

August 5, 2024

*Via Hand Delivery & Electronic Mail*

Mr. Steve Kahl  
North Dakota Public Service Commission  
600 E. Boulevard, Dept. 408  
Bismarck, ND 58505-0480  
[ndpsc@nd.gov](mailto:ndpsc@nd.gov)

In re: Oliver Wind IV, LLC  
Oliver Wind IV 345-kV Transmission Line – Oliver & Mercer Counties  
Siting Application  
Case No. PU-23-318  
Our File No. 035218-000083

Dear Mr. Kahl:

Enclosed for filing in the above-referenced matter, please find eight copies of Oliver Wind IV, LLC's Cultural Site Visit Summation Memorandum. The enclosed Memorandum is a supplement to Oliver Wind IV's July 18, 2024 filing, Docket No. 85, and details additional Tribal and NDSHPO coordination that has occurred since the July 18<sup>th</sup> filing.

Please feel free to contact me if you have any questions. Thank you.

Sincerely,



Casey A. Furey

Enc.  
CAF/lh

cc: Victor Schock (via email)  
Brian Johnson (via email)  
Robert Frank (via email)  
Tracy Davis (via email)  
Erik Edison (via email)

# Site Visit Summation Memorandum

---

To	Lorna Meidinger, North Dakota State Historic Preservation Office
Subject	Oliver Wind IV 345-kV Transmission Line Site Visit Summation Oliver County, North Dakota
From	Burns & McDonnell Engineering Company, Inc.
Date	August 2, 2024

---

## Introduction

On April 29, 2024, the North Dakota Public Service Commission approved Findings of Fact, Conclusions of Law and Order, and issued a Certificate of Site Compatibility in Case Number PU-22-318 to Oliver Wind IV, LLC (Oliver Wind IV) for the Oliver Wind IV 345-kilovolt Transmission Line (Project). Oliver Wind IV commenced construction on the Project in May 2024.

During construction in late June and early July 2024, Oliver Wind IV's cultural and environmental consultants identified three areas, archaeological sites 32OL895 and 32OL896 and cultural heritage site CHFOL20, along the transmission line construction corridor where there were incursions into areas with cultural resources that had been identified for avoidance during construction.

Upon discovering these incursions, Oliver Wind IV immediately stopped construction in these areas and Oliver Wind IV's cultural consultants, Burns & McDonnell Engineering Company, Inc. (Burns & McDonnell) and Swenson, Hagen & Company (Swenson-Hagen), inspected the areas, reinstalled protective fencing around the areas, and reminded construction contractors of the need to avoid all fenced areas. The North Dakota State Historic Preservation Office (NDSHPO) and participating Tribes were notified of these incursions.

A site visit was held on July 22, 2024, with representatives from Burns & McDonnell, Oliver Wind IV, NextEra Energy Resources (NEER), NDSHPO, and Tribal Historic Preservation Officers (THPOs) from the Standing Rock Sioux Tribe (Standing Rock) and the Spirit Lake Tribe (Spirit Lake).

During the site visit, NDSHPO and the THPOs from Standing Rock and Spirit Lake recommended several additional measures for Oliver Wind IV to implement to prevent further incursions into areas with cultural resources and to mitigate for the existing cultural incursions. This Memorandum provides detailed information below concerning the site visit and the recommendations made by the NDSHPO and the THPOs.

## Summary of Visit

As part of discussions held between Burns & McDonnell, NDSHPO, Oliver Wind IV, and participating Tribes, all further construction work in the vicinity of the impacted locations was halted until NDSHPO and participating Tribes could visit and inspect the locations.

On July 22, 2024, representatives from Burns & McDonnell, Oliver Wind IV, NEER, NDSHPO, and THPOs from Standing Rock and Spirit Lake attended a one-day site visit within the Project. In attendance were:

- Andrew Clark, Deputy State Historic Preservation Officer, NDSHPO
- Andrew Robinson, State Archaeologist, NDSHPO

- Tyrell Iron Eyes, Acting THPO, Standing Rock
- Kenneth Greywater Jr., THPO, Spirit Lake
- Robin Dunn, Transmission Line Supervisor, Oliver Wind IV
- William Moffett, Transmission Line Supervisor, Oliver Wind IV
- Ronald Burris, Sr Project Manager Tribal Relations, NEER
- Valerie Barbie, Sr Project Manager Tribal Relations, NEER
- Melinda McCarthy, Principal Investigator, Burns & McDonnell

The site visit opened with a meeting at the Project to introduce all parties, review details of the cultural incursion areas, discuss Project construction specifics, and go over the mitigation efforts already undertaken on site.

Once all parties were comfortable with their understanding of the Project specifics, a visit to the cultural incursion areas at sites 32OL895, 32OL896, and CHFOL20 was undertaken. The visit was led by Melinda McCarthy, the North Dakota-permitted Principal Investigator for the Project.

During the visit, NDSHPO and the THPOs from Standing Rock and Spirit Lake recommended additional measures for Oliver Wind IV to implement to mitigate for the existing cultural incursions and to prevent further incursions into areas with cultural resources identified for avoidance. A full list of these recommended additional mitigation measures is detailed below.

### **Recommendations**

To assist in mitigating for the existing cultural incursions and to prevent further incursions into areas with cultural resources that have been recommended for avoidance, NDSHPO and the THPOs from Standing Rock and Spirit Lake recommended, and Oliver Wind IV has agreed to implement, the following measures in addition to the previous recommendations from Burns & McDonnell and NDSHPO already applied by Oliver Wind IV:

- 1) Oliver Wind IV will not conduct any new ground disturbance after dark.
  - a. Concrete pours, equipment deliveries, and work in areas of previously ground disturbed surface are exempt from this recommendation.
- 2) A Burns & McDonnell cultural resources professional will provide NDSHPO and the Standing Rock and Spirit Lake THPOs with updated site forms for 32OL895, 32OL896, and CHFOL20 by the end of August 2024.
- 3) A Burns & McDonnell cultural resources professional will provide the Standing Rock and Spirit Lake THPOs with the original site forms for each incursion area.
  - a. This was completed by Burns & McDonnell on July 22, 2024.
- 4) A Burns & McDonnell cultural resources professional and a Tribal Cultural Specialist (TCS) from one of the participating Tribes will complete a detailed mapping of the one remaining feature (F.1) at site 32OL895.
  - a. The assisting TCS will not simultaneously be responsible for construction monitoring at the pole location.
  - b. The detailed mapping will include a hand drawn figure and a Global Positioning System mapped figure to be included in the updated site form.
- 5) Oliver Wind IV will add a specific protocol for cultural heritage sites to the Project Unanticipated Discoveries Plan (UDP).
  - a. This was completed by Burns & McDonnell and Oliver Wind IV on August 1, 2024. The new plan will be distributed on-site the week of August 5, 2024.
- 6) Oliver Wind IV will arrange for full-time TCS monitoring on the transmission line regardless of construction activity.

- a. This includes TCS monitoring of reclamation activities which may extend into 2025.
- 7) Oliver Wind IV will submit a reclamation scope of work and plan for the incursion areas at sites 32OL895, 32OL896, and CHFOL20 to the NDSHPO and the Standing Rock and Spirit Lake THPOs for review.
  - a. The scope of work and plan will outline further work required near each site incursion to ensure the area meets the North Dakota Public Service Commission's Certificate of Site Compatibility reclamation requirements and will be designed to minimize further ground disturbance and impacts to the areas.
- 8) Oliver Wind IV will provide the representative THPOs with details concerning the standards and seed mixes used during reclamation activities.
- 9) Oliver Wind IV will confirm that all areas with cultural resources that require avoidance are clearly marked and visible on construction plans used by contractors in the field prior to any reclamation activities undertaken in 2025.
- 10) A Burns & McDonnell cultural resources professional will complete a second update to the North Dakota Cultural Resource Survey or Cultural Heritage forms for sites 32OL895, 32OL896, and CHFOL20 after the completion of reclamation activities.
  - a. The updated site forms will be submitted at the end of reclamation activities; anticipated to be no later than the fall of 2025.
- 11) A Burns & McDonnell cultural resources professional will submit a site visit summary memorandum to the NDSHPO and the Standing Rock and Spirit Lake THPOs which includes:
  - a. list of attendees;
  - b. deadlines for the completion of site form updates;
  - c. a broad timeline of transmission line Project activities (See **Attachment A**); and
  - d. details of all new recommendations from NDSHPO and the Standing Rock and Spirit Lake THPOs.

**Attachment A:  
Transmission Line  
Timeline**



### 3 - WEEK ROLLING SCHEDULE NEER 345 kV Transmisson Line

Rev. Date	Date	7/28	7/29	7/30	7/31	8/1	8/2	8/3	8/4	8/5	8/6	8/7	8/8	8/9	8/10	8/11	8/12	8/13	8/14	8/15	8/16	8/17	Comments
7/26/2024	Day	S	M	T	W	TH	F	S	S	M	T	W	TH	F	S	S	M	T	W	TH	F	S	
Activity	Task Description																						
Gates	Gates from 47-77								OFF							OFF							OFF
Gates	Gates from 78-120 TBD					X	X	X	OFF	X	X	X	X	X	X	OFF	X	X	X	X	X	X	OFF
Matting	Matting Structure 64 off ROW access		X						OFF							OFF							OFF
TSD Crew 1	Foundation Installation Structure 70		X	X					OFF							OFF							OFF
Framing	Framing Structures 66-75		X						OFF							OFF							OFF
Matting	Matting Structures 58 - 57 ROW access			X	X	X	X	X	OFF							OFF							OFF
Stake Dropping	Stake Dropping Structures 64-71			X					OFF							OFF							OFF
Framing	Framing Structures 76-86			X					OFF							OFF							OFF
Tree Clearing	Tree Clearing Structure 17			X					OFF							OFF							OFF
Access	Foundation Access Structures 118-120				X	X	X	X	OFF	X	X	X				OFF							OFF
Stake Dropping	Stake Dropping Structures 72-77				X				OFF							OFF							OFF
Framing	Framing Structures 87-95				X				OFF							OFF							OFF
Dig & Set	Dig and Set Structures 2-8				X				OFF							OFF							OFF
Tree Clearing	Tree Clearing Structure 27				X				OFF							OFF							OFF
Stake Dropping	Stake Dropping Structures 78-85					X			OFF							OFF							OFF
Framing	Framing Structures 96-103					X			OFF							OFF							OFF
Dig & Set	Dig and Set Structures 9-15					X			OFF							OFF							OFF
Stake Dropping	Stake Dropping Structures 86-93						X		OFF							OFF							OFF
Framing	Framing Structures 104-111						X		OFF							OFF							OFF
Dig & Set	Dig and Set Structures 16-22						X		OFF							OFF							OFF
Access	Foundation Access Structures 78							X	OFF							OFF							OFF
Stake Dropping	Stake Dropping Structures 93-100							X	OFF							OFF							OFF
Framing	Framing Structures 112-115							X	OFF							OFF							OFF
Dig & Set	Dig and Set Structures 23-29							X	OFF							OFF							OFF
Access	Foundation Access Structures 81								OFF	X						OFF							OFF
Matting	Matting Structures 57 to 56 off ROW access								OFF	X	X	X	X			OFF							OFF
TSD Crew 1	Foundation Installation Structure 78								OFF	X	X					OFF							OFF
TSD Crew 2	Foundation Installation Structure 108								OFF	X	X					OFF							OFF
Stake Dropping	Stake Dropping Structures 101-107								OFF	X						OFF							OFF
Framing	Framing Structures 116-120								OFF	X						OFF							OFF
Dig & Set	Dig and Set Structures 30-38								OFF	X						OFF							OFF
Stake Dropping	Stake Dropping Structures 108-115								OFF		X					OFF							OFF
Dig & Set	Dig and Set Structures 39-45								OFF		X					OFF							OFF
TSD Crew 1	Foundation Installation Structure 81								OFF			X	X			OFF							OFF
TSD Crew 2	Foundation Installation Structure 116								OFF			X	X	X	X	OFF	X	X	X	X	X		OFF
TSD Crew 2	Foundation Installation Structure 118 LP								OFF			X	X			OFF							OFF
Stake Dropping	Stake Dropping Structures 116-120								OFF			X				OFF							OFF
Dig & Set	Dig and Set Structures 46-52								OFF			X				OFF							OFF
Access	Foundation Access Structures 116-117								OFF				X	X	X	OFF	X						OFF
Dig & Set	Dig and Set Structures 53-59								OFF				X			OFF							OFF
Matting	Matting Structures 46 - 45 off ROW access								OFF					X	X	OFF	X						OFF
TSD Crew 2	Foundation Installation Structure 118 MP								OFF						X	OFF							OFF
Dig & Set	Dig and Set Structures 60-66								OFF					X		OFF							OFF
Dig & Set	Dig and Set Structures 67-73								OFF						X	OFF							OFF
TSD Crew 2	Foundation Installation Structure 118 RP								OFF							OFF	X						OFF
Dig & Set	Dig and Set Structures 74-80								OFF							OFF	X						OFF
Matting	Matting 120 & 119								OFF							OFF		X					OFF
TSD Crew 2	Foundation Installation Structure 119 LP								OFF							OFF		X					OFF
Dig & Set	Dig and Set Structures 81-87								OFF							OFF		X					OFF
Wire	Pull Wire Structures 1-11								OFF							OFF		X	X	X	X		OFF
TSD Crew 2	Foundation Installation Structure 119 MP								OFF							OFF			X				OFF
Dig & Set	Dig and Set Structures 88-94								OFF							OFF			X				OFF
TSD Crew 2	Foundation Installation Structure 119 RP								OFF							OFF				X			OFF
Dig & Set	Dig and Set Structures 95-101								OFF							OFF				X			OFF
TSD Crew 2	Foundation Installation Structure 120								OFF							OFF					X		OFF
Dig & Set	Dig and Set Structures 102-107								OFF							OFF					X		OFF