

**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA**

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**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**

**INTERVENORS' RESPONSES  
TO APPLICANT'S FIRST SET  
OF DATA REQUESTS TO  
INTERVENORS**

**EL 18-026**

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Intervenors Gregg Hubner, Marsha Hubner, Paul Schoenfelder, and Lisa Schoenfelder (“Intervenors”), through counsel, provide the following Responses to Applicant Prevailing Wind Park, LLC’s (“Applicant”) First Set of Data Requests to Intervenors.

- 1-1) Provide copies of all data requests submitted by the PUC Staff to you in this proceeding and copies of all responses to those data requests. Provide this information to date and on an ongoing basis.**

**RESPONSE:** This information will be provided.

- 1-2) In your Application for Party Status in the above-referenced action, it states: “I live and/or own land in close proximity to or within the Project’s footprint and have concerns regarding the applicant’s compliance with applicable laws and rules; concerns regarding environmental, social, and economic injury the Project will cause; concerns that the Project will impair the health, safety, and welfare of inhabitants of the area; and concerns that the Project will interfere with the orderly development of the region.” With respect to above, please respond to the following:**
- a) Identify with specificity your “concerns regarding the applicant’s compliance with applicable laws and rules.”**
  - b) Identify with specificity your “concerns regarding environmental, social, and economic injury the Project will cause.”**
  - c) Identify with specificity your “concerns that the Project will impair the health, safety, and welfare of inhabitants of the area.”**
  - d) Identify with specificity your “concerns that the Project will interfere with the orderly development of the region.”**

**RESPONSE:****1-2a.**

Intervenors are concerned about the shadow flicker provision in Article 17 of the Bon Homme County Zoning Ordinance. The provision provides:

“When determined appropriate by the County a Shadow Flicker Control System shall be installed upon all turbines which will cause a perceived shadow effect upon a habitable residential dwelling. Such system shall limit blade rotation at those times when shadow flicker exceeds thirty (30) minutes per day or thirty (30) hours per year at perceivable shadow flicker intensity as confirmed by the Zoning Administrator are probable.”

First, non-participating landowners should not be exposed to any shadow-flicker on any part of their property, as it is a nuisance. Just as it is unreasonable to produce a strobe light into someone’s home for 30 minutes a night or 30 hours a year, it is unreasonable to produce a shadow flicker during the day. Second, the ordinance language suggests the Zoning Administrator is solely in charge of determining whether the inhabitant has an actual problem with shadow flicker, and it is unclear what an inhabitant needs to do to show a problem exists. Accordingly, the Applicant should be required to install the sensors at the time the turbine is erected and be required to regularly submit proof the sensors are working to the PUC.

The Hubners’ residence is Receptor #047 in the shadow flicker report. They are concerned about turbines 60 through 64 to the west and 42 through 44 to the east. They watch most of the sunrises and sunsets when home. Although the Applicant’s model says no shadow flicker will occur, the Hubners are concerned about the limited recourse they will have if they do experience shadow flicker (i.e., filing civil suit for nuisance).

Another concern relates to compliance with setbacks. Intervenors believe there were seven instances in the Campbell County Wind Farm where turbines were built in violation of setbacks. To prevent that from occurring here, Intervenors request a liaison person monitor construction and ensure compliance with all setbacks.

Intervenors are also concerned with Applicant’s ability to comply with Section 1729 of the Bon Homme County ordinance. That section provides: “The turbines shall be spaced no closer than is allowed by the turbine manufacturer in its approval of the turbine array for warranty purposes.” Applicant has not provided any evidence showing its ability to comply with that provision.

Intervenors are still evaluating the Application and may present additional information and arguments regarding Applicant’s ability to comply with laws and rules up to, during, and after the evidentiary hearing.

**1-2b.** Intervenors are concerned with the amount of rare earth minerals and fiberglass in the turbines. Here is a very recent news report on this problem:

<https://www.facebook.com/mfacer1/videos/1779297158754670/>.

There was also a report on the same subject on 60 minutes.

<http://mineidaho.com/2015/08/13/60-minutes-segment-with-lesley-stahl-rare-earth-elements/>.

The Project puts endangered birds and bats at risk. The entire footprint is in the center of the Central Flyway and is in the Mississippi Flyway and possible whooping crane migration routes. Intervenors believe the wildlife in the area is far more abundant than reported by Applicant. The amount of time spent for the siting studies was insufficient to adequately measure the wildlife in the area.

As far as social injury, it is evident wind projects tear communities apart. All you must do is attend a PUC public hearing or read a local newspaper within the footprint. On July 12, 2018, a public comment meeting for the Project was conducted. At the meeting about 34 chose to express their position publicly. Of those 34 people, 26 expressed concerns and opposition to the project but only 8 people spoke in favor and most of them were investors in favor of the project with a vested financial interest in the project who did not live in the footprint of the project. This reflects the social impact and conflict this project does and will continue to have if moved forward.

As far as the economic injury, Tripp, South Dakota is the perfect example. The sales tax receipts from the South Dakota Dept. of State for the municipal tax collected by Tripp, SD, from 2009 through 2017 are as follows:

<u>Calendar Year</u>	<u>Taxable Sales</u>	<u>Tax Collected</u>
2009	5409868	108239
2010	4363280	125031
2011	6259241	125291
2012	5803449	116069
2013	5880795	117828
2014	6699445	134093
2015	5866484	117427
2016	6324521	126607
2017	5048835	101038

Tripp is the town nearest to the Beethoven Wind Farm, which was developed by B&H Wind, the same group that started Prevailing Winds. They started building it in December of 2013. The Beethoven Wind Farm went on line in May of 2015. You will see there was a little bump in 2014 during construction, but after that tax revenues dropped to a number in 2017 actually below every year on the chart. Since the building of the Beethoven Wind Farm in 2014, Tripp has lost its grocery store 2 or 3 times, and now it is open again. The school voted for an opt out in May of 2017, 3 years after the wind farm was built.

There is also the issue of building permits. Oak Hollow Township in Hutchinson County has all the Beethoven Wind Farm turbines in that county. There were no building permits issued for homes in that Township from 2012 through 2017. In comparison, Avon Township had 4 homes built in that same time period. Avon Township has had a very robust building climate

because of its proximity to Avon and its businesses and school. If building permits for houses stop completely or are curtailed, this is a negative to the local economy.

Moreover, if one examines the 14 counties in South Dakota that have wind farms, one will see the population has dropped in every county except one, Brookings County.

Some persons in the area depend on hunting as a source of income, and Intervenor expect those persons will be harmed by the Project.

The Applicant has also failed to identify various rural cemeteries located in and around the Project area. Building turbines closer than two mile from cemeteries will cause social harm to those who visit the cemeteries.

Intervenor are still evaluating the Application and may present additional information and arguments regarding this requirement up to, during, and after the evidentiary hearing.

**1-2c.** See the prefiled testimony of Intervenor's three experts. Intervenor have also spoken to individuals who have experienced negative health consequences following the construction of wind turbines close to their properties.

Intervenor are also concerned about ice throws. According to a publication from GE, GE recommends that a "safe distance from any occupied structure, road, or public use area" is calculated using the following formula:  $1.5 \times (\text{hub height} + \text{rotor diameter})$ . Using the measurements for the GE turbines being proposed for this Project would result in a distance of 1,215 feet as a "safe distance." That distance should be the setback from all property lines and rights of way to ensure safety and welfare of inhabitants in the area.

Intervenor are still evaluating the Application and may present additional information and arguments regarding this requirement up to, during, and after the evidentiary hearing.

**1-2d.** Intervenor are concerned the Project will destroy any future residential development in the area. The peaceful vistas and sounds of nature are what draw people to this area for rest and relaxation.

Intervenor are still evaluating the Application and may present additional information and arguments regarding this requirement up to, during, and after the evidentiary hearing.

**1-3) Identify the property and/or residence you own and/or reside in within the vicinity of the Prevailing Wind Park Project ("Project") and the location (by section, township, and range) of such property and/or residence.**

**RESPONSE:** Gregg and Marsha Hubner own land in Sections 9-96-61, 3, 7, 16 & 28 in 95-61. Their residence is in Section 16, and they have a rented house on Section 7.

Paul and Lisa Schoenfelder own and reside on 160 acres with a homestead farmhouse at Choteau Creak Township N96 R62 S26 SW1/4. They will have 11 turbines surrounding their property in a two-mile footprint on the NW, N, NE, E, SE sides.

**1-4) If you have a residence in the vicinity of the Project, identify whether you live at the residence throughout the entire year and, if not, how many months of the year you reside at the residence.**

**RESPONSE:** Gregg and Marsha Hubner live at their residence in Section 16-95-61. They built this house in 2012 as a retirement home after being assured by Charles Roth, representing B&H Wind at that time, that there would be no wind turbines coming, as the Production Tax Credit had lapsed. Their house on Section 7 is rented by a single man.

Paul and Lisa Schoenfelder live at their residence throughout the entire year.

**1-5) Identify how you use your land, including, but not limited to, whether you use your land for agricultural purposes.**

**RESPONSE:** Gregg and Marsha Hubner's land is used for a residence and for agricultural purposes.

Paul and Lisa Schoenfelder's land is used for a residence, for agricultural purposes, and for business purposes.

**1-6) Identify any sensitive or unique features of your property that you assert would be impacted by the Project.**

**RESPONSE:** When Gregg and Marsha Hubner built their retirement home, view was very important to them. So was peace and quiet. As a Real Estate Broker since 1983, Gregg understands and appreciates the phrase "Location, Location, Location." They have 31 windows or glass doors in their one story 2300 sq. ft. home. The windows were one of the most expensive parts of the house. They have a panoramic view in every direction. In the morning, they have an east-facing deck, and in the evening a west-facing porch. They enjoy spending time on their deck and porch because of the view. In addition to view, we have serenity. In the mornings we can hear songbirds, turkeys, pheasants, sheep and cattle. These are the noises of nature. If you look at any publication or website of rural properties, you will see the selling points are always the same: view, peace and quiet, and serenity. Some day when they sell this home, these amenities will be paramount to the sale. Sitting and looking at and listening to spinning whooshing wind turbines is not what potential buyers would be looking for. Wind turbines anywhere within 2 miles will greatly devalue the value of this home. Right now there are 17 wind turbines 586 ft. tall proposed to be within 2 miles of their home.

Paul and Lisa Schoenfelder are developing a business (i.e., brewery) in which they will rely on clients coming to and from the property. The business is geared towards recreation and a resort for relaxation. What is now a peaceful get away would be inundated with 11 industrial wind turbines 589' tall in a two-mile radius. This would impact their business and livelihood. They have the original log cabin from a way station in the 1880s on the property. As a part of their business model, tourists will come to see this history of the plains and how the pioneers of those days lived. This project with 11 industrial wind turbines will impact that customer experience.

**1-7) Describe any mitigation measures that could address your concerns with respect to the Project.**

**RESPONSE:** The most important mitigation tool would be 2-mile setbacks from a residence and 1500 ft. from a property line. While this will not alleviate all concerns, it would mitigate them. See also those measures set forth in Intervenor's prefiled testimony. Moreover, there should be no shadow flicker on any non-participants land or buildings. Also, a radar-detection system should be installed to minimize red blinking lights at night. Moreover, a two-mile setback should exist for cemeteries. Finally, Intervenor's believe there should be independent oversight during the construction and throughout the entire life of the Project.

Intervenor's are still evaluating the Application and may present additional information and arguments regarding this request up to, during, and after the evidentiary hearing.

**1-8) Identify any documents, information, education, training, or professional experience you have relied upon to form your opinions concerning the Project as listed in your Application for Party Status. Where you have relied upon documents or other tangible materials, please provide such documents and/or materials.**

**RESPONSE:** Gregg Hubner has been studying wind energy since 2010 when exposed to the subject at an Appraiser's Continuing Education seminar. Since then, he has read countless articles. He is also the President of South Dakotans for Safe and Responsible Renewable Energy. That group's website is [SDSRRE.ORG](http://SDSRRE.ORG). If you go to that site, you will find 8 websites and 4 facebook pages. These are just a few of the web resources available for educating yourself on wind energy. Also, on the website are two documentaries "In the Shadow of Wind Farms" and "In Your Own Words". These documentaries speak for themselves. In 2017, Gregg and his son wrote the book "Paradise Destroyed: "The Destruction of Rural Living by the Wind Energy Scam". This book is full of footnotes as well.

*See also* those documents produced by Intervenor's through the course of this proceeding.

**1-9) Identify any expert witnesses you plan to have testify on your behalf, and for each expert witness, describe the subject matter regarding which the witness will testify.**

**RESPONSE:** See the prefiled testimony submitted by Intervenors.

**1-10) Are you asserting that the Project will negatively impact your property value? If so, provide copies of any appraisals that have been conducted for property identified in response to Data Request 1-3 within the last ten (10) years.**

**RESPONSE:** Yes.

Gregg and Marsha Hubner had an appraisal done on the 233 acres of bare acres they bought in Section 16 in late 2008. In 2012 when they built their home, an appraisal was done on their house and 13.27 acres. That was before the Morton Building was erected, and that was never on the appraisal. They do not believe they have copies of these appraisals. They were done by Farm Credit Services.

Lisa and Paul Schoenfelder expect to have an appraisal performed in the near future.

**1-11) Identify any communications, written or otherwise, you have had with units, officials, and/or representatives of local, state, and/or federal governments or agencies concerning the Project.**

- a) **For any written communications, provide a copy of the communication; and**
- b) **For any unwritten communications, provide the date of the communication, the persons involved, and the subject matter of the communication.**

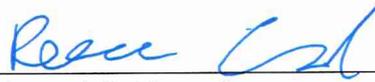
**RESPONSE:** Objection. This request seeks information that is overly broad, irrelevant, unduly burdensome, and not limited in time or scope. Intervenors have no burden here and any such communications they have had are irrelevant to this proceeding. Subject to and without waiving that objection, see attached communications.

**1-12) If you contend that the market value of any property will be diminished on account of the Project, identify the property by street address and/or parcel identification number.**

**RESPONSE:** Intervenors believe the market value of all residences located in and around the project area will be diminished.

Dated this 24<sup>th</sup> day of September, 2018.

DAVENPORT, EVANS, HURWITZ &  
SMITH, L.L.P.



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Lisa Schoenfelder*

**CERTIFICATE OF SERVICE**

The undersigned, one of the attorneys for Intervenor Gregg C. Hubner, Marsha Hubner, Paul M. Schoenfelder and Lisa A. Schoenfelder, certifies that a true and correct copy of the foregoing was served via email, upon the following:

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Dated this 24<sup>th</sup> day of September, 2018.



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**BEFORE THE PUBLIC UTILITIES COMMISSION  
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**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**

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**STAFF’S SECOND SET OF DATA  
REQUESTS TO INTERVENORS**

**EL18-026**

Below, please find Staff’s Second Set of Data Requests to Intervenors. Please submit responses by October 3, 2018, at 5:00 pm, or promptly contact Staff to discuss an alternative arrangement.

- 2-1) Refer to the Intervenor’s response to Staff Data Request 1-4. The Intervenors “recommend a 2-mile setback from non-participating residences and a 1,500 ft. setback from a property line and public rights-of-way with waivers available for those who want them closer.” Please provide references to the direct testimony, including page and line numbers, submitted by Richard R. James, Jerry L. Punch, and Prof. Mariana Alves-Pereira, that support this condition.
  
- 2-2) Refer to the direct testimony of Mr. Richard James, Page 2, line 55. Is compliance with the Bon Homme County’s noise regulation associated with wind energy systems achieved through a sound model based on predicted sound levels, or is compliance based on actual sound levels? Please explain.
  
- 2-3) Refer to the direct testimony of Mr. Richard James, Page 3, lines 101, through Page 4, 105.
  - a) Have any U.S. counties or states adopted the Intervenors’ recommended maximum sound level regulation for wind energy facilities of 35 dBA? Please provide documentation to support the response.
  - b) Have any U.S. counties or states adopted the Intervenors’ recommended sound level regulation for wind energy facilities of no more than 5 dBA louder than the pre-operational background sound levels? Please provide documentation to support the response.
  
- 2-4) Refer to the direct testimony of Mr. Richard James, Page 3, lines 101 – 105, and Page 5, lines 158 – 163. If Mr. James recommends a maximum sound level of 35 dBA, and states the setback distance would be on the order of 3600 feet to meet the 35 dBA Leq limit, why does Mr. James calculate the setback to prevent annoyance during nighttime periods from multi-turbine projects would need to be 1.25 miles? Please explain.
  
- 2-5) Refer to the direct testimony of Mr. Richard James, Page 5, lines 158 – 163, and the Intervenor’s response to Staff Data Request 1-4. The Intervenors recommended a

condition that requires a 1,500 ft. setback from a property line, but Mr. James recommended a 1.25 mile setback from the property line. Please explain how the 1,500 ft. setback is consistent with Mr. James' testimony.

- 2-6) Refer to the direct testimony of Prof. Mariana Alves-Pereira, Line 460: "Appropriate zoning laws for industrial wind turbines should be considered." Please provide Prof. Alves-Pereira recommendation for an appropriate zoning law for industrial wind turbines to address her concerns regarding ILFN.
- 2-7) Refer to the direct testimony of Prof. Mariana Alves-Pereira, Lines 460 – 462: "However, in the absence of zoning laws based on scientific information, then the governmental agencies responsible for Public Health should step in to conduct appropriately designed epidemiological studies." Which governmental agency in South Dakota is Prof. Alves-Pereira referring to?
- 2-8) Refer to the direct testimony of Mr. Jerry Punch, Page 14, lines 396 – 402, and the direct testimony of Mr. Richard James, Page 3, line 101 through Page 4, line 105.

Mr. James recommends that *"the maximum sound level for audible sounds should be 35 dBA (Leq) and 50 dBC, especially for nighttime wind turbine noise. We also limited the new noise source to be no more than 5 dBA louder than the pre-operational background sound level at night."*

Mr. Punch recommends that *"the WHO recommendation of 40 dBA Leq (night, outside) should not be exceeded at any residence, particularly at non-participating households. To provide adequate protection from sleep disturbance, nighttime noise levels should be limited to 40 dB LAmax. A metric of dB LA10(night, outside), the noise level exceeded 10% during nighttime hours and measured at the façade of the residence, may be a reasonable substitute for LAmax if considered by acoustical experts to be easier to apply for the purpose of compliance."*

The recommendations between these two witnesses for the Intervenor's appear inconsistent. Actually, Mr. James' states that the use of a limit of 40 dBA is inadequate to prevent adverse effect (Direct testimony, Page 5, lines 143 – 149).

Will the Intervenor's advocate for Mr. James' recommendation or Mr. Punch's recommendation for audible noise at the hearing? Please explain.

- 2-9) Refer to the direct testimony of Mr. Jerry Punch, Page 11, lines 303 – 314. Have any U.S. counties or states adopted the Intervenor's recommended maximum nighttime noise level regulation for wind energy facilities of 40 dB LA max? Please provide documentation to support the response.

Dated this 19<sup>th</sup> day of September 2018.

A handwritten signature in blue ink, appearing to read "Amanda M. Reiss".

Amanda M. Reiss

Kristen Edwards

Staff Attorneys

South Dakota Public Utilities Commission

500 East Capitol Ave.

Pierre, SD 57501

## TIME TABLE

Date	Event	Remarks
3-3-15	Comm	Gregg & Marsha discussed concerns about wind farm
3-23-15	Zoning	Gregg Hubner & Mary Walkes spoke
3-24-15	Comm	Gregg, Mary, Ed, Marsha, all spoke
4-27-15	Zoning	Gregg, Marsha, Ed Van Gerpen, Mary Walkes
5-26-15	Zoning	Gregg, Marsha & Ed spoke
6-29-15	Zoning	Gregg & Marsha spoke
8-31-15	Zoning	Public hearing on Article 17, several speakers
10-20-15	Comm	Night hearing on Article 17 several speakers
8-28-17	Zoning	PV applying for CUP for met tower Vicki May & others
9-18-17	Zoning	PV back with new permit and people obtains CUP
11-20-17	Zoning	Gregg proposes 1 mile w/waivers
11-21	Comm	Gregg proposes 1 mile w/waivers
12-18-17	Zoning	Gregg, Mary, spoke Erik J. debunks Vicki May
12-19-17	Comm	Comm & McGinnis slam dunk Article 17 for good
2-16-2018	Zoning	Zoning moves to leave Article 17 as is

Then, in addition to the treatment we received from March of 2015 through February of 2018, the election of 2016 gave the residents of the Avon District a new Commissioner Bruce Voigt. Bruce is on the Board of Managers of Prevailing Winds, and was on that board when he ran. He was told after he ran he would not be above to speak to or vote on wind issues.

But the Prevailing Winds project only affects the residents of the Avon District out of the 5 districts in the county. So that gives the residents NO representation either for or against the wind project that is in their area. They have absolutely no voice in county government on wind issues. This is discrimination against the residents that will have to live in this project.

On page 2 of Article 17 it says: Section 1701: The intent of this ordinance is to ensure that the placement, construction and modification of a Wind Energy System (WES) facility is consistent with the Bon Homme County's land use policies, to minimize the impact of WES facilities, to establish a fair and efficient process for review and approval of applications, to assure a comprehensive review of environmental impacts of such facilities, and to protect the health, safety and welfare of the County's citizens.

Our county government did not do what Article 17 requires in Section 1701. They did not even try.

3-2-15  
page 143

Dear Commissioner:

Last week Ronnie Hornstra called me and wanted a meeting to discuss more wind towers near to our home. This was devastating news to us. A few years ago when the BH Wind just got started, my neighbor Charlie Roth came to my house trying to buy my wind/air rights. We were not interested because we believe first they ruin the landscape, kill wildlife, cause health problems and are built on a false premise. Wind farms are an inefficient form of electricity production and the primary reason they are built is for the production tax credit which is paid for by taxpayers including all of us. In early 2012 before I built a new house I called Charlie Roth and asked him if there would be any wind towers coming this direction because I did not want to live in the middle of them. He told me at that time to go ahead and build my house. I had an advantage over most local neighbors on this issue because I took a class on the evolution of wind towers at a real estate school maybe 5 years ago. After the big project north of us was built, I wrote a letter in the Avon and Mitchell papers and later published another article in the paper. There are copies of those letters in your packet.

After Ronnie called me we really started to get concerned. In those couple of weeks or less, I have done a lot of research, and most of what I learned I got from the group we-caresd.org from Canton. That is the local group that stopped the construction of test towers in Lincoln County a couple weeks ago.

Without going through every aspect of the negatives of wind towers, I have compiled a file for each of you and hope you read through it. I also hope you go to the website we-caresd.org and click on every link. We are doing this in our neighborhood. We are going to have a representative from we-care come to my house next week and give a presentation. We are in contact with the attorney that represented them at their commissioners meeting. We also have an attorney in Omaha available who helped a farmer by Crofton sue the project near Bloomfield. We are going to have showings of the movie "Windfall". We are going to devote a lot of time, effort, and money to educate the public about adverse effects of wind towers on our quality of life.

Here's why we have to do this:

Wind Farms ruin the landscape. We lose our unobstructed view of the sunrise, sunset, it would be like living in the middle of an amusement park with 50 giant ferris wheels turning all the time. We don't want to live there, my neighbors don't want to live there and I doubt if any of you want to live there.

Wind Farms are built on a false premise. They do not lower the cost of electricity, they raise it. They say they create local jobs, but according to what I read in the paper, only 2 permanent jobs were created with \$125 million dollars spent.

3-5-13  
p 2 of 3

Wind Farms destroy the wildlife. If you go through the links and listen to the testimonials on the wind farm in Wisconsin, all the wildlife disappears. Burl Mormann, a farmer near the towers in Knox County Nebraska told me when the ducks and geese are migrating you can pick up dead birds by the bushel.

It lowers property values, both residential and bare land. Court cases have proven this.

In conclusion, it's too bad that there hasn't been more education about wind farms that is based on fact. All we have been told is the so called benefits of wind farms. But here is how it really works:

The wind developers find the amiable respected neighbor and they send them out to buy up air rights. Once they have the air rights, it's too late. So they build these gigantic wind farms, sell them to a foreign corporation, leave town and head down the road to start another one. The investors make the millions in tax incentives, the farmers live in an amusement park, and some foreign country then can change their agreement with the farmer any time they want. The local group has no power, they have sold out, and so what farmer is going to sue some company from Germany, China or India?

Today we are asking the commissioners to spend some time getting educated on the adverse effects of wind towers. You should be most concerned about reduced property values. The court cases have already been won in other states that show wind turbines reduce the property values for both bare land and residences. As soon as these towers are built, there will be a steady flow of landowners into the assessor's office to get a tax reduction once the word gets out. Not only would I want my property taxes and valuation reduced, I plan to sue BH Wind or Ronnie Hornstra personally for the loss I will have to take on my property.

The first project isn't even finished and they already want to start a 2<sup>nd</sup> one. What's the big hurry? We haven't seen any result from the north wind farm, good or bad. One big thing that I think we all should consider is playing out now right before us. By the time any landowner has any remorse or health problems or property devaluation, the developers are going to be long gone. And the farmer has no representation against a giant corporation from Germany. He's stuck with it.

I urge the commissioners to consider these things:

1. Put a one year moratorium so that there is one year to study the impacts of the wind farm for 1 year after all blades are turning. Like I said, what is the hurry?
2. You should revise county zoning so that no tower is built within a mile of anybody's residence. Although this would be a 2<sup>nd</sup> choice for me personally, it would help some.

3-2-15  
p 3 of 3

3. The assessor told me there are 115,000 acres in the Avon School District. Why not raise taxes by one dollar an acre, if they need the money. Would spending \$125, million dollars make more sense? When the towers devalue the land and houses in the district, the money coming in from the towers will be decreased substantially.
  
4. would like the county to become a representative for the landowner and his rights rather than let the big wind developers tell you what they are going to do. The landowner and taxpayer should be your first priority. Big money is running our state and our country. We don't want it running our local government too.

We are forming a local group to educate the public on this. Our first meeting will be at my house next week and I would like to see each of you there. I would hope you read through all of this material, but more importantly, go to the we-care.org website. It's put together by people around Canton. They are doing their homework. They have turned the opinion on wind farms 7-1 against, once people heard the other side.

Thanks, Gregg Hubner

The link below is provided to local Bon Homme and Charles Mix County landowners and the general public who may be affected by wind farms now or in the future. This website is hosted by a group of landowners in southern Lincoln County, S.D. who have researched the negative effects of wind farms including health issues, decreased property values, noise, & foreign ownership. They have invested an enormous amount of time and money to educate the public on this issue.

CLICK ON [www.we-caresd.org](http://www.we-caresd.org)

# Hubner Auction & Realty Inc.

**Gregg C. Hubner, Real Estate Broker & Certified General Appraiser**

29976 406<sup>th</sup> Avenue, Avon, SD 57315

Office: 605-286-3205

July 2, 2015

Bon Homme County Zoning Board

At the request of Tina Talsma on Monday, I am sending you most of the letters recently written to the Avon Clarion, Tyndall Tribune, Mitchell Daily Republic, Yankton Press and Dakotan and the Wagner Post.

These letters were written by Gregg Hubner, Marsha Hubner, Jesse Hubner, Jamin Hubner, Mike Giedd, Mary Walkes, Greg Whiteley, Judy Knoll, Tom Kolecka, Ed Van Gerpen, Phyllis Hubner, Mike Hubner, David Ratzlaff, Karen Jenkins, Arnold Sattler, along with some editorials by Jack Brodeen. I apologize as there may be some duplicate letters included.

Also I will re send you the e mail from the vet in Bloomfield, Nebraska, and I guess if you don't believe the e mail then please make the call to him to confirm it. We are working on putting ads in papers near wind farms to find some negative stories concerning noise, health, etc. We-caresd.org has already obtained contacts near White Lake.

Also, as far as our numbers against the project, we have written a petition at the advice of our attorney, but have not started to collect signatures until we think we have to be at a public hearing of the PUC. It is difficult to know exactly who to talk to when we don't even know the proposed location of the 100 turbines.

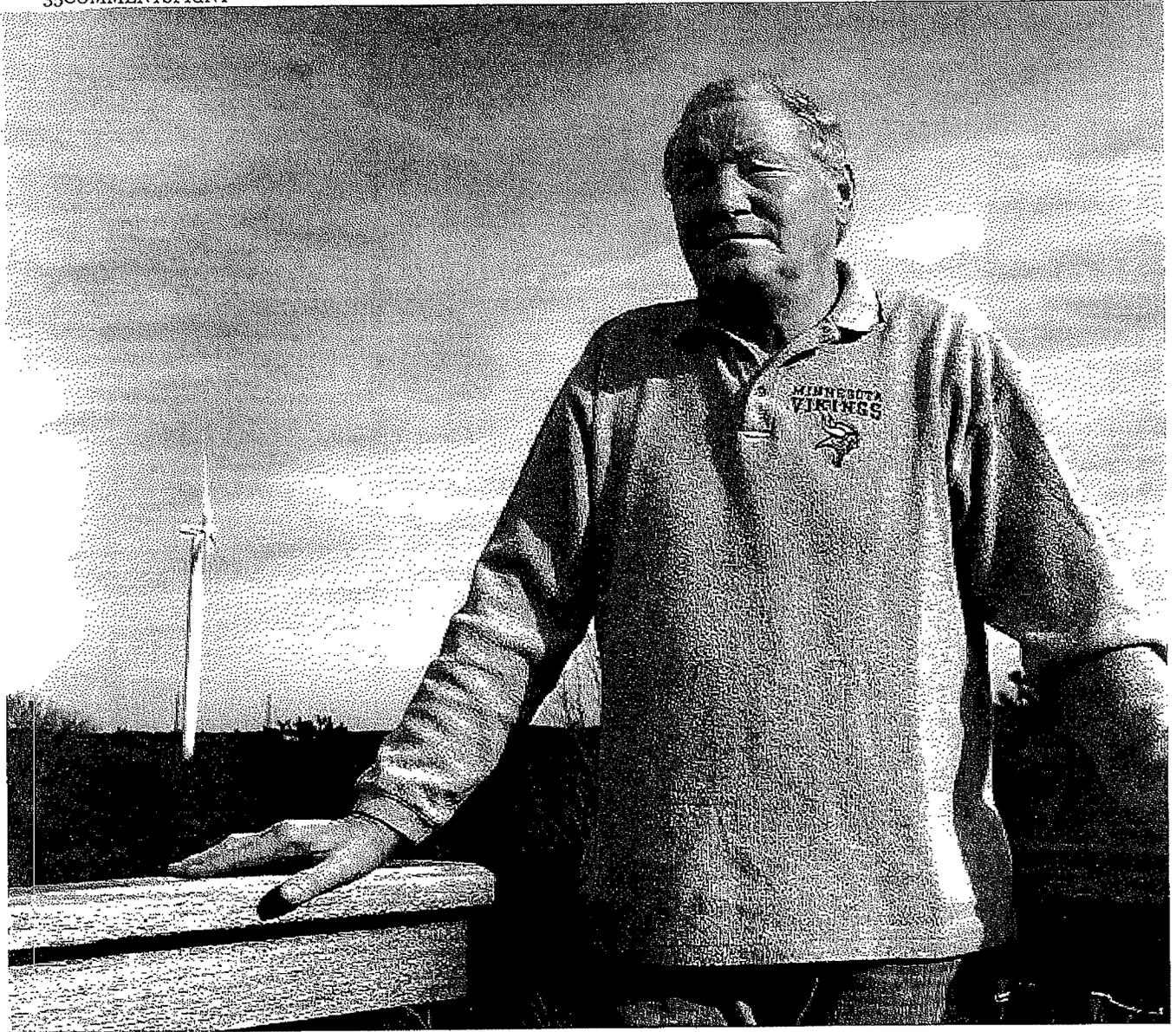
In August we-caresd.org from Lincoln County is going to host a national expert on wind farms. We will try to get as many people from this area to go that might be interested in the truth.

I have just finished reading the book "The Wind Farm Scam". It was written by Dr. John Etherington, an ecologist from England, and gives a study of the evolution and failings of wind energy in England. It more than convinced me of what I already knew: Wind Farms and Wind Energy are a huge multi-billion dollar taxpayer scam both in Europe and in the United States.

7-23-15  
pics

# A Falmouth veteran battles wind turbines — and health woes

35COMMENTS/PRINT



PHOTOS BY DEBEE TLUMACKI FOR THE BOSTON GLOBE

Barry Funfar on the deck of his home, near the turbines.

**By** Bella English GLOBE STAFF JANUARY 24, 2014

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p2 of 5

FALMOUTH — Barry Funfar is a 67-year-old Vietnam veteran who spent most of his waking moments since retirement a decade ago working with the hundreds of flowers and trees he planted around the Colonial-style house that he built. Gardening was his exercise, therapy, and passion, and his doctors agreed it was beneficial to combat his post traumatic stress disorder.

A Marine, Funfar flew 127 combat missions as a door gunner on Huey helicopters and was awarded seven Air Medals for meritorious service.

Years later, he is battling another enemy: two wind turbines near his home, which he says have ended his gardening, caused him unremitting health problems, and exacerbated the PTSD that has plagued him for decades.

Last spring, he and his wife, Diane, filed a complaint against the Town of Falmouth, and the Zoning Board of Appeals recently agreed with the couple that the green energy turbines create a nuisance for them. A year earlier, the board had issued a similar ruling in another turbine case.

But instead of complying with its own zoning board, the Town of Falmouth is suing the board — again.



[View Gallery](#)

Photos: A veteran battles turbines

In the earlier case, Barnstable Superior Court Judge Christopher Muse issued a temporary order, while the case is pending, that the turbines run only between 7 a.m. and 7 p.m. Dozens of other Falmouth residents have also testified before the local health board about negative health effects.

These residents are not alone.

Seeking cleaner and cheaper sources of power, governments around the world have been turning to wind power. But as the turbines increase so have complaints about

7-23-13  
p 3 of 5

health problems. There remains significant disagreement about the medical legitimacy of those claims, but there is no doubt in the minds of Funfar and others who suffer.

Funfar, who was diagnosed with post traumatic stress disorder in 2003 after decades of nightmares, anxiety, anger, depression, and alcoholism, was treated by doctors and counselors at the VA Medical Center in Providence, sometimes attending group and individual therapy sessions four days a week. He still goes weekly.

Funfar joined the Marine Corps in 1965, a farm boy from North Dakota. At boot camp graduation, his drill instructor handed him a military ID and said: "Here's your license to kill." It's a statement that still haunts Funfar.

But by 2008, after the intensive therapy, he says, he was feeling much better.

"It took a lot of therapy to change those nightmares that I was killed," he said on a recent day in the house he built in 1999. "In those dreams, my copter would be shot down; the enemy would chase us and kill us, and I'd be at my own funeral."

In Falmouth, where the Funfars have lived since 1979, gardening became a big part of his life, and his doctors encouraged it as a healthy outlet for his PTSD. As the oldest of five boys growing up on an isolated farm, Funfar had always had a passion for plants.

You might call it an obsession. His lot, not quite an acre, has 128 varieties of clematis plants, 500 rhododendrons and azaleas, eight varieties of magnolias, and this year, he put in 10 Japanese maples. That doesn't include myriad other plants; Funfar reckons he's got "thousands of them out there." He has given away hundreds.

In fact, he did the master plan for his garden before he even built the house.

Funfar has carved paths in what he calls his "wild woodland garden," and built a greenhouse on the property as well as a gazebo with a wood stove and microwave, where he sits and peruses some of the dozens of gardening books he has amassed. He also has several photo albums of his plants, with notes scribbled alongside each picture. He makes his own greeting cards with pressed flowers from his garden, and his home was included on three garden tours.

"Any moment I wasn't working, I was with those plants," says Funfar, who in 2003 retired from his carpet-cleaning business.

But these days, the property is overgrown and neglected, the greenhouse and gazebo abandoned. In March 2010, the town installed its first wind turbine and added another the following year. The first is 1,662 feet from the Funfar home, the second 1,558 feet. Both can be seen from their roof deck.

"The first time I heard it, I couldn't believe it could make that much noise," he says. It's also the inaudible low frequency and infrasound waves that he says have made him ill,

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p 4 of 5

with symptoms such as heart palpitations, surges in blood pressure, migraine headaches, and sleep deprivation.

“I feel a quivering in my chest,” he says. “I get panic attacks. My pulse is 180, and three hours later it’s still 130. I’m on blood pressure medication, and my pressure was down to 120 over 70. But now, I’ll get 155 over 115. I feel my life is being shortened by this.”

In its complaint against its zoning board, the Town of Falmouth said that the wind turbines do not constitute a nuisance under either town or state law. Moreover, Falmouth called Funfar’s symptoms “a preexisting condition known as post traumatic stress disorder.”

Funfar replies that yes, he has had PTSD “but never did I have this quivering in my chest, these migraines and flashes in my eyes.”

The pro-turbine camp has spent a lot of online ink maligning patients such as Funfar, while the anti-turbine camp also uses the issue as a rallying cry. “This is a medical puzzle plopped into the middle of a very political environment,” says Dr. Steven Rauch, a hearing and balance specialist at the Massachusetts Eye and Ear Infirmary and professor of otology and laryngology at Harvard Medical School.

Caught in the middle of political and financial interests, he says, are patients like Funfar, who are experiencing significant symptoms. “I personally have no doubt that there is a real physiological phenomenon going on and some patients are vulnerable to it,” says Rauch, who has seen two such patients with a plethora of symptoms, but has not treated Funfar. “There’s a lot of science on it, and it’s growing.”

Humans have varying sensitivities to sound, and a subset of those exposed to wind turbines suffer from the low-frequency pressure waves that penetrate walls and homes, says Rauch.

For Funfar, the only way he can elude the turbines’ effects is to leave the area. He spends much time between 7 a.m. and 7 p.m. helping out at his daughter’s or son’s homes, which aren’t near the turbines. He takes his grandsons to the library. Sometimes, he sits in church.

And a year ago, he and Diane bought a house in the Dominican Republic with mango and avocado trees where he can garden “to my heart’s content” for several months of the year.

Diane Funfar, a retired math teacher at Falmouth High School, says her husband’s PTSD had improved with treatment. “He was happy, working in the yard,” she says. “But then the turbines came and turned him into a different person. He got panic attacks and anxiety; his blood pressure went up, and his meds increased.

“The thing he loved to do most was working in the yard, but he can’t be here when the turbines are going. He can’t even put the trash out when the turbines are loud.”

7-23-15  
PS 15

As for her own health, Diane says she wore contact lenses for 42 years but since the turbines, she has had to give them up because of eye discharge that she never before experienced. "And I get headaches now and I never, ever got headaches."

In letters included in the Funfars' complaint, his treatment team at the VA hospital supported his claim. Psychologist Christy Capone reported that Funfar had been making great progress with his PTSD symptoms until the installation of the turbines. "His symptoms have worsened significantly. . . . His backyard, previously his 'sanctuary' where he spent many peaceful hours gardening, is now a place of stress and conflict," she wrote.

In its May 2013 annual election, the Town of Falmouth put a tax initiative on the ballot for funds to decommission the turbines. But though the initiative had passed in Town Meeting, it failed 2-to-1 at the polls.

The cost of removing the turbines was estimated at \$3.4 million, and the town would lose about \$400,000 in revenue from the sale of electricity generated by the turbines, which is used to pay municipal electric bills.

The town borrowed nearly \$5 million to build the first turbine, and received a \$5 million state grant for the second one. But if the latter is taken down, the grant must be repaid.

"These financial consequences are part of the basis of the town's decision to appeal [the ZBA ruling]," says Town Counsel Frank Duffy.

The Funfars have looked into selling the house that he hand-built "from concrete to the electrical" but say that the property value has decreased nearly 30 percent, according to appraisals done before and after the turbines came in. (The zoning board agreed with the Funfars, but the town responded that the claim is "based upon insufficient evidence.")

The Funfars also say they've spent more than \$20,000 on lawyers to fight the turbines.

The wind turbine issue has divided the Falmouth community into two camps. One letter to the local newspaper "told me to suck it up and do something for my country," says Funfar, visibly upset. "Personally, I feel I did my duty for this country."

*Bella English can be reached at [english@globe.com](mailto:english@globe.com).*

8-22-15

Setbacks (distance from a wind turbine from a home or property line) is the best tool that county government has in protecting the health, safety and welfare of the county's citizens. The proposed Bon Homme County ordinance concerning setbacks states:

"Article 17 Wind Energy Systems"

"The intent of this ordinance is to ensure that the placement, construction and modification of a Wind Energy System facility is consistent with the Bon Homme County's land use policies, to minimize the impact of WES facilities, to establish a fair and efficient process for review and approval of applications, to assure a comprehensive review of environmental impacts of such facilities, and to protect the health, safety and welfare of the County's citizens."

**IMPROPER SETBACKS WILL PRIMARILY IMPACT THE HEALTH, SAFETY AND WELFARE OF THE COUNTY'S CITIZENS IN 2 MAIN WAYS:**

## HEALTH ISSUES AND PROPERTY DEVAULTATION

We hope you can take the time to look through the attached studies and other material relevant to these two issues and then ask yourself if the setbacks the zoning board is suggesting will protect the health, safety and welfare of the County's citizens.

8-24-15

August 24, 2015

Dear Commissioners and Zoning Board:

After several months of attending Zoning Board meetings, we were astonished at the board's recommendation to propose wind turbine setbacks as close as 550 ft. from a residence. We have provided you many studies about the negative impacts of wind turbines without proper setbacks. This research shows that 1 ½ to 2 miles is a bare minimum for health concerns. At the we-care meeting in Beresford earlier this month we also learned that property values for both homes and bare land decline from 25% to 40% within 3 miles from a wind farm.

After picking up a copy of the "Article 17 Wind Energy Systems" zoning draft, we couldn't help but wonder if the zoning board is acting consistently with the "intent" in Section 1701:

"The intent of this ordinance is to ensure that the placement, construction and modification of a Wind Energy System facility is consistent with the Bon Homme County's land use policies, to minimize the impact of WES facilities, to establish a fair and efficient process for review and approval of applications, to assure a comprehensive review of environmental impacts of such facilities, and to protect the health, safety and welfare of the County's citizens."

It appears that your allegiance is to the developers and the promise of money over and above any concern for the citizens of your county. We invited you to our very first informational meeting at our house and no one came. Although I was not at the we-caresd meeting in Canton, I did not see any of you at the Beresford meeting, where the Certified General Appraiser specializing in "Impacts of Wind Farms on Property Values" spoke. I understand some of you did take the time to go with Roland Jurgens to Wessington Springs.

Marsha recently wrote a letter in the Tri State Neighbor; and received a complimentary phone call from Gary Borer from Elgin Nebraska. A couple days ago I informed him of the zoning board's setback suggestions, and he sent back to me the 2 e mails I am attaching. As you see in the e mail, their project is being built in 3 phases. Phase 1 had a 1000 ft. setback, which as he said "**ruined the quality of life in many rural Antelope County homes**". So Phase II was 2000 feet. He called 2000 feet "**not near enough**". Now they want a one mile setback for Phase III.

As we said from the beginning, if this huge project is built as projected, it will be the biggest, tallest, most encroaching wind farm in the state. Proper zoning from the beginning is the only tool the county has to to protect the health, safety and welfare of the County's citizens." Mr. Borer's phone number is 402-843-2436, his address is 83786 522<sup>nd</sup> Ave. Elgin, NE 68636 and his e mail address is on the enclosure.

Have you talked to anyone living within 550 ft. of a wind turbine or even 1000 ft. of a wind turbine? Would you like to live that close to one?

Gregg & Marsha Hubner

8-24-15  
pld

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Have you talked to anyone living within 550 ft. of a wind turbine or even 1000 ft. of a wind turbine? Would you like to live that close to one?

Gregg & Marsha Hubner

Gary Borer <gborer@kaytonint.com>  
To: "gregghubner@gmail.com" <gregghubner@gmail.com>

Sat, Aug 15, 2015 at 8:16 AM

8-24-15 [Signature]

GREG. YOUR ZONING PEOPLE ARE VERY UNIFORMED. THEY NEED TO VISIT SITES WHERE WINDTOWER ARE 2000FT AWAY LET ALONE 1000 . CURRENT ZONING REGULATIONS IN ANTELOPE COUNTY NE ARE 1000 FT AWAY. THAT WAS USED IN PHASE 1 TWO YEARS AGO AND IT IS A DISASTER. LAST YEAR PHASE 2 PASSED WITH A 2000 FT SET BACK WHICH IS NOT NEAR ENOUGH. WE ARE ASKING FOR A MILE SET-BACK IN PHASE 3 AND IT IS STRONGLY BEING CONSIDERED. HOLT COUNTY , JUST TO THE WEST HAS SET THEIR SET-BACKS AT ½ MILE. WHEELER COUNTY TO THE SOUTHWEST HAS TENTIVELY SET THEIR SET-BACK AT 2500 FT. STATES BACK EAST HAVE STATE REGULATED SET BACKS AT 1-1.5 MILES.THIS IS A VERY SERIOUS ISSUE BECAUSE ONCE THE TOWERS ARE ALLOWED TO BE BUILT THERE IS NO MOVING THEM. PLEASE TELL YOUR ZONING PEOPLE TO RESEARCH THIS MUCH MORE BEFORE THEY ALLOW THIS TO HAPPEN. IF THEY WANT MORE TESTIMONY PLEASE HAVE THEM CONTACT ME. 1000 FT SET-BACKS HAVE RUINED THE QUALITY OF LIFE IN MANY RURAL ANTELOPE COUNTY HOMES. THEY WILL NOT PUT TOWERS WITHIN A MILE OF A CITY OR TOWN, WHY SHOULD THEY BE ALLOWED TO PUT THEM WITHIN A MILE OF OUR HOMES ??? GARY BORER

From: Gregg Hubner [mailto:gregghubner@gmail.com]  
Sent: Friday, August 14, 2015 3:12 PM  
To: Marsha Hubner <mjhubner@gmail.com>  
Subject: Bon Homme County suggested Zoning for wind turbine setbacks

Gary Borer <gborer@kaytonint.com>  
To: "avonclarion@hotmail.com" <avonclarion@hotmail.com>  
Cc: Gregg Hubner <gregghubner@gmail.com>

Sat, Aug 15, 2015 at 11:22 AM

DEAR EDITOR IN ANTELOPE COUNTY IN NORTHEAST NE, TWO YEARS AGO IN 2013. WIND TOWERS WERE ALLOWED TO BE CONSTRUCTED WITH A 1000 FT SET-BACKFROM HOUSES IN PHASE 1. THIS DID NOT TURN OUT VERY WELL DUE TO EXCCESIVE NOICE. IN 2014 IN THE SAME AREA, PHASE 11 WAS ALLOWED WITH SET-BACKS OF 2000 FT FROM HOUSES. IN THE NEXT PART OF THE PROJECT WE ARE ASKING FOR I MILE SET BACKS FROM HOUSES. WEST OF US IN HOLT COUNTY THEY ARE USING SET- BACKS OF ONE HALF A MILE. SOUTH WEST OF US IN WHEELER COUNTY THEY ARE CONSIDERING SET- BACKS OF 2500 FT. EASTERN STATES ARE USING STATE REGULATED SET BACKS OF 1 MILE. YOU DO NOT SEE WINDTOWERS WITHIN A MILE OF CITIES OR TOWNS. WHY SHOULD OUR RURAL FARM RESIDENTS BE TREATED ANY DIFFERENTLY??

GARY BORER  
ELGIN NE

402-843-2436  
83786 522nd AVE ELGIN NE

<https://mail.google.com/mail/u/0/?ui=2&ik=13490c0a25&view=pt&search=inbox&msg=14f3181896b82533&siml=14f3181896b82533>

1/1

8-28-15

As citizens of Bon Homme County concerned about health problems and decreased property values as the result of living near an industrial wind farm, we propose the following amendments to the Article 17 Wind Energy Systems (WES) proposed by the Bon Homme County Zoning Board:

Section 1723 Setbacks

A) Distance from currently occupied off-site residences, business and public buildings shall be not less than 2 miles. Distance from the residence of the landowner on whose property the tower(s) are erected shall be not less than ¼ mile. For the purpose of this section only, the term “business” does not include agricultural uses.

B) Distance from right of way (ROW) of public roads shall be no less than ¼ mile.

C) Distance from any property line shall be no less than ¼ mile, unless appropriate easement has been obtained from adjoining property owner.

Section 1727 Lighting

Towers shall be marked as required by the Federal Aviation Administration (FAA). Lighting shall be Transponder Activated (obstacle collision avoidance) everywhere FAA guidance allows. There shall be no lights on the towers other than what is required by the FAA.

9-22-15  
pld r

September 22, 2015

Dear Real Estate Commission,

I am a licensed South Dakota Real Estate Broker, but write this letter as a consumer. About 8 years ago I attended a continuing education school that had a one day seminar on Industrial Wind Farms. It was not pro or anti Wind Farms, it was just information on how the developers work and explained the process from beginning to end.

In about 2010 or so my neighbor just a mile away stopped in and wanted me to sell easements on my land for wind towers. They make it sound lucrative because they show you projections 25 years out, and in many cases, it's over a million dollars for a farmer. The developer never shows up, only your neighbor. That's their tactic. Although the taxpayer pays in about \$165,000 per tower per year to make wind farms viable, the Production Tax Credit that provides this money is only a 10 year program. They promise you the same money for 25 years. After year 10, if you follow these projects, you will find many of them are on their 3<sup>rd</sup> or 4<sup>th</sup> owner (that alter the leases to their benefit) and some file bankruptcy.

In 2011 we sold our home of 33 years on the outskirts of Avon with intentions of building a new home 2 miles north of town, only a mile from where I grew up, on land that has been in our family for generations. In the spring of 2012 I called this same neighbor and asked him if there was any chance of wind towers coming, as there was no way I would build a new home if they were. He told me nothing was happening, and go ahead and build my house. The reason nothing was happening was the Production Tax Credit had lapsed, and if you do your homework you will find when there is no Production Tax Credit in place, construction of wind farms falls by 93%. What most people don't know is they are not built for the electricity or for green energy; these are just by- products. They are built so that they can be sold to big multinational corporations, (70% of all United States Wind Farms are owned by foreign corporations) so they can get the 2.3 cents kwh tax credit. It's simply a taxpayer scam.

So we built our home and love it. We have a beautiful view in 4 directions and it is where we want to retire. In late 2013 they started building a 43 tower wind farm about 12 miles north of our house. This was a shock to us, as we thought that was over. But the Production Tax Credit was extended another year, and the gravy train to the corporations was running again. They put up 43 towers at the corner of Bon Homme, Hutchinson and Charles Mix Counties in only a few months. The towers weren't even operational yet and they sold the project to BayWa, a German corporation. Northwestern Public Service was more or less forced to buy the electricity through some mandate called PURPA. In April of 2014, Northwestern Energy announced they were going to ask the PUC for a 20% rate hike, their first rate hike since 1980. Wind Energy raises electrical rates, it does not reduce them. I can sit in my chair every evening and look out the window at 43 red blinking lights that are 12 miles away.

In March of 2015, I received a phone call from a local investor that is the biggest local proponent of the Wind Farms. He wanted to meet with me to discuss buying my easements. I asked him if they were planning more wind towers and he said yes, 100 more, all around where I just built my house. We were devastated to say the least. A couple weeks later we met with them for 3 ½ hours. When they left, we actually cried. They offered my brother and me nearly 3 million dollars over 25 years, and showed us a map with towers east and west of our home. We knew the 3 million was a hoax, as they promised us 12% of the whole project, and we are just small farmers. They make the number as big as they want it, just to get people to sell their easements. In fact, a lot of people that signed up for the first 43 tower project never got a tower, only a buried transmission line under their crop fields.

9-22-15 p 20/2

We went to bed thinking we could move, or we could move our house, but if this next project was built, it was not only going to ruin our home, but the homes of our neighbors, and ruin our entire community. Because once these gigantic wind farms are built, in this case 143 towers, the biggest, tallest project ever built in South Dakota. There is no recourse. People would gradually leave their rural homes and leave the area. When we woke up the next morning my wife and I agreed we were going to fight.

Since then, it has been a one sided battle, with the developers completely running the county zoning board and the county commissioners. Our group that is against 100 more towers thought that the 2<sup>nd</sup> worst thing that could happen would the towers would be built, but with proper zoning, maybe we could live with it. All of our research shows 2 miles from a residence is a minimum for infrasound problems. We proposed to the county zoning commission setbacks of 2 miles from a residence and ¼ mile from an exterior property line or public right of way. We also allowed for variances to anybody that wanted them, as long as it would not affect a neighbor that wanted to be protected by 2 miles. We felt this would make it acceptable by both sides, and if that didn't work, then they are building in a too highly populated area. The zoning commission completely ignored our proposal and the supporting evidence we gave them. They drafted an ordinance with setbacks of 1000 ft. from a home and 550 ft. if you have signed an easement. At the hearing we had about 45 people against it, over a dozen spoke against it, but they completely ignored us and passed the ordinance. They had 2 people speak in favor of the ordinance, one 80 year old farmer and the actual Project Developer himself. They were completely sold out.

In June of 2015, I had a local builder call me for an update on the 100 turbines, because he had a person in this area that was going to build a new house, but if the wind farm was coming, he would cancel his plans. In 2012 had I known a wind farm was coming, I would have never built a new house where I did. We have read research and been to meetings about the devaluation of real estate, both bare and improved that is close to wind farms. You don't really need any research, its common sense. If you had a choice of living under a wind farm or not under a wind farm, which would you choose?

**In conclusion, I think it is of utmost importance that the South Dakota Real Estate Commission considers adding the Existence or knowledge of future Industrial Wind Farms to their property disclosure statements. There are potential health effects and there is definitely going to be a decrease in property values. Real Estate professionals will be at risk for lawsuits, and the consumer will not be protected.**

I have volumes of studies, evidence, articles and books written on the negative aspects of Industrial Wind Farms. All one has to do is start searching for it on line. Lincoln County, South Dakota is facing a similar challenge. What is happening is that the eastern states have become smarter and don't want the towers in their area. So the developers are going to build as many towers as they can in South Dakota and send the power to the east. This in essence, will make South Dakota the "Wind Turbine Dump Site". We will have the towers and all of their negative effects, someone else will have the electricity, and the developers, corporations and investors will have the money. I am attaching some websites that will be helpful in making your decision.

Gregg Hubner  
29976 406<sup>th</sup> Ave  
Avon, SD 57315  
605 660 1867  
gregghubner@gmail.com

# Hubner Auction & Realty Inc.

9-28-15

**Gregg C. Hubner, Real Estate Broker & Certified General Appraiser**

29976 406<sup>th</sup> Avenue, Avon, SD 57315

Office: 605-286-3205

Dear County Commissioner:

I hope you are keeping up with what has been happening with the Beethoven Wind Farm. It started producing electricity May 28 and it's already on its 3<sup>rd</sup> owner. Although the developers, Ronnie Hornstra and Frank Kloucek always want to paint a pretty picture, you and I have to deal with reality. Please read the article I am sending along with my response to it as a letter to the editor.

You as county commissioners have some big decisions to make in the coming months. One is setbacks. Although a group of us supplied the zoning committee with volumes of studies, we had over 20 letters of support, we had over 45 people there to support our 2 mile setbacks, (with waivers) we had about a dozen citizens speak on our behalf, and the zoning committee ignored us. Roland Jurgens, Ronnie Hornstra and only one farmer Arlo Dewald, were the only ones against our proposed setbacks to speak up.

Roland Jurgens has been running the show. He gets more time to speak and seems to get more respect than the citizens that you work for. He doesn't pay any taxes here, and when he gets done with this next \$350 million dollar project, I wonder who is going to get the bill? Will it be the Northwestern Energy customers again? Will it be the REA customers? It's always the middle class taxpayer and consumer that have to pay.

As soon as you figure out that the developers will tell you anything to keep this project moving forward, because their agenda is nothing more than money for themselves, and start seeing what is really happens after they are built, you should come to the same conclusion a lot of us have: We don't want anything to do with them.

Gregg Hubner

10-12-15

# Hubner Auction & Realty Inc.

**Gregg C. Hubner, Real Estate Broker & Certified General Appraiser**

29976 406<sup>th</sup> Avenue, Avon, SD 57315

Office: 605-286-3205

October 12, 2015

Bon Homme County Commissioners

Again, we would like to voice our opinion as to our opposition to Article 17, which is the ordinance you are going to vote on concerning wind turbine setbacks. We have provided both you and the zoning board volumes of information and studies on the negative impacts of living too close to a wind tower. In the real estate business the first thing you learn is "LOCATION LOCATION LOCATION." That should be all you need to know if you think there isn't going to be a lot of land and homes losing value in our county. Who takes the loss on that?

I have heard more than once that because you lost the Dakota Plains Project you are replacing that lost revenue with a wind farm, and nothing is going to stop you. You didn't lose something you never had. Dakota Plains was just using you, just like Roland Jurgen is using you now. It's too bad you can't see that.

For those of you commissioners that live in towns or communities serviced by Northwestern, you are part of the reason their electric rates are going up about 30%. They are going to be forced to buy the Beethoven Wind Farm. Did Roland Jurgen or Ronnie Hornstra tell you that was going to happen?

If you pass this ordinance we are going to start the referendum process to let the people vote on this issue. We would hope you would be open to compromising so that next step would not be necessary. We are offering changing our proposed setbacks from 2 miles to 1 mile with variances for those who want them. You must admit that the setbacks you adopted were never intended for turbines 500 ft tall.

You don't work for Roland Jurgen, you work for the people. We elect you and we pay your wages. As you saw at the Zoning Board hearing, only the investors and developers were for these setbacks. The citizenry there and those represented by letters were all against them. Your job is not to establish economic development. Your job is as written in the last line of Section 1701 of the ordinance you are about to vote on which says "to protect the health, safety and welfare of the County's citizens".

10-20-13  
p 1 of 2

At one of the first meetings with the commissioners where I expressed my opposition against the wind farm, Russel Jelsma told me "There's your opinion, there's my opinion and then there is reality. He was right. So let's talk a couple minutes about reality.

1. The developers and Ronnie Hornstra have been telling us that wind energy would keep our utility bills low because it is so cheap. In Ronnie's last letter to the Avon Clarion, he stated: "Electricity from new wind energy is almost always the lowest cost power that can be added" and "when utilities add wind energy to their generation portfolios it helps stabilize the cost of electricity for their customers" On October 30, 10 days from now the South Dakota PUC is going to allow Northwestern Energy to raise their rates \$20.2 million annually plus an additional \$9 million dollars annually so their customers pay for the Beethoven wind farm. That's reality.

2. The developers and Ronnie Hornstra have been telling us that a wind farm is going to funnel a lot of tax money into the school system. Our own editor, Jack Brodeen made a trip to Bloomfield, Nebraska and came back and wrote this in his article: "The business manager of the school said what was promised to be mountains turned out to be molehills". That's reality.

3. Our group has provided you with volumes of information and studies, people to call, and for all practical purposes you have ignored us. The zoning board ignored the vast majority of citizens at their hearing and voted for Roland Jurgen. Sadly, that's reality also. Industrial Wind Farms are nothing more than a way to scam billions of dollars from taxpayers. If you pass this ordinance you either fell for the scam or you are part of the scam. The least you could do is protect your citizens by proper zoning to protect their health, safety and welfare, just like the ordinance says. If you adapt this ordinance tonight, you are not going to protect our health, safety and welfare, and there is plenty of evidence you have been warned against the two big negatives of improper setbacks: Property devaluation and health concerns. And if there are problems that lead to lawsuits down the road, the developer is off the hook because the County Commissioners passed the zoning. The developer built within the zoning laws. So again Roland Jurgen has outsmarted you, and I'm not sure you even see it.

10-20-13  
PL 12

In my letter I sent to you this week as public input I mentioned a compromise, that being 1 mile from a residence and  $\frac{1}{4}$  mile from an exterior property line or public right of way. Did you have time to read that? To me that is a win win plan. For us that want towers 2 miles from our house, we could settle for a mile, although we wouldn't like it. The compromise included waivers for anybody that wanted, as long as it wouldn't affect the 1 mile setback of somebody not participating. Roland Jurgen or even Charlie Roth or the people that went around buying easements could get these waivers from all these people either for free, or maybe by paying them. Surely with the 15,000 acres you have leased you must have scores of farmers signed up, they would all give you waivers to put the tower 550 ft. from their house, right? So everybody then is satisfied.

You've been lead to believe a lot of things about wind farms that just didn't turn out to be true. I read something the other day that you should think about:

**When an honest man discovers he is mistaken, he will either cease being mistaken or he will cease being honest.**

May 4, 2017

Dear Bon Homme County Commissioner/Zoning Board Member,

It's been a while since I've had any correspondence with you, who represent me at the county level. By now I assume you have realized that what Roland Jurgens has told you was mostly false. I looked in the brochure they left me in March of 2015. That brochure said the wind project would be done by now. It hasn't even started. It said they had 15,000 acres of land leased, and in August of 2016 they sent out a letter to every landowner in this area with a map of where the project was going to be built. Then a few days after the PUC meeting in Avon, they pulled their application. Roland Jurgens told the Yankton P&D they would not break up the project into smaller units, but in December the PUC received notification they started 13 new projects, all new LLC's, all signed by Ronnie Hornstra. They said they weren't going to force utility companies to buy the electricity, but every one of the 13 projects is designed to qualify for PURPA, which can force utility companies to buy the electricity and raise rates, just like their first project. I assume you have been keeping up with the Northwestern vs. Con Edison hearings in Pierre.

I am writing a book called "Paradise Destroyed", the destruction of rural living by the wind energy scam. It will be out this summer. There is a chapter in there called "The Bluff". This explains how they bluff everything, including that they have leases in place, they have a demand for the electricity, and they promise all this money to the school which in this case was an out and out lie. They run their whole business model on pretending the project is going to be built because that will force landowners to sign leases thinking they will be left out of the money if they don't.

I hope Roland explained to you why they pulled their application.

And about setbacks, Walworth County has 2 miles, Deuel County 4 times tower height, Lincoln County half mile. Right now there are 13 counties fighting these smooth talking developers. Davison County just voted to take time to study wind energy before they make a decision on setbacks. I wish you would have done that. I doubt Prevailing Winds will ever be built, but if they do, there is going to be huge opposition because you have failed to protect us with setbacks.

I am sending along a few items I hope you will take the time to read. One is "The Secret, Silent Wind Power Peril (3 parts) written by a PHD. I sent along an e mail from a Holt Co. Nebraska zoning commissioner with a lot of remorse. I sent a list of websites where you can learn about the truth of wind energy, the best site is [www.wiseenergy.org](http://www.wiseenergy.org). And I'm sending a few letters to the editor. I hope you have been following the letters in the Avon Clarion and Mitchell Daily Republic. You should be closely watching the PUC hearing on PURPA and the battle in Lincoln County. There is a large wave of opposition against this fraud, because that's what it is. It takes billions of dollars of our taxpayer money and gives it to Warren Buffet and giant multinational corporatons. Please remember, I have never lied to you about any of this, but BIG WIND has.

Sincerely,

Gregg C. Hubner

presented to BH zoning

8-26-17

1. We oppose the new met tower because we don't want any more wind turbines because we don't have safe setbacks. It's been a year since the PUC meeting in Avon. Here is a map of the footprint of Prevailing Winds that was sent to everybody in the footprint by certified mail a year ago. Also there is a list of the sections of land in the footprint. Section 11-96-61, where the met tower is being applied for is not on that list. What does that mean?

2. After the PUC meeting last August, a few days later, Prevailing Winds pulled their application from the South Dakota PUC. At this time, when asked if the project might be broken into smaller pieces, Roland Jurgens was quoted in the Yankton Press and Dakotan saying "Prevailing Winds, LLC does not intend to split the project as you suggest".

3. But in December of 2016 Prevailing Winds did just that, they sent the PUC notice of 13 new LLC's every one signed by Ronnie Hornstra. So somebody lied.

4. In that article from the Mitchell Daily Republic Roland Jurgens said "A concern over splitting the community was one factor behind Prevailing Winds decision to withdraw its application in September and Jurgnes said there will be more community meetings when the plans become more developed".

Well, that was a year ago, and there hasn't been one open public meeting. Somebody lied again.

5. The reason we oppose this conditional use permit is because we're not going to live with Article 17 and the 1000 ft. setback from a residence. When Lincoln County gets a half mile setback and Clark County gets a ¼ mile setback and Walworth County gets a 2 mile setback, and all of these decisions were made on protecting the health and safety of the residents, we are not going to accept a 1000 ft. setback from a residence.

6. And I have a couple questions for the zoning committee.

In the last year what research have you done about the amount of distance a wind turbine should be from a residence?

Are you aware that now there are 17 or more counties opposing the 1000 ft. setbacks?

Have you made an effort to talk to anybody that suffers health issues from wind turbines?

If you've answered "no" to any of these questions, then in my mind you are not doing your job, as outlined in both Article 1 of the county zoning laws and in Article 17 the article on wind energy. They both say the same things: "To promote the public health, safety, morals, or general welfare and to minimize the impact of WES facilities, to establish a fair and effective process for review and approval of applications, to assure a comprehensive review of environmental impacts of such facilities, and to protect the health, safety and welfare of the county's citizens.

Do you think a 1000 ft. setback does that? Are you going to contact some of these people? Are you going to do your job?

TO DH ZUMING

10-5-17  
plaz

This all came to light in Erik Johnson's letter in the Avon and Tyndall papers recently. That letter is attached along with my response. His letter said they used the PUC "Model Draft Ordinance" as a guideline. Again, that ordinance was developed in 2008 when the towers were much shorter and was developed with the help of the wind industry (developers and lobbyists).

So after reading that letter I wrote my response, then sent them both to the South Dakota PUC. I had been in Clark County September 13 at the PUC meeting for the Crocker Wind Farm. At that meeting I "scolded" the PUC for having 10 year old data on their website and still promoting the 2008 Draft Model Ordinance, because wind developers were telling everybody this was the state guideline.

Then they e- mailed me back to tell me that the Draft Model Ordinance was gone, the old website links were gone, and that nobody should reference a model wind ordinance from the PUC website. And then I replied it's not me, it's Erik Johnson and Prevailing Winds.

But notice in her e mail what she says:"The models were deemed no longer valuable or useful given technological advancements and a plethora of zoning ordinances that have since been developed and adopted throughout the state and the country to address the latest wind and wireless technology."

Well, what is the "plethora of zoning ordinances"? Of course they are the Lincoln County, SD at a half mile after 3 years of controversy, Walworth County, SD, 2 mile setback, Clark County, SD ¼ mile setback ,Deuel County, SD, 3000 ft. setback. These are the NEW zoning laws she is talking about. Since the "draft model ordinance" was 1000 ft., have there been any new zoning laws that actually decreased that setback? No. All new zoning laws passed were a half mile or more. Cherry County, NE voted in a 2 mile setback from a residence and a 1 mile setback from a property line.

The next series of pages in this packet is about the Shirley Wind Farm in Wisconsin. This wind farm was built in 2010 and after 7 years they are still fighting about health effects. In 2014 the Brown County, Wisconsin Board of Health designated it as a "human health hazard". That still holds true today. So included in this packet is a copy of the Board of Health minutes from 2014 along with newer testimony (similar to Vicki May) from the fall of 2016.

The importance of all this is:

1. The 1000 ft. "Draft Model Ordinance" upon which Article 17 was based 2 years ago was deemed NO LONGER VALUABLE by the PUC itself. Prevailing Winds should not be telling us that

10-5-17  
p 2/2

1000 ft. is a safe setback. It is not. You heard the testimony from Vicki May and you will read the documented (notarized) testimony of several residents of the Shirley Wind Farm

We want a one mile setback from a non-participating residence and a 1000 ft. setback from a property line from a non-participating landowner. And the people that are investors or sold their wind rights, they can have the 1000 ft. setback if they so choose. It's a win-win situation. Prevailing Winds will tell you they can't do it, but as I have proven, their investors like David Mogck and Rick Mayer get a mile setback. They can do it. And furthermore, we don't even know where they are going to build, and frankly, they don't either. First they were in western Bon Homme and eastern Charles Mix Counties, now they put up a met tower a mile from Hutchinson County, regardless of where it's built only a portion of it will be in Bon Homme County. And only a portion of landowners are non-participating. So when it all boils down, I think the people that want protection of one mile can have it and Prevailing Winds and their investors and leaseholders can have what they want also. They just might not make quite as much money as they want to.

Read to BHZ in mg

11-20-07 p1 of 2

A. In August at the Zoning Board meeting, we heard testimony from Vicki May who lives about an hour southwest of me. After that testimony, the board was unable to make a motion to approve a permit for a met tower. That testimony must have affected them. Since only Russ heard that testimony, I have printed out her similar testimony at the capitol in Lincoln, NE in September. There are people all over South Dakota and Nebraska with similar problems. I can't bring them all to Tyndall, but the fact remains there can be health problems with wind turbines for some people. This morning I want to update you on what is happening with setbacks in South Dakota and why:

1. Some time this summer, the 2008 Draft Model Ordinance" was taken off the PUC website. This is the document that Article 17 was based on 2 years ago. This all came to light in September when I spoke to the PUC in Clark County and told them their information on their website was nearly all 10 years old. (Read the e mail turn to the red tab)

2. What is Patti Van Gerpen talking about when she says there is a plethora of new zoning ordinances? She is talking about Walworth County 2 miles, Clark County ¾ miles, Lincoln County ½ mile and Deuel County 3000 ft. Cherry County Nebraska 2 miles. There were no new ordinances less than 1000 ft like in Article 17, they were all much longer.

3. Explain the next pages Shirley Wind Farm built in 2010. 7 years later they are still fighting about health effects. In 2014 the Brown County Wisconsin Board of Health designated it as a "human health hazard". That is still true today, explain the notarized letters

4. Explain the brochures from Walworth County, showing there are a lot of Vickie Mays out there.

5. Go over the "good neighbor agreement" Ida County, Iowa, Mid American Energy. It basically recognizes that there are going to be problems within a half mile of the turbine. So they offer to pay these people off, \$500 a year of \$9000 onetime payment. Relate to 3 paragraphs. Now, do you think if these problems did not exist for neighbors that they would pay out this kind of money to shut them up?

6. So if the Draft Model Ordinance is called "no longer valuable" by the PUC, it is no longer valuable for Bon Homme County.

7. So 2 years ago when Article 17 was made law, we wanted a 2 mile setback, and we were made to look like we were unreasonable. The more you read about health effects and noise, the more you know that 2 miles is a minimum safe setback.

8. So I'm going to ask you to consider this change in Article 17:

11-20-17 p 2 of 2

- a. At least a one mile setback from a residence and at least 1000 ft. from a property line for everybody in the county, with waivers/variances available for anybody that wants one as long as it doesn't interfere with any neighbor's setback
- b. WE learned at the PUC meeting in Avon that Rick Mayer who was both an investor and a participant got a setback of a "few yards short of a mile". He said that himself. The day Vicki May was here David Mogck said his son lived in the wind farm and when asked how far away he said about a mile. So we know Prevailing Winds can do this if they want to for certain people because they have done it before.
- c. Since only part of this project is in Bon Homme County, and the longer setbacks will not apply to anybody that wants a waiver (not infringing on his neighbor's setback) this one mile/1000 ft. setback may not affect that many people. At the same time it protects every person in the county, because if after construction somebody that has signed a waiver complains, it was his fault because he wanted the waiver. It's fair to everybody.
- d. This is a win-win situation.
  - 1. It will give us that are concerned about health problems and noise a setback we can live with.
  - 2. It will not affect those landowners participating in the wind project at all unless it infringes on the setbacks of the non-participant.
  - 3. It gives the Bon Homme County Zoning Board some protection against being sued by somebody that may have a health problem.
  - 4. It would again be consistent with the PUC, as they have said the 1000 ft. in the "model draft ordinance" is no longer valuable.
  - 5. It would always be good to error on the side of caution, because once they are built, they can't be moved. Only the people would have to move away.
  - 6. Prevailing Winds can make this work, as they have in the past.

Notes for ORAL presentation  
to DHZ on 12/18

Exhibit A22-1  
12-18-17  
p 1 of 3

Last time we talked about the amendments to Article 17, pass out the new ones:  
The changes are setback from a house goes up from 1000 ft. to a mile  
From a property line goes up from 500 ft. to 1000 ft. (550 ft tall towers could fall on a farmer)  
From a public right of way: Goes up from 1.1 times tower height to 1.25 times tower height. Vestas (brand of wind turbines) recommends to their employees in their product manual not to stay within 1300 ft. from a turbine.

All of these setbacks will give anybody the chance to get a waiver so long as it doesn't affect his neighbor's setback.  
And it changes back that each turbine needs a conditional use permit.

Now let's talk about some of the reasons we think this would be a win win situation for both the residents and the county:

1. Most of the turbines in the project will not be in Bon Homme County.  
(Read Erik Johnson letter from Avon Clarion)

Now, if most of them won't be in Bon Homme County, what do you think the reason for that is?

I can only come up with 2 answers. A. Bon Homme County doesn't want more wind turbines or B. Bon Homme county landowners don't like the short 1000 ft. setbacks.

So if Bon Homme County is only going to have a few turbines, then like I said last time, and Erik Johnson confirms, this is only going to affect a few people, considering folks in the "continuous block" like Erik said in the Clarion, can have a waiver.

Now I want to go to the two interviews that Erik Johnson, who is now the project manager for Prevailing Winds: Mitchell Daily Republic and Yankton Press and Dakotan

Mitchell paper: Prevailing Winds could start construction within one year. The Daily Republic says they could start next summer. Mitchell paper says 61 turbines. The Yankton P&D says 100 turbines. Since last year they have moved

12-18-12  
p 2 of 3

the map of the footprint, and they say they still need 10,000 acres of land and they have been here for 3 years.

But let's get to what I think is most important in what Erik Johnson said, who is now the project manager, according to the paper.

And I quote: "Johnson said the entire project will (read from bottom of Daily Republic article)

Please follow along as this is important: It's on page 4.

**READ A**

Now why does he mention that? It's simple. Somebody has to be on the hook. These people like Vicki May are coming out almost as fast as the sexual predators in Washington DC and Hollywood. Remember Pat Van Gerpen, Executive Director of the PUC? She took the draft model ordinance down and says don't use it. But Bon Homme County did; now Erik Johnson is saying it's not Prevailing Winds that's going to be on the hook because we utilized the Bon Homme County ordinance in every county in the project. But it gets worse:

**READ B**

Erik, the project manager says Bon Homme County has one of the best wind ordinances I've ever see. Now he did not say the safest, he said the best. And my question is best for who? Best for Erik Johnson and the investors? Best for the big money people and multi national corporations that get the tax credits? Probably so. But it's not the best or is safe for the residents. The best ordinances in the state are Walworth County with 2 miles. And the second best is Clark County with  $\frac{3}{4}$  mile and the 3<sup>rd</sup> best is Lincoln County with a half mile. And the worst wind ordinance is Bon Homme County with 1000 ft. from a house. And remember, the intent or Article 17 is to promote the health, safety, and welfare of the residents, not to promote profits for the developer.

12-18-17  
p 313

READ C

He just got done saying that Bon Homme County has the BEST wind ordinance he's ever seen and that setback is 1000 ft. He just admitted that Bon Homme County has passed an ordinance that will not limit the decibels, if 1400 ft. is the minimum for decibels, and 1000 ft. is the law, then here again, who is going to get the blame, the complaints or the lawsuit? Bon Homme County, that's who. He just told you 1000 ft. is too short to protect from high decibel readings and turns right around and promotes it.

And the last part Erik says "We want to be a good neighbor" No comment on that

Now in a little while Roland or Erik will come up here and tell you how they are going to control the decibels like they say in the interview "we assume everyone's house is made of glass and every day is sunny. They will try to take your mind off of distance and put it on decibels. But decibels are not the problem. What makes people like Vicki May sick and all those people in Wisconsin I mentioned last time is INFRASOUND. That's the constantly fluctuating air pressure from a 400 ft. blade moving at 200 miles per hour. And the only way to protect from infrasound is DISTANCE.

We still have time to fix this now before the problems start. Once they are built, there will be people at the zoning and commissioners meetings as long as they are living near the turbines. And don't figure on going back to these guys, if they are even around, because your inadequate zoning created the problem. And as many times as I have been here, and provided reading articles, and listening to a person that suffers from wind turbine syndrome only an hour away, I would say you have been adequately warned.

Then the question is "Why would the zoning board and commissioners not do this?"

# Hubner Auction & Realty Inc.

12-19-17

**Gregg C. Hubner, Real Estate Broker & Certified General Appraiser**

29976 406<sup>th</sup> Avenue, Avon, SD 57315

Office: 605-286-3205

December 19, 2017

Duane,

I understand the Bon Homme County Commissioners rejected our proposal for amending the setback from a wind turbine in Article 17 today. I was told that John Hauck voted against keeping the 1000 ft. ordinance. I think the light bulb finally came on in John's head.

Yesterday at the zoning meeting, Mary Jo Bauder was ready to vote for the amendment. The light bulb came on in her head also. She told us, the rest of the zoning board and the 3 Prevailing Winds representatives, Eric Johnson, Roland Jurgens and Ronnie Hornstra that she had received several complaints from neighbors along Highway 46 about the Prevailing Winds "land acquisition person" lying to landowners telling them their neighbors were signed up, but they weren't. She used the word LIE. This did not set well with Mary Jo. But of course Roland stayed after the meeting like he usually does to get things smoothed out again. But I think both John Hauck and Mary Jo Bauder are seeing some deceit in the way these folks do business.

A month or so Erik Johnson said in the Avon paper:" If we had to commit to a site plan today, the majority of the turbines would once again be in the Wagner and Tripp school districts and Charles Mix and Hutchinson Counties."

So I asked the zoning board why they thought the turbines would not be in Bon Homme County. Nobody came up with an answer. I said there can only be 2 reasons, 1. Bon Homme County doesn't want them and 2. Bon Homme County doesn't want the 1000 ft. setback. What other reason could there be?

I am reaching out to you because I think you may have some doubts about what Prevailing Winds has been telling you for 3 years now. In August of 2016 at the Avon PUC meeting they had a map of where the project would be. Today that map is altogether different. I can catch them in a lie nearly every time I listen to them. Now they are saying in the Mitchell and Yankton papers that they are going to use the Bon Homme County Zoning ordinances for all 3 counties. To me, that means if somebody is affected by the infrasound like the lady from Nebraska that testified at the zoning meeting in August, Prevailing Winds is off the hook and Bon Homme County is on the hook.

I could go on, but I am really concerned how they have worked their way into our county. They make the rules and call the shots. Everything is for them and nothing is for the residents. I am sending you a copy of my book. If you read it, you will have a whole different perspective on what is happening to our county and why.

Thanks for the work you do and research you do. Although we can't agree on this, I think in time you are going to find the truth.

# Hubner Auction & Realty Inc.

12-19-17

**Gregg C. Hubner, Real Estate Broker & Certified General Appraiser**

29976 406<sup>th</sup> Avenue, Avon, SD 57315

Office: 605-286-3205

December 19, 2017

John,

I understand the Bon Homme County Commissioners rejected our proposal for amending the setback from a wind turbine in Article 17 today. I was told that you voted against keeping the 1000 ft. ordinance. I thank you for that; finally somebody is standing up to these people after 3 years.

Yesterday at the zoning meeting, Mary Jo Bauder was ready to vote for the amendment. The light bulb came on in her head also. She told us, the rest of the zoning board and the 3 Prevailing Winds representatives, Eric Johnson, Roland Jurgens and Ronnie Hornstra that she had received several complaints from neighbors along Highway 46 about the Prevailing Winds "land acquisition person" lying to landowners telling them their neighbors were signed up, but they weren't. She used the word **LIE**. This did not set well with Mary Jo. But of course Roland stayed after the meeting like he usually does to get things smoothed out again.

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Thanks for the work you do and research you do.

Gregg Hubner

2-26-17

According to the Avon Clarion, at the Zoning Board Hearing August 31 there were over 50 people there, mostly against passing the ordinance. Over a dozen citizens spoke against it, and 1, Arlo Dewald spoke for it. The zoning board ignored the 50 and voted with the 1, they listened to 2% and ignored the 98%.

The reality is this: Our group has provided you with volumes of information and studies, people to call, and for all practical purposes you have ignored us. Roland Jurgens is good at what he does; he talks people into things that benefit his company. That's it pure and simple. It's a proven fact without the Production Tax Credit, constructions of wind farms falls 92%. So we know why they build them. It's nothing more than a way to scam billions of dollars from taxpayers. If you're going to fall for the scam, the least you could do is protect your citizens by proper zoning.

So then the question is:

What is your reasoning and where is your proof that a 1000 ft. setback from a resident or 550 ft. if he has sold an easement, where is your proof that this "protects the health, safety and welfare of the county's citizens" as written on page 2 Section 1701 of the document itself?

Marsha Hubner to Zoning Board

Notes for CM  
Commissioners

6-20-18

- A. Ontario, Canada, 3 studies in 3 different areas from 2005-2012, showed -48%, -39% and -36% decreases in value. These are actual studies. Ontario is a poster child for wind turbines and what it does to an area, last election just a couple weeks ago, anti wind candidate won, and their auditors reported that wind energy cost rate payers 90 billion dollars extra.
- B. McCann Appraisal LLC from Illinois, met him, he has done several studies around the United States, his work consistently shows 25%-40% reduction in residential properties.
- C. Neither one of these studies talk about foreclosures or people that have tried to sell their homes and can't sell them. Mentioned George be
- D. C&D are some health studies worth reading.
- E. Document E is from a Doctor in Brown County, Wisconsin who testified about infrasound causing health effects in the Shirley Wind Farm.

Safe setbacks is the most important thing when siting a wind farm. All I have seen, which I have read in the Wind Turbine Syndrome book, the people I know personally that have issues with their health, and statements made in all of these documents I just handed out point to 2 miles is the only safe setback.

So as commissioners you can do several things, you can do the safe thing which is 2 miles with waivers, or you can do nothing, which forces a possible 1000 ft. setback on the residents, or you can do something in between.

A setback should not only be from a house, but also from a property line. People farm along fences, they hunt and drive along fences.

Ice throw      Turbine safety manual

Presented to CM Commissioners

7-22-18  
p113

**SETBACKS FROM LARGE WIND ENERGY SYSTEMS**

A Large Wind Energy System as defined herein shall be a **conditional use** in all zoning districts subject to the standards identified within the following sections.

**SETBACK 1: FROM RESIDENCES**

There should be 2 setback distances, the first from the residence, as defined. This setback should be (for example) 18 times system height. System height is defined already as the blade in the highest position. In the case of Prevailing Winds, Peter said the other day they were using the GE 3.8 turbines, they are 586 ft tall compared to 405 ft. at Beethoven. 18 times 586 ft. is a 2-mile setback. And he also said that towers could get taller in the future, up to 750 or 800 ft. he said. When they come in with Phases III, which they will, those towers might be 800 ft. tall so they should have longer setbacks, therefore any setback should be based on system height.

A residence needs to be defined as a house that has been lived in within the last 2 years. If you use the words "currently occupied" then rural rental houses that are vacant are not included and they should be.

Another consideration is in Article 17 (Bon Homme County) they use the word "offsite". That means to me non-participants. I personally think the setbacks should be for EVERYBODY and then anybody could waive their setback by granting an easement or making a deal with the wind company AS LONG AS EVERYBODY THAT WANTS THE SETBACK GETS IT AND KEEPS IT.

This would protect some participants from maybe doing something that they might regret later, as saying ok, build it 1500 ft. from my house I don't care. If you use this waiver system, then the COUNTY IS OFF THE HOOK for any later health or any other kind of complaints.

**SETBACK 2: FROM RIGHT OF WAY OR EXTERNAL PROPERTY LINE:**

SETBACK FROM PROPERTY LINE OR RIGHT OF WAY LINE. This should be from an external property line or right of way line, not the center of the road. This distance should be 2.5 times system height. The reasoning for this is that the "danger zone" in most manuals is 400 meters (1300 ft) or 500 meters (1640 ft). That danger zone should not encroach on neighboring land. People farm along fence lines and they hunt along fence lines. They should not be closer to any neighbor's turbine than what the turbine manufacturer says. If an accident happened within this danger zone, it would be the county that would be liable because they allowed people to enter this danger zone. I have attached a copy of wind turbine owners manual, although this manual is for a much smaller turbine size.

7-22-18  
p 203

BELOW ARE THE BON HOMME COUNTY STATUTES, AS THEY ARE NOW, AND CHANGES ARE IN BOLD AND UNDERLINED

Section 1719 Requirements for Siting Large Wind Energy Systems

A Large Wind Energy System as defined herein shall be a permitted use in all zoning districts subject to the standards identified within the following sections. It should be changed to:

A Large Wind Energy System as defined herein shall be a **CONDITIONAL USE** in all zoning districts subject to the standards identified within the following section

Section 1737 Height from Ground Surface

The minimum height of blade tips at their lowest possible point shall be twenty-five (25) feet above the ground. It should be changed to

The minimum height of blade tips at their lowest possible point shall be one hundred (100) feet above the ground.

Section 1723 Setbacks (Presently in Bon Homme County)

- a) Distance from currently occupied off-site residences, business and public buildings shall be not less than one thousand (1000) feet. Distance from the residence of the landowner on whose property the tower(s) are erected shall be not less than five hundred (500) feet or one point one (1.1) times the system height, whichever is greater. For the purposes of this section only, the term "business" does not include agricultural uses.
- b) Distance from right-of-way (ROW) of public roads shall be not less than five hundred (500) feet or one point one (1.1) times the system height, whichever is greater.
- c) Distance from any property line shall be not less than five hundred (500) feet or one point one (1.1) times the system height, whichever is greater, unless appropriate easement has been obtained from adjoining property owner for a lesser setback.

Section 1723 Setbacks (For Charles Mix County) Should be changed to:

- a) Distance from residences lived in within the last two years, business and public buildings shall be not less than 18 times the system height unless appropriate easement has been obtained from owner(s) of the residence, business or public building for a lesser setback. For the purposes of this section only, the term "business" does not include agricultural uses.
- b) Distance from right-of-way (ROW) of public roads or external property lines shall be not less than two point five (2.5) times system height unless appropriate easement has been

7-22-18  
p3 of 3

obtained from adjoining property owner. Right of way is defined as the external property line and not the middle of the public road.

**Section 1727 Lighting**

Towers shall be marked as required by the Federal Aviation Administration (FAA). There shall be no lights on the towers other than what is required by the FAA. This restriction shall not apply to infrared heating devices used to protect the monitoring equipment.

The following sentence should be added:

Aircraft Detection Lighting System shall be used on all towers (only come on when an airplane is near)

8-18-17

# Hubner Auction & Realty Inc.

**Gregg C. Hubner, Real Estate Broker & Certified General Appraiser**

29976 406<sup>th</sup> Avenue, Avon, SD 57315

Office: 605-286-3205

August 18, 2017

Dear Commissioner

It's time to check in again and update my elected officials on what is going on with the opposition to wind energy in South Dakota. Right now there are 17 counties organized or being organized against wind energy, and most of their issues deal with setbacks. They include Bon Homme, Charles Mix, Lincoln, Meade, Clay, Yankton, Walworth, Campbell, Deuel, Hughes, Hyde, Coddington, Davison, Sanborn, Brown, Union and Clark.

I am including 3 articles, one a REA manager's recent newsletter about why they have to raise rates in their coop. This is a very interesting letter and explains why wind energy raises rates.

We had a great time at our booth at Dakota Fest along with We-caresd from Lincoln County. Opposition is growing, and we've had recent success with setbacks, Lincoln ½ mile, Clark County ¾ mile and Walworth County 2 miles.

I hope you have had a chance to order and read my book *"Paradise Destroyed: The Destruction of Rural Living by the Wind Farm Scam"*.

At Dakota Fest we heard some sad stories, Vicki May from Antelope County Nebraska who suffers from wind turbine syndrome so much some nights she thinks she needs to go to town and rent a motel room. She is 1 1/3 miles from the nearest turbine. Then the young couple from Pollock who can't sleep and are trying to get the developer to buy new windows for their house. But the story that is most consistent from the scores of people we talked to the last 3 days was the deceit and lies of the developers. These people will tell you anything that will benefit them, just like they did in our county.

If you read my book you will understand the whole thing.

Thanks,

Gregg Hubner

## Wind Farm Videos

PAUL LISA SCHOENFELDER

Tue 5/22/2018, 12:01 PM

To: vonsturf@hotmail.com <vonsturf@hotmail.com>; law@podhradsky.com <law@podhradsky.com>

Thank you for your time today. Below are the links to the videos to make it easier to access.

Lisa

\*Life With Industrial Wind Turbines In Wisconsin Part 1 Video:

<https://www.youtube.com/watch?v=7IEwOyyaURs>



### Life With Industrial Wind Turbines In Wisconsin Part 1

www.youtube.com

Life long resident of the town of Byron, WI, speaks about the changes wind development has brought to his community. The 86 turbines of the wind farm near his home ...

\*Life with Industrial Wind Turbines in Wisconsin Part 2 Video:

<https://www.youtube.com/watch?v=l7b4fGoK4Xo>



### Life with Industrial Wind Turbines in Wisconsin Part 2

www.youtube.com

Resident of Fond du Lac County, Wisconsin talks about what its like to live inside of a 88 turbine industrial wind farm that went on line in March of 2008.

Life With Industrial Wind Turbines In Wisconsin Part 3 Video: Pro-Project

<https://www.youtube.com/watch?v=qwRMaCPmQBc&t=17s>

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### Life With Industrial Wind Turbines In Wisconsin Part 3 ...

www.youtube.com

Resident of Fond du Lac County, Wisconsin talks about living in an industrial wind farm talks about life lived amid 88 turbines and what has happened to his ...

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Life With Industrial Wind Turbines In Wisconsin Part 4 Video:

<https://www.youtube.com/watch?v=RGB266zLkx8&t=454s>

Life with Industrial Wind Turbines in Wisconsin Part 6 Video:

<https://www.youtube.com/watch?v=bo9I-vzvNPU>

Life with Industrial Wind turbines in Wisconsin part 7 Video:

[https://www.youtube.com/watch?v=q\\_cai6lVf-s](https://www.youtube.com/watch?v=q_cai6lVf-s)

\*Wind Turbine Shadow Flicker and Noise, Byron Wisconsin Video:

<https://www.youtube.com/watch?v=iyOImGHvJtQ>

Milwaukee Channel Six News Report on Wind Turbine Trouble

<https://www.youtube.com/watch?v=XiSpToi982A>

\*Wind Turbine noise at 1600 feet Video

[https://www.youtube.com/watch?v=KoVKP0G\\_f8M](https://www.youtube.com/watch?v=KoVKP0G_f8M)

\*Voices of Vinalhaven, Maine: wind turbine noise Part 1

[https://www.youtube.com/watch?v=jtGijb\\_oNeQ](https://www.youtube.com/watch?v=jtGijb_oNeQ)

\*Voices of Vinalhaven, Maine: wind turbine noise Part 2

<https://www.youtube.com/watch?v=Bw4S98SYHiE>

\*Wind Turbine Syndrome Part 1

<https://www.youtube.com/watch?v=kyAsHFgPLVY>

\*Wind Turbine Sound: An Independent Investigation

<https://www.youtube.com/watch?v=co8y4hduXjQ>

Rob Rand, sound acoustician, interviewed on Wind Turbine Syndrome  
<https://www.youtube.com/watch?v=qm6gvekqOnk>

## Property Values Impacted by Wind Farms

PAUL LISA SCHOENFELDER

Mon 6/18/2018, 4:52 PM

To: law@podhradsky.com <law@podhradsky.com>; vonsturf@hotmail.com <vonsturf@hotmail.com>; gregghubner@gmail.com <gregghubner@gmail.com>; PAUL LISA SCHOENFELDER <PAULLISA5@msn.com>

📎 3 attachments (6 MB)

LS-McCann\_Appraisal\_\_LLC\_written\_testimony\_re\_Setbacks\_\_property\_values\_June\_8\_2010.pdf; LS-LC\_ZBA\_Transcripts\_112812 -Lee County Property.pdf; LS-Wind\_Power\_\_Property\_Value\_Presentation\_by\_Kurt\_C.\_Kielisch\_Feb\_\_11\_.pdf;

Neal and Gregg,

I will provide for you several reports on the impact of Wind Farms on property values. The conclusion is there is an impact for residential property and some concerns about farm land and the future use of the full acreage.

sPowers has provided two property value reports in their Docket that have been questioned by experts for years. Included are a few references to the flaw in the report.

Issues with Berkley Studies:

No actual assessments were done.

Properties that did not sale due to lack of a buyer were not included.

Sales data represented only property outside of the wind farm area from 1/2 to 10 feet. The first study averaged the value variance for all sales.

No properties within the Wind Farm were included in the analysis.

Studies and Testimonies about impact of property values follow:

**McCann Appraisal (2010)** I will try to send separately. Very powerful. Too large so may need to get from site. <http://www.windaction.org/posts/26696-testimony-of-michael-mccann-on-property-value-impacts-in-adams-county-il%23.UughkCi0Cpc#.Wyg2EfZFyuU>

Testimony of Michael McCann on  
property value impacts in ...

[www.windaction.org](http://www.windaction.org)

Certified appraiser Michael S. McCann submitted this testimony to the Adams County Board, Adams County Illinois in reference the impact of industrial scale wind energy development on residential property. Mr. McCann's testimony provides a

Lisaved



June 5, 2010

Mike McLaughlin, Chairman  
Adams County Board  
Adams County Courthouse  
101 Vermont St.  
Troy, IL 61861

Re: Wind Turbine setbacks

Dear Chairman McLaughlin  
and Members of the Adams County Board:

On behalf of my clients and as a real estate valuation advisor to the elected officials of Adams County, I am hereby submitting my written testimony as a professional real estate appraiser. Having been sworn in prior to my recent testimony numerous times, I am quite familiar with the formal nature of giving my work, and you may consider this written document to be a sworn affidavit. My opinions are also certified pursuant to Illinois Appraisal Licensing laws and requirements.

I understand the County is considering a 1,000 foot residential setback requirement for wind turbines and I have read that certain committee members are contemplating a recommendation increasing that to a 1,500 foot minimum. My testimony will address the adequacy of such setbacks based upon a synthesis of widely known reported and to studied effects of farms in close proximity to utility scale wind turbine projects. My testimony also includes results of my own independent study of property value trends and my professional opinions, recommendations and supporting qualitative comments are included along with supporting data I and other appraisers and researchers have developed as well.

Finally, I have presented the likely or probable impact to residential property values in Adams County, on the basis of local independent market research indicators. When considering an entrance to setbacks from residential lots, as well as schools and other occupied facilities or non-industrial land uses, I believe that my specialized expertise and experience as an appraiser familiar with wind farm issues is a relevant consideration for the policy makers in Adams County.

**Introduction**

First and foremost, I understand very well that consideration of industrial scale wind energy projects is a unique situation for virtually every jurisdiction considering applications or requests from developers to build and operate such projects. They are inherently, large scale projects with a decidedly industrial character, and most projects in

**McCann Appraisal for Town of Cape Vincent, New (2011) 20-30% value decrease varies on distances from 1,000 feet to 3 miles.**

**County of Lee, IL vs Green River Wind Farm Phase (2012) Significant property value decrease.** In analysis did not include foreclosures and short sales to not through off the values but stated that several of these were because no one would buy the property. Also talks about how these sales took almost 3 times longer to sell do to lack of interest in purchasing property in wind farm area.

**Property Value Presentation: Kurt C. Kielisch, ASA, IFAS, SR/WA, R/W-AC President/Sr. Appraiser –Appraisal Group One Easy to follow presentation.**

I have more but will send separately. Please confirm you received these since they are large and some mail systems have limits.

Lisa

## Prevailing Winds

PAUL LISA SCHOENFELDER

Wed 6/20/2018, 9:55 AM

To: vonsturf@hotmail.com <vonsturf@hotmail.com>; law@podhradsky.com <law@podhradsky.com>;  
PAUL LISA SCHOENFELDER <PAULLISA5@msn.com>

 1 attachments (6 MB)

appendixa.pdf;

Neil,

Please share these documents with the County Commissioners. This is appendix A from the PUC Docket for Prevailing Winds. <https://puc.sd.gov/Dockets/Electric/2018/EL18-026.aspx>

I am not sure if this will go through so if not, click on the link and go to appendix A for the map of the turbine locations, property easements that have been signed and other items. Easements also impact property values based on some of the stipulations in those contracts. There is also other reports that are interesting such as shadow flicker and sound impact to residents per their (sPower) standards. The issue is that they do not protect our property and our residents who will live among them. Some less than 1/2 mile. Kelly is hit hardest. Three less than a mile from her house.

You said the FAA submitted a letter of concern but if I read what was submitted by sPowers in the docket, it sounds like they OK'd it. We also need to be aware of setbacks for roads. Travel through Iowa and it is eerie how the wind farm along the road is about 1,000 from the road and they are thick and about 600 ft tall.

Lisa

## Follow up on Charles Mix on Set Backs or Property Owner Protection

PAUL LISA SCHOENFELDER

Thu 7/5/2018, 11:37 AM

To: vonsturf@hotmail.com <vonsturf@hotmail.com>; law@podhradsky.com <law@podhradsky.com>

 3 attachments (301 KB)

nelsonamendments.pdf; permitconditions.pdf; Dakota Range last comments GHubner.docx;

Neil,

I am following up to see if any further Charles Mix County actions have been taken on this topic and if anything else is desired. I have continued my research on all impacts in the area as well as the PUC Docket # EL18-026 for Prevailing Winds. <https://puc.sd.gov/Dockets/Electric/2018/EL18-026.aspx>

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[EL18-026 - puc.sd.gov](https://puc.sd.gov)

[puc.sd.gov](https://puc.sd.gov)

EL18-026 - 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

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In addition, I have reviewed the two recent PUC wind projects and understand the commissioners had several concerns. They put forth several concessions on the project for Crocker and have not approved Dakota Range yet. They are starting to really question these projects and the impact to the environment, property values and the inhabitants. You may want to look at what Clark County has put in place for setback at least for lakes and wetland.

You can listen to the PUC Commissioner's Concerns at their meeting before they approved the project with conditions: <http://www.puc.sd.gov/commission/media/2018/puc06082018.mp3>

I have also read all of the documents for Prevailing Winds submitted to the PUC. They have several inaccuracies but will take that up with WAPA and the PUC. Gregg Hubner also wanted to provide this recent letter he sent to the PUC on the Dakota Range project in which he participated in.

Thank you for any update you can provide. I also hope to see you at the July 12th meeting in Avon at 5:30pm.

Lisa

**Fwd: news from Campbell Co**

PAUL LISA SCHOENFELDER

Sat 7/7/2018, 3:28 PM

To: law@podhradsky.com <law@podhradsky.com>; vonsturf@hotmail.com <vonsturf@hotmail.com>

FYI

Get [Outlook for Android](#)

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**From:** Gregg Hubner <gregghubner@gmail.com>

**Sent:** Saturday, July 7, 2018 12:11:03 PM

**To:** Lisa Schoenfelder

**Subject:** news from Campbell Co

I talked to a person from Campbell Co SD this morning. They are going to do an emergency zoning law and have a public hearing on it July 26. He said the emergency zoning law was just implemented into the law from this last legislative session. They want at least a mile setback.

Neil should be told about this and encouraged. It is a good tool for us.

--

[Gregg C. Hubner](#)

## County Commissioner Meeting Last Week

PAUL LISA SCHOENFELDER

Mon 7/16/2018, 6:11 AM

To: vonsturf@hotmail.com <vonsturf@hotmail.com>; law@podhradsky.com <law@podhradsky.com>

Neil and Mr. Podhradsky,

Thank you so much for your efforts last week at the commissioner meeting. I appreciate your persistence with moving forward with putting a halt on permitting until proper setbacks can be put in place. I know there was and will be a lot of pressure put on you from sPowers to cut a deal with them outside of your wishes and the halt.

I realize this effort will be taxing on your staff and appreciate the hard work ahead. I wanted to let you know that I have considered and am offering to your staff my time and skills with preparing any paperwork, research and documentation that would be needed at no charge to the county or the tax payers.

I have 24 years working with the City of Boise and am familiar with many government processes and understand the requirements of due diligence. I also have a degree in Economics and Finance and a masters in Management of Information Systems (Technology). I have several years experience as a technical writer and an excellent researcher.

Please let me know if you feel that I can be helpful.

Lisa A. Schoenfelder  
40228 296th St  
Wagner, SD 57380  
208-794-5676  
paullisa5@msn.com

## **Walworth Co Zoning Ordinance**

PAUL LISA SCHOENFELDER

Tue 7/17/2018, 11:17 AM

To: vonsturf@hotmail.com <vonsturf@hotmail.com>; law@podhradsky.com <law@podhradsky.com>

 1 attachments (652 KB)

Walworth-Co-Zoning-Ordinance-051017-Adopted.pdf;

Good Afternoon,

Attached is a county in South Dakota with one of the larger setbacks for wind turbines.

Let me know if you have any questions.

Lisa

**Re: Recording from PUC Dakota Range Commissioners on County Setbacks**

Scott Podhradsky <scottjpodhradsky@icloud.com>

Wed 7/18/2018, 2:03 PM

To: PAUL LISA SCHOENFELDER <PAULLISA5@msn.com>

Cc: law@podhradsky.com <law@podhradsky.com>; vonsturf@hotmail.com <vonsturf@hotmail.com>;  
gregghubner@gmail.com <gregghubner@gmail.com>

Lisa,

It did come through and it is playable.

Thank you.

Scott Podhradsky

On Jul 18, 2018, at 10:50 AM, PAUL LISA SCHOENFELDER  
<[PAULLISA5@msn.com](mailto:PAULLISA5@msn.com)> wrote:

This is a large file and may not go through. Please confirm that it has and is playable.

Lisa

<PUC Dakota Range Setbacks.mp4>

## Information for Setbacks

PAUL LISA SCHOENFELDER

Tue 7/24/2018, 9:22 AM

To: vonsturf@hotmail.com <vonsturf@hotmail.com>

 3 attachments (2 MB)

Article 17 Bon Homme County.pdf; Charles Mix Setback Suggestions.docx; Vestas Safety Manual Complete.pdf;

Good morning Neil,

I was asked to pass this along to you for consideration. I totally respect that you have a very difficult task ahead of you. I also know that no one will really be happy but as long as it is consideration for all involved, that is best.

I understand that 2 miles will not be a reality, I do think that the information that was provided to me and I am sharing is good in general. Although I have different thoughts, I do think that the safety manual for the turbine which warns a safety setback of 1300 feet should be a minimal consideration for roads. Many of us drive these roads every day and we want to ensure our safety on those roads. I also think the suggestion for at least 2 years is not accurate. It should be flexible in terms of those who just moved in less than a year ago and those that have vacant residents until the new renters move it.

I also think that the decibels should be lower than 45. More in the 30-35 range at the property line since the assumption the developers make is that we only stay in our house. We know that is not accurate. As with many of the residents, they work in other outbuildings and outdoors. I also think the night verses day are different considerations.

Julie Freier will be at the meeting on Thursday and will be able to provide perspective on this information that I am passing along. I will not be there in the morning but not sure if I add any value anyway.

Also, under a different message, I will be sending along a collection of setback ordinances from other counties who are doing the same thing. Most of these had setbacks and after having smaller turbine wind farms, they realized their setbacks were not adequate since the turbines keep on getting larger and larger.

I know that you have many other components to the ordinance than this topic so I will leave you to it but please let me know if you need any research or data to support your numbers.

Have a good week.

Lisa

## **Information for Setbacks**

PAUL LISA SCHOENFELDER

Tue 7/24/2018, 9:22 AM

To: vonsturf@hotmail.com <vonsturf@hotmail.com>

 3 attachments (2 MB)

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I know that you have many other components to the ordinance than this topic so I will leave you to it but please let me know if you need any research or data to support your numbers.

Have a good week.

Lisa

## **Open House at Beethoven Wind Farms**

PAUL LISA SCHOENFELDER

Tue 7/31/2018, 7:09 AM

To: vonsturf@hotmail.com <vonsturf@hotmail.com>; Scott Podhradsky <scottjpodhradsky@icloud.com>

 1 attachments (2 MB)

BayWa re Event.jpg;

Good Morning,

Hope all is well with you. I wanted to share some information. A lady at Parkston was concerned when she saw this flyer at the bank. She lives over near Parkston by the current Beethoven wind farm and will be impacted by Prevailing Winds. She said word on the street is that they have been working on Phase III for our area. She has not seen the proposed area for this one, if it will be west of the proposed Prevailing Winds or if it will be east of her house.

When she is talking about "they", she is referring to Thorstad Companies. They are the one who are actually running the entire project but behind the scenes. You have meet both the President and their Project Manager. They are the two that attend all of the meetings and are the ones that sign up investors as well as the easements from landowners. They do the siting of the turbine locations. They are the ones that create all of the Wind LLCs. Thorstad then partners with the larger wind companies that are the front line groups. On this event that is attached, you will see that BayWa r.e. is back in our area again for the third phase. So the Beethoven Wind Farm was started with Thorstad's LLC then they sold it to BayWa r.e. BayWa r.e. did not hang on to it long and sold it to Northwestern. So when Peter from sPowers said that they were not planning another phase, he was correct. They are not involved with phase III at this time, Thorstad and BayWa r.e are.

So this is very interesting that BayWa r.e. is hosting six of these event across the country. It is where they are doing their next round of Wind Farm development in the US. They are a German based company with offices across the world. Thorstad is an interesting company, they benefit from all parts of the project.

My point in sharing is be aware, whatever you do with sPowers is really just the start and may be setting a precedence for our County going forward. The company you need to be cautious of is Thorstad Companies. They are the real player.

Links to the companies are below. Attached is the flyer in Parkston. Everyone is welcome to attend. It is hosted by Rick Mayer, an investor. David Mock is also supporting this event. He is on the board of Prevailing Winds. They need more investors and more land easements to move forward.

Have a good week.

Lisa

Thorstad Companies: <http://www.thorstadcompanies.com/>

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## Thorstad Companies

[www.thorstadcompanies.com](http://www.thorstadcompanies.com)

Thorstad Companies is a general contractor providing services across the United States including wind energy, general contracting, underground, rural water, and materials.

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BayWa r.e.: <https://www.baywa-re.com/en/wind-projects/>

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## r.e.think wind energy – BayWa r.e.

[www.baywa-re.com](http://www.baywa-re.com)

We have over 30 years of experience in the realisation of windfarms from across the world. Find out more!

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Wind Week Events: <https://us.baywa-re.com/en/about-us/news/details/baywa-re-will-open-six-wind-project-sites-to-the-public-during-american-wind-week/>

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## Details – BayWa r.e.

[us.baywa-re.com](http://us.baywa-re.com)

BayWa r.e. Wind LLC proudly announces its participation in American Wind Week this coming August 7th.

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## **Request for Wind Data**

PAUL LISA SCHOENFELDER

Mon 8/6/2018, 6:22 AM

To: vonsturf@hotmail.com <vonsturf@hotmail.com>; law@podhradsky.com <law@podhradsky.com>;  
Scott Podhradsky <scottjpodhradsky@icloud.com>

 3 attachments (5 MB)

SDPUC 2009 AppendA Wind SD.pdf; OpenEI Wind Farm Map.csv; EIA Wind Farm Map.JPG;

Good Morning,

Per the request you will find the attached.

PUC Wind Project 2009 - Wind Analysis for SD  
EAI Map on focused Wind Projects in US  
Excel File on Wind Projects per EAI (Dated and incomplete)

A significant amount of new research is available for impacts with industrial parks. We are collecting them and experts for the PUC hearing. Please consider that what actions you take will impact all of us and during the PUC hearing, there will be full disclosure on county proceedings. The PUC attorney is already reviewing the actions of Bon Homme and the process to negotiate setbacks based on the Wind Companies perspective and District 3 advisement. I just want to protect all involved, including my county commissioners who I believe will have the best interest of the county and all inhabitants forefront in their actions and their councils advisement.

Lisa