. -- whole process that we go through for that monitoring.
Q. Yeah. Just kind of like an overview and about how long it takes to do an analysis if there is a sound complaint.
A. Yes. So we'll do monitoring typically for about a week, but it depends on the environmental conditions. You know, we're looking at the turbine, what's called SCADA data, and because -- during the monitoring period because we want to make sure that the turbines are operating at their highest sound emissions during the monitoring period. So typically we're able to get that within a week.
And we also are looking at, you know, is there sufficient winds and are they coming from different directions? So we're trying to collect a whole bunch of environmental conditions, because it might be that a resident has a complaint under some conditions but not under other conditions. So typically it's a week.
And we will then ask the developer to turn off the wind turbines that are closest to the complainant location to make sure that we can

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measure background sound levels, and we'll do that a few times per night. We typically don't do it during the day, and the reason we don't do it during the day is there's usually too much extraneous background sound levels. So we like looking at nighttime background sound levels because that's very quiet, and we can get high sound emissions from the project, and that difference is really nice for us to determine how much is coming from the project.
So turbines will be shut down at night, and then after that week of monitoring -- this is unattended usually -- we will pick up the monitor, and we will analyze that data set along with the SCADA data that shows when the turbines were being shut down so we know when background sound level measurements occurred and we know when operational levels occurred.
And then using very much like a similar equation to what we talked about in Appendix F on Table 2 for how sound levels are additive or subtractive, we will take that background sound level from the background sound level period and the operational sound level during that period and we'll subtract that background out, and what's left

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is the sound level that is attributable to the turbines, which is what is regulated.
And so then we'll provide a comparison, and if the sound level is 40 decibels from the turbine, we'll report it as 40. If the sound level is 47 decibels from the turbine, we'll report 47.
Q. Okay. Thank you for that overview. I have one more question. Did you say a post-construction sound analysis will be done?
A. I did not say a post-construction, no.
Q. Okay. So it won't be done or will be done?
A. I -- I can't speak for the developer. I don't have that --
Q. Okay.
A. -- within my current scope of work.
Q. Okay.
MS. SMITH: No. There isn't a plan to do a post-construction monitoring.
COMMISSIONER HAUGEN-HOFFART: Okay. Thank you. I have no further questions.
JUDGE HOGAN: Any redirect?
MS. SMITH: No.
JUDGE HOGAN: Mr. Pelham, Mr. Schock, any other questions? Any other commissioner questions?

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All right. Thank you, Mr. Duncan.
MR. DUNCAN: Thank you.
JUDGE HOGAN: All right. And you wanted to recall --
MS. SMITH: Yes. Mr. Eberl.
JUDGE HOGAN: I'll just remind you that you're still under oath.
MR. EBERL: Yes.
JUDGE HOGAN: Thank you.

MATT EBERL,

having been previously duly sworn, was examined and testified further as follows:

FURTHER EXAMINATION

BY MS. SMITH:

Q. Thanks for bearing with me. I just wanted to bring this over so it's a little bit easier to talk through.

So, Matt, there was a question about North Dakota Trust Land parcels, and we talked a little bit about the idea of just what if those two turbines were removed. What I want us to talk about is if there would be ripple implications of that potentially. So can you point out on the map, which should be Figure 2, if I'm remembering correctly.

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A. It is.

Q. Okay. On Figure 2, remind us all which color is the North Dakota Trust Land parcels.

A. They are the four light green parcels that you see in the northern half.

Q. Okay. And currently they are not leased; is that correct?

A. That's correct. NDTL -- their process is to finalize the lease after we have completed permitting.

Q. Okay. And at this point they've indicated that they want to host turbines on these parcels as part of the lease?

A. Just like essentially every one of the landowners that's involved, yes, their intention is to hopefully have turbines.

Q. Yeah. Okay. And if we -- let's say these parcels ended up not being leased for the project, what would happen to the layout?

A. We would need to significantly alter what we have, and if you look north of where those NDTL parcels are, we have -- I believe it's 13 additional turbines located north of that, which is spread out over five individual landowners, and that potentially puts those landowners in jeopardy

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of also not having turbines.

Q. So it's not necessarily just that these -- it would host turbines, it's also a connection point to the northern part of the project?

A. That's correct.

MS. SMITH: Okay. I don't have any other questions.

JUDGE HOGAN: Mr. Pelham, any questions?

FURTHER EXAMINATION

BY MR. PELHAM:

Q. So is it -- it looks like it's turbine location 20 and turbine location -- turbine 16; is that right?

A. I believe that's correct, on NDTL.

Q. Yeah. So is it your testimony, sir, that if those two turbine locations were removed, that Homestead would not be able to connect to the turbines to the north?

A. Yes. That's a possibility.

Q. That's a possibility or that would happen? Or you don't know?

A. I don't know that, but it is certainly a risk to those additional turbines.

MR. PELHAM: I see. Thank you. I don't have any other questions.

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JUDGE HOGAN: Mr. Schock, any questions?
MR. SCHOCK: No questions.
JUDGE HOGAN: Commissioner Kringstad?
COMMISSIONER KRINGSTAD: No questions. Thank you.
JUDGE HOGAN: Commissioner Christmann?

FURTHER EXAMINATION

BY COMMISSIONER CHRISTMANN:

Q. So I'm looking at the eastern of the two parcels where the two turbines would be, and a half a mile north of them and a little bit east are two quarters of land that are kind of gold in color, and am I right that those are participating property underground collection only; correct?

A. That's correct. Underground cabling easements, yes.

Q. Okay. So why can't you do that across the trust lands?

A. That would be a decision for the trust lands to make. I would like to say we don't guarantee turbines to anybody, whether when we begin leasing or even when we have 81 turbine locations here, as the landowners can attest. Determination on where the final 67 or 57 have not been made.

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We've been working with NDTL now for a few years. We have presented them with their site plans that are similar to others where they do have two potential turbines. We do not have a formalized agreement with them yet, and, frankly, there's a risk that if we went back to them now and said they no longer have turbines, that they may not sign that agreement. And if they do not sign that agreement, then we do lose access to the entire northern portion there and those additional 13 turbines.

Q. Well, it doesn't sound to me like you have a signed -- signed agreement to cross their property with or without turbines.

A. They're --

Q. That's already been testified to. So you're in the same place regardless whether the turbines go up or not. You can cross there if they grant an easement with the underground transmission line, just like you can cross there if they sign an agreement with the underground transmission line and two turbines.

A. Yes, potentially.

COMMISSIONER CHRISTMANN: Okay. Thank you.

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JUDGE HOGAN: Commissioner Haugen-Hoffart?

COMMISSIONER HAUGEN-HOFFART: No questions. Thank you.

JUDGE HOGAN: Any redirect?

All right. Thank you.

Any further witnesses on behalf of the applicant?

MS. SMITH: No. We would just reserve the right to redirect -- or recross -- or bring people back up. That's what I actually mean to say. Thanks.

JUDGE HOGAN: All right. Fair enough.

Okay. That takes us to the public testimony portion of our hearing. First, I want to thank you all for noting on the attendance sheet whether or not you wish to testify. That was -- that helps me.

Just like our other witnesses, if you want to provide testimony today, I'll have you come forward and sit at the witness table. You'll be sworn in like the other witnesses. You may then provide your statement, and then we will go around the room and see if there's any questions for you.

If you are an affected landowner, it's very helpful for the commissioners if you let them

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know where your property is located. Also, if you represent a group or an entity, please indicate that as well when you first come up.

This is an opportunity to provide a statement to the commissioners and provide them information. It's not an opportunity to ask the applicant or the commissioners questions. That won't be permitted this afternoon.

We do have quite a few people that indicated they want to testify, so I'd ask that you try to keep your comments to about ten minutes or so so that we can make sure we have time for everybody this afternoon.

If somebody testified before you that had similar comments, it's perfectly fine to say you agree with that person. There's no need to repeat that information again.

All right. And I think those are all my instructions. So is somebody willing to go first this afternoon? All right. Oh, wow, I've never had that many people stand up.

All right. I'll have you state your full name for the record and spell your last name.

MR. MILLER: My name is Floyd Calvin Miller, M-i-l-l-e-r.

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JUDGE HOGAN: And, Mr. Miller, did you hear me go through the penalties for perjury this morning?

MR. MILLER: Yes.

JUDGE HOGAN: And do you understand what perjury is?

MR. MILLER: Yes.

(Witness sworn.)

JUDGE HOGAN: All right. Thank you. Go ahead.

FLOYD MILLER,

having been first duly sworn, was examined and testified as follows:

STATEMENT

BY MR. MILLER:

MR. MILLER: I farm northwest of Williston by the State Line Gas Plant. I also have land up north in Section 17 and 18 in Bonetraill Township. I don't remember the legal description.

But I'm going to speak in favor of the wind towers. I just -- in the last year I came from Bismarck to Minot, and when I got past the coal mines, the smoke was so bad during the day, I could not see the sun through it. And here we are talking about clean energy. And with all the wind

we've had so far, we're going to -- it's bound to be helpful.

I don't mind looking at them. I said I live next to a gas plant. I've had two fires on my farmland since that opened however many years ago. They did reimburse me the first -- on the second time, not the first.

So -- and when I just went north of Ray to Wildrose yesterday, I went through the wind towers up there and I didn't have a problem looking at them. I'd rather see them than a gas plant.

So just one comment on the Blacktail Dam. The last time I drove around that, I could not even see any houses because everybody has trees around, so I don't think they're going to see the wind towers, but somebody else may.

Thank you for your time, unless somebody has a question.

JUDGE HOGAN: All right. Ms. Duffus, any questions?

MS. DUFFUS: No questions. Thank you for your time.

JUDGE HOGAN: Mr. Pelham?

MR. PELHAM: No questions. Thank you.

JUDGE HOGAN: Mr. Schock?

MR. SCHOCK: No questions.

JUDGE HOGAN: Commissioner Kringstad?

COMMISSIONER KRINGSTAD: No questions. Just thank you for going first and breaking the ice for everybody else.

MR. MILLER: I have an appointment.

JUDGE HOGAN: Hang on. Hang on.

Do either of you have questions?

MR. MILLER: Oh, no. No. Did they have one?

JUDGE HOGAN: No. All right. Thank you, Mr. Miller.

All right. I'll have you state your full name for the record and spell your last name.

MR. STORSETH: Calvin A. Storseth, S-t-o-r-s-e-t-h.

JUDGE HOGAN: Mr. Storseth, did you hear me go through the penalties for perjury this morning?

MR. STORSETH: Yes, I did.

JUDGE HOGAN: You understand what perjury is?

MR. STORSETH: Yes.

(Witness sworn.)

JUDGE HOGAN: All right. Thank you. Go

ahead.

CALVIN STORSETH,

having been first duly sworn, was examined and testified as follows:

STATEMENT

BY MR. STORSETH:

MR. STORSETH: So I'm a landowner in Williams County and Strandahl and Bonetraill Township. My farm -- my land has been in our family since 1916 when my grandfather homesteaded. I bought the farm from my parents in the early '80s. I quit farming, moved away, but was able to retain the land.

The only reason I hang on to it now is I want a place to hunt. The amount of money I make on the land isn't enough to keep it for what the land is worth.

A couple years ago, Diamond Resources reached out to me and asked me if I would sell land for a substation, and I've sold land before to rural water and to Mountrail-Williams Electric, so I thought sure, why not. Talked to my family and they said that's great. So I agreed to sell them land. And then Apex asked me if I wanted to participate in the wind project, and I said, you

know, probably not, but let me think about it.

And it took a year -- it wasn't like day one that I said, oh, yeah, I'm going to sign here, give me the money. I waited a year, I talked to my family, my wife and my kids, and all my kids said, you know, why wouldn't you sign up for this?

My son actually worked for Wanzek in Fargo and actually put up wind towers for about 10 or 15 years, and every landowner he talked to when they were doing it, they were happy to have them.

So before I made the decision to do this, I checked with other landowners around Bismarck that have towers, and everybody I talked to said, you know what, I'll take ten more.

So turn the clock ahead and I talked to my neighbors and I talked to my family, and I strategically made the decision to do this because it's -- it's a lot. I had an attorney review the documents, and I actually signed the contract with Apex to participate in the wind project.

Now when my wife and I pass away and our land goes to our kids, they can afford to keep it. If it doesn't go in the wind project, the amount of money that they're going to get for cash rent, there's no way that they can afford to keep it.

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It's not enough. And I don't want to raise the rent on my renter -- you know, keep raising it because we need more money because property taxes go up, liability insurance goes up and income tax goes up.

So this is a way to take my land from a 1 percent return on assets up to a 4 or 5 percent return on assets, and we can keep this in my family for another at least 50 years. So it's important to me and the legacy of my family to be able to retain this family farm. And if this goes through, my kids aren't going to sell it. There's no way because of the income.

I want to talk a little bit about any time a decision like this comes up, you know, anybody in this room wishes their dads were here, because I always ask what would my dad do, and I'd guarantee you my dad would sign up for this.

And I want to pass this -- if you could hand that to the commissioners -- about 20 years ago there was a company out of Canada that put a MET tower on my land. And a couple years before my dad passed away, they put a MET tower up where the substation is going to be, and that was taken in 2009 and my dad had dementia. And every day he

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would drive up through the CRP to that tower and look at that. And he -- he loved it. It was great. It was something for him to do every day. And so that picture was taken in 2009 with my mom and dad by a MET tower from a Canadian company. And -- and I know today if my dad was alive, he would sign up for that.

And that thing on the other side is our hundred-year certificate from the Department of Agriculture for the land that's been in my family for a hundred years. So now because of Apex and because of wind, we get to keep this in our family.

So I always, again, ask what would my dad do in anything, and I think anybody in this room wants the advice and they would do what their dads want them to do.

A couple other things. When I talk to Apex, they're a great company to deal with, and the only thing I told them is to treat my renter right. So we've had a couple times over the last couple of years where things have come up with my renter and there's been some damages, and I just tell him send it to me and I'll get it to them and they'll pay it. And they've done that. No arguments. You know, it's always reasonable, but he always gets

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paid. And I tell him, you call me and let me know and I'll talk to them.

And I've done business over the last 40 years in the corporate world, I've done business with IBM, I've done business with a lot of companies, and there's two companies I've dealt with that have been -- always do what they say they do. One of them's not Scheels, you know. You know, they're customer services, but one is Jack Henry, a banking software, and the other one's Apex. Any time I call Apex, they call me back. And they never pressured me. They asked me one time to sign up for this. There was no pressure.

I've dealt with other companies over the last 20 years with my land and have been pressured to do things. Never with Apex. They're solid.

And the other thing I think about this whole thing is it's property rights. It's my land. As long as it complies with the requirements of the State of North Dakota, it's not illegal, it's not a toxic waste dump. Heaven forbid, it's not a data center. It's a clean project that's going to generate revenue for the local tax base, the schools, the ambulance, everything.

You know, the Grenora school needs the

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money. I went to school there. It's a special place in my heart.

You know, again, it's -- this is a way for me and my family to continue to own my family farm, because I don't want to sell it. But I tell you what, if this doesn't go through, now in a couple years my wife and I are going to look at it and say, you know what, I'm done hunting, let's sell it, let's let it go. Because the kids are not going to keep it. The minute the last shovel of dirt goes on, it's going to be for sale, because they're not going to be able to afford to keep it.

So that's my story. And one other thing is that our long-term plan is we've got a couple of grandchildren that -- and one of them has muscular dystrophy, and our long-term plan is to help out our grandkids with the income generated from this, and that's not a lie. That's a fact. Because some day they're not going to be able to take care of themselves and live alone and that -- this -- we're being blessed with this opportunity to generate additional revenue, plus I can keep my cash rent in line with my renter.

I called him a couple days ago and I said, Hey, I'm not going to raise my rent again next

year. I just told him -- I said, In a couple years when I retire, maybe, but you know what, if this doesn't go through -- if this goes through, I can keep it reasonable for him, because I know I can get more money but it's not always about the money. But in this case it's going to help us keep the family farm.

Any questions?

JUDGE HOGAN: Ms. Duffus.

MS. DUFFUS: Thank you for your time. I don't have any questions.

JUDGE HOGAN: Mr. Pelham?

MR. PELHAM: No questions. Thank you.

JUDGE HOGAN: Mr. Schock?

MR. SCHOCK: No questions.

JUDGE HOGAN: Commissioner Kringstad?

COMMISSIONER KRINGSTAD: No questions. I just -- thank you for sharing all that with us. I especially appreciated you touching on the coordination that you had with your renter.

MR. STORSETH: Mm-hmm.

COMMISSIONER KRINGSTAD: Any time that we have any type of development projects, sometimes that's always a point of tension. You know, you talked about landowner rights and everything --

MR. STORSETH: Mm-hmm.

COMMISSIONER KRINGSTAD: -- like that, but sometimes that can be a point of tension between people who own the land and their renters, so I appreciated that.

Did you want this back?

MR. STORSETH: Yeah. That's the only one I have.

COMMISSIONER KRINGSTAD: Yes. Absolutely. Okay. And thank you for sharing this. My dad passed away in May, so I completely understand what you mean about wanting to ask for your dad. So thanks for -- thanks for that.

MR. STORSETH: And, again, I want to take care of my renter because his dad and I are best friends and his dad and my dad were best friends from -- forever, so -- anyway. Thank you very much. I appreciate it.

JUDGE HOGAN: Commissioner Christmann. Hang on. Hang on.

MR. STORSETH: Oops. You've got a question?

COMMISSIONER CHRISTMANN: Yes, I do.

MR. STORSETH: You can't hunt.

COMMISSIONER CHRISTMANN: I have my own

place to hunt.

MR. STORSETH: Okay.

EXAMINATION

BY COMMISSIONER CHRISTMANN:

Q. And this will be for other people too. Did you say you live in Bone --

A. No. I live in Bismarck.

Q. Oh, you live in Bismarck.

A. Yes.

Q. Okay. Well, for other people who live out there, our maps do not have township, range and sections, so if you live out in the area, I'd like when you testify to give us your --

A. My property is ten miles west of Blacktail Dam. It's in Strandahl and Bonetraill Township. I don't know the range. 157-102, Section 13, 24 and --

Q. Those aren't on here.

A. Right. No. Okay. But it's right in the heart of the project.

COMMISSIONER CHRISTMANN: Thank you.

JUDGE HOGAN: Commissioner Haugen-Hoffart.

COMMISSIONER HAUGEN-HOFFART: Hi, Calvin. Right here.

MR. STORSETH: Oh, there you are. Yes.

COMMISSIONER HAUGEN-HOFFART: I have no questions, but thank you for your very truthful and heartfelt testimony.

MR. STORSETH: You're very welcome.

JUDGE HOGAN: Thank you.

MR. STORSETH: Yep.

JUDGE HOGAN: Good afternoon. I'll have you state your full name for the record and spell your last name.

MR. MACMASTER: Good afternoon. My name is John MacMaster. I'm here on behalf of my --

JUDGE HOGAN: Hang on. Hang on. I've got to swear you in. Can you spell your last name?

MR. MACMASTER: M-a-c-M-a-s-t-e-r.

JUDGE HOGAN: Mr. MacMaster, did you hear me go through the penalties for perjury this morning?

MR. MACMASTER: Yes, I did.

JUDGE HOGAN: And do you understand what perjury is?

MR. MACMASTER: Yes, I do.

(Witness sworn.)

JUDGE HOGAN: All right. Thank you. Go ahead.

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JOHN MACMASTER,

having been first duly sworn, was examined and testified as follows:

STATEMENT

BY MR. MACMASTER:

MR. MACMASTER: I'm here as a partner, in fact the managing partner, of a family partnership named MacMaster Family Farm Partnership West headquartered out of Williston. I have my own copy of Bull Butte Plat, and the land in purple is our family's land. It's in Township 156, Range 103, Sections 2 and 3. 1 is not included. We did not lease Section 1. But if you look at your map, your bigger map there, our property is the southernmost two green objects there. That's where our property is.

By way of background, my mother and my grandmother bought these properties in 1943 and 1945. This means that our family has owned this land continuously for over 80 years. Now, I've never lived on the farm property nor has any member of my family. We've lived in Williston. I'm third generation citizen of Williston.

But I'm here to say that our partnership wholeheartedly approves of and supports the

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Homestead Wind project.

Our farm is a wheat farm. It used to be mostly durum, now it's various different crops. We have no livestock there. We have a crop share lease that runs from year to year based on a handshake deal. But we strongly support landowner rights, and we're proud to do that.

We've been told that we may get one or two turbines on our land. Obviously, we have wind here in Williams County. I first learned that when I became a golfer when I was about ten years old. Every time out, the wind came from a different direction. You either hit a drive 250 yards on the first hole or maybe 50 yards, depending on the wind. Williams County in my view has the strongest wind in the whole state, although Cass County might dispute that.

We were approached by Homestead Wind about their project, and my sisters and I got together via a Zoom call for a couple weekend talks about this proposal. We tried to weigh the different types of energy that was produced in this area, and, of course, we all know that oil was discovered in North Dakota here in Williams County on April 4 of 1951. So oil and coal would be fossil fuels.

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We have a lot of oil under our ground. It's been a real blessing to the Williston area and the whole county.

But there are some detriments. It's not renewable. You get a depletion allowance of 15 percent on your tax return because sooner or later that oil's going to run out. It's not necessarily a clean fuel. There's a lot of spills. It's brought on huge truck traffic in the Williams County area. There are a lot of pumpers above the ground.

We talked about solar. Solar power really hasn't caught on around here yet at all. Nuclear power. We -- I don't know of any nuclear power in North Dakota. Hydroelectric power is minimal. All you have to do is go south of Williston now and see the level of the Missouri River/Lake Sakakawea. It's down probably over 20 feet from where it was just a few years ago.

So we're left with the wind. It's an abundant, free, clean and renewable source of energy with a lack of pollution. Wind power has been around long enough to be suitable for a rural environment. The turbines themselves will -- they will take up minimal space detracting from the

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farmland, the tilled farmland.

It was interesting, in doing a little research for my talk today, I looked up the legislation initiated in 1975, the state legislature, but I found an article talking about the Dirty Thirties. Many farmers throughout North Dakota built their own wind turbines, hooked them up with wires to automobile batteries, stored the power in the batteries to use with different types of equipment. I thought that was pretty innovative. I'd never heard that before.

But in any event, the -- the other thing that really came into our minds when we were considering a possible lease here was the fact that we need to go green. The world, as we know, is being greatly disrupted by weather, and you can see the pollution if you go to the big cities. And we have population growth throughout the whole world, meaning that we need more power.

Wind can be turned into electrical power, much cleaner and renewable. And so we decided we wanted to be a part of this project to -- to harness the power of the wind.

Now, here in our area, we are famous for our oil. It's very extensive. My research shows

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that we have about 3600 pumping wells in Williams County. Many of those are run by electricity, some by propane. We have many power lines running aboveground if you drive around the county. They cross the countryside. We have a large project being built right now by Basin Electric. It shows that we need more power in this area.

And so in looking at the proposal of Homestead Wind, we were just excited. We could be a part of going green.

And like was said by one of the others, this company is reliable. They've done all the research. They've piled up all these exhibits. I was an attorney for 41 years. I never had an exhibit like this in any trial that I had, not even close. Maybe this one (indicating) would have been more accurate. But all of the work that they've done. And they have experts from that company, very competent.

So my sisters and I decided, well, if we can take part in stopping this wind from being totally wasted, that's what we wanted to do. And in addition to the renewability, the cleanliness, the wind can go managed. It's going to create a lot of jobs for the community. The company is

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already a community member. They've handed out a scholarship, they're spending money on different charities. Part of the income goes to taxes through the State, and they're required to give some money to a school district, which I understand would be Grenora.

And the income for us as landowners will be nice as well. Crop-related income is not always that great. We sometimes suffer from droughts in this area. This year, I guess, is considered a partially drought year. Last year the same. Also in the early 2020 and 2021. So we can't always guarantee that we'll have a good crop.

But we're going to be paying taxes on our income. It's good for state and local government. So we're looking at this as a long-term project, one that will last beyond our lifetime. I'm the youngest partner and I'm 78 years old, but we plan to leave this farm in our family. We've got an unbroken chain of title for 80 years. We want to keep it that way and go into over a hundred years easily.

So this -- this money that comes in will help. With each generation, we have more owners. It started out with two, four, now there's probably

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over ten grandchildren.

But I have confidence in the fact that Homestead has told me that they can build the project, they can maintain the project and they can wind it up when the time comes.

It was really interesting, last night I was going over my remarks, and I looked up at my bulletin board. I just recently cut out a little picture that was on the internet, and it showed a wind turbine that had been sawed into threes, and what they did -- if you ever watch the shows on HGTV like my wife does, she has me looking at those shows where they're shopping for housing, here they'd taken these sections of turbines and converted them into small homes. Pretty amazing. This is being done in Europe right now. So instead of going out to the certified dump ground, that's another way of taking care of the turbines. But I understand they can be recycled more so than they could when wind power first started.

This is not the first project, as you know. Your board has approved two other projects north of Tioga in our county.

So in summary, I just want to say that I'm here and several others are here asking for your

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unanimous support for this project. It's good for us. It's good for Williams County. It's good for northwest North Dakota. They've met all the tests. They've filled out all the paperwork, gotten all the permissions. We've had a lot of heated discussion in the planning board meeting and in the county commission meeting and some good discussion here, and we're asking that you approve the application.

JUDGE HOGAN: All right. Thank you.

Ms. Duffus, any questions?

MS. DUFFUS: I don't have any questions. Thank you for your time.

JUDGE HOGAN: Mr. Pelham?

MR. PELHAM: John, you've still got it. No questions.

JUDGE HOGAN: Mr. Schock?

MR. SCHOCK: No questions, Your Honor.

JUDGE HOGAN: Commissioner Kringstad?

COMMISSIONER KRINGSTAD: Just one.

EXAMINATION

BY COMMISSIONER KRINGSTAD:

Q. Just to kind of help me get acclimated, can you see the turbine numbers and locations on that exhibit? If you can't, that's fine.

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A. I can't, but I can limp over there. I've got a bad -- got a bad knee. This is our land right here. It looks like we have 79, 80 and 81.

Q. Okay. That was going to be my question. So turbines 79, 80 and 81 on the proposed locations and then the land essentially to the east of that with no -- okay. That's helpful.

COMMISSIONER KRINGSTAD: Thank you for your testimony.

JUDGE HOGAN: Commissioner Christmann?

COMMISSIONER CHRISTMANN: No questions, Your Honor.

JUDGE HOGAN: Commissioner Haugen-Hoffart?

COMMISSIONER HAUGEN-HOFFART: No questions. Thank you, John.

MR. MACMASTER: Thank you so much.

JUDGE HOGAN: Thank you, sir.

Who would like to go next? I'll have you state your full name for the record and spell your last name.

MS. DELVO: Sure. Teresa Delvo, D-e-l-v-o.

JUDGE HOGAN: Ms. Delvo, did you hear me go through the penalties for perjury this morning?

MS. DELVO: I did.

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JUDGE HOGAN: And do you understand what perjury is?

MS. DELVO: Yes.

(Witness sworn.)

JUDGE HOGAN: All right. Thank you. Go ahead.

TERESA DELVO,

having been first duly sworn, was examined and testified as follows:

STATEMENT

BY MS. DELVO:

MS. DELVO: Thank you for allowing us to be here to share our testimony and our feelings on this. I'm here in support of the wind project. My husband and I own property located in Sections 9 and 10 in Township 157 North, 102 West.

We live near Billings, Montana, but I was born and raised in this area, and we continue to maintain the farmstead in the Bonetraill area, and that was my grandfather's farmstead. So it's been in our family since the early 1900s.

This project is important to me for several reasons. As a property owner, I feel it's our right -- my right to make decisions about the use of our property and how the land is used even

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if I don't live on the property. I pay taxes on it. We maintain the farmstead. And if I did live here on this property, I would still be in favor of the project because of the many benefits I believe it will provide.

I'd like to ditto the majority of Calvin Storseth's testimony. He and I graduated from high school together. We've been lifelong friends, grew up together, went to Sunday school together, so he and I have had many talks about this project. And most of what he said was -- like I said, I agree with.

So for landowners like my husband and myself, this project will have a positive impact on our retirement. It'll provide us some additional income in the future, and when we're no longer here, it'll provide a little extra income for our children and their families. It'll also allow our families to continue to have the farmstead hopefully in our family in the future. And knowing that something that we are a part of today that could benefit our family for years to come is really meaningful to me.

I also have a personal connection to this community because I graduated from Grenora High

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School. I was happy to hear about the additional tax revenues that the project is expected to provide to the school district, and the fact that those funds can help support education and opportunities for future generations of students in a community that means a great deal to me, that's really meaningful, I think.

I also see benefits beyond the individual landowners. The tax allocations that this project is estimated to provide to the Grenora ambulance and the fire district as well as the county and the townships are also important. The rural fire department was kept extremely busy this very dry spring and summer putting out fires, one that went across our property. So I'm very pleased to know that taxes will be allocated there.

I know that -- ambulance and fire, I know, is very, very important, especially in a rural community. So when a project like this comes along that can provide additional funds, I think it's great that it's able to help there.

And also allocations for the county and for townships that can be used for road improvements. And those are improvements that we all rely on every day, not something that's just

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relied on by farmers and agricultural. It's used by the general public all the time. So I think improvements -- or excuse me -- investments that improve and maintain our roads benefit the entire community.

So for all these reasons, I support the wind -- the Homestead Wind project. And I understand that there are a lot of different opinions about the project, and I respect that. But I also believe that this is a project that presents an opportunity, one for property owners to make decisions about their land, while bringing an economic benefit to many families, to schools, to local governments and the broader community.

In addition, Apex has been really good to work with. So far we've been -- since 2015 when we were first made aware of the project and, like Calvin Storseth said, you know, it's -- we did a lot of talking about it in my family. You know, we -- we had an attorney look at the agreement. You know, it wasn't something we just jumped into. But we did a lot of talking about it and, you know, signed. We've had good communication with Apex. They've answered all of our questions.

For the person that -- that rents our

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land, because we don't farm it ourselves, I keep him in communication so that any questions that come up, if Apex has surveyors or anything that need to be on the land, I keep him informed. And so, anyway, Apex has been a really good partner so far.

So I see a lot of good that can come from the Homestead Wind project, and I just want to thank you for the opportunity for me to share my perspective and express my support for the project.

So thank you.

JUDGE HOGAN: All right. Thank you.

Ms. Duffus, any questions?

MS. DUFFUS: No questions. Thank you for your time.

JUDGE HOGAN: Mr. Pelham?

MR. PELHAM: No questions.

JUDGE HOGAN: Mr. Schock?

MR. SCHOCK: No questions.

JUDGE HOGAN: Commissioner Kringstad.

EXAMINATION

BY COMMISSIONER KRINGSTAD:

Q. Just to clarify, do you happen to know, like, if there's any proposed turbine locations on your land that you could point us to just so we

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can --

A. Yes. So there's one proposed in Section 10 --

Q. Okay.

A. -- 157-102.

Q. Okay.

A. So that would be right along -- it's 147th Avenue Northwest in Section 10. I don't have the turbine number.

Q. Okay. That's fine. We can look it up.

A. Okay.

COMMISSIONER KRINGSTAD: Thank you.

JUDGE HOGAN: Commissioner Christmann?

COMMISSIONER CHRISTMANN: No questions, Your Honor.

JUDGE HOGAN: Commissioner Haugen-Hoffart?

COMMISSIONER HAUGEN-HOFFART: No questions. Thank you.

JUDGE HOGAN: All right. Thank you.

MS. DELVO: Thank you.

JUDGE HOGAN: Good afternoon. I'll have you state your full name for the record and spell your last name.

MR. WADE: My name is Ryan Wade. Last name is W-a-d-e.

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JUDGE HOGAN: Mr. Wade, did you hear me go through the penalties for perjury this morning?

MR. WADE: Yes, I did.

JUDGE HOGAN: And do you understand what perjury is?

MR. WADE: Yes, I do.

(Witness sworn.)

JUDGE HOGAN: All right. Thank you. Go ahead.

RYAN WADE,

having been first duly sworn, was examined and testified as follows:

STATEMENT

BY MR. WADE:

MR. WADE: Before I get started, I'll just point out on the map -- I don't know if you guys are on that page or not -- my family's land is right below the northern part of the project there. We have -- I believe there's seven -- seven quarters there. We're the problem, I guess you could say. I'm just kidding. Nope. No laughs? Okay. Tough crowd.

Before I really get going here, I want to just point out something that's still a little bit fresh. You guys were questioning Mr. Eberl on the

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two turbines that are in the State Trust Land. He's right, there is a risk that if those two turbines went away, that, you know, they could possibly be shut off from the northern part of that project, but it's a small risk and I'm going to tell you why.

If you look directly east of where those turbines are, there is a little bit of land right below that orange section. I personally know that landowner. He's already signed up for an easement to allow the power line to go through his land. So they could easily avoid the State Trust Land and still run a power line through his land because he's already leased out to them. I just wanted to point that out to you. I know that landowner personally. I speak to him on a regular basis. So that's something to note.

I'm going to -- I'm going to hand this out here to you guys. I apologize, there's 70-some pages here. I don't have enough copies for everybody because of that. I clipped three of them together. Everybody's welcome to look at them. I'm going to get to this in a little while. It's going to take some time for you to review it because, like I said, there's 70-some pages there

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and it's -- there's a lot of information there.

A couple things that I want to touch on right away before I really get going here, things that were talked about earlier. And, please, correct me if I'm wrong, I maybe didn't hear stuff right, but it sounds like there is no agreement or lease deal with the State Trust Land; is that correct? It seems like -- can I ask you guys questions or no?

JUDGE HOGAN: No. It's --

MR. WADE: Well, what kind of hearing is this?

JUDGE HOGAN: I think that's accurate, but, yes, we're not --

MR. WADE: Okay.

JUDGE HOGAN: -- here to answer questions. It's for you to provide us information.

MR. WADE: Okay. I'll skip some of that stuff then.

I am going to tell you this, though. Let's see. Apex/Homestead Wind, they do not have road use agreements with multiple townships in and around this project. I can tell you that.

Is there -- can I ask a question for clarification on something?

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JUDGE HOGAN: Sure.

MR. WADE: Earlier Mr. Eberl spoke about takeoff. Is -- is that essentially a purchase agreement? Does anybody know.

UNIDENTIFIED SPEAKER: I think you mean off-take.

MR. WADE: Off-take. I'm sorry. Yes. Thank you for correcting me. I apologize for that. Okay. Thank you.

If you guys noticed, the four people who were up here before me, they stated where they lived and I didn't do that. I live right outside of this project on 149th and 76th street. So it's -- it's about two miles away from -- from where the -- the actual project is taking place, but like I said, we have land in the project.

252 people were notified that this project was happening. They sent a letter saying, that, hey, this is something that might be happening, we're notifying you that this is happening. From our numbers, we have concluded that out of those 252 people that were notified -- those are all people that are landowners or involved in trusts or, you know, 250 people total -- only 6 of those families or people are folks who live in or around

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this project. Only 6. That's not very many. That's hardly -- it's a single-digit percent, actually.

One other thing I'm going to touch on really quick is I know we've talked about fires and a few things like that. There have been incidents throughout the United States where some of these blades have caught on fire, and they were maybe different blades or different models. I'm not saying they were Apex's. But they have caught on fire before and they end up in tillable land, in a field that is farmed.

Essentially what happens is even after cleanup, you know, there are just very microscopic shards of that blade that end up in the field, and on numerous occasions -- and I do have some reference here and some documentation if you guys would like to see it -- where that land is deemed unfarmable and unusable because of the microscopic pieces of blade in that land. Elevators no longer accept the crop from that land after those blades have hit that ground and been on fire and the cleanup has taken place. They just can't use it anymore because of all of the things that are -- that are in those blades.

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And I'm going to give you a few of those things right now. Some of the things besides the fiberglass that are in those blades are resins and hardeners, epoxies, coatings and polyvinyl chloride. Polyvinyl chloride is the most environmentally damaging plastic there is. It's very tough to deal with and it's very tough to clean up. That is a -- it's polyvinyl chloride, if you need to write that down.

The last thing I'm going to talk to you guys about, how many of you have heard the term "infrasound"? Just by a show of hands, how many of you know what infrasound is? You do. Okay. Very good. Some of you know.

So infrasound is a pressure wave. I know it's called infrasound, but it's actually a pressure wave, and it varies in consistency, frequency and amplitude. And part -- and part of the reason I'm talking about it is because some of you have been asking a lot of questions about the sound, and everyone that's stood out in a field on a really calm North Dakota day, it's like, wow, I can hear forever today. I mean, you can hear a highway five miles, ten miles away. Next weekend I'm going to go pheasant hunting, and if it's a

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calm day, you're going to be able to hear my gunshot from a long, long ways away, but if the wind's blowing 25 miles an hour, you're maybe going to hear it the next tree row over, maybe not.

What I'm trying to tell you guys is I don't care what kind of expensive instrument you have, a loud noise is a loud noise. It all depends on the day, the humidity, the wind, all of that. So you can go out in North Dakota on any given day because we have such crazy weather here and you're never going to get the same reading. I don't care what kind of technical high-dollar instrument you have. I mean, we've got to be -- we've got to be smart about this -- right? -- a loud noise is just simply a loud noise.

If I stand up away from this microphone and yell in this room, how many of you are going to say, well, that wasn't a loud noise? Well, it sure as heck is. I mean, you can't argue that.

So we've got to be smart when we're talking about these things. We can get as technical as we want, but a firecracker is a firecracker. Right? A 12-gauge shotgun going off is a 12-gauge shotgun going off. A loud noise is a loud noise. Every single day in North Dakota it's

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going to vary. And I wish people would just admit that.

On to infrasound. This -- this information that you guys have comes from a gentleman out of Illinois. Apex put up a wind farm there.

MS. SMITH: Excuse me, Judge. I'm going to object to the information being part of the record. There's no personal knowledge of the information that's in there, no expertise on the information that is present. We don't know the sources. So I would object to the information coming in the record. Certainly happy to listen to the discussion of the concerns that are present, though.

JUDGE HOGAN: Yeah. Mr. Wade, I'm not going to admit this since these people aren't here to answer questions about the information that is being provided. You know, this isn't a regular meeting. It is an administrative hearing, so there are certain rules that apply to what type of information comes in.

You're certainly allowed to provide from reviewing these materials whatever concerns you agree with out of these materials. You can

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summarize those for the Commission. But the materials themselves will not come into the record.

MR. WADE: Okay. I guess I'll just talk a little bit about infrasound then and go into that. Like I said, infrasound is a pressure, and it's -- it's inconsistent and it's something that we cannot hear. So 20 -- 20 megahertz is -- or 20 hertz is kind of the drop off or the stopping point for the human ear to work. Below that, you just -- you simply can't -- you can't hear it, and that's measured in length. So 3,000 hertz is really close. It's -- it's millimeters and we can hear that really well. But once you get down to 20 where that stopping point is, that's -- that's almost 17 meters. It's an actual distance. It's actually really interesting.

And once it gets down to there, you can't hear it, but the crazy thing is the lower that frequency is, the better that sound can travel. It can travel into the earth, it can travel into vehicles, it can travel through buildings. It -- it's really interesting and we've learned a lot about it.

And so infrasound is something that you can't hear, but it's created by these wind turbines

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and it can travel a long ways, for sure up to three miles and possibly further. And the problem with that is infrasound can cause some serious damage to people, and there's very few studies out there, but there are certainly some, and it affects people down to the cellular level.

Some of the folks around these turbines have said they have, you know, heart palpitations, ringing in the ears, dizziness, nausea, fatigue, trouble sleeping. There's -- there's a laundry list of things that they -- they are telling people that they have and they just can't figure out why or what's going on. They actually call these nocebo effects. This is in the dictionary. You can look it up. That's what they're calling this.

And the reason it's probably new is because, you know, wind farms are -- are really pretty new and nobody decided, well, we need to make sure they're safe and do all these studies on them. Most of this stuff is fairly new information, because even the folks here that have heard of infrasound, I'm sure you really don't know that much about it, because I surely didn't, until we really started looking into it.

So these nocebo effects are those things

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that I just told you about, and they -- they affect people down to the cellular -- I'm sorry -- the cellular level here. And I'm not going to be able to find it here. But it's a real problem because the only way to really truly treat it is to get away from the turbines and you have to leave.

And there have been certain cases where people have had to, you know, take -- take a plea deal with certain wind companies to leave their place of residence because there's just no other option.

And -- and you guys can, you know, decide on your own obviously, but that's essentially assault. You can't use a device to hurt somebody, knowingly hurt somebody. I can't -- I can't, you know, use a loud device to hurt your ears. That's -- that's assault to some degree. And these guys want to put up a whole mess of these towers that are going to do that. They're -- they're going to hurt the physiology of the people around them.

There's -- there's all kinds of evidence out there. We can give you guys multiple different studies by people who are highly educated from academia and have a laundry list of credentials.

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I'm just a messenger boy here today. I have no expertise, but the people who are doing these studies and surveys certainly do.

That's all I have.

JUDGE HOGAN: All right. Thank you.

Ms. Duffus, any questions?

MS. DUFFUS: No questions. Thank you for your time.

JUDGE HOGAN: Mr. Pelham?

MR. PELHAM: Couple questions.

EXAMINATION

BY MR. PELHAM:

Q. Have you had any discussions with Homestead Wind agents or representatives?

A. I have not.

Q. Are you -- are you the owner of the property that is in the project area?

A. It's in my wife's family, yes.

Q. I see.

Do you know if they had any contact with the company?

A. Just once initially.

Q. And are you able to describe what that communication was?

A. I think it was very cordial and brief, you

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know. We just let them know that we weren't interested.

Q. And as I understand your testimony today, there's a number of reasons as far as opposition. Had you -- you or anyone from your wife's family discussed concerns about infrasound with the company?

A. We have not. We -- we didn't know anything about it until we looked into it.

Q. And as far as the setbacks, the distance from the turbines to adjoining land, had you talked to the company about concerns about setback distances?

A. No.

Q. Did you talk to the company about any concerns at all that you or your wife's family had about the project? I'm just wondering if they responded to them or tried to provide any mitigation or --

A. We did not. There was some at the county level, but --

Q. What was that at the county level?

A. There was a planning and zoning meeting and then a county commission meeting that we touched on it a little bit, but there was really no

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discussion from either side.
Q. As far as this polyvinyl chloride, where did you get that information from? I'm just -- is that just the research that you performed?
A. Yes. That is correct. I can -- I can find it for you in here. I wrote all over these copies here. I have some that are -- that are not highlighted and wrote all over that I can certainly provide for you.
Q. And in terms of the 252 people that were sent a letter, did you or your wife's family receive a letter from the company?
A. Yes.
Q. And is that how you learned of the project?
A. No. Like Mr. Eberl said, this thing has been in the works for a long time. It initially started with my father-in-law, then he passed and then, you know, obviously we kind of took over at that point, so --
MR. PELHAM: Thanks for providing your testimony, Mr. Wade. I don't have any other questions.
JUDGE HOGAN: Mr. Schock, any questions?

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EXAMINATION
BY MR. SCHOCK:
Q. I was going to have you identify your property by legal, but I don't think we necessarily need it anymore. So your residence, I think you said, is the intersection of 149th and 76th, so it's kind of outside of even the study area for the project, but there's parcels that you -- your family does own within the study area. There's -- you kind of identified it as kind of directly south of the northernmost section of the map?
A. Yes. I believe it's turbine 7 right there. There's a whole -- a whole section that's together and then it kind of zigzags south and west.
Q. Okay. That actually -- that helps significantly.
MR. SCHOCK: And then -- so the pack of information you gave is not going to be part of the record. I will take that back and add that to our public input file so that it's available in case someone wants to review it since it is information that the public has provided. But I don't have any other questions for you at this time. Thank you.
MR. WADE: Thank you.

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JUDGE HOGAN: Commissioner Kringstad.
EXAMINATION
BY COMMISSIONER KRINGSTAD:
Q. Okay. I think I've -- we've identified now the seven parcels that you're talking about. I know this isn't like back-and-forth Q and A, but you did have a question about like the State Trust Land. And so even though we can't go back and forth, like, I'm happy to just kind of talk about that process a little bit.
I would say, like, you're correct that, like, the State Trust Land doesn't -- hasn't currently signed a lease for this project, but what I will say is that's kind of State Trust Land's standard operating procedure. We see that a lot if there's State Trust Land in any proposed project, whether that's, you know, like a wind farm or a transmission line or a pipeline or anything like that, Department of Trust Land's process is they don't sign any type of agreement with any type of company until we've -- we at the PSC have made a decision.
So you are correct that they haven't signed anything, but I would also say that that's not -- that's not abnormal. That's just their

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standard operating procedure.
As far as the infrasound goes, it's very evident to me that you've done like a lot of research on this, and honestly this -- this is something that kind of comes up at every -- or it's not uncommon for this to come up whenever we have a wind farm hearing. You know, you saw us earlier when we had questions about sound, there kind of was like a sound expert in the room that we could call up and, like, ask these questions to.
So you've obviously done a lot of research on your own, but without the ability to have kind of like a subject matter expert for us to question, like that's always -- that leaves us in a really hard spot right -- right? -- because, like, we need somebody to kind of go back and forth to and ask these questions on.
But have you ever taken this information to say, like, the Department of Health or something like that, because, like, the Department of Health, like, Game and Fish or State Historical Society, they are one of the agencies that get notification on any type of project like this and, you know, could provide us feedback kind of from their level of expertise. Is that something that you've ever

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looked --
A. Yes.
Q. -- at at all?
A. I spoke with -- to a young lady at the National Historical Society -- I don't know if I drop names. Is that okay? Probably not. I spoke with Lorna at the National Historical Society multiple times about the archeological study that Apex did. I'm pretty up to speed on that. I spoke with a gentleman from the fish and game out of Bismarck about certain meetings that they had with Apex.

It -- it doesn't matter now, but, you know, they -- there was -- I was given information where Apex redacted a bunch of it from a meeting. They wouldn't let me see it, and then they came back and said that they didn't have anything to hide and let me see it before one of the county commission meetings. That information never got reviewed by the commissioners.

Yeah, I'm -- I'm very well up to speed with a lot of government agencies. To be honest with you, probably more than most everybody in this room except you folks and Apex.
Q. Yeah. And, you know, with that, the

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infrasound, like I said, you referenced, like, Game and Fish and State Historical Society. You know, they are kind of the subject matter experts at the State, like, of those particular areas. And so when it comes to things like infrasound, that's where, to me, like a subject matter expert potentially could be the Department of Health and then they would -- like I said, they would get notification on all of our potential proposed projects and could weigh in and give us that feedback. So I don't know if that's something that -- that you've looked at or considered, but just wanted to raise that point, so --
A. Yeah. I can comment on that. For the most part, nobody's really taken the time to talk to me about it, I guess. I've asked a couple of different departments about it, and I don't know if they just maybe don't know what it is or don't understand what it is or what it does, but I'll be honest with you, I haven't had anybody take me that seriously on it, and that's why I brought it up today hoping that you folks would.

COMMISSIONER KRINGSTAD: Okay. That's all I had. Thank you, Ryan.

JUDGE HOGAN: Commissioner Christmann.

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EXAMINATION
BY COMMISSIONER CHRISTMANN:
Q. I was going to go kind of the same direction that -- that Commissioner Kringstad was just on, but I just want to explain to you when we get an application like this, we require that the application be sent to, what, about 30, I think now, various state and federal agencies, and then we rely on them -- because we can't know everything about everything -- and so we rely on Game and Fish and U.S. Fish and Wildlife to tell us about wildlife-related things. We rely on State Historic Preservation Office to tell us about cultural resources in an area that need to be preserved.

And so I think we've been kind of advocating for people who have some knowledge and serious concerns I can tell you have over the infrasound issue to -- and I've kind of pushed it a little bit there too. I think people that share this concern need to continue to push hard on the Department of Health to look into it and provide background and -- and where we can get that kind of professional, trained expertise in these cases of whether it's something -- because I don't know what we could do offhanded, you know, because Mr. Wade

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comes and tells us it's a concern and we deny the project. The company's going to appeal that to the court, and we're left telling the judge, well, Mr. Wade said it's a bad idea and it's dangerous, you know. We would need more than that. And so I just throw that out to all who are concerned about infrasounds.

I do have one other question because of something you did teach me today about infrasound. I wasn't familiar with the nocebo term. N-a-c-e-v-o?
A. Oh, you're going to have to give me a second here. I threw everything together here. I believe it's n-e-c -- hold on. I might -- I might have to find it for you.
Q. There's no hurry. We -- you can catch up with staff afterwards or something too. So I don't want to --
A. Okay. I apologize for that.
Q. -- I don't want to take everyone's time, but I --
A. Oh, I'm sorry. I got it for you. N-o-c-e-b-o.

COMMISSIONER CHRISTMANN: Okay. Thank you.

JUDGE HOGAN: Commissioner Haugen-Hoffart?

COMMISSIONER HAUGEN-HOFFART: Wade, thanks for your testimony. I think the two prior commissioners really summed up what I was going to say, too, about our hearings and information that we receive and looking at the experts in those areas. So thank you for your time.

MR. WADE: Thank you.

JUDGE HOGAN: Thank you, Mr. Wade.

Who would like to go next? I'll have you state your full name for the record and spell your last name.

MR. SCHAFER: For the record, my name is Ben Schafer, Benjamin Lee Schafer, S-c-h-a-f-e-r.

JUDGE HOGAN: Mr. Schafer, did you hear me go through the penalties for perjury this morning?

MR. SCHAFER: Yes, I did, online.

JUDGE HOGAN: And do you understand what perjury is?

MR. SCHAFER: Yes.

(Witness sworn.)

JUDGE HOGAN: All right. Thank you. Go ahead.

BENJAMIN SCHAFER,

having been first duly sworn, was examined and testified as follows:

STATEMENT

BY MR. SCHAFER:

MR. SCHAFER: Thank you. I'll just give you the parcel number, 541570200240. We also own three other quarters of land adjacent to that as well, so --

So just right away, I would just say I'm -- I'm in agreement with the testimony of the previous people who were in support of the project as far as landowner rights and things such as that. We hear a lot about bogeymen, I think, during these hearings between the planning and zoning, the county commission. There's a lot of bogeymen that come around with this.

I will tell you that I grew up in Wilton, North Dakota, and I don't know if any of you have ever driven on Highway 83, there's a big two-story house that I lived in before the wind towers, during the wind tower construction and after, and it did not affect us in any way except for positively. We actually didn't get any money directly.

We had some people that rented out rooms in that house, and so it really hasn't -- we hunted there before, we hunt there after. There were eagles and hawks and owls there before, there's eagles and hawks and owls there after.

We -- my brother owns a feedlot. On average, his cattle are 47 pounds above the projected weight by the time they leave his feedlot, so it doesn't affect livestock, in our experience.

And I can't speak for everyone's experience. I just know I've lived it. I've lived in it for twenty -- what is it, 20 years now, 22 maybe years that those wind towers have been there, and it's been fine. And so I'm just sharing my personal experience.

I was also a superintendent for ten years in Ray, North Dakota, and we did add a wind project near Wildrose that was helpful to our district, helpful to the community, helpful to the tax base, all positives.

And so just wanted to share my personal experience from living there, being part of it. It's really a positive thing.

Are there some sounds, some negatives?

Yes. I live in Ray where the train goes through about every 20 minutes, so you get used to it. It's fine. You'll live.

So that's just where I'm coming from personally because I have lived in it, I have seen it, and I -- I've experienced it personally.

JUDGE HOGAN: All right. Thank you.

Ms. Duffus, any questions?

MS. DUFFUS: No questions. Thank you for your time.

JUDGE HOGAN: Mr. Pelham?

MR. PELHAM: No questions.

EXAMINATION

BY MR. SCHOCK:

Q. You don't happen to have your township, range, section information? I think I can unravel it from the parcel number.

A. Yep. I can try to get that. It's right north of -- I don't know the exact number. It's right north and -- or south and west of the St. Petri's --

Q. Okay.

A. So it would be -- I don't know the -- don't know that off the top of my head.

MR. SCHOCK: That's all right. I'll find

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it from the -- from the parcel number. No other questions. Thank you.

JUDGE HOGAN: Commissioner Kringstad?

COMMISSIONER KRINGSTAD: I don't have any questions. Thank you for your testimony.

JUDGE HOGAN: Commissioner Christmann.

EXAMINATION

BY COMMISSIONER CHRISTMANN:

Q. But outside of the parcel number, you said you live in Ray; correct?

A. Yes.

Q. Okay. Thank you.

A. Yep. We do want to move there as we retire. We do have a plan to build a retirement home up there on the farm and move into the wind towers, the scary wind towers, so --

JUDGE HOGAN: Commissioner Haugen-Hoffart?

COMMISSIONER HAUGEN-HOFFART: Well, Ben, I'm glad to know that you've lived it, breathed it, whatever you said, and you're just fine. So thank you for your testimony.

JUDGE HOGAN: Thank you, Mr. Schafer.

We're going to take a short break, but can I get a show of hands of who else would like to testify this afternoon? Okay.

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All right. So yes, let's take -- let's shoot for a ten-minute break and try to reconvene at 3:05.

(Recessed at 2:56 p.m. and reconvened at 3:07 p.m.)

JUDGE HOGAN: All right. My clock shows it's 3:07, so we are going to get started again.

Yep, come on up. First question is is your microphone on? You should have a green light.

MR. ANDRE: Yep.

JUDGE HOGAN: You're good. Okay. Can I get your full name for the record and --

MR. ANDRE: Kurt -- Kurt with a K, Andre, A-n-d-r-e. Bonetraill Township, Section 4; Good Luck Township, Section 33 is what's involved. I'm a --

JUDGE HOGAN: And, Mr. Andre, did you hear me go through --

MR. ANDRE: Oh, sorry.

JUDGE HOGAN: -- the penalties for perjury earlier?

MR. ANDRE: Yes.

JUDGE HOGAN: And do you understand what perjury is?

MR. ANDRE: Yep.

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(Witness sworn.)

JUDGE HOGAN: All right. Perfect. Thank you. Go ahead.

MR. ANDRE: Apologize for the getting ahead of myself.

JUDGE HOGAN: No. It happens all the time.

KURT ANDRE,

having been first duly sworn, was examined and testified as follows:

STATEMENT

BY MR. ANDRE:

MR. ANDRE: First of all, before I read my -- I'm a property rights, probably, advocate to the extreme. I have a son-in-law who's a master sergeant in the Air Force, and when him and his buddies come to hunt -- they come every year -- they're not allowed to hunt any land unless they ask permission. I don't care if it's posted or not, and I think it's a privilege to own property in North Dakota. We live in a great state.

So Apex -- I helped Apex a little bit on and off. They've heard property rights till they're already probably ready to vomit because it's -- I grew up that way. Thank you.

My name is Kurt Andre, as I said. I'm a

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lifelong resident and a landowner in Williams County. I'm a proud supporter of all energy, including this project. I'm a multigeneration farmer. I've always valued privacy and hold a firm conviction about the care for the land and protecting property rights. I believe strongly that every landowner, whether they live on the land or not, has a right to make their decision about that land. Those rights are fundamental to me and my family, and they deserve respect.

With that principle in mind, my family and I are focused on the future: on what responsible development can mean for my family, our community, for our young people and for North Dakota as a whole.

I think of the Grenora school and the benefits that those young people will benefit if this project is approved, not to mention the students and the wind energy technician program at Lake Region where good-paying jobs right locally will be present.

Regarding Apex and their engagement with us as landowners, they have consistently listened to what we have to say. We haven't always agreed, but they've listened. They've addressed our

questions, shown transparency, and, most importantly, they've been present.

And I can tell you many stories about pipelines on my property taking nine to ten months to get somebody to respond to me because there's a hole in my cropland that's deeper than me. These guys listen. Don't always agree.

I stand by the right of every landowner to decide what they want to do with their property, including the choice to participate in this project or not.

I want to close with a little different paragraph here. In closing, I want to acknowledge my friends and neighbors, Nick and Ellie Pasternak. They were one of the first people to sign on. I was not one of the first people. They were some of the very first people who supported this from the beginning but have since passed on. Their beliefs in the project and in what could be beneficial to this community was so important to them.

Ellie was very ill, and she would call me up and she'd say, I need a report. What's going on? We -- my family, Nick and Ellie respectfully ask for your support in this project.

Thank you.

JUDGE HOGAN: Ms. Duffus, any questions?

MS. DUFFUS: No questions. Thank you for your time.

JUDGE HOGAN: Mr. Pelham?

MR. PELHAM: No questions.

JUDGE HOGAN: Mr. Schock?

EXAMINATION

BY MR. SCHOCK:

Q. I just want to confirm the -- the parcels you were mentioning. So it's Section 4 in Bonetraill Township?

A. Oops. Probably going to tear things apart here. Good Luck, Section 33.

Q. So Section 33 in Good Luck Township?

A. Yep.

Q. And I thought you also mentioned Section 4 in Bonetraill. Maybe --

A. Yep. Yep.

Q. Okay. So Section 4, Bonetraill and --

A. And then it's 29 in Good Luck and 28 in Good Luck.

Q. 29 and 28 also?

A. Yeah, something like that.

Q. Okay.

A. It's going to be close.

MR. SCHOCK: Good enough for me. Thank you.

MR. ANDRE: I was hoping that you'd go with me there.

MR. SCHOCK: I don't have any other questions. Thank you, Kurt.

JUDGE HOGAN: Commissioner Kringstad.

COMMISSIONER KRINGSTAD: Thank you for the saying, close enough for government work, and you're really putting that to the test right now, so --

No questions. Just thank you for your testimony. And you mentioned your son, who's a master sergeant in the Air Force. I just want to thank him for his service, and I know it's a sacrifice for families as well. So just thank you to your son and to your entire family home.

JUDGE HOGAN: Commissioner Christmann.

EXAMINATION

BY COMMISSIONER CHRISTMANN:

Q. So, yeah, looking at the map --

JUDGE HOGAN: Your microphone.

Q. (COMMISSIONER CHRISTMANN CONTINUING) Looking at the map here -- and this does not have sections and townships and ranges on it, just

street addresses.

A. Okay.

Q. Can you give me about where you live, not your land ownership, but about where you live?

A. Yes. I live in Athens Township, which is east of the project. We do have a home where I grew up in Section 4.

I'll give you a little story of why we don't live there anymore. During the oil boom, we had people come and dismantle the home a little bit, and that kind of took a little wind out of me. And I'm hoping my son-in-law and son will do some work on it and make it a hunting cabin or something.

Q. So where is Athens Township? Like how far east?

A. Okay. On 69th Street, nine miles.

Q. Nine miles?

A. Yeah.

COMMISSIONER CHRISTMANN: Okay. Thank you.

JUDGE HOGAN: Commissioner Haugen-Hoffart?

COMMISSIONER HAUGEN-HOFFART: Well, all I'm going to say, if Victor says he's got it, I'm going to work with Victor on the location.

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MR. ANDRE: Okay.
COMMISSIONER HAUGEN-HOFFART: Thank you so much for your testimony.
JUDGE HOGAN: Thank you.
Who would like to go next? Can I get your name and if you want to spell your last name for me.
MR. ARNSON: Bob Arnson, A-r-n-s-o-n.
JUDGE HOGAN: Mr. Arnson, did you hear me go through the penalties for perjury this morning?
MR. ARNSON: Many times.
JUDGE HOGAN: And do you understand what perjury is?
MR. ARNSON: Yes, I do.
(Witness sworn.)
JUDGE HOGAN: All right. Thank you. Go ahead.

BOB ARNSON,

having been first duly sworn, was examined and testified as follows:

STATEMENT

BY MR. ARNSON:

MR. ARNSON: Oh, where do you start? Now, I was at the Williams County Commission meeting when they approved Apex's project. And right prior

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to the meeting, there was a 28-page report handed to the county commissioners, which was never reviewed as far as I know prior to that meeting.
One of the county commissioners wanted to table that meeting until this report was able to be reviewed, and I believe it wasn't reviewed. I'm wondering if you guys had gotten this report that the county -- Williams County commissioners never got a chance to look at.
Also, too, you guys were talking about the noise level. Two people talking is -- what was it, 63 decibels, so it got me thinking. So me talking right now is 60 decibels. Two people is 63. Now let's take all these people sitting in this room are wind towers. This is another thing I'm confused on today. How many wind towers are we going to have? 81, 57, 67? Nobody seems to know yet how many wind towers there's going to be in this project.
But let's just say all these people are wind towers, and they all start talking 60 decibels at the same time. I'll guarantee you you won't hear me talking unless I talk into this microphone. So it's going to be a lot louder than just one wind tower at 45 decibels when you put 80 or 57 or 67 of

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them together.
Now, somebody mentioned Blacktail Dam on the east side of this project, and it was said that because the tree rows have gotten so tall, they're not going to see the wind towers themselves. Blacktail lays down in a bottom land to the east of the project, and I'll guarantee you they're going to hear them on certain days when you put 80 of them together.
And we were talking earlier about the dew and the wind, the humidity and temperature can all make a difference on the noise level.
Now, I'm a farmer. I farm out in this project area. I'm a nonparticipant. I live in Section 24-157-103, which is Strandahl Township, right on the west edge of this project. I'm going to have to deal with this for the rest of my life and into my boys' life as we farm and work out into that area.
I have talked to some people who -- let's say you've got a grain site close to a wind tower and you're cleaning grain, doing whatever at this bin site. You're going to get this flash all the time from this -- from these wind towers, and you're going to be work -- people are going to be

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out there working amongst these things every day.
And the people who are for it, they're not living out there. They don't have to deal with the traffic we're going to have when this construction starts, moving machinery down the road. There are going to be angry people over this thing. You get out of my way or who's going to get out of the way? Now we call the sheriff. Now the sheriff comes out there. Now we've got a big hassle who's going to move.
And a lot of this -- you guys yourselves don't have to deal with this. You can hear everybody's testimony. You're going to go back to Bismarck, but it's guys like me who live out here every day and have to deal with this.
That's all I have to say.
JUDGE HOGAN: Ms. Duffus, any questions?
MS. DUFFUS: No questions. Thank you for your time.
JUDGE HOGAN: Mr. Pelham?
MR. PELHAM: I don't have any questions. Thank you.
JUDGE HOGAN: Mr. Schock?

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EXAMINATION

BY MR. SCHOCK:

Q. So you -- you referenced Section 24 of 157-23, which is in Strandahl Township but I thought I heard you make reference to some other parcels. Are they in this project area somewhere or elsewhere?

A. Yes.

Q. Would you be willing to give me those?

A. I don't have them with me.

Q. Don't have those?

A. No. We work -- we work out in them areas, but --

Q. Do you have a guess that's close enough for government work?

A. Pardon me?

Q. Do you have a guess that's close enough for government work?

A. Yeah. Take a guess.

Q. How about this: Do you know which township they're in?

A. It would be Bonetraill, Climax, Bull Butte.

Q. Okay. So you think is Bonetraill probably the -- the -- it looks like the closest one. I

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mean, Climax, there's a couple.

A. Yeah. Right on the east side of Strandahl.

MR. SCHOCK: Okay. So Bonetraill and Climax. Okay. I'll figure it out from there.

MR. ARNSON: All right. Thank you.

MR. SCHOCK: No other questions. Thank you, sir.

JUDGE HOGAN: Commissioner Kringstad?

COMMISSIONER KRINGSTAD: Just one.

EXAMINATION

BY COMMISSIONER KRINGSTAD:

Q. You mentioned this 28-page report that was handed to the county commissioners. Can you tell me what -- what was in it?

A. No idea.

Q. Okay. I was just trying to figure out if -- if --

A. You could --

Q. -- we had it, but --

A. -- probably find out through the county commissioner meeting report or minutes, but whatever happened to this report that was presented to the county commissioners?

Q. Sure. And, you know, the -- the county

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has their -- has their own process, and specifically when it comes to like a wind facility, the way that the state law is is if it's not approved at the county level, it doesn't even come up to us.

A. Right.

Q. And so that's why I was just kind of trying to get a little more detail what was in it to determine if maybe it was something that was --

A. Well, providing what information that was in there, we may not have been here today.

COMMISSIONER KRINGSTAD: Those were the only questions I had. Thank you for your testimony.

MR. ARNSON: You're welcome.

JUDGE HOGAN: Commissioner Christmann?

COMMISSIONER CHRISTMANN: I do not have any -- I do not have any questions, Your Honor, but -- but thank you. I appreciate you being here.

JUDGE HOGAN: Commissioner Haugen-Hoffart?

COMMISSIONER HAUGEN-HOFFART: Bob, I'm right here.

MR. ARNSON: Oh, there you are.

COMMISSIONER HAUGEN-HOFFART: I have no questions, but thank you for your testimony.

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MR. ARNSON: You're welcome.

JUDGE HOGAN: Thank you, sir.

Who would like to go next?

MR. MICHAEL BERG: Is this on?

JUDGE HOGAN: If there's a green light, it's on.

MR. MICHAEL BERG: Okay.

JUDGE HOGAN: I'll have you state your full name for the record and spell your last name.

MR. MICHAEL BERG: Michael D. Berg, B-e-r-g.

JUDGE HOGAN: And, Mr. Berg, did you hear me go through the penalties for perjury this morning?

MR. MICHAEL BERG: Yes.

JUDGE HOGAN: And do you understand what perjury is?

MR. MICHAEL BERG: Yes.

(Witness sworn.)

JUDGE HOGAN: All right. Thank you. Go ahead.

MICHAEL BERG,

having been first duly sworn, was examined and testified as follows:

STATEMENT

BY MR. MICHAEL BERG:

MR. MICHAEL BERG: I'm Mike Berg again and in Bonetraill Township. I grew up on a place my dad bought in '46 and -- six miles from where my great-grandfather homesteaded.

It's like the farm -- all the years what a western North Dakota farmer strives for is to save his land, and what -- for instance, oil field. Boom, bust, boom, bust. Here we have something that's not boom, bust. It's the same income all the time.

And it's just like our grain markets, the cattle markets, you know. One bad year takes five good ones to make it up. And it's just like the other people that were here that -- most of them have talked about family, the land staying in the family and it needs to be. We have some good people here. We need to keep them.

And I support the Homestead. And thank you.

JUDGE HOGAN: Ms. Duffus, any questions?

MS. DUFFUS: No questions. Thank you for your time.

JUDGE HOGAN: Mr. Pelham?

MR. PELHAM: No questions. Thanks.

JUDGE HOGAN: Mr. Schock?

EXAMINATION

BY MR. SCHOCK:

Q. Do you know what your parcel, like your township -- or sorry -- your section numbers?

A. Yeah, 32, 33, 28 and 29.

Q. All in Bonetraill Township?

A. Yep.

MR. SCHOCK: Perfect. Thank you, sir.

JUDGE HOGAN: Commissioner Kringstad? Oh, hang on. Hang on, Mr. Berg.

MR. MICHAEL BERG: I'm sorry.

JUDGE HOGAN: I've got to see if there's any commissioner questions for you.

COMMISSIONER KRINGSTAD: I don't have any questions. Thank you.

MR. MICHAEL BERG: We're good?

JUDGE HOGAN: Commissioner Christmann.

EXAMINATION

BY COMMISSIONER CHRISTMANN:

Q. Do you live out there on those -- one of those sections or do you --

A. Yep.

Q. Which of the four?

A. I have a son there now. Some 20 years ago I deeded him the farmstead and we're still running cattle. We're not doing no grain farming no more, but --

Q. So which of those four townships is your son living in?

A. Pardon?

Q. Which of those four sections is your son living in?

A. The section line runs between 32 and 33 and that's where the farmstead is.

Q. Okay. And --

A. House in one section and -- and the outbuildings on the other.

Q. And do you live out there, too, or do you live somewhere else?

A. Yeah. That's my residence.

COMMISSIONER CHRISTMANN: Thank you so much.

MR. MICHAEL BERG: Just a separate mailbox.

JUDGE HOGAN: Commissioner Haugen-Hoffart.

COMMISSIONER HAUGEN-HOFFART: Michael Berg, I think you're about the fourth Michael Berg I know, so I'm glad you said your middle initial.

MR. MICHAEL BERG: That's why I got the middle initial.

COMMISSIONER HAUGEN-HOFFART: I figured so. I appreciate your --

MR. MICHAEL BERG: I'd liked to have kept some other guys' grain checks that I got in the mail, but I didn't.

COMMISSIONER HAUGEN-HOFFART: Well, thank you for being an honest man, and I have to say thank you for talking about keeping the land in the family. As I look at us three commissioners, I think we all have some history on keeping land in the family, so --

MR. MICHAEL BERG: It's on its five generations.

COMMISSIONER HAUGEN-HOFFART: Yeah. Well, thank you so much for your testimony.

JUDGE HOGAN: Thank you, Mr. Berg.

Yep, you're next. Come on up. I'll have you state your name for the record and spell your last name.

MR. MISCHKE: Yeah. My name is Dale Mischke. Last name is Mischke, M-i-s-c-h-k-e. And I live right next to this project that's going to go in, and I --

JUDGE HOGAN: Hang on. Hang on. I've got to swear you in.

MR. MISCHKE: Oh, I'm sorry.

JUDGE HOGAN: That's okay.

MR. MISCHKE: Nervous.

JUDGE HOGAN: That's fine. Did you hear me go through the penalties for perjury earlier?

MR. MISCHKE: Yes.

JUDGE HOGAN: And do you understand what perjury is?

MR. MISCHKE: Yes.

(Witness sworn.)

JUDGE HOGAN: All right. Perfect. Go ahead.

DALE MISCHKE,

having been first duly sworn, was examined and testified as follows:

STATEMENT

BY MR. MISCHKE:

MR. MISCHKE: Okay. I live right next to this project. I've lived there all my life. I'm 70 years old. My folks run a dairy farm there, and I took over the farm, and I worked in the oil fields for 35 years, just to give you a little background.

But Apex has been a great company to work for. Great. They've answered all my questions. They call me. They've just -- they're tremendous to work with.

And as far as the traffic, I live on 64th Street out there. I'm surrounded by oil wells. I'm surrounded by noise from the semis running up and down the road. What do we do? We work with them. We don't -- there's no hassle with traffic. It's like you folks going home to where you're at, you know, everybody gets along with traffic and that's the way it is there. We just get along.

And I just want to make a point that I think this is a great project and Apex is great to work with.

JUDGE HOGAN: All right. Great.

Ms. Duffus, any questions?

MS. DUFFUS: No questions. Thank you for your time.

JUDGE HOGAN: Mr. Pelham?

MR. PELHAM: No questions. Thanks.

JUDGE HOGAN: Mr. Schock?

EXAMINATION

BY MR. SCHOCK:

Q. So you live just outside of the project

area is what --

A. Yeah, I believe so, on 64th Street. Yeah.

Q. Do you have any property in the project area?

A. Yes, my boy does. My boy's got quite a bit of property, you know, in the project like that. Yes.

Q. Are you willing to identify the section -- township, range, section information? If you don't have it, that's fine.

A. I live in Section 9, but I don't know where he's got it, so --

Q. Okay. Section 9 of which township?

A. Cow Creek.

MR. SCHOCK: Okay. That will work. I have no other questions. Thank you.

MR. MISCHKE: Okay.

JUDGE HOGAN: Commissioner Kringstad?

COMMISSIONER KRINGSTAD: I don't have any questions. Thank you.

JUDGE HOGAN: Commissioner Christmann.

COMMISSIONER CHRISTMANN: Me either, but thanks.

JUDGE HOGAN: Commissioner Haugen-Hoffart.

COMMISSIONER HAUGEN-HOFFART: Dale, you

were going to run away.

MR. MISCHKE: I was trying.

COMMISSIONER HAUGEN-HOFFART: I know. I just want to say for being nervous, you did a good job.

MR. MISCHKE: Okay. Thank you.

JUDGE HOGAN: Thank you.

Good afternoon. I'll have you state your name for the record and spell your last name.

MR. DELVO: My name is John Delvo, D-e-l-v-o.

JUDGE HOGAN: Mr. Delvo, did you hear me go through the penalties for perjury earlier today?

MR. DELVO: Yes.

JUDGE HOGAN: And do you understand what perjury is?

MR. DELVO: Yes.

(Witness sworn.)

JUDGE HOGAN: All right. Thank you. Go ahead.

JOHN DELVO,

having been first duly sworn, was examined and testified as follows:

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STATEMENT

BY MR. DELVO:

MR. DELVO: Yeah. My wife talked earlier, and this -- the farm has been in her family for many years, and I've been a part of it, working with it. We own property in Sections 9 and 10 in Township 157 North, Range 102 West.

And I'm going to -- this kind of dovetails in with a lot of the other comments that people had. I'm going to focus my comments on the word "diversity." I believe diversity is important in many aspects of life, but especially when it comes to your financial security, our communities and our energy supply.

I -- I'm about a year away from retirement. Like many people, I've spent my working years trying to prepare for that day. I've saved through a 401(k) plan, I plan to receive Social Security, and my wife and I have some farm income. We also hope to have -- or receive royalty income from the Homestead Wind project.

None of these sources by themselves is going to change our lives, but every little bit helps. As you get closer to retirement, you realize you never really know what the future is

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going to bring. You hope for the best but prepare for the worst. Having several sources of income provides a measure of security and reduces the risk of depending too heavily on any one source.

I see the same principle applying to our communities. The Homestead Wind project would provide another source of tax revenue from a completely different industry. That is important because industries can come and go as quickly as weather changes.

I experienced that firsthand when I came to Williston in the early 1980s. At that time the community had approximately 23 to 24 thousand people. When I was transferred in early 1990s, the population had fallen to around 12,500. I witnessed and experienced that downturn. That experience taught me that having an economy depends -- that depends too heavily on one industry can leave a community vulnerable when circumstances change. When one industry struggles, these effects can reach businesses, families, schools, local governments and the entire community.

That is why I believe adding another industry and another source of revenue is valuable. The Homestead Wind project can help diversify the

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local tax base and provide another source of economic activity when the other industries may be struggling.

There -- there is also another kind of diversity that I believe is important, and that's called energy diversity. The Homestead Wind project would add another source of electricity to the grid. Wind has a unique characteristic. Its fuel is free and exhaustible. The primary cost is capturing the resource by building the infrastructure needed to produce the electricity. Once the infrastructure is in place, the cost of the infrastructure can be spread out over many years that the project produces electricity. That provides an opportunity for long-term, low-cost energy production.

Hydropower provides -- is another example of this type of energy source where the fuel itself does not have to be purchased. We've seen the value of that resource over generations.

I'm not suggesting that wind energy is the answer to every energy need. I'm saying that there is value in having diversity in our energy portfolio, just as there is value in having diversity in our personal finance and in our local

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economy.

From what I have learned over my working life, opportunities don't always come along when we have or need them. When an opportunity does come along, I believe -- believe we should take advantage of it. I believe the Homestead Wind project is an opportunity to add diversity to family income, to public revenue and our energy supply.

For those reasons, I support the Homestead Wind project and respectively ask the Commission to consider the value that this additional diversity can bring to Williams County and to the communities affected by this project.

Thank you for this time and allowing me to speak.

And the other thing I want to mention, too, and this deals with Apex. They've been very good to work for. I've never had high pressure. My wife and I spent a lot of time researching this, and we kind of talked together and you can see a lot of us here, and we feel, again, very positive about it.

And that's just some off-the-cuff comments that I'm saying right here, so that's it.

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JUDGE HOGAN: All right. Thank you. Ms. Duffus, any questions?

MS. DUFFUS: No questions. Thank you for your time.

JUDGE HOGAN: Mr. Pelham?

MR. PELHAM: No questions.

JUDGE HOGAN: Mr. Schock?

MR. SCHOCK: No questions. Thank you.

JUDGE HOGAN: Commissioner Kringstad?

COMMISSIONER KRINGSTAD: No questions. You already answered mine. I was going to ask if you were related, so you -- that was one of the first things out of your mouth, so --

MR. DELVO: Yep.

COMMISSIONER KRINGSTAD: -- thank you for that.

JUDGE HOGAN: Commissioner Christmann?

COMMISSIONER CHRISTMANN: No questions. Thank you.

JUDGE HOGAN: Commissioner Haugen-Hoffart?

COMMISSIONER HAUGEN-HOFFART: No questions. Thank you, John.

JUDGE HOGAN: Thank you, Mr. Delvo.

Who would like to go next? Hi, I'll have you state your name for the record and spell your

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last name.

MR. ENANDER: My name is Shine Enander, E-n-a-n-d-e-r.

JUDGE HOGAN: And did you hear me go through the penalties for perjury earlier?

MR. ENANDER: I came in a little late, so I did not.

JUDGE HOGAN: All right. So I have to advise you on those. Perjury is a Class C felony, punishable by a maximum fine of $10,000, a maximum five years' imprisonment, or both. Do you understand what perjury is?

MR. ENANDER: Yes.

(Witness sworn.)

JUDGE HOGAN: All right. Thank you. Go ahead.

SHINE ENANDER,

having been first duly sworn, was examined and testified as follows:

STATEMENT

BY MR. ENANDER:

MR. ENANDER: Yes. My name is Shine Enander. Thank you for your attention today.

I'm 23 years old. I'm what they call the next generation, and I live on -- I live just north

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of the project on the highway there on 70 -- on -- sorry -- 82nd and 149th.

I -- my family moved here in 2002. Moved up to the area and started farming, so I -- I'm taking over the farm, and I plan on being here the rest of my life. I love it and this is what I love to do.

Unlike a lot of the people here, there's no -- we don't have any family here, so we're -- we're trying to get -- we've been getting into the community more and more. I'm on the volunteer fire department and ambulance and very involved in the community.

I -- I grew up here. I was born in Williston, lived in Grenora my whole life, and I'd like to raise my kids the same way. And the landscape here is beautiful. The hunting here is great, and I hope for same thing for my kids. So I oppose this wind project.

I'm also an aviator. I'm a private pilot, and I acquired a barn find. It's a 1946 Taylorcraft BC-12D. It was built for the military, and it was known as the L-2. It was a liaison plane to fly over and scout out areas, so it was never designed to fly high. It flies quite low to

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the ground and slow.

I love flying. It's a passion of mine, just a hobby, but it's a great way -- I've met a lot of great people through it. I fly out of Peterson Strip, which is just outside of the project. It is on 79th and 151st, and I fly over the area all the time. I come -- I fly into Williston. I get fuel, I get parts, I see friends, and the -- I -- if this was built, I wouldn't be able to fly in the area.

And that -- it causes a big safety risk to me as an aviator, and I have a lot of friends who are crop dusters, and they're not scared of anything. They are very fearless, and power lines, nothing bothers them, but they are all terrified of wind turbines. The turbulence behind them is severe, and I've had a couple friends almost die last year. They got flipped over behind one. Luckily, he was an experienced pilot. He got out of it, but it was a really close call.

All this is farmland, so crop dusting is things that happen. So, you know, the rented guys if they wanted to call in -- if they're renting and they wanted to call in a plane, a lot of planes won't do it. So that's a big concern and something

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that I'm concerned about just for my flying, the way that I fly and the areas I fly.

Just last month a neighbor called me asking if I could go look for his horse. His horse got out and he couldn't find it. Had a pink saddle blanket on, so it was easy to identify. So I -- that's the way I help, you know, my community and I can -- I can give back a little bit.

My -- my grandpa's from Holland and so I'm 50 percent Dutch, and so you know what they say, wooden head, wooden shoes, wouldn't listen, so we're known to be stubborn. But, you know, the windmills there -- they -- they put up windmills there to pump out the water. 80 percent of Holland is below sea level. I went and toured it last year, and there's some really beautiful intricate windmills. And you compare that to what they build here, it's not the same. Those are works of art and they're just gorgeous.

And so not -- I can't -- I haven't dedicated decades of my life to researching the effects and I couldn't tell you how it'll benefit the billionaires that are budgeting it, but for me and my family, in my backyard where I like to fly and hunt, I'd -- I'd rather not have them around.

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So, yeah, thank you.

JUDGE HOGAN: All right. Thank you.

Ms. Duffus, any questions?

MS. DUFFUS: No questions. Thank you for your time.

JUDGE HOGAN: Mr. Pelham?

MR. PELHAM: A couple.

EXAMINATION

BY MR. PELHAM:

Q. Did you or anyone in your family have any discussions with the company related to the project?

A. We were never contacted and I -- I was never sure who to -- who to contact.

Q. And you said you're just north of the project, and that's land that you farm up there?

A. We farm further west.

MR. PELHAM: I see. Thank you. I don't have any other questions.

JUDGE HOGAN: Mr. Schock, any questions?

EXAMINATION

BY MR. SCHOCK:

Q. So I think that your house or where you live essentially is north and west, I think?

A. Just straight north.

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Q. Straight north?

A. Straight north, yep.

Q. Okay. North.

And then the area where you use the airstrip for your flight, that is --

A. A little bit north and west.

Q. North and west. Okay.

A. Yeah. Just on kind of the corner there. But I fly over it when I come in to land. You know, it's a big area.

MR. SCHOCK: Okay. I don't have any other questions. Thank you.

JUDGE HOGAN: Commissioner Kringstad?

EXAMINATION

BY COMMISSIONER KRINGSTAD:

Q. I think you already answered this, but one of the questions I had is if you were able to speak to the company at all about your concerns about, you know, utilizing your private plane and crop dusting, but it sounds like the answer to that was no?

A. Yeah. I mean, I'm not sure that they value my opinion. I mean, I -- it's a hobby. It's something I love, I do, and I love this land and, you know, I try to -- as a steward of the land, I

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like to take care of it and see it the way God left it. So, yeah, I -- if I could talk to them, I would definitely -- you know, it's a concern of mine for sure.

COMMISSIONER KRINGSTAD: Okay. Thank you for that. I know it's been a long day, but the one thing about our hearings -- and I should have said this at the beginning is it does bring, you know, representatives from the company, members of the public kind of together in the same room. So, you know, the judge had expressed earlier that we don't really have a -- we don't have a back-and-forth up here, but if you do have questions for the company, you know, they're there, so I would encourage you to ask them or members of the company to come and speak with you as well if you're willing, so -- but thank you for your testimony.

MR. ENANDER: Thank you.

JUDGE HOGAN: Commissioner Christmann?

EXAMINATION

BY COMMISSIONER CHRISTMANN:

Q. So you mentioned the address, I think, of that private airstrip you use, but I couldn't write fast enough. Can you tell me again where that's at?

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A. Yes. It's on 79th, and then 151st is County 5, but it's off a little bit west about -- about a half mile. And if you look at the orientation of the runway, it essentially points right to the --

Q. So that's going to be several miles away from that map, and then that map has the very outside boundary, which is the study area before you get to the black, which is the permit area. So that's another mile about in that northwest corner. Is that going to impact your -- your activity out of that runway? I don't know. It just sounds to me like you're three, four, five miles away, maybe?

A. Right. I come to Williston a lot and it's in the path, so I'll have to go around it. But I fly in the area a lot, you know, just a lot of sightseeing, you know, friends live in the area. We go up and we do some sightseeing and stuff.

COMMISSIONER CHRISTMANN: Okay. Thank you so much for being here.

MR. ENANDER: Yes. Thank you.

COMMISSIONER CHRISTMANN: And thanks for being that next generation of ag producers in North Dakota.

MR. ENANDER: You're welcome. Thank you.

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JUDGE HOGAN: Commissioner Haugen-Hoffart.

COMMISSIONER HAUGEN-HOFFART: I only have one comment, and I want to say thank you for getting involved in your community on being a volunteer fire department -- on the fire department and ambulance.

MR. ENANDER: Thank you.

COMMISSIONER HAUGEN-HOFFART: Thank you for your testimony.

MR. ENANDER: Absolutely.

JUDGE HOGAN: Thank you so much.

MR. ENANDER: Yes.

JUDGE HOGAN: All right. Hi, I'll have you state your name for the record and spell your last name.

MR. LEE: My name is Titus Lee, last name L-e-e.

JUDGE HOGAN: And, Mr. Lee, did you hear me go through the penalties for perjury?

MR. LEE: I did on the tail end of Shine, yes.

JUDGE HOGAN: All right. Perfect. And do you understand what perjury is?

MR. LEE: Yes, ma'am.

(Witness sworn.)

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TITUS LEE,

having been first duly sworn, was examined and testified as follows:

STATEMENT

BY MR. LEE:

MR. LEE: Well, my name is Titus. I am a full-time flight instructor at the airport, the Williston Basin International Airport here. Shine is one of my closest friends. Him and I have done a lot of flying together. I would argue I probably would do some of the most flying in this area, this proposed area here.

Per the government orders for somebody to become a private pilot, which is the entry-level pilot to be able to fly by yourself, you are required to do what we call "ground reference maneuvers." There's three different kinds, and these three maneuvers have to be performed. Per the government standards it even says no higher than a thousand feet off the ground.

I've heard many a horror story over a cup of coffee at another neighboring airport of friends or crop dusters who have gotten, you know, heavily affected or, you know, blown upside down, inside out, all kinds of things from these wind turbines.

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I -- I'm not coming here as a landowner. I'm not coming here as a farmer, but I can tell you I have flown over 600 hours in the last year and a half. I've been instructing over these here fields. I flew over them this morning. I'll fly over them again tomorrow. I was supposed to today, but, you know, it is a little breezy out there.

But altogether, you know, I love this beautiful country out here. I am only 22 years old. I have family out here. My great-grandparents homesteaded in Alamo. And even just this area -- I mean, I know it's not there, but albeit it is awfully close -- there are three different private airstrips people, who I'm on a first-name basis with where they have strips that are very, very close to this area. And even as close as this is to the Williston airport, albeit I know it's not -- right not on top of our airport, but all the training I do out of there, I mean, I can't tell you how many times -- you know, many hours I spend in a day over all this green I see on the map here.

You know, I know the whole idea, at least as far as I see it, is to keep this out of sight and out of mind, but for somebody like myself, I

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mean, I juggle about 28 students, which is almost 20 too many, and, you know, I'm very, very happy, very blessed, very fortunate to be where I'm at, and, you know, this would really impede on my ability to operate safely the way that I do.

You know, that doesn't mean that I couldn't find another area, but in terms of safety, I am out of the way of all other traffic. We hardly have any traffic coming in from the north. Almost everybody's coming in from the west, south or east landwise. Can't really do much over town, obviously. The more closer we get to hills and such, that makes it eventful, especially if my single engine airplane loses the single engine I have.

So all these flat fields up here make it really, really easy for myself as an aviator to teach and -- especially the next generation of pilots. So, you know, hey, this is where we like to be. This is, you know, lots of flat -- flat land where we can safely maneuver, if need be, and if we are to lose our engine or something, you know, this is some of the safest places I can teach this stuff.

So really kind of sad to see all these

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proposed wind turbines getting put up right in my backyard where I almost call my office. So I would just love to see some change, at least some thought put into that a little bit more, I suppose.

JUDGE HOGAN: All right. Thank you.

Ms. Duffus, any questions?

MS. DUFFUS: No questions. Thank you for your time.

MR. PELHAM: I don't. Thanks.

JUDGE HOGAN: Mr. Schock?

MR. SCHOCK: No questions.

JUDGE HOGAN: Commissioner Kringstad?

COMMISSIONER KRINGSTAD: Just a few.

EXAMINATION

BY COMMISSIONER KRINGSTAD:

Q. You had mentioned that there were three private airstrips that you know of that are very close. Do you just -- even like a rough estimate of kind of distance and direction from this proposed project that you could share with us?

A. Not without pulling out a map right now.

Q. Okay. Okay. That's fine.

So I don't know if you were here earlier in the day when we had some discussions about like coordination with the Williston Basin airport

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director, the FAA, Aeronautics Commission.

A. Mm-hmm.

Q. I was just curious, because you have a very unique role, if you had any conversations with the airport director here in Williston about your concerns at all?

A. Who did you speak with?

Q. I just had it. I was thinking the -- whoever the -- whoever the director was.

A. Sorry to make you flip through all those pages.

Q. No. That's fine. Anthony Dudas.

A. Dudas, yeah. He is no longer our director. He has since moved on to Nebraska. We have another airport director, Mr. Ryan O'Rear.

In terms of the FAA especially, you know, what they're really looking for is going to be the approach corridor into the runway. They're, you know, anticipating the well-seasoned pilot with 2,000-plus hours who knows exactly how to fly an approach to a runway that will keep all the -- you know, all the obstructions out of the way and such. There was talk about that.

I don't know enough to be knowledgeable, but with the old airport, you know, and some of the

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buildings in town, that's one of the big reasons we relocated was obstruction clearance. Wanted to expand our little regional airport into a destination for, you know, the airline size that we do see right now.

Definitely not nearly as regarded or protected for those that are learning. You know, I started -- you can get a private pilot's license in only 40 hours of flight time. You know, so my full-time job is keeping students in safe spaces as safely as I can away from obstructions. That's one of the biggest things we teach because one of the biggest killers of pilots is controlled flights into terrain. It's actually something we talk about a lot. It's one of the first things I teach my students is, you know, a loss of situational awareness, which is incredibly easy on a flight deck if you're not careful, can lead into some pretty gnarly things, you know.

And that's one of the beautiful things about this flat land out here is we don't ever have to deal with that, but, you know, this is an added obstruction and obstacle that will very much -- I don't want to say it's going to totally affect me because it's not right on top of the airport.

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But, I mean, traffic mitigation, one of the things we do is we fly further away from the airport. I mean, I literally did it this morning. You know, I took off and landed 15 times this morning. That's why I wasn't here for the aviation part of it. You know, I was teaching students what I -- what I teach every day, you know, how to take off and land, avoid traffic, you know, so especially with that. I mean, I got myself probably -- I mean, looking at the map here, I got myself probably within at least a mile of the project area, I mean, just in simple traffic mitigation today, and even then, not even a thousand feet off the ground.

COMMISSIONER KRINGSTAD: I don't have any more questions, but thank you for your testimony. I will just say that you and the gentleman before you, both very, very impressive. So thank you.

MR. LEE: Thank you.

JUDGE HOGAN: Commissioner Christmann.

EXAMINATION

BY COMMISSIONER CHRISTMANN:

Q. Well, ditto that, and you have my curiosity up how someone only 22 years old is already the flight instructor. How did you get

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into the aviation field to get good enough to already be an instructor?

A. Well, I appreciate the question. I started the aviation program at the Williston High School here. I can't speak highly enough of the program. It was incredible. Through a lot of help and a lot of lawn mowing over the summers, I got my private pilot's license at 17 years old. Kind of had my hair on fire because I thought airplanes were the coolest thing in the world. So I got my private pilot's license just at 17 in March before I graduated high school my senior year.

And then been working out at the airport under Mr. Anthony Dudas as well as the other people out there. We've got a lot of amazing people out at the airport, and it's really fun to see. I mean, aviation's a community that, I mean, really, really doesn't see age much at all. I mean, some of my close friends are guys that are -- I mean, I have a student who's 65 years old, and he's absolutely loving what he does, you know.

I mean, that's really where I got started, I guess, and I love this community to death, especially the low-and-slow flying, getting -- being able to see this country. I mean, I've seen

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things just over North Dakota that, I mean, a fraction of the population gets to see.

I mean, you don't get to appreciate it from an airliner. I mean, being, you know, 2,000 feet off the ground, I mean, that is some of the prettiest -- you want to talk about appreciating this gorgeous country, I mean, that is how you do it, you know. And, I mean, I know that wind turbines aren't the end of the world, but I can tell you they definitely impede on what I'm able to see out here, especially in terms of the farm fields and seeing all the colors change. I mean, shoot, flying as low to the ground as we have to -- like by law that we have to to teach students, you know, there's no -- there's no way around that. You know, this is going to affect us.

And one of the first things I'm going to teach as soon as this changes, I'm going to have to show students here's what to look at on a map, here's how low they tell us -- or how much they tell us to avoid it, and here's the five-time margin of safety that we're going to add on top of it to keep you away from that.

So that way that -- if a student does become a pilot and they end up, you know,

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unfortunately getting themselves into an accident, you know, it's my job to educate them to stay away from that.

Q. Are you very familiar with the ADLS system, the light system that was discussed earlier?

A. I have heard a handful of things about it. Nothing officially, though.

Q. So -- okay. I'll just let it go at that then.

A. Okay.

Q. And in your air traffic involvement, do you talk a lot to crop sprayers?

A. Yes, I do.

Q. And so you get an area the size of this and 57 or 67 turbines go up out there --

A. Yep.

Q. -- is -- is that area of that, is that just something that's pretty much the end of the line for -- for airplane spraying?

A. Yeah.

Q. Do they have to use ground sprayers or are they able to navigate in between these turbines?

A. I actually talked to one of our sprayers last night. He -- he's actually a rotorcraft

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sprayer, which you see very few of, and even he told me he is not able to fly -- I guess he's able to get closer to the turbines than are fixed-wing guys, the guys who fly you know, the big yellow airplanes, the actual spray planes. It's basically off limits for them.

I mean, they -- they can't hardly touch them because they're doing over 150 miles an hour across the ground. I mean, they hardly have enough time to see what they're going to hit, you know. So they have to stay away from -- they definitely have to stay away from those turbines.

Two years ago -- and I will tell you the truth, I'm not a farmer. I know hardly anything. I can't grow weeds in my own garden if I tried, so -- but I do know being close to the crop sprayers, there was a time where we had a ton of rain one year, and we actually used one of the crop -- crop spraying planes to seed a field when the tractors couldn't even get out because they were getting stuck.

And, I mean, you want to talk about what aviation can do for agriculture, I mean, it's unprecedented, and especially this young of an industry, it's only getting crazier and crazier.

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So, yeah, for a crop sprayer, I mean, you can't hardly get an aerial applicator anywhere near there unless you're looking into automated stuff, and even that is tremendously underdeveloped right now. Even in this area, I've helped our rotorcraft guy load and unload his sprayer on my off days up in this area over like last summer and the summer prior, you know. So I've definitely seen it. Albeit I'm not in it, you know, I'm definitely around it probably more than the average Joe, I suppose.

Q. So from your experiences working with agriculture and crop spraying specifically, would you say that that many turbines out there impedes on the private rights of the nonparticipants to be able to --

A. Yes, sir. Without a doubt.

COMMISSIONER CHRISTMANN: Okay. Last thing I just want to say is from my observation from a bit of a distance, I've always thought that Anthony Dudas did some wonderful things for this community, and it sounds to me like you are following in his footsteps.

MR. LEE: Well, thank you. It means the world, and I appreciate it.

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JUDGE HOGAN: Commissioner Haugen-Hoffart.

COMMISSIONER HAUGEN-HOFFART: Great testimony, Mr. Lee. I learned something, it only takes 40 hours to get a pilot's license?

MR. LEE: Yes, ma'am.

COMMISSIONER HAUGEN-HOFFART: All right. Now I have something on my bucket list.

MR. LEE: Call me.

JUDGE HOGAN: All right. Thank you, Mr. Lee.

MR. LEE: Yes, ma'am.

MR. JOHNSON: Hello. My name is Scott Johnson, J-o-h-n-s-o-n.

JUDGE HOGAN: Mr. Johnson, did you hear me go through the penalties for perjury earlier?

MR. JOHNSON: I did.

JUDGE HOGAN: And do you understand what perjury is?

MR. JOHNSON: I do.

(Witness sworn.)

JUDGE HOGAN: All right. Thank you. Go ahead.

SCOTT JOHNSON,

having been first duly sworn, was examined and testified as follows:

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STATEMENT

BY MR. JOHNSON:

MR. JOHNSON: So I'm not going to be as impressive as the two prior to me. I am a nonparticipating landowner in Bonetraill Township. I -- at the risk of perjury, I'm not going to give you the legals because I was unprepared and didn't write them down. But if you look on your map, tower 66, I'm straight east of that, that orange dot.

And earlier it was mentioned or testified to that that's the tower with the closest nonparticipating member in its range. I'm not sure if that's me or if it's another neighbor, but that's the closest one to me.

I've lived out there -- I'm a fourth generation. I've lived out there seasonally since '92. '92 to 2008 I lived out there in the summer. In 2008, I bought the acreage to where my yard is from my parents and moved out there year around.

Now, they owned the land up until recently. So I was aware of this project I think maybe back in 2015, even, when it started because they were contacted by Homestead and their community liaison, I guess, for lack of a better

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term. But I've -- to my knowledge, I was never contacted by them.

My -- I'm testifying here as to my experience with Homestead is quite opposite of most everybody in this room just because it's nonexistent. I have testified at both the planning and zoning meeting and the commission meeting that I opposed it, and neither Mr. Eberl -- did I get that right -- or Mr. Andre have -- you know, he said earlier he's tried to meet the opposition's concerns. I haven't heard from him or Mr. Andre, and I've lived there since 2008.

The farmland my parents owned until recently but I own it now, but that yard where I live, I've been there since 2008. So my experience with Homestead Wind is quite opposite of most of the people here.

I can -- there was a question on the last speaker about the private airstrip. One of those private airstrips is -- from that tower 66, it would be about a mile north on -- it would be Mr. Hauck's land, and I -- I think it was mentioned earlier that he doesn't mind it or whatever. But I just wanted to let you to know that's where one of those airstrips are.

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Another thing I'd like to bring up is that half section state school land where turbine 10 and 12 are proposed. And forgive me, but I thought I heard early in testimony that with the environmental study that there wasn't any grouse within two miles -- that nested within two miles of any turbines. Well, if that statement was made, I find that to be false. That half section, I've hunted grouse there for 40 years in the fall, and in the late spring, early summer I shoot gophers in that pasture, and I've seen young broods of grouse in that half section. So I don't put a lot of trust in their environmental study.

And I guess that's all I have. Thank you for listening to me.

JUDGE HOGAN: All right. Thank you.

Ms. Duffus, any questions?

MS. DUFFUS: No questions. Thank you for your time.

JUDGE HOGAN: Mr. Pelham?

MR. PELHAM: I don't have any questions. Thank you.

JUDGE HOGAN: Mr. Schock?

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EXAMINATION

BY MR. SCHOCK:

Q. Okay. So I just want to clarify. I think I found you here. You said you're nearest to tower 66?

A. Yep.

Q. And you are directly east?

A. Straight east.

Q. 66.

A. The orange dot.

Q. The orange dot?

A. Yep.

Q. You're -- what is that?

A. 6755 144th Avenue Northwest.

Q. You said that too fast for me to write that?

A. 6755 144th Avenue Northwest.

Q. Perfect. And you kind of made reference to you had some concerns that you didn't feel that the company had satisfied. Would you be willing to share what your concerns are?

A. So early on when I learned of this project, I was -- I wasn't for or against it. So I did some research. And I have friends in the community and all over the state, and I contacted a

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friend of mine who runs an elevator down in Dickinson. And I said -- well, I didn't contact him specifically, but we were in conversation, and I brought it up that they want to have these towers. And he kind of laughed. And I said, Well, do you have any clients or customers that have turbines? He said, A lot of them. And, you know, he talks to a lot of farmers in the western half of North Dakota.

So I said, Is there any that are in favor of them? And he laughed, and he said, Yeah, the ones that don't live there. And I said, And opposed? And he laughed and he says, Yeah, the ones that do live there.

So we talked about it a little off and on over -- and this has been -- you know, this process is going on, I think, over ten years now, so it's been a conversation throughout the years. And I don't recall exactly, but probably two or three years ago we were talking about it again, and I asked him if -- if he thought any of those landowners would be interested in talking to me about -- and I didn't want him to, you know -- so he asked a few and one said, yeah, he can give me a call. And he was in opposition.

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So I called him. This was -- I called him then and, you know, like I said, I can't remember exactly when, but it was two or three years ago. And he said he has several turbines on his property. He's north of Bismarck. And he said, I get a substantial check from the company every year. And he's a fourth generation farmer there, too, in his 60s.

And he said, I'll tell you, it's the biggest mistake I ever made in my life. He said, The noise from them is driving me crazy. I want to leave, but, he says, what do I do, you know? And so our conversation was pretty short then. But then I called him again, and I actually tried to get him to come up here and testify for the planning and zoning deal, and he wasn't comfortable with that at all.

And I don't know if you can even -- my recollection of his words were -- you know, it's been truthful, but I really tried to get him here because I knew it would be more of an impact than I talked to a guy from me, but he wasn't willing to do that. But he was pretty adamant about how that noise bothered him.

So I brought that up at the planning and

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zoning meeting, along with a few other things, one being the environmental impact study, which I feel they hid from not only the public but the planning and zoning and the county commissioners.

And I guess that was my opposition that they would have heard. And I've -- to my knowledge, they have not tried to reach out to me about that since those meetings.

MR. SCHOCK: Sure. Okay.

MR. JOHNSON: Thank you.

MR. SCHOCK: Thank you. I don't have any other questions.

JUDGE HOGAN: Commissioner Kringstad?

COMMISSIONER KRINGSTAD: I think all of my questions have been asked and answered. Thank you for your testimony.

MR. JOHNSON: Thank you.

JUDGE HOGAN: Commissioner Christmann.

EXAMINATION

BY COMMISSIONER CHRISTMANN:

Q. Did -- what would you say was the basis of the planning and zoning's decision to support this project?

A. You know, I don't know. It was -- I didn't learn about the planning and zoning meeting

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until just a few days before they had it. They scheduled it during the holidays. I think that was strategic because they knew people would probably be out of town or too busy to attend.

And I felt at that meeting -- they let us get up and speak, but I felt their decision was already made before that meeting happened. I don't know if that answers your question.

Q. A tax revenue thing or like -- or the support from the landowners?

A. There was a lot of that. There was people that testified at that hearing that were in favor of the project, you know, that -- it seemed like there were a lot of misinformed people. There was people that got up and said if this project doesn't come through, the Grenora school and Grenora fire will have to shut down. And it just didn't feel like the public or the landowners in that area had been really informed of things.

COMMISSIONER CHRISTMANN: Okay. Thank you.

MR. JOHNSON: You bet.

JUDGE HOGAN: Commissioner Haugen-Hoffart.

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EXAMINATION

BY COMMISSIONER HAUGEN-HOFFART:

Q. Scott, I have a question. We've been talking about these airstrips, and you brought up that there's one -- you said -- I thought you said one mile?

A. So tower 66, it would be maybe a little over a mile north, northwest of that. There's a green dot and an orange dot across the road. There's a nonparticipating quarter in there, if I read that map right.

Q. So is that a heavily used airstrip?

A. I don't believe so. It's just a private -- his own -- personally, I haven't seen him fly for a while, and I -- like I said, I just pointed that out so you could get an idea of where it was. I believe he's in favor of it and has no problem with the wind turbines. I was just pointing out that that's where one of those is at.

COMMISSIONER HAUGEN-HOFFART: And I appreciate that. I have no further questions. Thank you for your testimony.

MR. JOHNSON: Thank you.

JUDGE HOGAN: Thank you, Mr. Johnson.

MR. JOHNSON: Thank you.

JUDGE HOGAN: All right. I'll have you state your full name for the record and spell your last name.

MR. RYAN BERG: Ryan Myron Silas Berg, B-e-r-g.

JUDGE HOGAN: And did you hear me go through the penalties for perjury earlier?

MR. RYAN BERG: Yes.

JUDGE HOGAN: And do you understand what perjury is?

MR. RYAN BERG: Yes.

(Witness sworn.)

JUDGE HOGAN: All right. Thank you. Go ahead.

RYAN BERG,

having been first duly sworn, was examined and testified as follows:

STATEMENT

BY MR. RYAN BERG:

MR. RYAN BERG: I live in Bonetraill Township, Section 33 -- or 32, and I'm for the project. My dad spoke earlier and, yeah, that's all I -- that's all I've got.

JUDGE HOGAN: All right. Ms. Duffus, any questions?

MS. DUFFUS: No questions. Thank you for your time.

JUDGE HOGAN: Mr. Pelham?

MR. PELHAM: No.

JUDGE HOGAN: Mr. Schock?

EXAMINATION

BY MR. SCHOCK:

Q. So I'm assuming you live at the intersection -- I'm trying to find the street name here and there isn't one.

A. I live on 14804 67th Street Northwest.

MR. SCHOCK: Okay. That is helpful. I have no further questions. Thank you.

JUDGE HOGAN: Commissioner Kringstad?

EXAMINATION

BY COMMISSIONER KRINGSTAD:

Q. So you're Michael's son?

A. Yes.

Q. Got it. Okay.

A. Michael D. Berg.

COMMISSIONER KRINGSTAD: Got it. That's all I had. Thank you.

JUDGE HOGAN: Commissioner Christmann?

COMMISSIONER CHRISTMANN: I needed a minute, but I just found it. I got you. Thank you

for being here.

JUDGE HOGAN: Commissioner Haugen-Hoffart?

COMMISSIONER HAUGEN-HOFFART: No questions, but thank you for your testimony.

JUDGE HOGAN: All right. Thank you.

MR. RYAN BERG: Yep.

JUDGE HOGAN: All right. Is there anybody else that wants to offer testimony?

MR. GARAAS: Hello.

JUDGE HOGAN: Hello. Can I have you state your name for the record and spell your last name?

MR. GARAAS: Yes. I'm James Garaas, G-a-r-a-a-s.

JUDGE HOGAN: And, Mr. Garaas, did you hear me go through the penalties for --

MR. GARAAS: Yes.

JUDGE HOGAN: -- perjury?

And do you understand what perjury is?

MR. GARAAS: Yes, I do.

(Witness sworn.)

JUDGE HOGAN: All right. Thank you. Go ahead.

JAMES GARAAS,

having been first duly sworn, was examined and testified as follows:

STATEMENT

BY MR. GARAAS:

MR. GARAAS: Okay. I live at 14710 74th Street Northwest. It's on the northern border of the main group that's down there and then I'm just southwest of the upper part there. On the map you can kind of see some tree rows that just sit in there.

But anyway what I'm speaking about is the aviators that come up here earlier. On the map if you look on -- in Bonetraill, Section 8, Section 9 and Section 17, you kind of notice there's a big block there. That's out -- that's my grandparents' land. I -- now it's in a trust. I'm part of that trust, so I farm it.

Now with this aviation thing saying now with these towers going up, which will be all the way around that thing, that we would not be able to have them come fly and spray that crop. That is a major concern for me.

The other thing is on part of that and on Section 17 of that, we have a farmstead there which they would consider abandoned. It's got a deleted house, which it is true, but it's got the grove, it's got power there and it's got a well there. My

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great-nephew was planning down the road to build on that.

When this come up, if that goes in, he's not going to do it because there's going to be towers all the way around that thing.

So this affects our family major league time.

Thank you for your time.

JUDGE HOGAN: Ms. Duffus, any questions?

MS. DUFFUS: No questions. Thank you for your time.

JUDGE HOGAN: Mr. Pelham?

MR. PELHAM: No questions.

JUDGE HOGAN: Mr. Schock?

EXAMINATION

BY MR. SCHOCK:

Q. Okay. I got your address. You said Sections 7, 9 and 16 in Bonetraill is where you live?

A. No. Section 8, Section 9 and Section 17.

Q. 17.

A. That's part of the Anderson Trust.

Q. Okay. Anderson Trust.

MR. SCHOCK: Okay. I have no further questions. Thank you.

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JUDGE HOGAN: Commissioner Kringstad.

EXAMINATION

BY COMMISSIONER KRINGSTAD:

Q. Have you expressed any of these concerns with the company?

A. I just found out about this aviation thing just now.

COMMISSIONER KRINGSTAD: Okay. That's all I had. Thank you for your testimony.

MR. GARAAS: Okay.

JUDGE HOGAN: Commissioner Christmann.

EXAMINATION

BY COMMISSIONER CHRISTMANN:

Q. Do you typically have your crops sprayed aerially?

A. It's not all the time, but we do have them come in. So if -- if we decide to put in, like, canola or something like that, which we haven't had for a little while, and that's what we were thinking about doing this year, and then when we get beetles and stuff like that in, you can't go in with a ground sprayer. You've got to have aerial come in and spray that, which I understand.

COMMISSIONER CHRISTMANN: Interesting. Thank you.

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JUDGE HOGAN: Commissioner Haugen-Hoffart?

COMMISSIONER HAUGEN-HOFFART: James, I have no questions for you. Thank you.

MR. GARAAS: All right.

JUDGE HOGAN: Thank you, Mr. Garaas.

Hi. I'll have you state your name for the record and spell your last name.

MR. MANGER: Roger Manger, M-a-n-g-e-r.

JUDGE HOGAN: Mr. Manger, did you hear me go through the penalties for perjury?

MR. MANGER: Yes.

JUDGE HOGAN: And do you understand what perjury is?

MR. MANGER: Yes.

(Witness sworn.)

JUDGE HOGAN: All right. Thank you. Go ahead.

ROGER MANGER,

having been first duly sworn, was examined and testified as follows:

STATEMENT

BY MR. MANGER:

MR. MANGER: I know there's -- they talked like there's 25,000 acres in this project area, and there are 37 owners that signed up in favor of the

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project, but there's only -- and I thought it was 5, but Wade says there's 6 that actually live in the project. There's 2 that live eight or nine miles away. Kurt is one and Floyd Miller is the other one. And the rest live in either California, Montana, Arnegard or around Williston.

There were -- back before the commission meeting -- county commission meeting, there was 58 area residents that signed a petition not supporting the project. Of the -- four of the seven townships involved in the project voted against the project. There are numbers that are -- that are declining giving any input because their landowners are in favor of them and they're not. So they don't dare say anything to lose their rent -- or renters.

I do not live in the project area. My land borders it. I'm three quarter miles away from it. I'm right on the west edge of -- I'm in Strandahl Township, 157-103, Sections 1 and 12. I actually live in Section 12. My grandfather homesteaded Section 1 -- or a quarter in Section 1 in 1906, and I own that quarter today. I'm the third generation owner of it.

There's a cell tower north of -- or up by

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Grenora, east of Grenora. It's about 12 miles straight north of me, and I can see that tower, the light on it sometimes during the day, sometimes at night, depends on clouds or whatever. But that is 335 foot tall, and if these turbines are 370 to 380 feet tall at the -- where the power box is, whatever you want to call it, I'm thinking I'm going to be able to see 12 to 16 towers or turbines from my yard.

The guy that rents my -- or farms my land farms it because my sister and I own land together that we bought from my parents, and then she sold hers, and the guy that was farming it, he said if she sells hers, I don't want to farm yours because it's too broke up. There's too many corners where this farmer can't get into and this farmer can't get into. And I said, Fine. I understand that. So I said I hope the guy that buys hers will farm mine, and he agreed to. But now he's talking about maybe retiring, so I'm not sure what we are going to do, but I hope whoever takes his will also farm mine.

But when I look at this map, there's northeast of me -- and it's probably none of my business because I don't farm it, but there's like

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a triangle of towers 24, 35, 34 and 39, and I don't know how -- if these roads are raised, I don't know how they're going to get in and farm inside that triangle. And if you look at the area around the triangle, there's areas that they aren't going to be able to get in to spray or seed or anything, so you're going to have a lot of weedy areas, noxious weed problems, whatever. Again, not my problem, I guess, but they do spread.

I don't know if I feel like these turbines are very dependable. I'd rather see something like, I don't know, nuclear that supposedly produces four to five more times power, dependable, and takes up a lot less land.

But at the county commission meeting, I said I've been retired for 18 years and living on the farm, and I said I like to -- it's 30 below outside, 20 below in the wintertime, I like to sit in my easy chair, have the sun shining in the south window and it feels warm. Doesn't feel 30 below outside. And the gal said -- I said, I'm concerned about this flicker, and she says, Well, pull your shade. Well, that doesn't help my sunshine. So, anyway, that's their sympathy on that stuff.

Also, I did just a quick research or

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Google, I guess. There is 119 seasonal and permanent residents around Blacktail Dam. 119.

So -- and there's a quote I'd like to -- and again, this is Facebook so don't hold me to it. According to U.S. Energy Secretary Chris Wright, he said, In the last 20 years, the world spent 10 million -- trillion dollars on wind, solar and batteries. It hasn't made it to 33 percent of the global energy and it's driving up prices. Reliable power from oil, gas, coal and nuclear is what actually keeps factories open and homes heated. Betting everything on weather-dependent sources has made energy more costly and less dependable for working families who cannot afford virtual signaling equipment. It's time to stop wasting money on failures and double down on abundant affordable energy that works around the clock.

And I was -- you know, they said that this project would provide power to 104 homes, which I don't question. Not dependable power, but what they didn't say is "or maybe one data center."

And I've also been told -- and I don't remember who or where I heard it, but North Dakota today produces six times the power we actually use, so we export power, which is great. But if we're

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making that much power already, what's one more project that's going to disrupt a lot of other things worth?

A few -- or two or three years ago, Matt come to our township meeting, and he was telling us a lot about this and he -- I said I can't believe it, but he said it was a $600 million project and it was a 30-year project and so on. Well, right now south of Minot, is it Basin Power that wants to replace or has to replace all their turbines? And there's landowners that don't want them anymore. They've had them, but they don't want them now. So I don't know what's going to happen there.

But another friend of mine, he talked to a guy from over by Tioga, and he said, What do you think? He said, If it was me, I'd put one on every bit of land I could and I'd move.

So, you know, they're not all good, I don't think. But I was going to ask you a question, but I guess instead I'm going to maybe rephrase it because I know that Ms. Hoffart -- Commissioner Hoffart and Christmann -- and I'm not sure about Kringstad -- I know they're third generation owners also. I wanted to ask would you want these on your land, but I can't, so just think

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about it and don't answer, I guess, but take that into consideration.

If the American way is the majority rules, I'm asking you do not approve this project. That's all. Thank you.

JUDGE HOGAN: All right. Thank you.

Ms. Duffus, any questions?

MS. DUFFUS: No questions. Thank you for your time.

JUDGE HOGAN: Mr. Pelham?

MR. PELHAM: No.

JUDGE HOGAN: Mr. Schock?

MR. SCHOCK: No questions. Thank you.

JUDGE HOGAN: Commissioner Kringstad?

COMMISSIONER KRINGSTAD: Just one, Roger.

EXAMINATION

BY COMMISSIONER KRINGSTAD:

Q. You had mentioned concerns with shadow flicker, right, essentially coming through your window? Have you spoken to the company at all about that?

A. No. I don't know if there's going to be. I'm just saying that it could be based on the elevation, based on, you know -- and I don't know how they study the flicker because if the wind's

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blowing this direction, the turbines are going to be -- or the blades are going to be facing one way. If it's blowing this direction, they're going to be facing different. So you're going to get flicker, aren't you? I don't know.

I'm just saying that I've lived up here long enough -- well, basically all my life, but I lived in Minot for 38 years, but I've been outside when the wind has changed a hundred and -- or 360 degrees in one day, you know. So I don't know whether them damn things are going to be blowing or which way they're going to be flickering. One guy said, Well, at least they're going to be to the west of you. I said, No, but, I said, I get the sunshine in the morning, you know, so I don't know.

Q. Okay. And so when you -- when you mentioned the comment about essentially pulling the blinds, you were talking about the discussion I think that the witness had with -- with Mr. Schock about potential mitigation --

A. Right.

Q. -- for flicker?

COMMISSIONER KRINGSTAD: Okay. Okay. Thank you.

MR. MANGER: Yep.

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JUDGE HOGAN: Commissioner Christmann.

EXAMINATION

BY COMMISSIONER CHRISTMANN:

Q. So as someone who stays pretty up-to-date on your current events, it sounds like, how would you assess the county commission's decision to approve this that -- you know, a county commission is not nearly as constrained as we are in what we can consider in making a decision on these kinds of things. And so they, according to you, had 58 locals opposing it. Like what did they say about why they decided to approve it?

A. Well, from what I can remember, first of all, planning and zoning did approve it. The commission was just going to agree to or not agree, I guess. One of them -- and I could give you a name but I don't want to, I guess, unless I'm required, but he asked that they delay, and I think Mr. Wade was talking about a 28-page -- he said, I'd like to study this a little more and do some more research. I'd like to have an independent company tell us a little more, maybe talk to the Bowman project and learn what is good or bad or right or wrong. And he said, I'd like to delay it for a month and -- you know, or two, however long

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it takes to get this study done.

And one other of the commissioners said, Well, I thought we were going to vote on this today, so they did. And it took, if I remember right, three votes before they finally passed it. It was, you know -- I wrote it down, but I don't remember now how it went. But it actually -- I think they denied it twice, but then they finally passed it. So it was last-of-the-moment-type thing they wanted to -- they wanted to get it done and go home, you know, I guess is the way I felt.

COMMISSIONER CHRISTMANN: Thank you for being here.

JUDGE HOGAN: Commissioner Haugen-Hoffart.

COMMISSIONER HAUGEN-HOFFART: I have no questions, Roger. Thank you.

MR. MANGER: You're welcome. Thank you.

JUDGE HOGAN: Thank you.

Is there anyone else that wants to provide testimony? I'll have you state your name for the record and spell your last name.

MR. QUARNE: Greg Quarne, Q-u-a-r-n-e.

JUDGE HOGAN: And did you hear me go through the -- go through the -- I'm losing my train of thought. I said it too many times. Did

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you hear me go through the penalty -- perjury penalty earlier?

MR. QUARNE: Yes, I did.

JUDGE HOGAN: And do you understand what perjury is?

MR. QUARNE: Yes.

(Witness sworn.)

JUDGE HOGAN: Thank you. Go ahead.

GREG QUARNE,

having been first duly sworn, was examined and testified as follows:

STATEMENT

BY MR. QUARNE:

MR. QUARNE: We are signed up for the wind project, myself and then I have my wife and I have four children that are buying part of our farm, and they've all signed up for the project also, and they're all for it. They're probably more pro green than I am, but -- but they're definitely in favor, but they just -- they're all working so they could not attend the meeting.

So couple things. When this first came up, I was pretty gung ho about it, but then, you know, you go to a county commission meeting and you think -- and hear your neighbors who are definitely

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opposed -- you know, some people are definitely opposed to it, so I thought, well, I'll go over to Tioga and talk to at least a couple people about their experience with it.

So I talked to two of the people that do have wind turbines on their property, and they said they're not perfect. You know, they're -- and the wind company wasn't perfect, but all in all they were mostly in -- they were in favor of the project. So that was pretty positive.

And you kind of hear about the wind problem. So this is in the middle of winter and Char and I drive up to Tioga with just a phone, you know, noise meter to see how the wind seems. You know, honestly it didn't seem that bad, but I'm surely no expert and that doesn't mean much of anything. But, you know, it seems like they're -- Apex for the most part seems to be addressing the concerns that people have.

You know, the State has certain setbacks and rules that it seems like they've put into place through years of experience and took -- what I hear, Apex is following all those rules and all those regulations to the best of their ability. Unless you guys see something different in your

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information that you received, it looks like they're doing it -- I mean, I can't tell from the outside, but from what I see, it seems like they're doing the best they can.

I mean, I can't imagine going through this. Honestly, I can't imagine the patience to do -- to keep going on these kind of things.

So the other thing is some concerns about aerial spraying. Well, we farm in this area. And I've been farming with my dad, who's still alive, for 46 years. When we first started farming, we didn't farm hardly anything, and so we had to hire a plane to do our work. But since that time, we've had our own spraying equipment. In 46 years, maybe in the first two we had to hire some spraying done, but since that time, honestly, we've never -- and we honestly don't like using aerial spraying because we don't feel they do as good a job. They don't use much water, and so we very -- just don't use them honestly.

So I think it is -- I can see for James, you know, if he's got that one project and he doesn't want to do that by ground rig, it could have some impact on somebody like that. But for the most part, I -- we're going to have quite a few

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towers in the project and to me it's not -- it's not really -- it's really not a worry for me.

But -- and I've never asked him this, but I was wondering -- and I don't know if they'd answer this question, but let's say something came up and we just absolutely needed to have aerial spraying done, I would think almost that Apex would be willing to say, you know what, we can turn these -- we can turn the towers off for a day. We can turn them at the angle they need to be and you can do your application.

I -- I don't know, Matt, would that be a possibility? I mean, but you would think they could, you know. I mean, you'd think they would maybe be willing to work with people. They seem to be working with everything else. I mean, say it's going to take a plane 15 minutes to do this project, can you turn the -- can you turn the power off and turn the windmill for a few minutes? They seem to be cooperative, but maybe they're not.

So -- but -- and I feel bad -- that's it. I'm done. I'm done.

JUDGE HOGAN: All right. Ms. Duffus, any questions?

MS. DUFFUS: No questions. Thank you for

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your time.
JUDGE HOGAN: Mr. Pelham?
MR. PELHAM: I don't. Thank you.
JUDGE HOGAN: Mr. Schock?
MR. SCHOCK: No questions. Thank you.
JUDGE HOGAN: Commissioner Kringstad.

EXAMINATION

BY COMMISSIONER KRINGSTAD:

Q. I apologize if I missed this, Greg. Can -- did you kind of tell us roughly either like the address or the section or the township or --

A. I didn't. It's -- we kind of have some up in the little bit in the northeast corner of the main project.

Q. Okay.

A. And then the kids own the land down in the -- kind of down in the south area of the project.

Q. Okay.

A. Kind of down -- theirs is down by Mike Berg's, the land that the kids own down there, and then ours is a little further north.

COMMISSIONER KRINGSTAD: Okay. That's helpful. Thank you for your testimony.
JUDGE HOGAN: Commissioner Christmann?

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COMMISSIONER CHRISTMANN: I can tell you take these things seriously in not only how they affect you but how they affect -- how they affect your friends and neighbors, and so I always appreciate that. That's just an admirable sign of good citizenship. Thank you for being here.
JUDGE HOGAN: Commissioner Haugen-Hoffart.
COMMISSIONER HAUGEN-HOFFART: I ditto that, Greg. Thank you.
JUDGE HOGAN: Thank you. Is there anyone else that would like to offer testimony this afternoon?
MR. JOHNSON: Would it be possible to speak twice? One quick thing I didn't think of till I sat down.
JUDGE HOGAN: Sure.
MR. JOHNSON: I'm Scott Johnson again.
JUDGE HOGAN: Go ahead.

SCOTT JOHNSON,

having been previously duly sworn, was examined and testified further as follows:

FURTHER STATEMENT

BY MR. JOHNSON:

MR. JOHNSON: Okay. I didn't think of this until I got thinking more about the aviation

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aspect of things, and one thing that's becoming more and more popular in the ag industry is drone application. I don't know if that's something that will affect -- you know, wind turbines will affect those. I can see it being more and more useful in the future. There's people in North Dakota that are doing it now in Williams County even. I don't know of anybody in this zone that's doing it, but it's something that you guys might want to look into because it could essentially be taking away a tool from farmers, you know, being able to farm their -- their land.

I just wanted to -- it's something you should probably consider. So thank you.
JUDGE HOGAN: All right. Thank you.
Anyone else that wants to provide testimony?
All right. Then that'll conclude the public testimony portion of our hearing. Any rebuttal testimony from the applicant?
MS. SMITH: Can we take five minutes just to confirm?
JUDGE HOGAN: Sure.
MS. SMITH: I will say there's been -- there have been several questions about a packet of

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information given to the county commissioners. I just want to confirm, it was agency correspondence that the Commission has all the agency correspondence. It was just supplemental information beyond what was provided in the application to the commissioners at that time. Some of it had been redacted and then the other information was provided, so just wanted to clear the record on that so that there were no questions.
JUDGE HOGAN: Commissioner Christmann.
COMMISSIONER CHRISTMANN: Could it be clarified which of the information was that 28 pages?
MS. SMITH: I'd have to look back at it exactly, but it was agency correspondence at the time. I think it was supplemental simply because there had been a question about communications with the agency, so we provided additional correspondence to the county. It would be -- I'll double-check. I want to say it was Game and Fish for sure, but I'm not positive. Fish and Wildlife, Game and Fish. Yeah. We're just pulling it up.
JUDGE HOGAN: Okay. Let's take a five-minute break, and then we will reconvene.
(Recessed at 4:37 p.m. and reconvened at

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4:43 p.m.)

JUDGE HOGAN: All right. We are going to get started again.

Ms. Smith, any rebuttal testimony?

MS. SMITH: Yes. We're going to call Mr. Eberl back to the stand.

JUDGE HOGAN: Okay. All right. I'll just remind you you're still under oath.

Go ahead, Ms. Smith.

MATT EBERL,

having been previously duly sworn, was examined and testified further as follows:

FURTHER EXAMINATION

BY MS. SMITH:

Q. All right. So, Matt, did you hear some of the concerns that were raised about the ability to aerial spray within the project, including on nonparticipating parcels?

A. Yes, I did.

Q. Has Apex encountered concerns about aerial spraying in the past on other projects?

A. We've heard concerns about it, but we've had other projects where spraying has been ongoing at active projects. In fact, we've had landowners that actually are pilots and spray and spray around

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the turbines.

Q. So how does that work? Do you coordinate with those pilots that are spraying when they're going to be in the area?

A. We would coordinate directly with the landowners if they were hiring sprayers.

Q. And so how -- how does that work? What do you do to coordinate with them?

A. The landowners would usually put us in touch with them in order to coordinate activities, if necessary.

Q. So such as turning off turbines, if needed?

A. Right. There are instances where Apex has worked with flyers to temporarily turn turbines off for safety purposes.

Q. And so have you had a situation where someone who wanted aerial spraying on one of your projects wasn't able to do it?

A. Not to my knowledge.

Q. Would you as Homestead Wind commit to working with landowners that are interested in having aerial spraying within the project, both participating and nonparticipating?

A. Absolutely. And we have spoken to

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landowners about that during the process, participating landowners. Maybe not -- the message might not have been as clear to nonparticipating, to be honest.

Q. And a point of contact would be identified, such as an operations person, that they could communicate with about aerial spraying plans?

A. That's correct. It would be -- it would be managed through our full-time operations and maintenance staff.

MS. SMITH: Okay. I have no further questions.

JUDGE HOGAN: Mr. Pelham, any questions?

MR. PELHAM: Just briefly.

FURTHER EXAMINATION

BY MR. PELHAM:

Q. What about drones -- drone application? Has that come up before?

A. Not to my knowledge, but, again, we would be able to coordinate similarly with them through the landowners.

MR. PELHAM: Okay. Thank you. No other questions.

JUDGE HOGAN: Mr. Schock?

MR. SCHOCK: No questions.

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JUDGE HOGAN: Commissioner Kringstad?

COMMISSIONER KRINGSTAD: No questions.

JUDGE HOGAN: Commissioner Christmann?

FURTHER EXAMINATION

BY COMMISSIONER CHRISTMANN:

Q. Does that coordination and possibly even willingness to shut something off temporarily go only to participants or also to nonparticipants in the area?

A. No. This would be any landowner in the area that had concerns about it.

COMMISSIONER CHRISTMANN: Okay. Thank you.

JUDGE HOGAN: Commissioner Haugen-Hoffart?

COMMISSIONER HAUGEN-HOFFART: Thanks for the information. I have no further questions.

JUDGE HOGAN: All right. Thank you.

MR. EBERL: Thank you.

JUDGE HOGAN: Anything further, Ms. Smith?

MS. SMITH: No, I don't think we have anything further, other than maybe setting deadline for findings.

JUDGE HOGAN: Sure. And I think there was one late-filed exhibit that was going to be submitted; correct?

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MS. SMITH: That is right. Thank you for reminding me that we need to submit that. So could we set -- we'll -- it may be sooner, but could we set maybe a deadline of -- what are we, September -- is it okay to go 30 days out? We may have it done sooner, but that would --

JUDGE HOGAN: Do you want that for both that and then the proposed findings?

MS. SMITH: Yeah. We would do them at the same time.

JUDGE HOGAN: Does that work, Mr. Pelham?

MR. PELHAM: Yep. That does.

JUDGE HOGAN: Okay. So 30 days.

MS. SMITH: I didn't look at that date. I just -- it's probably a weekend.

MR. PELHAM: October 30 is a Friday.

MS. SMITH: That works great.

JUDGE HOGAN: Okay. Then we will set --

MS. SMITH: October 30.

JUDGE HOGAN: -- October 30 as a deadline for both.

All right. Any other housekeeping matters to address, Ms. Smith?

MS. SMITH: We will file copies of 14 and 15 in the docket. We haven't yet. We will also

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just file that corrected sheet that goes to the sound report. Otherwise, I think that's all that we had on our list in addition to the items we just discussed.

JUDGE HOGAN: Mr. Pelham, did you have any matters to address?

MR. PELHAM: I don't. Thank you.

JUDGE HOGAN: All right. We will take closing remarks from the commissioners, and we'll start with Commissioner Kringstad.

COMMISSIONER KRINGSTAD: Well, first of all, I just want to thank every single person in this room. I know this turned into quite a long day. You have families. You have jobs. You have appointments. You have a million and a half other things that you could probably be doing, and yet you chose to stay here with us, participate in our process, and so thank you. Thank you. Thank you.

I also want to commend all of you because we do a lot of -- a lot of projects. We have a lot of hearings. But every single person that we heard from today, I cannot commend you guys enough for how thoughtful you were, how thorough you all were, and above all else, how respectful every single person in this room was to each other, even if you

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didn't agree on every single point.

And in a world where all we hear about is how at odds everybody is, like I said, everybody didn't agree, but it really was kind of refreshing to see the respect and care that you all have for each other. So thank you for that.

We covered a lot of ground today. This was livestreamed on our website. It's also being recorded. So, like I said, if anybody wants to go back and relive some of the highlights or just follow up on some things, this will be available on our website. It may take us a couple days to get that recording up there, but if any of you are interested in that or have any questions on how to get access to that, please reach out to our office and we'll make sure that you can find it if it's not -- if you're having trouble finding it on our website.

So safe travels to everybody who's traveling near and far. And thank you again for everything today.

JUDGE HOGAN: Commissioner Christmann.

COMMISSIONER CHRISTMANN: Kind of ditto that. This was an excellent display of good citizenship where we had people that feel strongly

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on both sides of an issue. People articulated their positions well and yet remained respectful of their friends and relatives who might disagree, and so I appreciate that. It helps us reach the best decision.

Please understand our decisions are somewhat constrained and there are certain things in the law upon which we base our decision, and that's just the way this works.

But we do appreciate all the information. It does help us a lot.

JUDGE HOGAN: Commissioner Haugen-Hoffart.

COMMISSIONER HAUGEN-HOFFART: Yeah. Thank you, guys, for attending. Greatly appreciate hearing from all of you who spoke. It's -- it's tough. I mean, people have a lot of emotion and attachment to a project, be it for or against. And as commissioners, we cannot have a personal opinion about it. We have to follow the law. Nothing more. Nothing less on that.

So Judge Hogan cited at the very beginning what we're here to discuss and come to a conclusion based on those facts.

So I do appreciate everyone's time and input, and safe travels home.

JUDGE HOGAN: All right. Thank you. I will note that it is 4:50 p.m., and that will conclude our hearing for Case Number PU-26-86.

(Concluded at 4:51 p.m., the same day.)

CERTIFICATE OF COURT REPORTER

I, Stephanie A. Smith, a Registered Professional Reporter,

DO HEREBY CERTIFY that I recorded in shorthand the foregoing proceedings had and made of record at the time and place hereinbefore indicated.

I DO HEREBY FURTHER CERTIFY that the foregoing typewritten pages contain an accurate transcript of my shorthand notes then and there taken.

Dated at Bismarck, North Dakota, this 21st day of October, 2026.

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Stephanie A. Smith
Registered Professional Reporter

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