

**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 8<sup>th</sup> 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.**

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.