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January 29, 2020

**Via Email and Fed Ex**

Steve Kahl  
Executive Secretary  
North Dakota Public Service Commission  
600 East Boulevard, Dept. 408  
Bismarck, North Dakota 58505-0480

**Re: Merricourt Wind Project  
Update on Unintended Disturbance of Two Identified Cultural Sites  
Case No. PU-08-932 (Site Certificate No. 23)  
Case No. PU-19-144 (Joint Request to Transfer from EDF to OTP)**

Dear Mr. Kahl:

On October 2, 2019, a letter providing the Commission with notice and documentation of two unintended disturbances of cultural sites was filed pursuant to certification provision number 18 of the above-referenced Site Certificate.

The Commission was then advised that the affected cultural sites were marked, preserved, and protected from further disturbances until a professional examination could be made by the State Historical Society's Preservation Office (hereinafter, "SHPO"). Finally, details were provided on corrective actions being taken in the field to ensure unintended disturbances did not again occur. At that time, we indicated that additional communication and analysis would be provided to the Commission.

On November 5, 2019, we filed a second letter identifying additional cultural sites discovered during additional survey work conducted as a result of the unintended disturbances. At that time, we indicated that KLJ, Wanzek and EDF (in coordination with OTP) were in the process of analyzing the impact to Project micro-siting from these new discoveries.

This letter is to provide an interim update on work to address the cultural resource issues encountered.

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Letter enclosing KLJ Memorandum and Cultural Resources Testing Plan  
EDF Renewable Development, Inc.  
Andrew Pieper, Stoel Rives LLP  
256 PU-08-932 Filed 01/29/2020 Pages: 25  
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EDF, the KLJ field archeologist, and Wanzek have maintained regular communication since discovery of the two unintended disturbances, to ensure the sites are protected and corrective actions are being implemented. The area was immediately fenced-off and construction remains on hold in those areas. Fencing for all other previously identified cultural resources has been completed. KLJ has developed and submitted an evaluative testing plan for one of the two sites to the SHPO. Further details are attached to this letter as Attachment A.

KLJ has also been in communication with the SHPO regarding the additional cultural sites discovered and is finalizing its 2019 cultural report update for the Project to be delivered to SHPO. At the same time, EDF and OTP have been working on appropriate layout modifications, including moving project facilities further away from the disturbed sites. These proposed layout modifications and the analysis required by Certification Provision No. 38 will be filed with the Commission later in Q1 2020. No work has or will be done in any areas not previously authorized by the Commission.

Please contact Chris Sternhagen (612-486-4513; [Christopher.sternhagen@edf-re.com](mailto:Christopher.sternhagen@edf-re.com)) if you have any questions.

An original and copies of this filing are being provided via FedEx.

Sincerely,



STOEL RIVES LLP  
*Attorneys for EDF-RE US Development, LLC*

AJP:cal

Enclosures

cc: Jerry Lein  
Mark Bring  
Harvey McMahon  
Kate O'Hair  
Bradley Tollerson  
Chris Sternhagen  
John Papasergia  
Dave Cliff  
Tammy Schwenn  
Sara Bergan

**ATTACHMENT A**  
**KLJ MEMORANDUM AND TESTING PLAN**