

BEFORE THE SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

DOCKET NO. EL19-003

**IN THE MATTER OF THE APPLICATION BY CROWMED RIDGE WIND, LLC
FOR A PERMIT OF A WIND ENERGY FACILITY IN GRANT AND CODINGTON
COUNTIES, SOUTH DAKOTA**

**DIRECT TESTIMONY OF PAIGE OLSON
ON BEHALF OF THE COMMISSION STAFF
May 10, 2019**

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. South Dakota State Historical Society, State Historic Preservation Office (SHPO),
9 Review and Compliance Coordinator.

10

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

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

1 ensure historic properties are taken into consideration. I provide technical
2 analyses, reviews and assistance to government agencies to ensure compliance
3 with state and federal guidelines. I serve as the lead over the review and
4 compliance function of SHPO.

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

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

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

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

16
17 **Q. Have you reviewed the Application and Crowned Ridge's testimony?**

18 A. I reviewed portions of the Application containing the project description and all
19 portions of the Application specific to cultural resources, namely Section 2.0
20 Description of the Nature and Location of the Project, Section 6.0 General Site and
21 Project Component Description (ARSDS 20:10:22:11), Section 18.0 Community
22 Impact (ARSD 20:10:22:23) 18.6 Cultural Resources.

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Q. Has SHPO provided any recommendations to Crowned Ridge Wind regarding places of historical significance and cultural resources?

A. Yes. In a letter dated March 12, 2009, to Mr. Adam C. Holven at Tetra Tech EM Inc.

Q. Please describe what those recommendations were.

A. I recommended that an on the ground survey of the project area be conducted and that all sites identified during the survey be avoided. I also recommended an architectural survey of the project area, including a one-mile buffer around the perimeter of the project area. Finally, I recommend contacting Indian tribes with specific knowledge of this area to discuss the identification Traditional Cultural Properties and places of religious and cultural significance.

Q. Did Crown Ridge Wind adequately address those recommendations? If not, please explain.

A. Yes. On June 16, 2017, I was provided a memorandum entitled “Crowned Ridge Wind Energy Facility Overview and Cultural Review”, which outlined the proposed strategy for the identification of archaeological, historic and Traditional Cultural Properties. The survey strategy was consistent with the recommendations I made in 2009.

1 On April 16, 2019, I received the report entitled "Level III Intensive Archaeological
2 and Traditional Cultural Property Resources Inventory for the Crowned Ridge Wind
3 Turbine Array, Codington and Grant Counties, South Dakota." The survey of the
4 turbine locations was consistent with my recommendations.

5
6 However, I am waiting for the architectural properties survey and the survey of the
7 remaining facilities, such as, access roads, crane paths, collection lines, O&M
8 facilities, concrete batch plant and laydown areas.

9
10 **Q. Do you agree with Crowned Ridge Wind's conclusions made in the**
11 **Application and testimony regarding impacts to cultural resources and**
12 **places of historical significance? If not, please explain.**

13 **A.** I cannot comment until the additional survey information is provided.

14
15 **Q. Is SHPO waiting for any additional studies to review? If so, please explain**
16 **what those studies are and what SHPO will ultimately do with those studies.**

17 **A.** Yes. I am waiting for the survey of the architectural properties and remaining
18 facilities, such as, access roads, crane paths, collection lines, O&M facilities,
19 concrete batch plant and laydown areas.

20
21 **Q. In your opinion, does the Application and Crowned Ridge Wind's pre-filed**
22 **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. I cannot comment until additional survey information is provided.

4
5 **Q. If Crowned Ridge Wind changed any turbine locations from those presented**
6 **in the preliminary layout could that change any of the conclusions Crowned**
7 **Ridge made regarding potential impacts to places of historical significance**
8 **and cultural resources? Please explain.**

9 A. It is unlikely that a change in the preliminary layout would physically impact any
10 properties that are listed in the State or National Register of Historic Places.

11
12 **Q. Do you have a recommendation for a permit condition, or conditions, the**
13 **Commission should consider?**

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

18 "The Applicant agrees to avoid direct impacts to cultural resources that are
19 unevaluated, eligible for or listed in the National Register of Historic Places
20 (NRHP). When a NRHP unevaluated, eligible or listed site cannot be
21 avoided, Applicant shall notify the State Historic Preservation Office
22 (SHPO) and the Commission of the reasons that complete avoidance

1 cannot be achieved in order to coordinate minimization and/or treatment
2 measures.”

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4 2. The Sisseton-Wahpeton Oyate, Yankton Sioux, Rosebud Sioux and Spirit Lake
5 Tribal Historic Preservation Officers (THPOs) have determined that the Project will
6 impose setting-related impacts at sites of traditional, cultural and religious
7 importance to Native peoples and have the support of the project archaeologists.
8 The Project developers worked with the THPOs to create the following avoidance,
9 minimization, and mitigation measures for TCPs. Therefore, I recommend the
10 following condition as outlined in the Application on page 103, Section 18.6.3.1:

11
12 “The Applicant agrees to implement the avoidance, minimization and
13 mitigation measures identified for TCPs:

- 14 • Implement standard avoidance or resource protection
15 practices (e.g., barrier fencing, contractor training) where
16 feasible in collaboration with the Sisseton-Wahpeton Oyate,
17 Yankton Sioux, Rosebud Sioux and Spirit Lake THPOs and
18 the Applicant.
- 19 • Make best effort to identify participating landowners who may
20 be willing to work with the tribes on site preservation,
21 accessibility and protection of TCPs on their property.
- 22 • Conduct site revisits prior to construction.

- 1 • Help facilitate post-construction site revisits for tribes with the
2 landowners.
- 3 • Identify and implement education/interpretation opportunities
4 regarding tribal resource preservation and/or Native American
5 perspectives which may include sensitivity training when
6 needed. “

7

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

9 **A. Yes.**