

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

**IN THE MATTER OF THE APPLICATION BY SCS CARBON TRANSPORT LLC FOR
A PERMIT TO CONSTRUCT A CARBON DIOXIDE TRANSMISSION PIPELINE**

SD PUC DOCKET NO. _____

**PRE-FILED DIRECT TESTIMONY OF ERIN SALISBURY, M.A., RPA
ON BEHALF OF SCS CARBON TRANSPORT LLC**

November 19, 2024

1 **Q. Please state your name, employer, and business address.**

2 A. My name is Erin Salisbury. My employer is Exp Energy Services Inc.

3 **Q. Briefly describe your educational and professional background.**

4 A. I have a B.A. and M.A. in Anthropology and am a Registered Professional Archaeologist.
5 I have worked in cultural resources management for approximately 25 years. I have experience
6 conducting and overseeing archaeological surveys, data recovery and analysis, authoring cultural
7 resource reports, and managing tribal outreach and consultation for projects across Minnesota,
8 Illinois, Iowa, North Dakota, South Dakota, Nebraska, Kansas, Montana, Wyoming, Colorado,
9 Utah, New Mexico, California, Louisiana, Texas, Oklahoma, Arkansas, Georgia, and Florida. My
10 resume is attached as Exhibit 1.

11 **Q. What is your role with respect to the Application?**

12 A. I oversee cultural resource management activities for the Project and act as Tribal
13 Outreach Program Manager. With respect to cultural resource management, I work with and
14 oversee SCS Carbon Transport LLC's (SCS) contractors in developing field survey methodology,
15 reviewing field data, preparing survey reports, and making recommendations for the Project. As
16 SCS's Tribal Outreach Program Manager, I am responsible for coordinating with the Tribes and
17 Tribal Historic Preservation Offices (THPO)/Tribal Cultural Specialists.

18 **Q. What is the purpose of your Direct Testimony?**

19 A. The purpose of my Direct Testimony is to describe the ongoing cultural resource surveys
20 that are being conducted for the Project. In addition, I will provide an overview of SCS's
21 coordination with the South Dakota State Historical Society (SHS)/South Dakota Historic
22 Preservation Office (SDSHPO) and Tribes with respect to cultural resources and the Project.

23 **Q. What exhibits are attached to your Direct Testimony?**

24 A. The following exhibit is attached to my Direct Testimony:

25 Exhibit 1: Resume.

26 **Q. Please identify the sections of the Application that you are sponsoring for the**
27 **record.**

28 A. I am sponsoring the following portions of the Application:

- 29 • Section 6.4 - Cultural and Historical Resources
- 30 • Section 7.1 - Tribal Outreach
- 31 • Appendix 20 – Correspondence with SDSHPO
- 32 • Appendix 21 – Unanticipated Discovery Plan

33 **Q. What recommendations, if any, have been made by SHS/SHPO regarding the**
34 **cultural resource survey protocols for the Project?**

35 A. The Level III cultural resources investigation was conducted in compliance with provisions
36 of the National Historic Preservation Act of 1966 (as amended) (NHPA), South Dakota Codified
37 Law 1-191-11.1 (11.1), the South Dakota Historic Preservation Office’s South Dakota Guidelines
38 for Compliance with the NHPA, South Dakota Codified Law 1-19A-11.1 as well as a scope of work
39 approved by the SDSHPO dated September 27, 2021.

40 **Q. Has SCS consulted with area Tribes in connection with the Project?**

41 A. SCS is committed to building relationships with Tribes, Tribal Communities, and Native
42 American-Owned businesses as the Project is planned, constructed, and operated. SCS has
43 reached out to 62 Tribes with current and historic ties to the Midwest Carbon Express (MCE)
44 Project area, including the nine federally recognized South Dakota Tribes. Initial outreach
45 occurred at the very start of the MCE Project in August 2021 with Project information and an
46 invitation to participate in field studies. Annual informational webinars hosted by SCS are put on
47 every year to inform the Tribes of MCE Project activities.

48 Tribes have also been invited to conduct their own Traditional Cultural Properties (TCP)
49 studies since 2021. SCS offered to compensate Tribes for conducting studies that seek to identify
50 possible TCP/historic properties that could be located within the Project corridor. To date, no Tribe
51 has requested to conduct a TCP study. If any TCP studies are completed by Tribes, they will be
52 provided to the SDSHPO and U.S. Army Corps of Engineers as privileged and confidential
53 information and not available to the public.

54 **Q. How much of the proposed route will be surveyed for cultural resources?**

55 A. SCS has elected to target 100 percent inventory or cultural survey of the route, not just
56 high probability areas and federal jurisdictional areas. To date, SCS has completed cultural
57 resource surveys for approximately 70% percent of the Project route in South Dakota (hereafter
58 referred to as the “Project”) based on mileage. The cultural resources surveys will continue as
59 access becomes available and will be completed for the entirety of the Project footprint,

60 including all Project workspaces and access roads. The Environmental Survey Corridor (ESC)
61 for the cultural surveys for the Project covered a 300-ft-wide corridor for all route corridors, a 50-
62 ft (15.0 meter) wide corridor for access roads, and the total footprint of any aboveground
63 facilities (i.e., pump stations, launcher and receivers, and MLVs).

64 As of September 28, 2024, archaeological inventories have been conducted for
65 approximately 495.17 miles (18,031.60 acres) of the current 300-ft wide centerline route through
66 South Dakota. Archaeological inventories have also been conducted for 9.05 miles (104.23 acres)
67 of access roads and 19.70 acres of project facilities along the current ESC. The total amount of
68 cultural survey progress within the ESC includes 18,155.53 acres.

69 **Q. Please describe the cultural resource investigations conducted for the Project to**
70 **date.**

71 A. SCS hired Perennial, who conducted a Level I literature review through the South
72 Dakota Archaeological Research Center's Archaeological Resources Management System
73 (ARMS) online database on August 27, 2021, prior to the start of fieldwork. Literature or
74 background reviews are conducted to locate and evaluate previous cultural resources surveys
75 and previously recorded archaeological sites within a 1.0 mi (1.6 km) radius of the Project
76 center line. SCS then hired Gray & Pape to conduct background literature reviews for cultural
77 resources. On March 8, 2022, Gray & Pape accessed the ARMS database to review
78 background records for additional areas added to the Project. On August 25, 2023, Gray & Pape
79 accessed the ARMS database to again review background records for previous cultural
80 resources surveys and previously recorded archaeological sites within a 1.0 mi (1.6 km) radius
81 of the frozen centerline. In 2024, Gray & Pape accessed the ARMS database multiple times to
82 review background records for additional areas added to the Project. The literature reviews
83 were requested to the SDSHPO on the following dates: February 12, July 19, August 8, August
84 15, and August 19, 2024.

85 A Level III cultural resources investigation was conducted in compliance with state and
86 federal law. The Level III field survey methods included standard pedestrian survey of the entire
87 Project environmental survey areas, and shovel testing across areas where surface visibility
88 was less than 10 percent. Previously recorded and newly documented cultural resources were
89 assessed and evaluated utilizing eligibility criteria to determine NRHP status. The first round of
90 Level III survey investigations began on September 28, 2021, and continued until November 29,
91 2021. The second round of cultural resources surveys were conducted between November 30,

92 2021, and July 2, 2022. The third round of cultural resources surveys were conducted between
93 July 3, 2022, and November 18, 2022. In 2023, a fourth round of cultural resources surveys
94 were conducted between April 24, 2023, and August 31, 2023. In 2024, a fifth round of cultural
95 resources surveys were conducted between May 5, 2024, and September 28, 2024. SCS has
96 maintained contact with the SDSHPO at all points during this process. More information on the
97 Cultural Resources Recorded in the ESC can be found in Table 39 of the Application.

98 **Q. Have Tribal Cultural Specialists participated in cultural resource field**
99 **investigations conducted to-date?**

100 A. Yes. Where SCS has been granted permissions to access a property, the Tribes have
101 been afforded the opportunity to accompany archaeological crews along the entire route, or to
102 conduct their own studies if permitted by the landowner. So far, 38 Tribal Cultural Specialists from
103 9 Tribes have agreed to participate in the archaeological field studies including: Fort Peck
104 Assiniboine and Sioux Tribe, Little Shell Chippewa Tribe, Mille Lacs Band of Ojibwe, Northern
105 Cheyenne Tribe, Rosebud Sioux Tribe, Sisseton Wahpeton Oyate of the Lake Traverse
106 Reservation, Three Affiliated Tribes of the Fort Berthold Reservation, Turtle Mountain Band of
107 Chippewa, and Yankton Sioux Tribe.

108 In South Dakota, specifically, the following Tribes have participated in the cultural
109 resources surveys: Rosebud Sioux Tribe, Northern Cheyenne Tribe, Three Affiliated Tribes of the
110 Fort Berthold Reservation, and Sisseton Wahpeton Oyate of the Lake Traverse Reservation. To
111 date, Tribal Cultural Specialists have identified 1,118 resources across all routes surveyed in the
112 five states, 414 of which are in South Dakota. All of these resources have been avoided or have
113 reroutes pending and will be avoided by the Project.

114 **Q. Please discuss the results of the Level I literature review.**

115 A. The background reviews provided information on previously recorded cultural resources
116 and previous surveys in the vicinity of the Project area in South Dakota. The literature review
117 revealed that 318 cultural resources had been previously recorded within a 1.0-mi (1.6 km)
118 radius of the Project ESC. These resources consist of 137 prehistoric sites, 130 historic Euro-
119 American sites, 9 multicomponent sites, 6 unknown depression sites, 3 unknown cairns, 1
120 unknown artifact scatter, 21 prehistoric isolated finds, 9 Euro-American isolated finds, and 2
121 unknown isolated finds. Of the 318 previously identified archaeological resources, 129 are
122 considered eligible for inclusion to the National Historic Preservation Act (NRHP), 120 of the
123 sites have not been evaluated, and 69 are recommended to be not eligible. Additionally, the

124 background review revealed that 1,025 structures have been previously recorded within a 1.0-
125 mi (1.6 km) radius of the ESC, each of which was assigned its own unique SHPO ID number.
126 Some examples of these structures include common residences or houses, farmsteads, barns,
127 farm outbuildings like sheds, schools, and motels. Twenty-two cemeteries, 117 bridges, and two
128 historic districts were also identified through the background reviews within a 1.0 mi proximity of
129 the project ESC. The historic districts included the Karla Farming District and the Lake Preston
130 Tourist Park Historic District.

131 Additionally, the background review determined that a total of 466 previous archaeological
132 studies have been conducted within a 1.0-mi (1.6-km) radius of the environmental survey area.
133 These Projects consisted primarily of compliance-driven work for roadway and bridge
134 improvements, utility installations, and large pipeline corridors. The current Project is adjacent to,
135 and crosses, the Northern Border Pipeline Project, the fieldwork for which was conducted
136 between 1979 and 1981. This work resulted in the identification of 107 archaeological sites,
137 several of which were investigated for the current Project. Surveys for the Dakota Access Pipeline
138 Project were conducted between 2014 and 2015, which also crosses portions of the current
139 Project. Eighty cultural resources were recorded during Dakota Access Pipeline Project surveys,
140 and several of these archaeological sites were investigated during inventory of the current Project.

141 **Q. Please discuss the results of the Level III cultural resource field investigations**
142 **conducted to-date.**

143 A. Surveys resulted in the documentation of 67 archaeological resources within the current
144 ESC. These include 59 newly recorded archaeological sites, and eight previously recorded
145 archaeological sites. Forty-one historic Euro-American sites, 19 prehistoric sites, 6 prehistoric
146 isolated finds, and 1 multicomponent site were documented within the ESC. Euro-American site
147 types include 22 railroads, 8 farmsteads, 6 historic artifact scatters, 2 historic foundation sites, 1
148 historic depression with an artifact scatter, 1 isolated historic depression, and 1 historic road. Of
149 the prehistoric sites identified, 7 are prehistoric artifact scatters, 5 are stone circle sites, 4 are
150 stone circle and cairn sites, 1 is a stone circle and prehistoric artifact scatter, 1 is a prehistoric
151 habitation site, and 1 is a prehistoric mound site. Additionally, 6 newly recorded prehistoric
152 isolated finds were identified and documented. The multicomponent site consists of a prehistoric
153 and historic artifact scatter.

154 Of the 67 sites documented, 32 are recommended as eligible for inclusion to the NRHP,
155 6 remain unevaluated, and 1 is listed in the NRHP. These sites have all been avoided or will be

156 avoided once minor route variances have been implemented. Twenty-two sites and the 6 isolated
157 finds are recommended as not eligible, and no further work is required. Table 39 lists the
158 resources identified during inventory of the Project.

159 **Q. Will additional Level III cultural resource field investigations be conducted for the**
160 **remainder of the route?**

161 A. As previously stated, to date, SCS has completed cultural resource surveys for
162 approximately 70% percent of the Project route in South Dakota based on mileage. Surveys will
163 be completed once access has been granted across the remaining properties during the 2025
164 field season, or when access becomes available. SCS is committed to surveying 100 percent of
165 the route and anticipates completion of surveys and associated addendum reports in Q3/Q4 of
166 2025. The SDSHPO will provide their concurrence within 60 days of receipt of the report
167 addendum.

168 **Q. Will the Level I and Level III results be submitted to SHS/SHPO?**

169 A. Yes. SCS will prepare Level III technical reports for the cultural resource studies and
170 submit them to the SDSHPO for their review and comment. To protect these sensitive
171 resources, SCS will not submit information about the location of cultural resources with this
172 application, unless specifically requested by either SDSHPO or the Commission and agreed
173 upon by both.

174 Only the title page and abstract of cultural resources technical reports will be submitted
175 as documentation of the surveys and evaluations for this application and any other public filings.
176 SDSHPO review and comment letters for technical reports will be submitted as supplemental
177 filings to this application.

178 The SDSHPO concurred with the Project recommendations included in the South
179 Dakota Main Report in a letter dated August 24, 2022. The SDSHPO concurred with the results
180 of the South Dakota Addendum 1 report in a letter dated November 21, 2022. The SDSHPO
181 concurred with the results of the South Dakota Addendum 2 report in a letter dated May
182 22,2023. The South Dakota Addendum 3 report is currently under review by the SDSHPO. The
183 results of the 2024 field season are currently being documented in the South Dakota Addendum
184 4 report and will be submitted to the SDSHPO after concurrence is received for the Addendum 3
185 report.

186 Once Level III cultural resource field investigations are completed for the remaining
187 portions of the route, SCS will prepare a report detailing the findings and submit the report to
188 SDSHPO for review. Once the SHS/SDSHPO concurrence letter is received, it will be provided
189 to the South Dakota Public Utilities Commission.

190 **Q. What steps will SCS take to avoid, minimize, and/or mitigate impacts to cultural**
191 **and tribal resources?**

192 A. SCS will attempt to avoid all eligible archaeological sites, historic structures, and Tribal
193 resources, and to date all eligible and Tribal sites have been avoided via reroutes or
194 construction methodology (e.g., horizontal direction drill [HDD]), or have reroutes pending. If
195 future eligible or Tribal sites cannot be avoided through design or construction efforts SCS will
196 conduct formal evaluations in consultation with the SDSHPO and Tribes to seek resolution
197 through mitigation for those sites that meet the eligibility criteria for listing on the NRHP.

198 SCS will continue to coordinate with SHS/SDSHPO and the Tribe's and Tribal Cultural
199 Specialists to identify cultural and tribal resources. SCS will work with SHS/SDSHPO to avoid,
200 minimize, and/or mitigate impacts to identified cultural resources. As noted above, the Project
201 will avoid tribal resources identified by tribal participants during field surveys.

202 **Q. Will SCS have procedures in place to address previously unidentified cultural**
203 **resources encountered during construction?**

204 A. Yes. SCS has prepared an Unanticipated Discovery Plan (UDP) (Appendix 21 of the
205 Application) that will be implemented should an unanticipated cultural discovery (i.e.,
206 archeological find or human remains) occur during the construction phase of the Project.
207 Training will be provided to all construction personnel on unanticipated discovery procedures
208 and notification protocols. In the event an unanticipated discovery is encountered, the
209 Contractor will immediately halt all construction activities within a 100-foot radius, notify the
210 Environmental Inspector, and implement the notification procedures listed in the UDP. The UDP
211 was submitted to SDSHPO for review with the Main report and all Addendum reports.

212 **Q. Does this conclude your direct testimony?**

213 A. Yes.

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216 Dated this 19th day of November, 2024.

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220 Erin Salisbury

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