

BEFORE THE SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

DOCKET NO. EL17-055

**IN THE MATTER OF THE APPLICATION BY CROCKER WIND FARM, LLC
FOR A PERMIT OF A WIND ENERGY FACILITY AND A 345 KV TRANSMISSION
LINE IN CLARK COUNTY, SOUTH DAKOTA, FOR CROCKER WIND FARM**

**DIRECT TESTIMONY OF PAIGE OLSON
ON BEHALF OF THE COMMISSION STAFF
March 28, 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 Section 306108 (formally 106) of the National Historic Preservation Act of 1966
17 (as amended) requires federal agencies to take into account the effects of their
18 project on historic properties. The federal regulations 36 C.F.R. § 800 –
19 Protection of Historic Properties explain how federal agencies take into
20 consideration historic properties.

21

22 **Q. Have you reviewed the Application, Crocker's testimony, Crocker's
23 Responses to Staff's data requests?**

1 A. I have reviewed the Application and the pre-filed testimony of Brie Anderson. I
2 have also discussed on going survey efforts with Adam Holven, a contractor for
3 the Applicant.

4
5 **Q. Has SHPO provided any recommendations to Crocker regarding places of**
6 **historical significance and cultural resources?**

7 A. Yes.

8
9 **Q. Please describe what those recommendations were.**

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

12 1. An official record search from the Archaeological Research Center,
13 which is the official repository for all archaeological information in South Dakota.

14 The record search provides baseline information about previous archaeological
15 surveys conducted in the project area and cultural resources identified as a result
16 of those surveys.

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

19 3. Analyze the visual effects to architectural resources located within one
20 mile of the project boundaries. The one mile buffer is a standard
21 recommendation made for all wind farm projects given the vertical extent of the
22 project. This is important to consider when attributes such as viewshed are an
23 important element in the significance of the resource.

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

5
6 **Q. Did Crocker adequately address those recommendations? If not, please**
7 **explain.**

8 A. No. I have not received the requested information.

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

13 A. No. The Application and testimony do not provide enough information about the
14 historical significance and cultural resources to comment. I am waiting for the
15 requested information.

16 However, additional information was provided by Adam Holven, a consultant
17 working for the Applicant on the cultural resources. SHPO understands that
18 additional shovel testing will occur this spring. Shovel testing is used to
19 determine the vertical and horizontal limits of cultural resources identified on the
20 surface of the ground and to archaeological deposits located below the ground
21 surface.

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

4 A. Yes. I am is waiting for the reports referenced in the Application and pre-filed
5 testimony of Brie Anderson, including the official record search, Level III
6 Intensive Survey, the analysis of visual effects to cultural resources, and the
7 results of Crocker's efforts to engage the THPOs. I will use the results of the
8 studies and engagement with the THPOs to advise and assist state and federal
9 agencies and Crocker with cultural resource matters that reflect the interest of
10 the State.

11 Please note that it will take a minimum of two weeks to review the requested
12 information once it has been received.

13
14 **Q. In your opinion, does the Application and Crocker's pre-filed testimony as**
15 **presented to the Commission contain enough information to properly**
16 **understand any potential adverse impacts to places of historical**
17 **significance and cultural resources? If not, please explain.**

18 A. No. The Application and pre-filed testimony did not asses the importance of the
19 newly identified cultural resources. The National Register Criteria, developed by
20 the National Park Service, are the standards by which cultural resources are
21 evaluated for their importance. To be considered important, a property must meet
22 at least one of the National Register Criteria:

23 A. Associated with an import event in history; or

- 1 B. Associated with the lives of significant people; or
- 2 C. Architecture, or
- 3 D. Archaeology.

4 In addition, the resource must possess integrity of location, design, setting,
5 material, workmanship, feeling and association.

6 Resources of religious and cultural significance, which may include traditional
7 cultural properties, require assessment by the THPOs and/or designated tribal
8 representatives. SHPO relies on the expertise of the THPOs and/or designated
9 tribal representatives for their additional insight into the importance of stone circle
10 and cairn sites.

11

12 **Q. If Crocker changed any turbine locations from those presented in the**
13 **preliminary layout could that change any of the conclusions Crocker made**
14 **regarding potential impacts to places of historical significance and cultural**
15 **resources? Please explain.**

16 A. This can be determined once the requested information is submitted by the
17 Applicant.

18

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

20 A. Yes.