

Statement of the Killdeer Mountain Alliance to the North Dakota Public Service Commission Regarding the Proposed Antelope Valley Station to Neset Transmission Project, Case #: PU-11-696

September 4, 2013

We are deeply concerned that Basin Electric Power Cooperative is proposing to construct new transmission lines and a 12-acre substation along the south face of the Killdeer Mountains. We ask the Public Service Commission to reject this part of the proposed route for the following reasons:

- The Killdeer Mountains are important to all North Dakotans for historic, archaeological, ecological, cultural, and recreational reasons.
- The Mountains hold deep historical and cultural significance for the Mandan, Hidatsa, Arikara, Lakota, Dakota, and other tribes.
- In spite of mitigation efforts, the proposed transmission line and substation would negatively impact the view and experience of the beautiful Killdeer Mountains, both from the highways and from higher on the Mountain.
- The proposed transmission line and substation would pass within the boundary of the 70,000+-acre Killdeer Mountain Battlefield area, as identified in the 2010 National Park Service study* (see attached map). The proposed substation would have been in the core battlefield area (inner circle on map). We are pleased this location has been removed from the proposal, but the proposed transmission line route remains a concern.
- Basin Electric’s archaeological finding of “no significant cultural sites” was apparently based on State Historic Preservation Office records for the battlefield boundaries, which were not current at the time. These records are in the process of being updated now to match the battlefield boundaries identified in the National Park Service study.*
- However, we believe the National Park Service study was published in 2010 with the State Historic Preservation Office as a respondent on the document. The 2010 date of document completion precedes Basin Electric’s proposal of their transmission routes, so that information was available to the Basin Electric archaeologist and on the Internet.
- In other words, it appears that the Historic Preservation Office did not communicate adequately with the Basin Electric archaeology consultant about this, and vice versa.
- In addition, the State Historic Preservation Office surely knew that the Killdeer Battlefield qualified for the National Register of Historic Places.

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Exhibit 36 of September 4, 5, and 12, 2013 formal hearing

Killdeer Mountain Alliance



- If either of these pieces of information had been communicated to Basin Electric in their planning process, today's discussion would probably not be happening, because, according to their own testimony, they said that they avoided every site in this project that was known to be eligible for the National Register of Historic Places. We ask the Commission to request that Basin Electric submit a revised route based on the amended information.
- Another reason to delay this decision is that funding has recently been approved for a two-year collaborative study of the Killdeer Mountain Battlefield area. North Dakotans deserve to know the outcomes of this study before a decision is made about a transmission line through or near the Killdeer Mountain area.
- Basin Electric now wants approval of a second transmission line to meet the needs of the oil and gas industry, and the second line they are proposing is the alternative they originally presented to the Killdeer Mountain route. Does this mean that their proposal no longer lists the "range of reasonable alternatives" that are required by the National Environmental Policy Act (NEPA)? If it doesn't meet that requirement, they should be required to develop other alternatives.
- In addition, the entire environmental impact statement required by NEPA is still in draft stage. Will it be completed before a final decision is made?
- Related to this, the proposed route is a major threat--through electrocutions and line strikes--to nesting, hunting, dispersing, and migrating golden eagles. According to eagle researcher Dr. Margi Coyle, the portion near the Killdeer Mountains would run adjacent to three golden eagle nesting territories and directly through golden eagle hunting territory.
- Furthermore, we have been told that the Sisseton Wahpeton tribe has not been consulted in the Environmental Impact Statement and has not received a copy of the cultural resource report. We ask that you look into this and ensure that they, as descendants of some of those who fought in the Killdeer Mountain Battle, are consulted.
- Finally, the Killdeer Mountains are included on the recent list of forty special places identified by the Governor and the North Dakota Industrial Commission as having unique historical, cultural, and recreational significance to North Dakotans. Although our focus is on protecting the Killdeer Mountains, we respectfully ask the Public Service Commission to reject any portion of this proposed transmission line that would negatively impact these forty places. We owe this to our children, our grandchildren, and ourselves.

You have asked that we make recommendations for alternatives. We recommend that it be moved to a location that addresses all of the concerns we have described today. Thank you.

Sincerely,

Rob Sand (Killdeer) and Lori Jepson (Killdeer)
Coordinators, Killdeer Mountain Alliance

*<http://www.nps.gov/hps/abpp/cwsii/CWSACReportNorthDakotaUpdate.pdf>

See attached map.

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Killdeer Mountain Alliance

The Killdeer Mountain Alliance is a loose alliance of local landowners, Native Americans, hunters, outdoor enthusiasts, scientists, historians, archaeologists, and others who love the Killdeer Mountains and agree with the mission statement: "The Killdeer Mountain Alliance exists to preserve the cultural, spiritual, ecological, archaeological, and historical integrity of the Killdeer Mountains of western North Dakota and protect them from industrial development that harms the American Indian sites, plant and wildlife habitat, ranching, hunting, tourism, scenic beauty, and recreation for which the Killdeer Mountains are known and loved."

For more information, see our facebook site—Killdeer Mountain Alliance. See also a separate site: The Battle for Killdeer Mountain < <http://savekilldeermountain.blogspot.com/> >