

BEFORE THE SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

DOCKET NO. EL18-003

**IN THE MATTER OF THE APPLICATION BY DAKOTA RANGE I, LLC AND
DAKOTA RANGE II, LLC FOR A PERMIT OF A WIND ENERGY FACILITY IN GRANT
COUNTY AND CONDINGTON COUNTY, SOUTH DAKOTA,
FOR THE DAKOTA RANGE WIND PROJECT**

**DIRECT TESTIMONY OF PAIGE OLSON
ON BEHALF OF THE COMMISSION STAFF
May 4, 2018**

1 **Q. State your name.**

2 A. Paige Olson.

3

4 **Q. By who are you employed?**

5 A. State of South Dakota.

6

7 **Q. For what department or program do you work and what is your job title?**

8 A. State Historic Preservation Office (SHPO), Review and Compliance Coordinator.

9

10 **Q. Please explain the program goals and your role and duties within SHPO.**

11 A. The National Historic Preservation Act of 1966 is the foundation for the
12 preservation work of the South Dakota State Historical Society (SDSHS). The
13 State Historic Preservation Office (SHPO), a program under the SDSHS, is
14 responsible to survey historic properties and maintain an inventory; identify and
15 nominate properties to the National Register of Historic Places; advise and assist
16 federal, state, and local government agencies in fulfilling their preservation
17 responsibilities; provide education and technical assistance in historic
18 preservation; develop local historic preservation programs; consult with federal
19 and state agencies on projects affecting historic properties; and advise and assist
20 with rehabilitation projects involving federal assistance. My specific role is to
21 monitor state permitted and federally funded, licensed or permitted projects to
22 ensure historic properties are taken into consideration. I provide technical

1 analyses, reviews and assistance to government agencies to ensure compliance
2 with state and federal guidelines. I serve as the lead over the review and
3 compliance function of SHPO.

4
5 **Q. On whose behalf was this testimony prepared?**

6 A. This testimony was prepared on behalf of the Staff of the South Dakota Public
7 Utilities Commission.

8
9 **Q. State and explain the South Dakota laws that protect archaeological and
10 historic resources in this state.**

11 A. South Dakota Codified Law 1-19A-11.1 - Preservation of historic property –
12 Procedures. The state or any political subdivision of the state may not undertake
13 any project which will encroach upon, damage or destroy any property included
14 in the State Register of Historic Places or National Register of Historic Places.

15
16 **Q. Have you reviewed the Application and Dakota Range’s testimony?**

17 A. I have reviewed the Application and the pre-filed testimony of David Phillips. I
18 have also reviewed the following documents: *Level I Cultural Resources Records*
19 *Search and Regulatory Review for the Dakota Range I Wind Project (Revised*
20 *Boundary)* (Appendix M), *Cultural Resources Monitoring and Management Plan*
21 *for the Dakota Range I Wind Project* (CRMMP) (Appendix N), and *Level III*
22 *Archeological Inventory of the Dakota Range I Wind Project Archeological High*
23 *Probability Areas, Codington and Grant Counties, South Dakota.*

1 My office also received the report entitled *Reconnaissance Level Architectural*
2 *Survey of the Dakota Range I Wind, LLC Project, Grant and Codington Counties,*
3 *South Dakota.* This report was reviewed by Kate Nelson, Restorations Specialist,
4 also from the SHPO.

5
6 **Q. Has SHPO provided any recommendations to Dakota Range regarding**
7 **places of historical significance and cultural resources?**

8 A. Yes.

9
10 **Q. Please describe what those recommendations were.**

11 A. I recommended standard methods for the identification of cultural resources
12 within the project area, which included the following:

13 1. An official record search from the Archaeological Research Center,
14 which is the official repository for all archaeological information in South Dakota.
15 The record search provides baseline information about previous archaeological
16 surveys conducted in the project area and cultural resources identified as a result
17 of those surveys.

18 2. Conduct a Level III Intensive Survey to relocate known cultural
19 resources and identify unrecorded cultural resources in the project area.

20 3. Analyze the visual effects to architectural resources located within one
21 mile of the project boundaries. The one mile buffer is a standard
22 recommendation made for all wind farm projects given the vertical extent of the

1 project. This is important to consider when attributes such as viewshed are an
2 important element in the significance of the resource.

3 4. Contact the Tribal Historic Preservation Officers (THPO) in South
4 Dakota. THPOs and /or designated tribal representatives are a recognized
5 source of information regarding places of religious and cultural significance to
6 them.

7
8 **Q. Did Dakota Range adequately address those recommendations? If not,
9 please explain.**

10 A. Yes.

11
12 **Q. Do you agree with Dakota Range's conclusions made in the Application
13 and testimony regarding impacts to places of historical significance and
14 cultural resources? If not, please explain.**

15 A. Yes.

16
17 **Q. Is SHPO waiting for any additional studies to review? If so, please explain
18 what those studies are and what SHPO will ultimately do with those
19 studies.**

20 A. No.

21
22 **Q. In your opinion, does the Application and Dakota Range's pre-filed
23 testimony as presented to the Commission contain enough information to**

1 **properly understand any potential adverse impacts to places of historical**
2 **significance and cultural resources? If not, please explain.**

3 A. Through the development of the CRMMP for the Dakota Range I Wind Project,
4 Dakota Range has committed to avoid physical impacts to cultural resources,
5 and coordinate with the SHPO to minimize impacts to resources if complete
6 avoidance is not possible.

7
8 However, the issue of direct and indirect impacts to pre-historic or pre-contact
9 cultural resources was not specifically addressed in the information provided to
10 my office. I was not involved in Dakota Range's engagement with the Sisseton
11 Wahpeton Oyate (SWO) to identify cultural resources, and I am not aware of any
12 subsequent findings or recommendations made by SWO. Dakota Range will
13 need to provide the Commission with SWO's findings and recommendations, if
14 available.

15
16 **Q. If Dakota Range changed any turbine locations from those presented in the**
17 **preliminary layout could that change any of the conclusions Dakota Range**
18 **made regarding potential impacts to places of historical significance and**
19 **cultural resources? Please explain.**

20 A. Dakota Range has committed to reviewing unevaluated areas and complete
21 additional Level III surveys in areas identified as high probability areas in
22 accordance with the CRMMP.

23

1 **Q. Do you have a recommendation for a permit condition, or conditions, the**
2 **Commission should consider?**

3 A. 1. Not only are cultural resource sites non-renewable, but no two sites are same.
4 Once a resource is damaged or destroyed the information the resource may
5 contain about the history of South Dakota is gone. Therefore, I recommend the
6 following condition:

7 “The Applicant agrees to avoid direct impacts to cultural resources
8 that are unevaluated, eligible for or listed in the National Register of
9 Historic Places (NRHP). When NRHP unevaluated, eligible or
10 listed site cannot be avoided, Applicant shall notify the State
11 Historic Preservation Office (SHPO) and the Commission of the
12 reasons that complete avoidance cannot be achieved in order to
13 coordinate minimization and/or treatment measures.”

14
15 2. An unanticipated discovery plan is designed to provide step by step guidance
16 when human remains and/or cultural resources are inadvertently discovered
17 during construction activities. On site employees, contractors or subcontractors,
18 who may not be trained in cultural resources, may be the individuals who initiate
19 the plan. Therefore, I recommend the following condition:

20 “The Applicant agrees to follow the unanticipated discovery plan
21 outlined in the document entitled “Cultural Resources Monitoring
22 and Management Plan for the Dakota Range I Wind Project.”

23

1 3. Places of religious and cultural significance are often comprised of related
2 locations for which the connections may not be obvious to those outside of the
3 culture that holds them significant. It stands to reason that the appropriate
4 individuals to determine which properties are or are not of religious and cultural
5 significance to American Indian tribes is a representative designed by the tribe.

6 Therefore, I recommend the following condition:

7 "The Applicant agrees to consult American Indian tribes in the
8 identification and assessment of the project's impacts to cultural
9 resources that may be of religious and cultural significance to their
10 tribe."

11

12 **Q. Does this conclude your testimony?**

13 **A. Yes.**