

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

IN THE MATTER OF THE APPLICATION)	
BY CROWNED RIDGE WIND, LLC FOR A)	EL19-003
PERMIT OF A WIND ENERGY FACILITY)	
IN GRANT AND CODINGTON COUNTIES)	APPLICANT'S SUPPLEMENTAL
	RESPONSES TO STAFF'S SIXTH
	SET OF DATA REQUESTS TO
	CROWNED RIDGE WIND, LLC

Attached, please find Applicant's Supplemental Responses to Staff's Sixth Set of Data Requests to Crowned Ridge Wind, LLC.

- 6-10) Referring to page 13, lines 8-16 of Ms. Sappington's testimony, please provide studies or past research demonstrating that prairie grouse leks within 1 mile of wind turbines are not disrupted or abandoned as a result of wind turbine operations.

Response:

Ms. Sappington's testimony on page 13, lines 8-16 is mischaracterized in the above question. The Applicant does not agree with post-construction monitoring as stated in the rebuttal testimony in response to Staff Witness Kirschenmann's testimony. As described in the Application, Sections 11.3.1.3.3 and 11.3.1.4, pre-construction grouse lek surveys were conducted for earlier iterations of the Project Area. The Applicant sited the project to avoid and minimize effects to grassland communities and impacts to grouse leks. The Applicant is unaware of any empirical per-reviewed data looking at the effects of wind turbine development on greater prairie-chicken or sharp-tailed grouse activities at lek locations in the Upper Great Plains (including South Dakota, North Dakota, and Minnesota).

Respondent: Sarah Sappington, Director



Miles H. Schumacher
Attorneys for Applicant
Lynn, Jackson, Shultz & Lebrun, PC
110 N. Minnesota Ave., Suite 400
Sioux Falls, SD 57104



Staff's Proposed Lek Monitoring Condition

Applicant agrees to undertake a minimum of two years of post-construction grouse lek monitoring of SDGFP confirmed leks provided to the Applicant and leks documented during the wildlife surveys conducted by Crowned Ridge during project development that are located less than 1 mile from a wind turbine. The Applicant shall consult with SDGFP and USFWS on proposed survey methodology for post-construction lek monitoring. Results of post-construction lek monitoring should be reported to the SDGFP and USFWS after the first year of monitoring and a final report should be compiled and submitted to the SDGFP and USFWS at the end of the second year of monitoring.



019524

AN ACT

ENTITLED, An Act to establish certain provisions regarding financial security for the decommissioning of wind turbines.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That chapter 49-41B be amended by adding a NEW SECTION to read:

All right and title in any financial security required by the commission for the decommissioning of wind turbines shall be controlled by the commission in accordance with the terms of the financial security agreement or instrument until the commission by order releases the security. The financial security of the person required to provide it may not be cancelled, assigned, revoked, disbursed, replaced, or allowed to terminate without commission approval.

The commission may require, accept, hold, or enter into any agreement or instrument for the provision of financial security, including any funds reserved or held by any person to satisfy or guarantee the obligation of an owner of wind turbines permitted under this chapter, to decommission and remove the wind turbines. The form, term, and conditions of the financial security are subject to the approval of the commission. The commission shall determine any claim upon the financial security made by any landowner for decommissioning and removal of turbines.

Any financial security provided under this chapter may not be pledged or used as security for any other obligation of the wind turbine owner, and is exempt from attachment or mesne process, from levy or sale on execution, and from any other final process issued from any court on behalf of third party creditors of the owner of the wind turbines. Any commission decision based on any claim made by the owner of the wind turbines for refund or return of the financial security, or for actual expenses of decommissioning, or any related agreements may be appealed.

In any case, the commission may appear in court and defend the integrity and viability of the financial security for purposes of decommissioning and removal of wind turbines. The commission

may not require any financial security from an owner of wind turbines who is also a public utility as defined in subdivision 49-34A-1(12).

An Act to establish certain provisions regarding financial security for the decommissioning of wind turbines.

=====

I certify that the attached Act
originated in the

SENATE as Bill No. 16

Secretary of the Senate
=====

President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 16
File No. _____
Chapter No. _____

=====

Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor
=====

The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor
=====

STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____, 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State