

## Response to PUC Application from Crocker Wind Farm LLC

Following is a partial list of issues regarding the application. Issues and comments are listed in chronological order with page numbers for reference. *Comments are in blue italics.*

### Page Number

#### 1-1 INTRODUCTION

*The project now includes a 6.5 mile transmission line connecting a substation to a point of interconnect (POI) 2 miles north of Crocker. The application for a Conditional Use Permit (CUP) also referenced a 2<sup>nd</sup> POI in Day County. This raises questions: What happened to the 2<sup>nd</sup> POI? Will the proposed single POI and transmission line accommodate the increased capacity (400MW)?*

#### 2-1 FACILITY PERMIT APPLICATION

Last line on the page states: “The facility will not substantially impair the health, safety, or welfare of the inhabitants.....”

*Who defines the word “substantially”?*

*When does any impairment to health, safety and welfare become acceptable?*

#### 3-1 COMPLETENESS CHECK

*Table 3-1 Completeness Checklist does not include a requirement for liability insurance. At the County Commissioner meetings we discussed the case of a crop-duster in California colliding with a Met tower and a lawsuit settlement of \$6.7 million. Both the wind farm operator and the landowner were held liable. When queried about insurance, Geronimo stated that they have a \$3 million liability policy.*

*NTSB records show nine fatalities involving aircraft collisions with wind turbines and Met towers, two in this area: the Highmore, SD aircraft collision with a wind turbine and a crop-duster hitting a Met tower guy-wire near Pipestone, MN. The Highmore incident is currently in litigation with four families suing the wind farm operator. A key issue in this case is a non operational light atop the turbine.*

*I believe the PUC should require proof of a minimum \$10 million liability policy covering the applicant, its employees and the landowner.*

#### **Names of participants required.**

*The applicant is Crocker, not Geronimo! There are no named Crocker employees. Are there any? Who are the Crocker employees?*

*Are we to believe that the applicant, a company with no named employees and minimal assets, is going to develop, own and operate a \$600 million project?*

**3-1 (cont.) Names of owner and manager.**

The application “shall also contain the name of the project manager of the proposed facility.”

*To assure success, a project of this size and complexity requires a highly skilled and experienced project manager and staff. There is no project manager named although the PUC application requires it!*

**3-5 Land Use Para (3)**

“with special attention paid to the effects on rural life and the business of farming”

*This project is not compatible with the peace and tranquility of rural life:*

*\* Friendly neighborhood already diminished! Participants vs non-participants*

*\* 12-18 months of dust, noise, hundreds of trucks hauling!*

*\* Scenic view of Crocker Hills, spectacular sunsets destroyed forever etc!*

**3-6 Time Schedule**

“The applicant shall provide estimated time schedules for accomplishment of major events.....”.

*The application is totally void of any detailed schedules for pre-construction activities, environmental studies, communications interference studies, numerous permit approvals, etc.*

**3-8 Decommissioning of wind energy facilities**

“The commission may require a bond, guarantee, insurance, or other requirement to provide funding for the decommissioning and removal of a wind energy facility”

*Considering the applicant's financial capability, the likelihood that the project will be sold to an unknown owner/operator and the inherent risk of project failure, it is imperative that bonding be required for permit approval. The applicant's estimate for decommissioning cost is optimistic (page 23-1) and likely inadequate considering inflation during the anticipated life of the project.*

*Initial bonding of \$200,000 per turbine for decommissioning with an upwards adjustment for inflation every few years is suggested.*

**3-9 Applicant's burden of proof**

“(3) The facility will not substantially impair the health, safety or welfare of the inhabitants;”

*Restating the requirements does not constitute proof!*

*The paragraph references Chapter 1.0 which does not offer proof of anything and references Section 28.4 which doesn't exist in the permit application.*

**6-1, 6-2 PURPOSE OF, AND DEMAND FOR, THE WIND ENERGY FACILITY**

*This section of the application is primarily unsubstantiated Wind Energy marketing hype. Table 6-1 does not even list “Hydroelectric”, South Dakota's primary source of renewable energy.*

**8-2 Wind Turbine Generators**

*The data for turbine heights does not agree with table 8.2 on the following page. The maximum turbine height of 150 meters (492 ft) in the table does not correlate with the text in paragraph 8.2 (360ft). Is this “mistake” intentional to convey the image of a shorter, less intrusive turbine height?*

**13-1 & Figures 6a-d Land Cover/Land Use (Turbine model) & Maps**

*The land cover data summarized in Table 13-1 and shown in Figures 6a-d is outdated and invalid. The maps and table do not accurately reflect current land use. For example, much of the land which is shown as grassland is actually cropland.*

*The lower right corner of the maps (Figure 6a-d) contains an insert stating that there are no rural water systems in the Wind Farm Project Area or Transmission Line Route. This is an inaccurate statement. Clark Rural Water services many farmsteads within the project area.*

**13-11 Eagle Conservation Plan Guidelines**

*“Are there important eagle use areas or migration concentration sites documented or thought to occur in the project area?”*

*“There are no important eagle use areas or migration concentration sites found in the Wind Farm Project Area and Transmission Line Route”*

*Obviously the study missed the Spring and Fall waterfowl migration and concentration of ducks and geese at the Reid's Lake Refuge. The annual waterfowl migration is always accompanied by a large number of eagles preying on sick and injured waterfowl.*

*To a lesser degree, migrating waterfowl are also concentrated on Mallard Slough,*

*Round Lake, and Bailey's Lake; all very near the wind farm project.*

**15-11 & Appendix F Electromagnetic Interference – Wind Farm**

*Crocker commissioned Comsearch to conduct studies on potential interference with existing communication signals in the project vicinity. Appendix F in the application includes a communications tower study and a microwave study. Crocker did not provide Comsearch with precise turbine location data or physical attributes of proposed turbines. As clearly indicated by Comsearch, neither study can be conclusive until required data is provided by Crocker and the studies completed.*

**15-12 Electromagnetic Interference – Wind Farm (continued)**  
(last Paragraph)

“Crocker initiated coordination with the Interstate Telecommunications Cooperative., Inc. (“ITC”) on April 18, 2016 (Appendix G). Coordination is ongoing...”

*Not True! Claiming that coordination is ongoing is a gross misrepresentation of fact. Appendix G includes a letter from ITC dated 10/26/2016 clearly defining the interference issue. Appendix G does not contain a response to this letter!*

*The interference issue was deemed so significant that it was incorporated in the conditions of the CUP approval. I quote: “The testimony provided by Interstate Telecommunications Cooperative does necessitate that applicant make agreement with the cooperative, specifically incorporating the terms and conditions contained in a Resolution proposed by Interstate Telecommunications Cooperative which resolution is a part of the file in this matter.”*

*ITC provided a Resolution at the 3/7/2017 CUP hearing. Crocker responded with a letter to Clark County Commissioners on 5/2/2017 stating that the Resolution contained provisions requiring further negotiation. Crocker's failure to comply with this CUP condition indicates that it does not take this issue seriously!*

*The CUP condition does not suggest that the Resolution is negotiable. To protect the public's reliable and uninterrupted telephone and internet service, the agreement should be in force prior to permit approval by the PUC.*

**16-1 & Ordinance**      **Wind Turbine Setback Requirements for the Project**  
(second paragraph)

“Crocker will comply with all provisions and setback requirements.”

*Crocker is deceptive in Table 16-1 when stating that the Clark County Zoning Ordinance is 1,000 feet. Note that 4.21.03 (2)(a) includes the words “at least 1,000 feet.”*

*Clark County's Conditional Use Permit (CUP) was approved with a ¾ mile setback from non-participating residences. In defiance of the Conditional Use Permit, Crocker submitted its application to the PUC with four alternative turbine siting maps, each depicting a 2,000 ft setback requirement.*

*Subsequently, Crocker submitted a fifth turbine siting map indicating a ¾ mile setback but with an accompanying letter (Brett Koenecke 9/5/2017) referencing a 3920 ft setback from non participating residences and claiming to meet the current state of the Conditional Use Permit.*

*3920 feet is 40 feet short of ¾ mile and therefore would not comply with the Conditional Use Permit.*

**20-7**      **Property Value Impacts**

*The assertion that wind farms cause no significant impact to property values is absurd! Referencing studies dealing with property within 10 miles of a wind farm is misleading in two respects: Mathematically the data would be biased towards the area furthest from the wind farm (area & number of properties increases with distance; pi times radius squared); and the real issue is property value within, adjacent to, or in close proximity to the wind farm.*

*This is common sense: Given other options, who would buy or build a home near wind turbines?*

**20-9 & Findings**      **Air Traffic**  
(1<sup>st</sup> paragraph)

“Crocker will coordinate with the Clark County airport, the FAA, the SDDOT prior to construction to understand potential impacts.”

*Severe air turbulence created by wind turbines and poor visibility of Met tower guy-wires is a well known hazard for light aircraft flying in the vicinity of a wind farm. Crop-dusting/aerial spraying within or near a wind farm is particularly hazardous. This poses a serious issue when vehicular application of herbicides is not practical due to hilly terrain, rocks, and holes, and aerial spraying is the only option. Weed control within and adjacent to the wind farm will become a serious issue!*

(2<sup>nd</sup> paragraph)

“The project has received “Determination of No Hazard” response from the FAA.....”

*FAA Form 7460-1 requires a permit for each individual turbine and permanent Met tower over 200ft. The precise latitude /longitude coordinates and height (AGL & MSL) must be included. The FAA requires the permit applications 45 days prior to construction. A copy of the instructions for FAA form 7460-1 is attached.*

(4<sup>th</sup> paragraph)

“One private airstrip is located outside the project boundary.....” Following coordination with the landowner and Clark County, Crocker eliminated a turbine location .....

*I can speak directly to this misleading statement since I own the subject airstrip (“W59”, an FAA registered, private airport, ). Crocker's initial turbine siting placed turbines near the west end of the runway, creating an obvious hazard for takeoff and landing. Crocker continually dismissed valid concerns; a good example of how Crocker works with non-participating landowners! Eventually Crocker eliminated one turbine and moved another, but only after a County Commissioner intervened.*

*Crocker's statement is also incorrect considering that there is no mention of a second private airstrip just southeast of the project boundary in Thorp Township.*

(5<sup>th</sup> paragraph)

“The applicant will mark and light the turbines to comply with FAA requirements.”

*A condition of the CUP required that Crocker make a good faith effort to employ an aircraft detection lighting system designed to turn blinking lights atop wind turbines on or off based on the presence or absence of aircraft in the vicinity of the WES and shall, as soon as practicable, commission a study to determine the feasibility of such a system, including pros, cons and estimated costs, with the study being presented to the Board of Adjustment. (Written Findings of the Clark County Board of Adjustment - CU1-17, number 19)*

*To my knowledge, Crocker has made no attempt to comply with this CUP requirement!*

28-3

## 28.2 Agency Coordination

“The Applicant has consulted with the following agencies regarding the proposed project: .....

*The list of agencies includes the five Clark County Townships that would be directly involved in the project on issues such as road maintenance. The above statement by the applicant is false and misleading; the Applicant is not consulting with the townships as claimed. The applicant may, or may not be consulting with other agencies listed.*

**Appendix D Crocker Wind Farm Noise Compliance Report Confidential** (not available to the public)

*Why is this report not available to the public? How is the public going to offer comment on a document which is unavailable for analysis?*

**Appendix G Crocker Wind Farm Agency Correspondence**

*Appendix G includes agency correspondence, including conclusions and recommendations based on obsolete data provided by Geronimo. For example, the NOAA Radar Impact Analysis was based on 125 turbines, 150 meter height. Increasing the number of turbines from 125 to 200 is a significant change requiring reevaluation!*