

Staff's First Data Request to Intervenors- Response

Staff, please be advised of the following:

- We have just hired attorney, David Ganje. Mr. Ganje only had his first phone conversation with us on Sunday April 14th, therefore he is still reviewing the application and papers. He is not finished reviewing. He will advise us on requests and data as soon as possible. We do not want to ignore your requests and are not trying to be disrespectful. He will advise us as soon as possible and we will supplement or correct this Reply if we should. Thank you.
- We as intervenors have been working together. Therefore, our responses to your first data request to the intervenors will be similar, and some responses identical.

1-1) Provide copies of all data requests submitted to or by you and copies of all responses provided to those data requests. Provide this information to date and on an ongoing basis.

Response:

(Melissa and Patrick) No data requests have been submitted or received.

(Kristi, Amber and Allen) Copies are attached. Please be advised that although the intervenors have sent a letter asking the applicant to respond to all data requests of the intervenors, data requests still remain unanswered, and we have not accessed the

1-2) Refer to SDCL 49-41B-22.

- a. Please specify particular aspect/s of the applicant's burden that you intend to personally testify on.

Response:

(Allen) One item that I intend to personally testify regarding Health and Safety of the citizens.

(Melissa, Amber, Kristi and Patrick) I am unsure what I intend to personally testify on at this time as the application is incomplete and full of misrepresentation. What I intend to testify on will become more clear as we continue to review all of the information provided by the applicant.

- b. Please specify particular aspect/s of the applicant's burden of proof that you intend to call a witness to testify on.

Response: There are several aspects of the applicant's burden of proof that we intend to call a witness to testify on. This will become more clear once we are able to fully review all of the information that has recently been provided by the applicant after they were granted the extension on the Procedural Schedule. At this time, we believe the aspects that we may call witnesses to testify on may include, but is not limited to: property rights, geology, hydrology, health and safety, economics, real estate values, local law compliance, environmental impacts (including wildlife) and business ownership.

- 1-3) Refer to SDCL 49-41B-25. Identify any "terms, conditions, or modifications of the construction, operation, or maintenance" that you would recommend the Commission order. Please provide support and explanation for any recommendations.
- a. Specifically, what mitigation efforts would you like to see taken if this Project is constructed.

Response: We the intervenors will understand this further as we come up to speed fully on the application and all of the supplemental information that has been submitted. We intend to support our recommendations with testimony and exhibits at the Evidentiary Hearing. At this time, we anticipate recommending, but not limited, to the following:

- 2 mile setback from all non-participating landowners. A waiver of this setback may be allowed, given the landowner and the applicant agree to the terms, and the full terms and agreement are reviewed by the PUC and approved. Citizens that are not participating with the project should not have to be exposed to the effects of the project. Although 2 miles will not prevent exposure from the project, it will create a more tolerable situation.
- 2 mile setback from the Waverly School. This will ensure children are protected from the disturbances of the project while in their learning environment.
- Increased setback from all public right-of-ways to a distance greater than: 1.5 * (the diameter of the blades plus the height of the turbine). This is the distance outlined in the GE technical document number GER4262, titled "Ice Shedding and Ice Throw-Risk and Mitigation".
- Limit construction, including traffic, to the hours of 7 am - 7 pm so that disruption to our home lives is reasonably limited.
- Notification of work areas, heavy road usage, road closures/anticipated congestion, noise, dust/particulate warnings, for residents posted online daily, also in local elevators so that citizens who live and work in the area can be informed about the disruption to their lives and take any steps possible to mitigate.

- Preconstruction noise, to include infrasound, analysis of non-participating properties, outside and inside the principle structure. Analysis to be conducted by a third party chosen and reported directly to the PUC.
- Noise monitoring, to include infrasound, during construction, operation, maintenance, decommissioning to record the applicant is in compliance. Monitoring to be completed by a third party selected and reported directly to the PUC.
- Air quality monitoring during construction and the months of May through October after construction is complete, throughout the life of the project.
- Require airplane detection system lighting be used immediately upon operation. Unnecessary lighting emits light pollution and further ruins our viewshed.
- Submit and follow a 3 year grassland reclamation plan for any pasture, grass and/or native undisturbed land that is disturbed during the construction of this project. The Coteau Prairie is an important aspect to the Earth's overall ecosystem, part of which is being destroyed by the approval of this project.
 - Provide a detailed weed control plan.
 - Provide seed mix details that will be used to reclaim the disturbance..
 - Write an annual report that is available to the public including photos of each location and a status of the reclamation progress.
- All oil or hazardous material spills during pre-construction, construction, maintenance, operation and decommissioning shall be reported to the PUC within 20 days in addition to any required reporting to the DENR.
- Require a containment basin with a perimeter at least 2 feet away from the base of the turbine. The basin shall be no less than 3 feet in depth, with a ¼" or less metal mesh cover.
- All incidents of blade throw, shed, defragmentation, delamination shall be reported to the PUC within 20 days of the incident.
 - Report to PUC how each of the above issues will be rectified/mitigated and the anticipated time frame.
 - Submit a follow up report to the PUC outlining how the above issues were actually rectified/mitigated and if the anticipated time frame was met.
- All incidents of bodily injury occurring to anyone related to the project, through the construction, operation and decommissioning of the project, including vehicular accidents shall be reported to the PUC within 20 days of the incident. This report shall be available to the public
- All fires related to the project shall be reported to the PUC within 20 days of the incident. This report shall be available to the public
- Partner with the South Dakota DENR to implement and monitor test wells throughout the project which must be tested before any construction is

commenced and then tested monthly during construction and annually thereafter for the life of the project. Results must be made available to the public. Well testing must be completed by a third party organization selected by the DENR. The project area is located in a shallow aquifer region and is therefore prone to contamination.

- Offer each non-participating landowner within 2 miles of the boundary footprint a free water well test for each water well on their property up to \$2,500 per landowner. This test shall cover but not limited to turbidity, particulars and bacteria. This must be completed before any construction is commenced and reimbursement shall be made by the applicant within 30 days of submission of the receipt to the PUC.
- No flicker shall be allowed to cross non-participating landowner's property line.
- 40 db(A) L10 to be measured, by a third party every year outside and inside non participating landowners homes within 2 miles of the boundary footprint and the Waverly School. During even numbered years the measurement shall be in the spring and fall for 14 days 24 hours continuous. During the odd numbered years the measurement shall be in the summer and winter for 14 days 24 hours continuously. The findings shall be reported to the PUC and published within 3 months of completion of the noise study in the following public publications, for the life of the project: Public Opinion newspaper in Watertown, SD, South Shore Gazette in South Shore, SD and the Grant County Review in Milbank, SD
- Noise not to exceed 40 db(A)L10 at the property line of a non-participating property, including but not limited to construction, maintenance, operation and decommissioning. This requirement shall be enforced in all areas within 2 miles of the project boundary footprint and within 2 miles of any haul road for the life of the project, cradle to grave.
- The PUC shall for the life of the project, cradle to grave, enforce the 40 db(A) L10 by requiring the removal of turbines and fines in excess of \$10,000 per incident, for equipment noise violations. The fine revenue shall be remanded to the affected property owner where the violation occurred.
- The applicant for the life of the project, cradle to grave, shall keep maintenance logs of every repair or replacement. The report shall include but not limited to the place of repair, maintenance or replacement, the date and time, the part number, the serial number, identify if the part is OEM and warranty information. This report shall be compiled quarterly and submitted to the PUC and available for public review
- The applicant shall develop a report concerning health, safety and welfare of living, working, recreating, and commuting in the turbine project. This report shall cover but not limited to infrasound, low frequency noise, community within

the project during construction, during icing conditions, ice throw, fire dangers including prairie fires caused by turbines, safety setbacks, a map of turbine locations and ID address for emergency responders, and the PUC phone number to register complaints. This report shall be for the life of the project be published annually each fall in Public Opinion newspaper in Watertown, SD, South Shore Gazette in South Shore, SD and the Grant County Review in Milbank, SD

- The PUC for the life of the project, shall require the applicant to monitor 24/7 and report the dust particulate matter, ozone and air carbon data for the life of the project. This report shall be compiled quarterly the findings shall be published within 3 months of completion of the dust particulate report in the following public publications, for the life of the project: Public Opinion newspaper in Watertown, SD, South Shore Gazette in South Shore, SD and the Grant County Review in Milbank, SD. The applicant admits there is soil disturbance, over 41 miles of new dirt roads, vehicles and equipment involved with this project.
- The applicant shall remove all turbines that do not meet the conditions of the local and state permits, rules and laws.
- If the PUC requires a liaison, the liaison shall live in the Crowned Ridge LLC boundary.
- In the first week of May, by letter, the PUC shall survey the participating and non participating landowners within 2 miles of the project boundary footprint with 10 questions written by the intervenors
- The PUC shall require the applicant to remove and notify the participating landowners that the confidentiality agreement is nullified. This notice shall be sent by April 30th.
- The applicant shall develop a predator and rodent management plan.
- The applicant shall develop a plan to render and compile a report the birds and bats killed by turbines or equipment operated by or contracted for the applicant. This report shall contain but not limited to, time and date of discovery, the breed of bird, and the size. This report shall be reported annually and published in the following public publications, for the life of the project: Public Opinion newspaper in Watertown, SD, South Shore Gazette in South Shore, SD and the Grant County Review in Milbank, SD.
- The PUC, for the life of the project, shall annually send out a survey to all participating and nonparticipating landowners within the project boundary footprint and within 2 miles of the project boundary footprint. The survey shall query but not limited to, perceptions of property value, quality of life, health concerns related to turbines, concerns about the turbines,
- The PUC shall not allow turbine shifts. At the March 20th PUC public input hearing Tyler Wilhelm stated the micrositing was complete and Mark Thompson

provided information that the Geotech and Seismic/Piezocone Penetration testing (CPT) engineering was done between May 2018 and January 2019.

- The applicant, for the life of the project, shall monitor and report on changes in soil health including but not limited to changes in organic matter, vegetation, moisture, microbes, burying insects, and mammals. This report shall be compiled annually and shall be reported annually and published in the following public publications, for the life of the project: Public Opinion newspaper in Watertown, SD, South Shore Gazette in South Shore, SD and the Grant County Review in Milbank, SD
- The applicant shall provide a cradle to grave carbon footprint report for this project.
- The applicant, for the life of the project, shall quarterly monitor and report all stray voltage including but not limited to stray voltage dispersed into the ground. This report shall be published within 30 days Public Opinion newspaper in Watertown, SD, South Shore Gazette in South Shore, SD and the Grant County Review in Milbank, SD
- The applicant is to commit to an end date to the project. This date is to be submitted to the PUC and made public before construction is to begin.
- Offer each non-participating landowner within 2 miles of the boundary footprint reimbursement of a pre-construction property appraisal up to \$2,500 per landowner. This offer shall be completed before any construction is completed and reimbursement must be made by the applicant within 30 days of submission of the receipt to the PUC.
- An annual report published in the following public publications, for the life of the project: Public Opinion newspaper in Watertown, SD, South Shore Gazette in South Shore, SD and the Grant County Review in Milbank, SD which includes a report of the following information:
 - Tax revenue versus predictions for each entity: County, Township and School district.
 - Actual power production versus predictions.
 - Electric prices experienced by citizens versus electric prices at the start of the project.
 - The amount of net negative energy used from the grid and the price cost per kilowatt and total cost per turbine the applicant paid for it.
 - School enrollment numbers at Waverly School versus at the start of the project.
 - A survey of all landowners that is completed by a third party selected by the PUC, with the results being sent directly from the survey company to the PUC. The questions on the survey shall include:

- Do you feel your quality of life has been impacted as a result of the wind project, Crowned Ridge I? If yes, has it been impacted for the better or worse?
- Do you believe the community has been impacted as a result of the wind project, Crowned Ridge I? If yes, has it been impacted for the better or worse?

1-4) Please list with specificity the witnesses that you intend to call. Please include name, address, phone number, credentials and area of expertise.

Response: We as intervenors are still reviewing the latest information provided by the applicant. Information was provided only on April 9th and 10th. As a result, we have not been able to identify appropriate witnesses. This information will become more available as we, the intervenors, process all of the late information.

1-5) Do you intend to take depositions? If so, of whom?

Response: Our attorney will be advising us further on this topic after his review of the application, testimonies and data request responses.

1-6) Please identify every concern you have with the proposed project that you intend to address at the evidentiary hearing. For each concern identified, please provide support for the concern.

Response: This will become more clear once we are able to fully review all of the information that has recently been provided by the applicant. The application was incomplete and included many points of misinformation, which is making it quite difficult to understand. At this time, we believe the aspects that we may call witnesses to testify on may include, but is not limited to: property rights, geology, hydrology, health and safety, economics, real estate values, local law compliance, environmental impacts (including wildlife) and business ownership.