

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

**IN THE MATTER OF THE APPLICATION BY DEUEL HARVEST WIND ENERGY LLC
FOR ENERGY FACILITY PERMITS OF A WIND ENERGY FACILITY AND A
345-KV TRANSMISSION LINE IN DEUEL COUNTY, SOUTH DAKOTA FOR THE
DEUEL HARVEST NORTH WIND FARM**

SD PUC DOCKET EL18-053

**PRE-FILED SUPPLEMENTAL DIRECT TESTIMONY OF ANDREA GIAMPOLI
ON BEHALF OF DEUEL HARVEST WIND ENERGY LLC**

February 14, 2019

1 **I. INTRODUCTION**

2

3 **Q. Please state your name, employer, and business address.**

4 A. My name is Andrea Giampoli. I am employed by Invenergy LLC (“Invenergy”), and
5 my business address is One South Wacker Drive, 1800, Chicago, Illinois 60606.

6

7 **Q. Did you provide Direct Testimony in this docket on October 26, 2018?**

8 A. Yes.

9

10 **II. PURPOSE OF TESTIMONY**

11

12 **Q. What is the purpose of your Supplemental Direct Testimony?**

13 A. The purpose of my Supplemental Direct Testimony is to address public comments
14 made since the filing of the Application regarding a potential eagle nest near Lake
15 Alice in Deuel County and the Deuel Harvest Wind Project’s (“Project”) commitment
16 to minimizing impacts to undisturbed grasslands.

17

18 **Q. What exhibits are attached to your Supplemental Direct Testimony?**

19 A. The following exhibit is attached to my Supplemental Direct Testimony:

- 20 • Exhibit 1: Burns & McDonnell Memorandum, Eagle Nest Monitoring near
21 Lake Alice, South Dakota for the Deuel County North Wind Farm, Deuel
22 County, South Dakota (February 11, 2019).
- 23 • Exhibit 2: Figure showing eagle nest near Lake Alice.

24

25 **III. PUBLIC COMMENTS REGARDING POTENTIAL EAGLE NEST**

26

27 **Q. Please describe the public comments made since the filing of the Application**
28 **regarding a potential eagle nest near Lake Alice in Deuel County.**

29 A. It is my understanding that a few members of the public expressed concern about a
30 potential eagle nest north of Lake Alice in Deuel County and the proximity of
31 proposed Project facilities in relation to that nest.

32 **Q. Did Deuel Harvest submit an information request through the South Dakota**
33 **Game Fish and Parks (“SDGFP”) Natural Heritage Program?**

34 A. Yes. Deuel Harvest submitted an information request through the South Dakota
35 Game Fish and Parks (“SDGFP”) Natural Heritage Program, as well as to the
36 SDGFP Wildlife Division, and the United States Fish and Wildlife Service (“USFWS”) South Dakota Ecological Services Field Office. Both agencies responded in August
37 2016 but did not include information about the nest near Lake Alice at that time.
38

39

40 **Q. Did Deuel Harvest conduct eagle nest surveys in the Project Area before it**
41 **submitted the Application?**

42 A. Yes. As discussed in my Direct Testimony and the Application (Appendices I and
43 K), Deuel Harvest completed two years of eagle nest surveys in accordance with the
44 recommendations set forth in the USFWS’s Eagle Conservation Plan Guidance
45 (USFWS 2013). Deuel Harvest surveyed the Project Area and a ten-mile buffer by
46 helicopter for eagle nests in 2016 and conducted a follow-up ground-based survey in
47 the Project Area in 2017. No eagle nests were detected near Lake Alice or in the
48 Project Area during either survey. In February 2018, the USFWS shared with us
49 that a landowner had brought to their attention that there may be an eagle nest north
50 of Lake Alice. We reviewed the SDGFP Natural Heritage Program response, and
51 the results of our two years of nest surveys and noted that while there were medium-
52 sized raptor nests observed north of Lake Alice, none was considered large enough
53 to be an eagle nest, so no further due diligence was conducted at that time.
54

54

55 **Q. Have you conducted further investigation regarding this nest?**

56 A. Yes. Shortly after I received notice that at the January 24, 2019 public input hearing
57 members of the public were concerned about a potential eagle nest near Lake Alice,
58 I contacted the USFWS and SDGFP. On February 4, 2019, the USFWS said that
59 they recalled having received a phone call from a landowner about a nest near Lake
60 Alice but did not have any additional information. On February 5, 2019, the SDGFP
61 responded that the agency was aware of a nest and provided its coordinates.
62

62

63 **Q. Did you take any additional steps to investigate the nest?**

64 A. Yes. On behalf of Deuel Harvest, I retained two qualified biologists to survey the
65 area of the potential nest on February 5 and 6, 2019. The biologists confirmed the
66 nest was an eagle nest. The biologists were not able to confirm if the nest is
67 occupied or active, but recorded two mature bald eagles flying near the nest. The
68 resulting memorandum is attached as Exhibit 1.

69

70 **Q. Are there any minimum turbine setback requirements applicable to bald eagle**
71 **nests?**

72 A. No. There are no turbine setback requirements applicable to bald eagle nests from
73 the USFWS or SDGFP.

74

75 **Q. Are there any recommended disturbance setbacks applicable to bald eagle**
76 **nests?**

77 A. Yes. The National Bald Eagle Management Guidelines (USFWS 2007)¹ recommend
78 that human activities visible from bald eagle nests be kept at least 201 meters (660
79 feet) away to minimize disturbance to nesting eagles. With respect to SDGFP-
80 managed lands, the South Dakota Bald Eagle Management Plan recommends
81 maintaining an 800-meter (2,625 feet) buffer zone from all human activity around
82 active bald eagle nests during the nesting season (February–August) (SDGFP
83 2005).

84

85 **Q. What turbine setback will Deuel Harvest apply to the bald eagle nest near Lake**
86 **Alice?**

87 A. Deuel Harvest will voluntarily apply an 800-meters (2,625 feet) setback from the nest
88 to the nearest turbine. As a result of this commitment, Deuel Harvest will relocate
89 the two turbines that had been sited within 800 meters of the nest. On Figure A-3 of
90 the Application, we showed a two-mile buffer around eagle nests to illustrate the

¹ <https://www.fws.gov/southdakotafielddoffice/NationalBaldEagleManagementGuidelines.pdf>.

91 distance between the nests known at the time and the Project Area. Exhibit 2 to my
92 testimony is a map showing the eagle nest near Lake Alice and the 800-meter
93 setback that we are committing to for this nest. Deuel Harvest will seek any required
94 approvals for turbine relocations from the Commission.

95
96 **Q. How is Deuel Harvest coordinating with USFWS and SDGFP regarding the**
97 **eagle nest?**

98 A. Deuel Harvest held a conference call with USFWS and SDGFP on February 11,
99 2019, to share the information that it had collected on the nest. Deuel Harvest
100 agreed to conduct eagle flight path mapping from March to July 2019 and committed
101 to consulting further with the agencies after that information is collected.

102
103 **IV. PUBLIC COMMENTS REGARDING POTENTIALLY UNDISTURBED**
104 **GRASSLANDS**

105
106 **Q. How has Deuel Harvest minimized its impacts to potentially undisturbed**
107 **grasslands?**

108 A. Deuel Harvest first coordinated with the USFWS Madison Wetlands Management
109 District in March 2016 to determine the location of any USFWS grassland (and
110 wetland) easements in the Project Area to avoid impacts to these resources. Deuel
111 Harvest further coordinated with USFWS Ecological Services Office and SDGFP
112 starting in June 2016 to discuss any sensitive resources in the Project area. The
113 USFWS recommended minimizing impacts to undisturbed grasslands. Both
114 agencies recommended using the South Dakota State University (“SDSU”)
115 geographic information system (“GIS”) database to map undisturbed grasslands.
116 Deuel Harvest also hired trained ecologists to conduct a grassland habitat
117 assessment for the Project Area. Deuel Harvest used the SDSU GIS layers and on-
118 site mapping data when siting its turbines and facilities to minimize impacts.

119
120 In March and September 2018, Deuel Harvest conducted calls with The Nature
121 Conservancy (“TNC”) in response to TNC’s letter dated January 2018 to discuss

122 TNC's concerns about impacts to potentially undisturbed grasslands in Deuel
123 County, and to share its progress on minimizing impacts to undisturbed grasslands.

124
125 Deuel Harvest will avoid impacts to all of TNC's native prairies and the USFWS's
126 grassland easements located in the Project Area. The Project turbines and facilities
127 were carefully sited to minimize permanent impacts to undisturbed grasslands to
128 less than one-quarter of 1% of the 16,285 acres of potentially undisturbed
129 grasslands mapped in the Project area (SDSU). Deuel Harvest is committed to
130 responsible wind energy development, which includes the thoughtful avoidance and
131 minimization of impacts to native grasslands.

132
133 **V. CONCLUSION**

134
135 **Q. Does this conclude your Supplemental Direct Testimony?**

136 A. Yes.

137
138 Dated this 14th day of February, 2019.

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142 _____
143 Andrea Giampoli

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