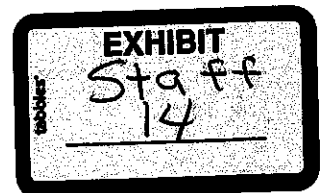


BEFORE THE SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

DOCKET NO. HP14-002

**IN THE MATTER OF THE APPLICATION OF DAKOTA ACCESS, LLC FOR AN
ENERGY FACILITY PERMIT TO CONSTRUCT THE DAKOTA ACCESS PIPELINE**

**Direct Testimony of DeAnn Thyse
On Behalf of the Staff of the South Dakota Public Utilities Commission
July 6, 2015**



1 **Q: Please state your name and business address.**
2
3 A: DeAnn Thyse, Natural Resource Group, LLC, an ERM Group Company
4 1000 IDS Center, 80 S 8th St, Minneapolis, MN 55402
5
6 **Q: Describe your educational background.**
7
8 A: I have a Bachelor of Arts degree in Anthropology from the University of
9 Wisconsin and a Master of Arts in Anthropology from the University of Minnesota.
10
11 **Q: By whom are you now employed?**
12
13 A: Natural Resource Group, LLC, an ERM Group Company
14
15 **Q: What work experience have you had that is relevant to your involvement on
16 this project?**
17
18 A: I have worked as a cultural resources specialist for more than 15 years and have
19 experience with cultural resource surveys and permitting, including for natural
20 gas and oil pipelines and electric transmission lines in the United States. I have
21 expertise in cultural resource management and experience in field survey
22 management, federal and state permitting and consultations, and preparation of
23 environmental review documents on behalf of applicants or agencies.
24
25 **Q: What is the purpose of your testimony?**
26
27 A: The purpose of my testimony is to provide comments on Dakota Access's
28 application to the South Dakota Public Utilities Commission (PUC) for a permit to
29 construct the Dakota Access Pipeline Project under the Energy Conversion and
30 Transmission Facility Act. My testimony includes comments pertaining to cultural
31 resources.
32
33 **Q: What methodology did you employ?**
34
35 A: I reviewed the revised application submitted by Dakota Access and their
36 responses to data requests from SD PUC staff.
37
38 **Q: Did you review section 23.6 of the Revised Application that addresses the
39 impacts on cultural resources?**
40
41 A: Yes, I did review section 23.6, Forecast of Impact on Cultural Resources, of the
42 revised application.
43
44 **Q: In your opinion, were the cultural resource surveys completed by Dakota
45 Access consistent with surveys completed for other similarly situated
46 projects?**

1 A: This project is anticipated to be authorized by USACE Nationwide Permit 12
2 through the submittal of a Pre-Construction Notification (PCN) to the USACE. As
3 lead federal agency, the USACE is required to comply with Section 106 of the
4 National Historic Preservation Act (NHPA) which requires federal agencies to
5 take into account the effects of agency actions on properties that are listed in or
6 eligible for listing in the National Register of Historic Places (NRHP).

7
8 Consistent with the terms of the PCN, Dakota Access is complying with Section
9 106 of the NHPA and the guidelines set forth by the State of South Dakota
10 (South Dakota Codified Law 1-19A-11.1) by conducting field surveys to identify
11 sites within the pipeline construction right-of-way that may be eligible for listing in
12 the State or National Register of Historic Places. Dakota Access submitted a
13 scope of work (SOW) to the South Dakota State Historic Preservation Office
14 (SHPO); the SHPO reviewed the SOW and requested revisions which were
15 incorporated by Dakota Access and implemented during the cultural resources
16 survey. Additionally, Dakota Access submitted a plan outlining the
17 geoarchaeological methods to be used for identifying buried cultural deposits,
18 which was reviewed and accepted by the SHPO.

19
20 The cultural resource surveys as proposed complied with federal and state
21 regulations and therefore are consistent with surveys completed on similar
22 projects. Final comments regarding the surveys are pending the SHPO's review
23 of the survey report, which Dakota Access submitted to the SHPO in June, 2015.

24
25 **Q: Please summarize Dakota Access's findings as to the potential impacts the**
26 **pipeline may have on South Dakota's cultural resources.**

27
28 A: The revised application includes results of archaeological survey conducted by
29 Dakota Access between August and November, 2014. As a result of this survey,
30 17 sites required additional archival research and/or artifact analysis in order to
31 make a recommendation of eligibility for listing in the NRHP. Eight sites eligible
32 for listing in the NRHP were identified within the project footprint. Dakota Access
33 has committed to avoiding eligible sites or mitigating impacts to any eligible sites
34 that cannot be avoided by the project. Three of the eligible sites will be avoided
35 by changes to the project route or by horizontal directional drill (HDD) or boring
36 methods. The remaining five eligible sites could not be avoided and will be
37 impacted by the project; mitigation strategies are described in the following
38 response. A summary of impacts to cultural resources identified during the
39 remaining survey completed in spring 2015 is pending review of the survey report
40 submitted to SHPO.

41
42 **Q: Does Dakota Access propose any mitigation strategies for preservation of**
43 **South Dakota's cultural resources? If so, please explain what those**
44 **strategies are.**
45

1 A: The five eligible sites that cannot be avoided by the project are historic railroad
2 beds; the rails and ties have been removed from the railroad so only the berms
3 remain. Dakota Access has consulted with the SHPO to determine mitigation
4 measures to minimize impacts to these sites. After construction through the
5 railroad beds, Dakota access will reconstruct the berm to the pre-construction
6 contours and will provide photographic documentation and a brief context of each
7 site.

8

9 **Q: In your opinion, do you believe that Dakota Access's mitigation strategies**
10 **will adequately preserve South Dakota's cultural resources?**

11

12 A: The mitigation strategies were developed in coordination with and approved by
13 SHPO so I believe they will adequately preserve South Dakota's cultural
14 resources.

15

16 **Q: Do you have any additional recommended mitigation strategies that should**
17 **be implemented in order to preserve South Dakota's cultural resources?**

18

19 A: In response to a PUC data request, Dakota Access provided a copy of an
20 Unanticipated Finds Plan (*Unanticipated Discoveries Plan, Cultural Resources,*
21 *Human Remains, Paleontological Resources, & Contaminated Media*) referenced
22 in its revised application. The plan identifies measures to be implemented in the
23 event that undocumented cultural resources or human remains are discovered
24 during construction. I recommend that the PUC requires that Dakota Access
25 implement this plan during the construction phase of the project, with a provision
26 that the plan be revised to include any changes identified by the SHPO or
27 USACE through the Section 106 process.

28

29 **Q: Does this conclude your testimony?**

30

31 A: Yes.



an ERM Group company

DeAnn Thyse

Email: deann.thyse@NRG-LLC.com

DeAnn is a Consultant in Natural Resource Group, LLC's (NRG) Minneapolis office. She specializes in providing oversight of compliance with the requirements of Section 106 of the National Historic Preservation Act (NHPA), and serves as a cultural lead on a variety of projects throughout the United States. DeAnn has been working in the cultural resources field since 1997 and has experience with cultural resource surveys and permitting. She conducts agency consultations, manages cultural resource sub-consultants, and provides quality control of fieldwork and report preparation to ensure compliance with the NHPA.

Selected Project Experience

- Enbridge Energy, L.P., Southern Access Expansion Program, 2012 to Present, 165 miles of 24-inch-diameter crude oil pipeline in Illinois: Task Manager responsible for managing cultural resources surveys, Phase II evaluations, and geomorphological testing for compliance with NHPA with the U.S. Army Corps of Engineers serving as the lead federal agency.
- CenterPoint Energy, Bear Den Gathering Project, Phases I and II, 2012 to Present, 99 miles of 4- to 6-inch-diameter oil pipeline and saltwater transport pipeline in North Dakota: Cultural and Paleontological Task Manager responsible for managing cultural and paleontological survey located on state, federal, and private lands; coordinating agency and tribal consultations; and overseeing sub-consultants' and tribal surveyors fieldwork, report production, and development and implementation of a cultural resources testing plan. Also responsible for writing Unanticipated Finds Plans and the Cultural Resource section of the environmental assessment (EA) and Plans of Development.
- Gulf South Pipeline Company, LP, Southeast Market Expansion Project, 2012 to Present, 70 miles of multi-diameter natural gas pipeline and three new compressor stations in Mississippi and Alabama: Task Manager responsible for reviewing the cultural resource survey and resource reports and associated agency correspondence as a third-party reviewer of an EA for the Federal Energy Regulatory Commission (FERC). Review variance requests submitted during construction to ensure covered by cultural resource surveys.
- New Frontier Midstream, South Heart Pipeline Project, 2012 to 2013, approximately 69 miles of new 6-inch-diameter pipeline in North Dakota and Montana: Field Coordinator and Cultural Task Manager responsible for coordinating cultural and biological surveys on state, federal, and private lands as well as coordinating agency and tribal consultations.
- Questar Pipeline Company, JL 47 Loop Project, 2012 to 2013, 14.7 miles of new, 16-inch-diameter pipeline in Utah: Cultural Task Manager responsible for managing cultural survey located on state and federal lands; coordinating agency and tribal consultations; preparing the cultural resource report for the FERC application; writing an Unanticipated Finds Plan; writing the Cultural Resource section of the EA; and overseeing sub-consultants' cultural resources fieldwork and report production.
- CenterPoint Energy, A-206 Replacement Project, 2012 to 2013, approximately 1 mile of new 24-inch-diameter natural gas pipeline in Illinois: Cultural Task Manager responsible for managing cultural survey and geomorphological testing on private lands, coordinating agency



consultations, and overseeing sub-consultants' cultural resources fieldwork and report production.

- Transcontinental Gas Pipe Line Company, LLC, Rockaway Delivery Lateral Project, 2012 to Present, 3.2 miles of new 26-inch-diameter natural gas pipeline and a new meter and regulating station in New York: Task Manager responsible for reviewing the cultural resource survey and resource reports and associated agency correspondence as a third-party reviewer of an Environmental Impact Statement for the FERC.
- Northern Natural Gas, ongoing, System-wide Operation and Maintenance Projects for FERC regulated pipeline system in Minnesota and Nebraska: Cultural Task Manager responsible for conducting cultural resources records reviews, overseeing sub-consultants conducting cultural resources records reviews, and consultation with the appropriate State Historic Preservations Offices.
- Dominion Virginia Power, Harrisonburg to Endless Caverns Transmission Line, 2012, replacing approximately 20 miles of 230 kilovolt (kV) transmission line: Project team member responsible for coordinating project introduction letters for local, state and federal agencies; overseeing the background cultural literature review; reviewing sub-consultant's report; and ensuring client meets state requirements for assessing impacts to historic resources.
- Kinder Morgan Bakken Crude Oil Project, 2012, conversion of existing pipeline system to accommodate batched deliveries of crude oil and new storage and interconnect facilities located in North Dakota, Minnesota, and Michigan: Cultural Task Manager responsible for overseeing cultural resources records review and reporting for locations in multiple states.
- Dominion Virginia Power, Lexington to Dooms Transmission Line, 2012 to 2013, replacing approximately 39 miles of 500 kV transmission line: Cultural Task Manager responsible for coordinating project introduction letters for local, state, and federal agencies; overseeing the background cultural literature review and pre-application cultural resources analysis; reviewing sub-consultant's report and photo simulations; and ensuring client meets state requirements for assessing impacts to historic resources.
- Michael Baker Jr., Inc., Phoenix, Arizona, 2005 to 2010: Coordinated and consulted with multiple sub-consultants, state and federal agencies, and tribal entities on behalf of clients. Managed completion of cultural resources surveys at 165 separate locations and supported the Department of Homeland Security's agency official with cultural resource compliance. Oversaw sub-consultants' historic property identification fieldwork, evaluation, analysis, and report production, and tracked their progression to verify that they were on schedule. Reviewed sub-consultant reports to ensure they fulfilled federal requirements and worked with sub-consultants to finalize reports after addressing edits. Managed scheduling of environmental monitoring for pre-engineering surveys in multiple states; coordinating with sub-consultant to provide these monitors. Worked with both monitor and engineering sub-consultants to ensure environmental requirements were met. Helped develop a Communication and Coordination Plan for use by Office of Border Control (OBP) and the Tohono O'odham Nation for tactical infrastructure projects on the Nation. Assisted with development of a Cultural and Historical Resources Protection Plan and an Inadvertent Discovery Plan and the associated archaeological awareness training to support the



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Programmatic Agreement for the closure and disposal of Camp Bonneville, Washington. Administered all company cultural resources permits and permissions from Arizona's land management agencies and repositories. Provided general support to Project Manager on various environmental and civil engineering projects. Assisted with management of multi-million dollar project budgets, including monitoring sub-consultant billing and verifying timely payment of invoices, tracking receipt of payment and assisting in solving billing and payment issues with the client, and working with sub-consultants and clients to define project scope and budget.

Education and Training

- M.A., Anthropology, University of Minnesota, 2008
- B.A., Anthropology, University of Wisconsin at Madison, 1993