

March 29, 2019

VIA ELECTRONIC FILING

Ms. Patricia Van Gerpen
Executive Secretary
South Dakota Public Utilities Commission
500 E. Capitol Avenue
Pierre, SD 57501-5070

RE: In the Matter of the Application by Prevailing Wind Park, LLC for a Permit of a Wind Energy Facility in Bon Homme County, Charles Mix County and Hutchinson County, South Dakota, for the Prevailing Wind Park Project Docket EL18-026

Compliance Filing, Condition Nos. 14, 15, 23, and 29.

Dear Ms. Van Gerpen:

In accordance with Permit Conditions 14, 15, 23, and 29 approved by the South Dakota Public Utilities Commission (“Commission”) and included in Attachment A to its November 28, 2018 Final Decision and Order Granting Permit to Construct Facilities and Notice of Entry (“Order”) in the above-referenced docket, Prevailing Wind Park, LLC (“Prevailing Wind Park”) submits the following documents:

1. **Confidential** Architectural Resources Survey (Condition 14).
2. **Confidential** Level III Intensive Archaeological Survey (Condition 14).
3. Stormwater Pollution Prevention Plan (“SWPPP”) (Condition 15).
4. Affidavit of Randy Corey Providing Notice of Turbine Adjustments Up to 250 Feet (Condition 23).
 - a. Exhibit A – Maps of Turbine Adjustments (Condition 23).
 - b. Exhibit B – Summary of Turbine Adjustment Requirement Compliance (Condition 23).
 - c. Exhibit C – Updated sound level analysis (Conditions 23 and 29(b)).
 - d. Exhibit D – Updated shadow flicker analysis (Conditions 23 and 29(c)).
5. Figure showing the most current preconstruction design, layout, and plans

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(Condition 29(a)).

6. Affidavit of Randy Corey identifying the turbine numbers that will be operationally controlled in order to meet the applicable shadow flicker requirements (Condition 29(c)).
7. Certificate of Service.

As explained in the Affidavit of Will Douglas Providing Notice of Turbine Adjustments up to 250 feet, Turbines 4B.52, 4B.53, and 4B.54 have been shifted to comply with the applicable sound requirements at non-participant residences.¹ As demonstrated in the updated sound level analysis, the Project complies with the sound requirements in Condition 27.

As shown on the figures included in Exhibit A to the Affidavit of Chief Operations Officer at FTP Power, LLC dba sPower Randy Corey Providing Notice of Turbine Adjustments up to 250 feet, Turbines 4B.52, 4B.53, and 4B.54 are located in actively-cultivated cropland, as were the previously-approved locations.

- Turbine 4B.52 – The adjusted turbine location is approximately 185 feet from the edge of the wetland survey area. There are no NWI wetlands at the adjusted location or nearby. The adjusted turbine location is located on the edge of the cultural resources APE; there are no known cultural resources within 250 feet of the adjusted turbine location or the vicinity and, based on the agricultural use, the likelihood of occurrence is very low. Additional wetland and cultural surveys will be conducted in April 2019, prior to construction, to confirm that the adjusted location complies with the Permit Conditions.
- Turbine 4B.53 – The adjusted turbine location is approximately 218 feet from the edge of the wetland survey area. There are no NWI wetlands at the adjusted location or nearby. There are no known cultural resources within 250 feet of the adjusted turbine location or the vicinity and, based on the agricultural use, the likelihood of occurrence is very low. Additional wetland and cultural surveys will be conducted in April 2019, prior to construction, to confirm that the adjusted location complies with the Permit Conditions.
- Turbine 4B.54 – The adjusted turbine location is approximately 175 feet from the edge of the wetland survey area. There are no NWI wetlands at the adjusted location or nearby. The adjusted turbine location is located on the edge of the cultural resources APE; there are no known cultural resources within 250 feet of the adjusted turbine location or the

¹ Prevailing Wind Park is working with two of the three affected non-participating landowners to potentially enter into easement agreements. If either of their statuses changes to “participant” such that the 45 dBA limit would apply, Prevailing Wind Park will notify the Commission of the agreement.

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vicinity and, based on the agricultural use, the likelihood of occurrence is very low. Additional wetland and cultural surveys will be conducted in April 2019, prior to construction, to confirm that the adjusted location complies with the Permit Conditions.

Also prior to construction, Prevailing Wind Park will conduct the necessary Level III intensive archeological surveys of any areas that fall outside of the current survey area to confirm the absence of archaeological resources. Prevailing Wind Park will coordinate as necessary with the State Historic Preservation Office and will submit to the Commission the results of the updated survey work in an addendum to the Confidential Level III Intensive Archaeological Survey.

To comply with the shadow flicker limits set forth in Condition 28, Prevailing Wind Park will use turbine control software to operationally control turbines to ensure that shadow flicker will not exceed 15 hours per year or 30 minutes per day at any receptor unless and until a waiver is obtained from the affected landowner. The turbines that will be operationally controlled are identified in the Affidavit of Randy Corey. Pursuant to Conditions 28 and 29(c), Prevailing Wind Park is seeking waivers of the shadow flicker requirements from participating landowners and prior to commercial operation of the Project, Prevailing Wind Park will provide an additional update to the Commission of all waivers obtained.

Please let me know if you have any questions.

Sincerely,

/s/ Lisa M. Agrimonti

Lisa M. Agrimonti

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Enclosures

cc: Certificate of Service/Service List

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