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September 18, 2019

**VIA U. S. AND ELECTRONIC MAIL**

Mr. Steven M. Kahl, Executive Secretary  
North Dakota Public Service Commission  
State Capitol Building, Dept. 0408  
600 East Boulevard  
Bismarck, ND 58505-0480

RE: FOXTAIL WIND ENERGY CENTER SITE MODIFICATION  
CASE NO. PU-17-284

Dear Mr. Kahl:

Northern States Power Company, doing business as Xcel Energy, respectfully submits this filing and attached documentation pursuant to Provision No. 38 – Modification of Energy Conversion Facility or Energy Conversion Site Plan, of the *Certification Relating to Order Provisions – Wind Conversion Facility Siting* for the Foxtail Wind project. The Certification was attached to the North Dakota Public Service Commission’s (“Commission”) January 31, 2018 Findings of Fact, Conclusions of Law and Order (“Order”) in the above-referenced case.

At the time of the issuance of the January 31, 2018 Order, an identified area was surveyed for the Foxtail Wind Energy Center’s (Project’s) radar-activated aircraft detection lighting system (ADLS) infrastructure. Since then, the ADLS radar tower has been designed and sited within the surveyed corridor to meet the manufacturer specifications. Part of a new access road to service the ADLS tower falls outside the previously surveyed corridor. The centerline for the new access road is to be located in a thin strip of previously disturbed section line road, set between two harvested fields (see Attachment A).

Our contracted surveyor, AECOM, worked with the Standing Rock Sioux Tribe to conduct a survey for both archaeological material and Sites of Religious and Cultural Significance to the Tribes (SRCSTTs) on September 9, 2019. AECOM observed no new cultural resources during the course of this inventory and the Standing Rock Traditional Cultural Surveyor noted no new SRCSTTs during their survey (see Attachment B). A report was submitted to

the North Dakota State Historic Preservation Office (NDSHPO) and their concurrence is pending.

The Company affirms that construction activities related to the modified ADLS access road will not affect any known exclusion or avoidance areas. The Company will comply with the Commission's order, law and rules designating the site and stands ready, willing, and able to perform the obligations therein.

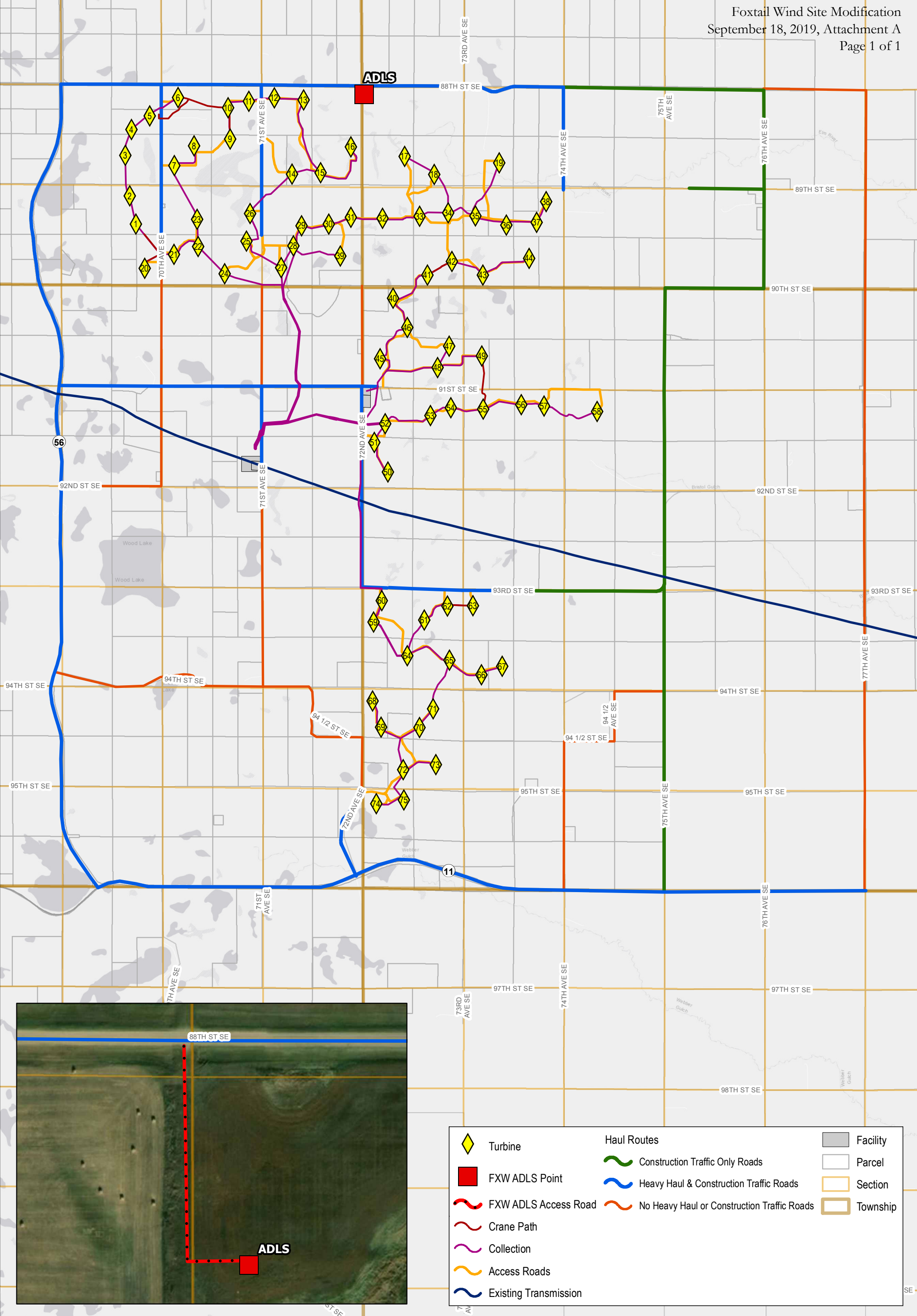
An original and seven copies of this filing are being provided via U.S. Mail.

As the key contact person for this case, please feel free to contact me at (701) 241-8632 or [dave.sederquist@xcelenergy.com](mailto:dave.sederquist@xcelenergy.com) should you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "David H. Sederquist". The signature is written in a cursive style with a large initial "D".

David H. Sederquist  
Sr. Regulatory/Financial Consultant  
Xcel Energy

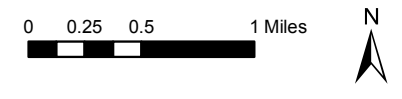


	Turbine		Haul Routes		Facility
	FXW ADLS Point		Construction Traffic Only Roads		Parcel
	FXW ADLS Access Road		Heavy Haul & Construction Traffic Roads		Section
	Crane Path		No Heavy Haul or Construction Traffic Roads		Township
	Collection				
	Access Roads				
	Existing Transmission				



### Foxtail Wind Farm Site Plan and Transportation Routes

Version: V8 Date: 09/2019



Disclaimer: This information is believed to be correct, but is subject to change and carries no warranty. Data courtesy of Xcel Energy, NextEra and ESR.

**Negative Survey Report**

Submitted by AECOM

1000 East Calgary Ave. Suite 1 Bismarck, ND 58503

Phone: (701) 255-5500, Email: melinda.mccarthy@aecom.com

**Report Title:** Foxtail Wind Energy Center - Northern Radar Location: A Class III Cultural Resource Inventory in Dickey County, North Dakota

**Field Work Date(s):** Sept. 09, 2019

**Report Date:** Sept 09, 2019

NDSHPO Reference Number: 17-0099

**Consultant Name and Address**

**Direct Charge:**

Melinda M. McCarthy

AECOM

1000 East Calgary Ave. Suite 1 Bismarck, ND 58503

**Author's Name:** Melinda McCarthy

**Field Personnel:** Stuart Postiglione and Loretta Stone

**Phone:** (701) 255-5500

**Acreage:** 0.48

**Linear Survey:** 125 meters (m) x 30.48 m (410.10 feet [ft] x 100 ft)

**Sponsor Name and Address**

**Individual Responsible:** Northern States Power Company, doing business as Xcel Energy (Xcel Energy).

**Name:** Shannon Whiton, Environmental Analyst

**Address:** 414 Nicollet Mall, Floor 2, Minneapolis, MN 55401

**Location:** (See **Figure 1 & 2**)

**State:** North Dakota

**County:** Dickey County

**Legal Location:** T. 131N, R. 65W, Sec. 30 & T. 131N, R. 66W, Sec. 25

**USGS 7.5' Quadrangle Map:** Merricourt NW

**Description of Undertaking:** This inventory was undertaken to maintain compliance with Xcel Energy's Certificate of Site Compatibility issued by the Public Service Commission in February 2018. In September 2019, it was decided to shift the Foxtail Wind Energy Center's (Project's) radar-activated aircraft detection lighting system (ADLS) location. While the new ADLS facility location was shifted in an area previously surveyed for cultural resources, the access road into the facility was located outside the previous Project survey corridor. See "Class III Intensive Resource Survey for the Foxtail Wind Energy Center in Dickey County, North Dakota" for information regarding the previous cultural resource survey (McCarthy et al. 2017). The centerline for the new access road is located in a thin strip of previously disturbed section line road, set between two harvested agricultural fields. This area comprises the Survey Corridor (Survey Corridor) for the current Class III Intensive Cultural Resource Inventory.

**Records Search:** On Sept 9, 2019, prior to the Class III inventory, Alexander Neumiller of AECOM completed a Class I: Literature Review at the State Historical Society of North Dakota (SHSND). The objective of the search was to determine if any cultural resources were previously recorded or if any cultural resource inventories had been conducted within Survey Corridor and the surrounding one mile study area. Although previous Class I's have been completed for the Project AECOM conducted an updated Class I to determine in any new surveys or resources have been documented within the last year. See the previous Class III report for a thorough description of the previous literature reviews associated with the Foxtail Project (McCarthy et al. 2017). The file search identified seven previous cultural resource surveys completed in this study area (**Table 1**). All of these surveys are directly related to the Foxtail Project, which was previously named Roughrider. Three of the seven previous cultural resource surveys cross into the Survey Corridor [MS. 010820, 011038, & 017615). Two isolated finds and two sites were also identified within the one-mile study area; no resources were documented within the Survey Corridor (**Table 2**).

**Table 1: Previous cultural resource studies identified during the literature review.**

Manuscript Number	Author	Report Title	Year
010820	Burns, Christina G.	<b>Roughrider I Wind Farm Project: A Class III Cultural Resource Inventory, Dickey Co. ND</b>	2008
011038	Christina G. Burns & Wade K. Burns	<b>Addendum to: Rough Rider I Wind Farm Project: A Class III Cultural Resource Inventory, Dickey Co., ND</b>	2009
017561	McCarthy, Melinda M.	A Class II Architectural Survey: Foxtail Wind Energy Center, Foxtail Wind, LLC, Dickey County, North Dakota	2017
017590	McCarthy, Melinda M., Thomas L. Eiceman, Heidi E. Miller	Class III: Intensive Cultural Resource Survey for the Foxtail Wind Energy Center in Dickey County, North Dakota	2017
017615	<b>McCarthy, Melinda M., Thomas L. Eiceman, Heidi E.</b>	<b>Foxtail Wind Energy Center, Visual Simulations Summary, Dickey County, North Dakota</b>	2017
017932	McCarthy, Melinda M. & Thomas L. Eiceman	Foxtail Value Engineering: An Addendum to the Class III Intensive Cultural Resource Survey for the Foxtail Wind Energy Center in Dickey County, North Dakota	2018

Manuscript Number	Author	Report Title	Year
018214	Postiglione, Stuart A., Melinda M. McCarthy, Christina M. Huling, Marcia L. Bender	Xcel Foxtail Wind Energy Center Construction Monitoring, Dickey County, North Dakota	2017
<b>Bold = Crosses into the Survey Corridor</b>			

**Table 2: Cultural resources identified within a one-mile boundary of the APE.**

Cultural Resources	Year	Aliquot Parts	Site Type	Previous NRHP Recommendations/ Status	Comments
Township 131N, Range 65W, Section 30					
32DIX97	2017	NE,SW,NE	Precontact - Isolated Find	Not Eligible	Quartzite Biface
Township 131N, Range 66W, Section 24					
32DI208	2017	SW,SW,NW & NW,NW,SW	Precontact - Archaeological Site	Unevaluated	1 Cairn
Township 131N, Range 66W, Section 25					
32DIX282	2017	SE,NE,SW	Unknown - Archaeological Site	Unevaluated	1 Unassociated Rock Pile
32DI260	2017	NE,SE,NW	Historic – Archaeological Site	Unevaluated	Abandoned Farmstead

**Environmental Setting:** The Survey Corridor is located within the Missouri Coteau region of North Dakota (Bluemle 2000). The Missouri Coteau is characterized by rolling hills and a hummocky topography containing numerous prairie pothole wetlands. The region’s distinctive topography was formed when the Wisconsinian glacier stalled on the Missouri escarpment during its retreat and gradually melted. Due to this, the area contains a large number of glacial erratics, ranging in size from small rocks to boulders. The presence of these erratics contributes to the high concentrations of rock cairns, stone features, and stone effigies in the project area, as natural source material was abundant.

Archaeologically, the Project is located in the James River Study Unit, as defined by the State Historical Society of North Dakota in the North Dakota Comprehensive Plan for Historic Preservation: Archaeological Component (ND SHPO 2016). This document serves as a comprehensive overview of the environmental and cultural settings of North Dakota and should be referenced for both the archaeological and historic context for the Project, and for an overview of previous archaeological work conducted within the Project area. See the previous Class III report for a thorough description of the cultural and environmental background of the Project (McCarthy et al. 2017)

**Field Methods:** The field survey for the access road was completed by Stuart Postiglione (Crew Chief) and Loretta Stone (Standing Rock Sioux Tribe [Standing Rock] - Traditional Cultural Surveyor [TCS]). The cultural resource inventory conformed to the North Dakota State Historic Preservation Office (NDSHPO) Guidelines Manual for Cultural Resource Inventory Projects (SHSND 2018). The inventory utilized a pedestrian transect methodology with transects spaced no more than 10 m apart. This methodology was used to inventory the entire Survey Corridor for both archaeological material and Sites of Religious and Cultural Significance to the Tribes (SRCSTTs). A majority of the Survey Corridor was located in a previously disturbed section line roadway while the edges of the Survey Corridor are located within agricultural (**Figures 3-5**). Ground surface visibility within the agricultural fields was approximately 40-50%. Within the disturbed section line road, visibility was limited to approximately 15-25% with only sporadic patches of ground surface visibility.

No sites were documented in the Survey Corridor. No shovel test probes were conducted for this survey due to ground surface visibility, the previously disturbed nature of the area, and the low site probability of the area. A line of modern farm equipment was noted along the edge one of the agricultural fields; however, the equipment is modern and not associated with any historic sites or features and is therefore considered exclusion according to the NDSHPO Guidelines Manual for cultural Resource Inventory Projects (SHSND 2018). Field conditions were documented with digital photographs and detailed in field notes. All electronic and paper records are on file at the AECOM Bismarck office.

**Cultural Resource Summary/Cultural Heritage Findings:** AECOM observed no new cultural resources during the course of this inventory and the Standing Rock TCS noted no new SRCSTTs during the survey.

**Potential National Register Properties Affected:** None.

**Management Summary/Recommendations:** A finding of *No Historic Properties Affected* is recommended for this undertaking as surveyed, mapped, and documented herein.

**Works Cited:**

Bluemle, J. P.

2000 The Face of North Dakota, 3<sup>rd</sup> Edition. Education series 26. North Dakota Geological Survey. Bismarck, North Dakota.

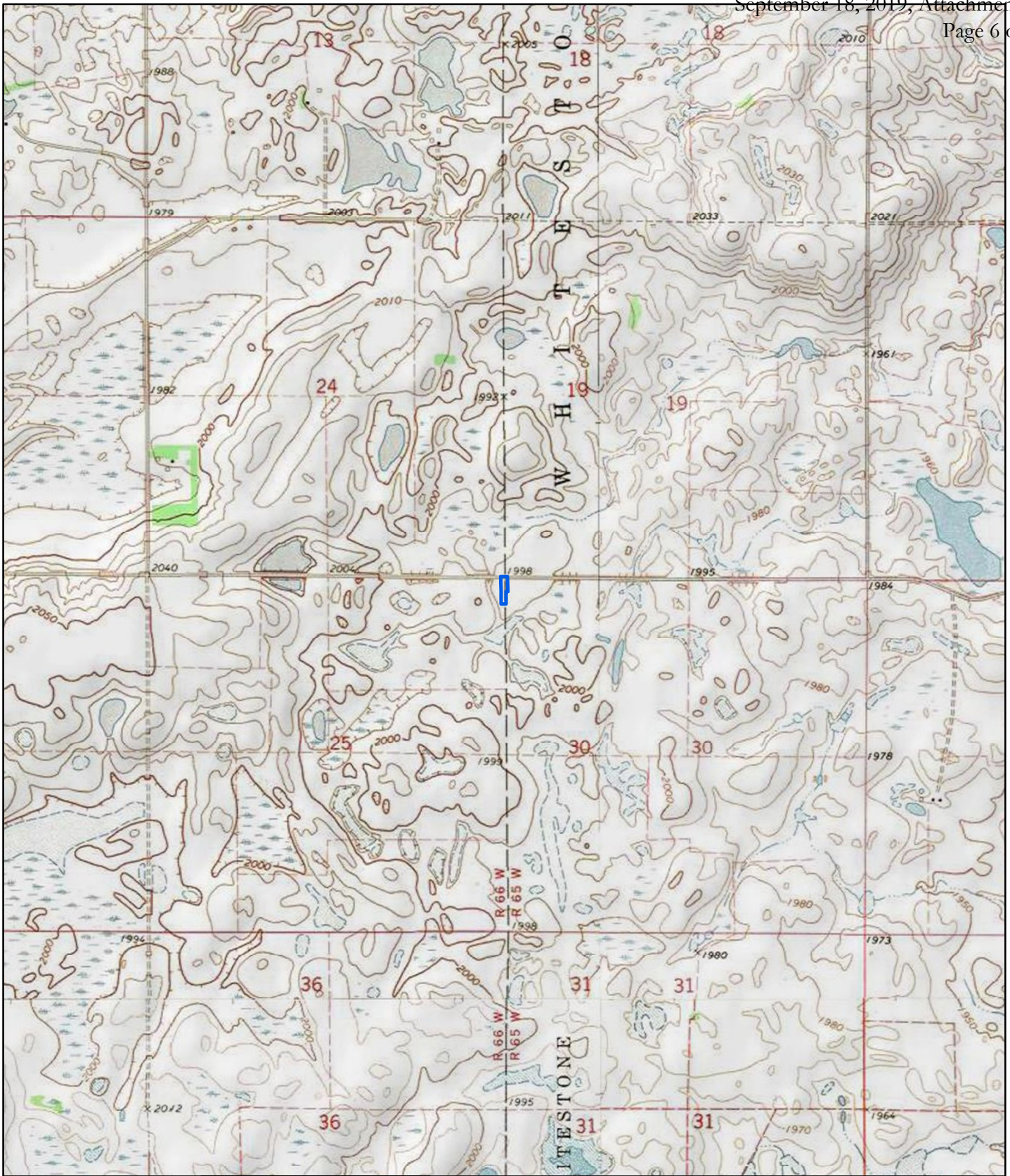
McCarthy, M., T. Eiceman, and H. Miller

2017 A Class III Intensive Cultural Resource Survey for the Foxtail Wind Energy Center in Dickey County, North Dakota. Report on file at the State Historical Society in Bismarck, North Dakota.

North Dakota State Historic Preservation Office (ND SHPO)

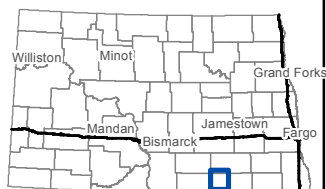
2018 North Dakota SHPO Guidelines and Manual for Cultural Resource Inventory Project.  
<http://history.nd.gov/hp/PDFinforND%20SHpoO%20Guidelines%20Manual.pdf>.

2016 The North Dakota Comprehensive Plan for Historic Preservation: Archaeological  
Component. <http://history.nd.gov.hpforms.html>



**Legend**

 Survey Corridor



0 0.1 0.2 0.4  
Miles





USGS Map Quadrangle: Merricourt NW  
Township 131N, Range 65W, Section 30  
& Township 131N, Range 66W, Section 25

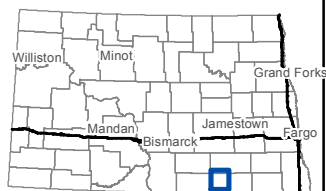
**Figure 1**  
**Survey Corridor (Topographical)**  
Foxtail Wind Energy Center  
ADLS Radar Location  
Cultural Resource Survey  
Dickey County, ND





**Legend**

-  Survey Corridor
-  Previous Foxtail Survey Corridor



0 5 10 20  
Meters



USGS Map Quadrangle: Merricourt NW  
Township 131N, Range 65W, Section 30  
& Township 131N, Range 66W, Section 25

**Figure 2**  
**Survey Corridor (Aerial)**  
Foxtail Wind Energy Center  
ADLS Radar Location  
Cultural Resource Survey  
Dickey County, ND





**Figure 3: Overview from the northern edge of the Survey Corridor. View to the south.**



**Figure 4: Close-up of modern farm equipment in the Survey Corridor. View to the north.**



**Figure 5: Overview from the southern edge of the Survey Corridor. View to the north.**