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THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA

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IN THE MATTER OF THE APPLICATION EL15-020  
BY WIND QUARRY OPERATIONS, LLC,  
FOR A WIND ENERGY FACILITY PERMIT  
FOR THE WILLOW CREEK WIND ENERGY  
FACILITY AND ASSOCIATED FACILITIES

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Transcript of Proceedings  
July 9, 2015

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BEFORE THE PUBLIC UTILITIES COMMISSION

CHRIS NELSON, CHAIRMAN  
GARY HANSON, COMMISSIONER

COMMISSION STAFF

John Smith  
Kristen Edwards  
Adam de Hueck  
Greg Rislov  
Brian Rounds

Reported By Cheri McComsey Wittler, RPR, CRR

1                   TRANSCRIPT OF PROCEEDINGS, held in the  
2 above-entitled matter, at the Newell School Multi-Purpose  
3 Room, 501 Dartmouth Avenue, Newell, South Dakota, on the  
4 9th day of July, 2015, commencing at 6:30 p.m.

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1           CHAIRMAN NELSON: Good evening, everyone. I  
2 think we're going to get started. I've got some  
3 preliminary comments that I need to go through that will  
4 kind of set the stage for what we are doing here this  
5 evening.

6           I see our Senator Betty Olson in the back.  
7 Betty, thank you for being with us tonight. Appreciate  
8 that.

9           My name is Chris Nelson. I am Chairman of the  
10 South Dakota Public Utilities Commission. With me here  
11 this evening is Commissioner Gary Hanson. The third  
12 Commissioner, Kristie Fiegen, is dealing with some health  
13 issues and so she is not with us tonight but she will be  
14 either listening to the recording of this or reading the  
15 transcript of everything that happens tonight. So she  
16 will be fully up to speed as to what has happened here  
17 tonight.

18           Our purpose this evening is to hold a public  
19 hearing in Docket EL15-020 entitled In the Matter of the  
20 Application by Wind Quarry Operations, LLC for a Wind  
21 Energy Facility Permit for the Willow Creek Wind Energy  
22 Facility and Associated Facilities.

23           On May 27, 2015, Wind Quarry Operations, LLC  
24 filed an Application for an energy facility permit for  
25 the proposed Wind Creek Wind Power Facility. The

1 Application is for approval of a permit to construct a  
2 103 megawatt nameplate capacity wind energy facility on  
3 approximately 40,000 acres of privately owned land in  
4 Butte County, approximately 10 miles northeast of Newell,  
5 South Dakota.

6 The proposed project would include approximately  
7 45 wind turbines, associated access roads, a new  
8 collector substation, an operations and maintenance  
9 facility, and associated transmission interconnection  
10 facilities.

11 The project intends to interconnect with the  
12 Western Area Power Administration's Maurine to Rapid City  
13 115,000-kilovolt transmission line which extends through  
14 the project area.

15 The project would generate utility scale  
16 electric power for residential, commercial, and  
17 industrial customers.

18 A copy of the Application is on file with the  
19 County Auditor of Butte County. You can also access the  
20 Application and all other nonconfidential documents in  
21 the official file on the Commission's website at  
22 [www.puc.sd.gov](http://www.puc.sd.gov), under Commission Actions, Commission  
23 Dockets, 2015 Electric Dockets, and then scroll down to  
24 this Docket No., which is EL15-020.

25 You can also access the Application and all

1 other documents in the official file by calling, writing,  
2 or stopping by the Commission office.

3 The purpose of this hearing this evening is to  
4 provide information to the public about the proposed  
5 project and to hear public comments about the project.  
6 Interested persons have the right to present their views  
7 and comments regarding the Application, and we want to  
8 encourage you to do so. But I do want to stress, no  
9 decisions are being made tonight or in the immediate  
10 future.

11 The parties to this proceeding at this time are  
12 Wind Quarry Operations, LLC and the Commission Staff.  
13 Under South Dakota Law each municipality, county, and  
14 governmental agency in the area where the facility is  
15 proposed to be constructed or any interested person or  
16 organization may gain party status in this proceeding by  
17 making written application to the Commission on or before  
18 July 27.

19 We have Application For Party Status forms  
20 available here this evening if you would like to apply  
21 for party status. The form is also available on the  
22 Commission's website for this Docket or by contacting the  
23 Commission.

24 I'd like to emphasize to everybody, however,  
25 that you do not need to become a party to the Docket in

1 order for your voice to be heard by the Commission. And  
2 that's the reason we're here this evening, to allow you  
3 to have your comments heard on the project.

4 We will also be accepting comments in writing  
5 from anyone, either by mail, personal delivery, or  
6 e-mailing the Commission right up until the time of the  
7 decision. So you only need to apply for party status if  
8 you want to participate formally in the case by putting  
9 on actual testimony or other factual evidence, conducting  
10 discovery, cross-examining witnesses, making legal  
11 arguments, and to preserve your right to appeal to the  
12 courts if you don't believe our decision is legally  
13 correct.

14 I also want all of you to know that each of the  
15 Commission and Staff assigned to this Docket thoroughly  
16 read all comments submitted by the public as they are  
17 filed in the Docket file.

18 For the permit to be approved, our law says that  
19 Wind Quarry must show that the proposed transmission  
20 facility will comply with all applicable laws and rules.  
21 I should say transmission and generation facility will  
22 comply with all applicable laws and rules, that it will  
23 not pose a threat of serious injury to the environment or  
24 to the social and economic condition of inhabitants or  
25 expected inhabitants of the siting area, that it will not

1 substantially impair the health, safety, or welfare of  
2 the inhabitants, and will not duly interfere with the  
3 orderly development of the region, with due consideration  
4 given to the views of governing bodies of the affected  
5 local units of government.

6           Based on these factors, the Commission will  
7 decide whether the permit for the project should be  
8 granted, denied, or granted upon such terms and  
9 conditions or modifications of the construction,  
10 operation, or maintenance of the facilities as the  
11 Commission finds appropriate.

12           I'd like to point out to everyone that we have  
13 with us our star -- make sure you get that in there --  
14 star court reporter, Cheri Wittler, this evening. So I'd  
15 ask you to please use the microphone and introduce  
16 yourself and spell your name when you speak so we get it  
17 on the record.

18           We also have three of the Commission Staff here  
19 tonight, and if they'd wave, Brian Rounds, Kristen  
20 Edwards, and Adam de Hueck. Our sound man tonight, Adam,  
21 behind the sound machine.

22           We want you to feel free to visit with any of  
23 them tonight if you have questions or need assistance  
24 with anything this evening or as we go through the  
25 permitting process.

1           We're going to begin this evening by having  
2 representatives of Wind Quarry make a presentation to  
3 explain their proposed project. Following that  
4 presentation, we're going to open it up to you. And  
5 that's your opportunity to make any comments you'd like  
6 to make, ask questions that you'd like to ask, whatever  
7 might be on your mind tonight as it relates to this  
8 project.

9           Before we get started, I also want to ask all of  
10 you to make sure that you've put your information on the  
11 Sign-In Sheets, as we do need to have a record of who  
12 attended this evening.

13           With that, Gary, anything to add? Good to go?

14           John O'Meara, Wind Quarry's Chief Operating  
15 Officer, will be the introductory spokesman for Wind  
16 Quarry this evening.

17           John, if you would introduce the folks that  
18 you've got with you and take it from there.

19           MR. JOHN O'MEARA: Thank you very much,  
20 Commissioner. We really appreciate everyone coming out  
21 tonight.

22           Can you hear me okay?

23           Okay. Thank you. So I actually would like to  
24 introduce my brother who is my partner in our company,  
25 Pat O'Meara. We're going to start our PowerPoint if that

1 would be okay, and we have introductions of our team in  
2 the beginning of the PowerPoint.

3 So, Pat, if you could, please.

4 MR. PAT O'MEARA: Thanks, John. Thanks,  
5 everybody, for coming out. Thank you, Chair Nelson,  
6 Commissioner Hanson, and all the support Staff that have  
7 come out to help this hearing take place.

8 We have about a 15-minute presentation, which  
9 we'll try to get through at a reasonable pace, but I  
10 don't want to go so quickly that anything is missed.  
11 Again, my name is Patrick O'Meara, and I'm the CEO of  
12 Wind Quarry, LLC.

13 John O'Meara is the chief operating officer of  
14 Wind Quarry, and Jim Tomsic is here as our electrical  
15 engineer.

16 We are doing this project with the best and the  
17 brightest that are in the industry, and we have several  
18 of those people here tonight with us who will also help  
19 answer questions if there are specific questions that is  
20 in their area of expertise.

21 First is Marion Hill, Senior Manager of  
22 Engineering of DNV GL, an engineering firm. She's here  
23 from Quebec, Canada. Jennifer Bell, Senior Environmental  
24 Scientist from Burns and McDonnell. She's here from  
25 Denver. We also have Eric Atkinson, Assistant Professor

1 of Biology. He's a wildlife biologist that's done the  
2 assessments of this site over the last two years very  
3 thoroughly and he's been working in the area with us on  
4 this project since 2011. He's from Northwest College in  
5 Powell, Wyoming.

6 And Lance Rom is the President of Quality  
7 Services. Quality Services is an archaeological firm out  
8 of Rapid City that will be doing the archaeological  
9 assessment of the site to look for any significant  
10 artifacts.

11 So our goals are to produce renewable power for  
12 consumers, create jobs, both short term and long term,  
13 coexist with the traditional agricultural lifestyle.  
14 We'll talk about this a little bit more as the  
15 presentation goes on. But we feel that wind power is  
16 very, very well associated with rural areas, especially  
17 ranching communities.

18 We also feel that this will enhance the health  
19 of citizens both near and far because this is a clean way  
20 to generate electricity for consumers. And it should  
21 increase the prosperity of the community by bringing jobs  
22 in and also the increase in tax revenue in the area.

23 And we feel that it will also provide a better  
24 future for our children and our children's children by  
25 providing clean power and moving away from sources of

1 power that aren't as clean as wind power.

2 So, again, tax revenue will be part of the gain  
3 for the community. But there are also direct lease  
4 payments to landowners. So there will be an injection of  
5 money into the community through local landowners then  
6 will have a little bit more money to spend.

7 Again, this will create short and long-term  
8 jobs. We expect about 200 short-term jobs and probably  
9 five or six long-term jobs for operations and maintenance  
10 as well as monitoring the facility for any wildlife take  
11 or damage, any kill of birds or bats.

12 Again, wind power plants don't significantly  
13 displace crops or livestock. And this also goes for  
14 wildlife, antelope, and deer in the area. They'll move  
15 through a wind power development. They'll graze right up  
16 to the towers.

17 Cows seem to like wind power because in the  
18 middle of the summer when there's not any shade out there  
19 in the grassland they'll actually follow the shadow of  
20 the tower during the day, kind of like a timepiece.

21 And, again, there's a very small footprint.  
22 About a half an acre of land is displaced by each turbine  
23 footprint. So that leaves the rest of the area for the  
24 classic uses for the ranchland or farmland.

25 So why wind energy? We decided to choose wind

1 power in our choice -- in the type of energy that we  
2 wanted to generate in our company because we think that  
3 the technology is mature, there's no mercury  
4 contamination of lakes and streams that you would get  
5 with burning coal, and there's no water consumption.

6 You know, this has been a fairly wet spring here  
7 in South Dakota. Where I'm from in Colorado we've also  
8 had a very wet spring. But that's not a guarantee, and  
9 we all know that there are drought years. And as one  
10 rancher from Kansas said, wind energy seems to be the  
11 most drought resistant crop he's ever grown.

12 Clean area, again. No carbon dioxide. This is  
13 carbon zero. Ethanol takes carbon from the surface.  
14 It's burned. It's released to the atmosphere again.  
15 Fossil fuels take carbon that's buried, bring it up, burn  
16 it, put it into the atmosphere.

17 With wind power there's no carbon dioxide  
18 generation once the plant is up and operational. And  
19 with that there's no sulfur emissions and no  
20 acidification of streams and lakes that we've seen that  
21 are downwind from coal-powered plants.

22 So why do we need to put in a wind energy  
23 facility here in Butte County? Well, the demand for  
24 energy continues to increase. This is a slide that shows  
25 energy demand. If you can't see this, this is 1995.

1 Here's the present time. So this is actual -- this is  
2 total energy need, all sources of energy, not just  
3 electricity. And this is the projected need over time.  
4 We have an increasing population -- people seem to like  
5 their devices that rely on electricity. We don't see  
6 that that demand is going to decrease from that  
7 projection.

8           So why South Dakota? Why Butte County? This is  
9 a wind map that's put out by the National Renewable  
10 Energy Lab. They're outside of Denver. And over here is  
11 a scale -- and I'm sorry that that may be difficult to  
12 read but just realize that these colors up here are high  
13 wind and these colors down here are low wind.

14           And in the center of the country you can see  
15 there is very consistent high wind here in the 8- to  
16 9-meter-per-second speed. That's ideal for wind power  
17 generation.

18           Here's the project location in South Dakota.  
19 Now looking closer at a wind map of South Dakota, again,  
20 here's the project site. You can see, again, 8, 8 and a  
21 half, 9-meter-per-second wind is what NREL felt was here,  
22 and that's what our direct wind measurements on site have  
23 shown.

24           So to measure the wind we've put up five  
25 16-meter meteorological towers. They have anemometers at

1 different levels, different heights that measure wind at  
2 different heights and record that for the wind speed and  
3 direction continuously. And that data is then stored and  
4 managed by DNV GL, Marion Hill's firm. That's one way we  
5 measured the wind.

6 We also have two SODAR units which use sound  
7 waves to measure the wind. Sound waves are thrown up,  
8 and the changes in the sound waves returning, called the  
9 Doppler effect, that's how these units measure wind. And  
10 the good thing about these units is they can measure wind  
11 higher than the 60-meter towers.

12 The towers that we plan to put up that will hold  
13 the turbines will be 80-meter towers. So significantly  
14 higher. This unit can measure wind up well beyond the  
15 80-meter height even up to the top of the tip of the  
16 blades at the top of its sweep.

17 So I don't know. We tried to photo shop these  
18 guys out, but we couldn't do it. This is a picture of  
19 the transmission lines that run through the area. This  
20 is the Western Area Power Administration's 115-kilovolt  
21 line. We applied to put -- inject power onto this line  
22 18 months ago and that Application was accepted and we've  
23 continued to work on that process with Western Area Power  
24 Administration.

25 In fact, there was a scoping meeting last night

1 in this room with Western Area Power Administration as we  
2 continue in that process. But they found that there is  
3 103 megawatts of capacity still on this line that's  
4 available on this line for this project. And that's how  
5 we came up with that number.

6 So here's the area. Newell is here. This is  
7 Highway 212. This is Old Highway 212. Initially when we  
8 came out we looked at putting this project on BLM land.  
9 There's 9,400 acres of BLM land that's down here again  
10 just east of Newell off Old Highway 212.

11 And we put up met towers and started measuring  
12 wind on that site, did that for a couple of years. The  
13 BLM out of Belle Fourche was really fantastic to work  
14 with. They helped us every step of the way. But what we  
15 learned during that process is that there are a couple of  
16 problems with the wind power development down here.

17 One is that the Belle Fourche River runs right  
18 down in that area, and that is an attractant to  
19 wildlife. So there were more wildlife issues down on  
20 that site.

21 Also Bear Butte is about here. If you were to  
22 draw it in, about 11 miles from the southern tip of this  
23 public land here. Bear Butte, as you all know, is a very  
24 significant site for many Native American Tribes in the  
25 area. And we met with 14 Native American Tribes about

1 three years ago while we were still looking at putting  
2 the project on that public land.

3 They didn't voice many concerns, but they did  
4 say that they were concerned that there may be a visual  
5 impact for their tribal members that go to Bear Butte to  
6 do ceremonies and vision quests.

7 So one thing we learned about South Dakota in  
8 this area is that the wind blows here. I don't think we  
9 have to tell many people in the room that, but we  
10 certainly learned that. The other thing we learned is  
11 the people around here are really nice and really easy to  
12 work with.

13 And while we were working on the public land we  
14 interfaced with the landowners surrounding that land  
15 because we needed access to the public land, and we just  
16 wanted to see who was in the area and see if they might  
17 have an interest or what their feeling was toward the  
18 wind power. We found a great deal of support.

19 So when we decided we wanted to move the project  
20 off the public land and move it further from Bear Butte  
21 and further from the Belle Fourche River we talked to  
22 some of the surrounding landowners, and they said, yeah,  
23 we would like to have you include us in this development.

24 We actually have land under contract that  
25 includes a large parcel down here, but we downsized the

1 project once Western Area Power Administration gave us  
2 that 103-megawatt limit. With that downsizing, we wanted  
3 to bring that project further north, again further away  
4 from the River, further away from Bear Butte. And also  
5 there's excellent wind resource in this area that we have  
6 learned since that time when we were working on the BLM  
7 land.

8 This is an aerial view of the site. Here's  
9 U.S. 212. Here's Double R Road. This then turns at  
10 Twilight Road. Twilight Road then heads down through  
11 here. At this point Twilight Road comes off an angle and  
12 comes back down to meet up with U.S. Highway 212, just  
13 east of Newell.

14 So I'm sorry this might be a little difficult to  
15 see, but the purple is the outline of the leased land and  
16 then these cutouts here are land that are not part of the  
17 project. Some of that land is public land.

18 So at this point I'm going to turn the mic. back  
19 over to my brother, John, who will give some details of  
20 the project.

21 Thank you very much.

22 MR. JOHN O'MEARA: Thank you, Patrick.

23 Again, thank you everyone, to the Commission,  
24 Senator Olson for being here tonight. We certainly  
25 appreciate your time and your interest here in the

1 project.

2           So Pat just showed you the outline of the  
3 project. And this is a different look at it. This is  
4 what's called a constraints map.

5           So what we had our engineering company, DNV GL,  
6 do is to produce this constraints map that shows us areas  
7 where we cannot put turbines. So you'll see this gray  
8 setback area around all the margins of the project area  
9 and, of course, by the roads and around land interior to  
10 the project that's not under lease.

11           And then we also have creek beds, wetland areas,  
12 et cetera, that we obviously need to avoid when we're  
13 placing the turbines and the access roads.

14           So taking that into consideration, we've come up  
15 with the layout, which is posted a couple of places  
16 around the room. There's a large copy of it there, a  
17 large copy of it over on the wall by the door.

18           So this shows the 45 turbine layout. These are  
19 2.3 megawatt turbines. Each turbine is denoted by a  
20 little turbine type icon. And then the access roads and  
21 underground electrical collector system are the blue  
22 lines that you see here.

23           We also have several other components of the  
24 plant listed here. We have a proposed operations and  
25 maintenance facility up here, which is actually an

1 existing house that is in a state of disrepair currently,  
2 unfortunately.

3 We would like to rehabilitate that house and  
4 build a maintenance facility there in the existing  
5 structure. We also have a laid out area here for  
6 materials that come in before they get distributed to the  
7 rest of the plant. And also a proposed location here as  
8 well for a batch concrete plant to make concrete for the  
9 foundations on site once the construction begins.

10 So we've done a lot of work on the environmental  
11 side. There are a couple of endangered species that are  
12 certainly of concern here in South Dakota, one of them  
13 being whooping cranes.

14 This map shows the 200-mile-wide whooping crane  
15 migration corridor down from Canada to the Gulf of  
16 Mexico, and the project here in Butte County is outside  
17 of the whooping crane corridor.

18 Sage-grouse are also a listed species here in  
19 South Dakota, although just on the western edge of the  
20 state. This is the current range for the sage-grouse.  
21 And to answer the unasked question, no, I did not make  
22 this map and put that little indentation in there. But  
23 that's where our project is located. And Eric has done  
24 extensive studies in the field, and we've confirmed that  
25 there is no sage-grouse habitat in the area. But if

1 anyone has anymore questions about that, feel free to  
2 ask, and Eric can elaborate.

3 So, as I said, we've had Eric out for two years  
4 doing wildlife surveys year-round. So with all that data  
5 he's done an analysis and created this map that shows the  
6 areas of highest probability of impact for wildlife.

7 So what you see here is the constraints map that  
8 we just looked at for road setbacks, et cetera. And then  
9 we have this overlay of areas of higher probability of  
10 wildlife, particularly Bald and Golden Eagles. So we  
11 used that as a guide when we designed the footprint of  
12 the project to avoid these areas.

13 So this area here is down by the Belle Fourche  
14 River. As Pat mentioned, there are a number of eagles  
15 nesting by the river.

16 This area up here is lower lying land that has  
17 more wetlands, and Eric has observed more eagles  
18 traveling through that area.

19 And then this area here which is south of the  
20 highway has some significant prairie dog towns and  
21 prairie dogs tend to attract raptors so we're avoiding  
22 that area as well.

23 This is a chart that shows bird fatalities in  
24 the United States from a few sources. This is from the  
25 American Bird Conservancy. This is in thousands. So

1 wind turbines cause about 573,000 bird fatalities a year.  
2 Cellphone and radio towers, about 6.8 million.  
3 Automobiles, about 350 million, although the range on  
4 that number is quite high. Actually the range on all of  
5 these was quite high so I took the lower end of the range  
6 for each of these. But automobiles, 350 million.

7 This here, this data point here, is buildings,  
8 which includes skyscrapers but also includes all other  
9 kinds of buildings cause about 650 million bird  
10 fatalities a year.

11 And the last one on here is domestic cats. I  
12 took the low number on that one, about 1.4 billion,  
13 although I did see estimates up to about 3.6 billion.

14 So just wanted to show that slide to give you a  
15 comparison of the impact that wind turbines have versus  
16 other threats to birds.

17 We mentioned a cultural resources inventory.  
18 Lance's company, Quality Services, has completed a  
19 level 1 records search. So this is a search through all  
20 of the existing databases for historic places or  
21 landmarks, and we have found no registered historic  
22 places or national historic landmarks within the project  
23 footprint or one-mile buffer.

24 However, we can't stop there. We still have to  
25 get out, do a full pedestrian survey where Lance and his

1 team will go out in the field, walk every square foot of  
2 it, and determine if there are any cultural resources out  
3 there that were previously unknown and then obviously  
4 deal with those as required to either mitigate or  
5 eliminate any impacts.

6 And we'll get Lance out there in the field here  
7 in the next couple of weeks and have that done by the end  
8 of August.

9 So another concern with wind power plants is  
10 visibility. So we've done some studies on the visibility  
11 of the project. So this is a much farther zoomed out  
12 picture of the area.

13 So this is Belle Fourche over here. This is the  
14 town of Newell where we're sitting here. This is the  
15 project area and the turbine layout. And then we have  
16 Bear Butte that Pat mentioned earlier is here.

17 So we've done what are called photomontages  
18 where we took pictures from Newell, we took pictures from  
19 the top of Bear Butte. DNV, the engineering company, did  
20 a photomontage to overlay the turbines on these pictures  
21 so you can see what it looks like.

22 So just to get you oriented here, this is the  
23 original photo. This is what's called a wire frame  
24 diagram showing where the turbines are. So you take this  
25 wire frame diagram, overlay it on the photo, and then you

1 get the resulting photo up here, which is the visual  
2 simulation.

3 So this photo was taken here in Newell looking  
4 up to the northeast towards the project site, and  
5 depending on where you're sitting, you can maybe just  
6 see tips of some of the turbine blades peeking over the  
7 horizon here.

8 But what I want to do if you'll give me a minute  
9 here is I'd like to pull up the actual file and show it  
10 to you so I can zoom in a little bit, and you can see  
11 where the turbines actually are.

12 So if I zoom into this to about 200 percent,  
13 which would be like looking through a pair of binoculars,  
14 then you can see -- I don't know if you folks can see  
15 back there. You can see that the wind turbines are just  
16 peeking up over the horizon here.

17 I'll zoom in a little bit more, like if you had  
18 a spotting scope, I guess. And you can see that the wind  
19 turbines really are there in the picture, but they're  
20 actually barely visible from town.

21 So this picture we took from Highway 212 just  
22 outside of town next to the DOT yard. So it's just on  
23 the east of town.

24 Okay. So then we have the same simulation from  
25 Bear Butte. So, again, this is the original picture that

1 Pat and I took about a month ago, beautiful, sunny, clear  
2 day from the top of Bear Butte. Here's the layer frame  
3 of where the turbines are. So you overlay that on the  
4 photo, and the turbines are actually right in this area  
5 here.

6 What you see over here is Highway 79 coming up  
7 here to Newell. So Newell is right here, and then  
8 Highway 212 goes out this way. So the turbines are  
9 actually located in this area here.

10 And, again, let me zoom into this so you can see  
11 a little better where the turbines actually are. And you  
12 can see at 200 percent, which again would be probably  
13 like a pair of binoculars, you can see the individual  
14 wind turbines here.

15 I'll zoom in a little bit more, and, again, you  
16 can see the turbines really are in the photo but are  
17 barely visible from the top of Bear Butte.

18 So that's what we have as far as an introduction  
19 tonight. Again, I'd like to thank everybody. Our  
20 contact information is here. We also have business  
21 cards. If anyone would like to talk to us afterwards,  
22 we'll be happy to give you a card.

23 And I'll turn it back over to Commissioner  
24 Nelson.

25 CHAIRMAN NELSON: Thank you. Appreciate that.

1 I see our Representative Marty has joined us  
2 tonight. Thank you for being here tonight.

3 This is your turn. At this point we've got  
4 Brian with the roving microphone, and so this is your  
5 turn to ask your questions, give your comments, make this  
6 night usable for you all and help us understand what  
7 you're thinking.

8 Again, remind you to give us your name and spell  
9 your name for the court reporter before you speak. And,  
10 with that, who's first?

11 Wow, this could be a shorter night than I  
12 expected, but somebody out there's got a question or a  
13 comment.

14 MR. BOYLAN: Robert Boylan, B-O-Y-L-A-N.

15 How far in the near future will there be room on  
16 the lines to expand for more wind turbines, or will it  
17 ever happen?

18 MR. TOMSIC: Jim Tomsic here. The transmission  
19 line, the existing line that goes through the project  
20 sites today, we are going to use up all available  
21 transmission extra capacity.

22 If and when there's another line built, I don't  
23 have any idea. We have been talking with Western Area  
24 Power for quite a while about upgrades or adding new  
25 transmission stuff, but at the moment it's not in the

1 foreseeable future.

2 So right now the 103 megawatts that our project  
3 will put on this transmission line will use up all  
4 available capacity. There will not be anymore room after  
5 that.

6 Does that answer your question?

7 MR. BOYLAN: Yeah.

8 CHAIRMAN NELSON: Okay. That was a good start.  
9 Here we go.

10 MR. KEOLKER: Mike Keolker, K-E-O-L-K-E-R.

11 You indicated approximately how many people to  
12 build the facility? Was that 200?

13 MR. PAT O'MEARA: Yes.

14 MR. KEOLKER: And maintenance crew of six that  
15 would remain after the project is completed?

16 MR. PAT O'MEARA: Yes. That's correct.

17 MR. KEOLKER: When do you anticipate starting  
18 this?

19 MR. PAT O'MEARA: We are currently in the  
20 process of obtaining permitting at all levels, federal,  
21 state, and local permits. We're well along in that  
22 process.

23 The biggest hurdle is the environmental impact  
24 statement. Western Area Power Administration is the lead  
25 federal agency for that statement. We are, again, well

1 along the way of gathering all the information to  
2 complete that statement. We expect that to be done by  
3 October.

4 At that point we will or will not have a Power  
5 Purchase Agreement signed or at least in the works with  
6 someone who will buy the power. It's one thing to  
7 generate the power, but then you have to find someone who  
8 is going to take the power off of the system and pay for  
9 it.

10 We are now going to start -- we've actually been  
11 in the process of looking for off-take, some entity that  
12 will buy the power. Now that we are far enough along in  
13 the process and we know about how much it will cost to  
14 produce the power at the site, meaning what we can sell  
15 the power for, now we're going to work in earnest to sign  
16 that Power Purchase Agreement.

17 Once the Power Purchase Agreement is signed and  
18 all the permitting is done, and we hope to have that all  
19 completed by the end of the year, then we could break  
20 ground at any time. So construction could be, again, as  
21 early as next year.

22 MR. KEOLKER: Oh. Where are you planning on  
23 housing 200 people?

24 MR. PAT O'MEARA: That's a very good question.  
25 I'm sure that there are plenty of extra bedrooms in the

1 area where people would be happy to have a renter for a  
2 while and make some extra money. I think the Newell  
3 hotel would probably get a shot in the arm.

4 And these crews certainly can travel as well  
5 from Spearfish or Sturgis or some of the surrounding  
6 areas and find housing there.

7 MR. KEOLKER: Are these imported crews, or are  
8 they mostly local?

9 MR. PAT O'MEARA: Let me have Marion Hill of  
10 DNV GL answer that.

11 MS. HILL: It could be a combination of  
12 different expertise that's required for construction of  
13 the wind farm. There's electrical works and civil works  
14 that's done. There's permitting, environmental  
15 surveillance.

16 So it will depend on the construction company  
17 that's selected that's chosen where their crews are  
18 coming from, but they do try to have local people as much  
19 as possible.

20 MR. KEOLKER: How long do you anticipate the  
21 project to take once you break ground?

22 MR. PAT O'MEARA: It should take less than a  
23 year. Probably somewhere in the neighborhood of nine  
24 months to construct the project.

25 MR. KEOLKER: 45 towers in nine months?

1           MR. PAT O'MEARA: Yeah. It's a pretty  
2 fascinating process, and we actually have a loop of how  
3 these are done. But it's basically done in a progression  
4 of where one crew starts the excavation of the  
5 foundation, the next crew comes in, drills the pilings  
6 down into the lower bedrock, if available, to anchor it.

7           Then the crews come in to weld the rebar. Once  
8 that's done, the concrete folks come in. And, again,  
9 it's a team. Each step of this is a team. And once the  
10 excavators finish at one turbine location, the next day  
11 they start on the next location, and it's kind of a  
12 progression of each stage and each crew is, again,  
13 progressing through the site building each turbine.

14          MR. KEOLKER: What do you anticipate the  
15 economic impact for this area?

16          MR. PAT O'MEARA: You know, we don't have  
17 specific numbers at this point because we don't have a  
18 Power Purchase Agreement signed. Certainly there will be  
19 tax revenue. Certainly, you know, we have lease  
20 agreements with landowners. They will get a certain  
21 percentage of the money that's generated by a turbine or  
22 turbines on their property.

23          MR. KEOLKER: I give up.

24          MR. PAT O'MEARA: Thank you. Not thank you for  
25 giving up, but thank you for the questions,

1 MS. CERULLO: Hi. My name is Gayle Cerullo,  
2 C-E-R-U-L-L-O.

3 My question is going back to the birds. You  
4 know, cats don't kill our huge migratory birds so that  
5 was kind of a funny that you held until the end.

6 And most of these birds fly through like the  
7 cranes in a 10-day to two-week period of time that I've  
8 noticed twice a year. And they do fly through. I know  
9 your map showed that they missed the area, but I see  
10 thousands of them just outside of Newell here going  
11 north. So I think they may be flying a bit closer than  
12 what that map happened to show, just by my uneducated,  
13 you know, visual perception.

14 So during that 10-day to two-week period of time  
15 would the output be diminished at all to help, you know,  
16 protect those birds?

17 I know from driving around, they don't all run  
18 at the same time. But there's just a real concern about  
19 the birds. You know, they are -- they're a concern.

20 MR. PAT O'MEARA: Thank you for that question.

21 I'd like to split this into two parts. One is  
22 which birds those might have been. And we have our  
23 wildlife biologist here. He's done observations  
24 throughout the year for two years, and I think he  
25 probably knows what species that is.

1           And the other is that so far Western Area Power  
2 Administration, the environmental folks with -- they  
3 call themselves Western, they don't feel that there is  
4 much of a risk to whooping cranes. But let me have  
5 Eric Atkinson, our wildlife biologist, give you more  
6 information on birds in the area and potential impacts to  
7 the bigger birds, as you say, that the domestic cats  
8 would not take.

9           MR. ATKINSON: Again, my name is Eric Atkinson,  
10 and thanks for your question.

11           I too have seen the cranes and agree that their  
12 migration is really pulsed because of those huge flocks,  
13 3, 500 of them on up. And those are Sandhill Cranes,  
14 same genus as whooping cranes.

15           Sometimes a whooper will stray and be on  
16 migration with a group of Sandhill Cranes. We haven't  
17 noted endangered whooping cranes at all in the area. And  
18 the last known whooping crane in this neck of the woods  
19 was in October of 1972. Not to say that there aren't  
20 ever any whooping cranes in the area, but those are the  
21 data that we have.

22           And I too would be concerned about the  
23 Sandhills. When I've been on site I've seen them flying  
24 generally high except for one flock I could see flying  
25 more slowly.

1           But I think in consultation with the U.S. Fish  
2 & Wildlife Service those are issues that we will bring  
3 forward into the data management plan for the  
4 conservation plan for both birds and bats. When we do  
5 see issues perhaps that we can modify, the power output  
6 might be the most pragmatic thing to do.

7           Other birds. When I initiated surveys actually  
8 back in 2011 I was mostly concerned about Golden Eagles  
9 and Bald Eagles at the time. There was a lot of concern  
10 about eagles being hit by wind turbines.

11           So a lot of modeling has been done to try to  
12 estimate risk of fatality based upon not only the numbers  
13 of eagles that you see but how high are they flying and  
14 how many minutes per hour of the day do they fly.

15           And when I took out mostly the two years of  
16 point count data, meaning that you would go to a certain  
17 location, and the first year we did it for 20 minutes and  
18 then we decided to test it and go up to 60 minute point  
19 counts and observe every single raptor bird of prey that  
20 we would see.

21           When we took those data and modeled it over a  
22 30-year period I feel pretty confident to where we could  
23 potentially have 0.67 eagles killed by the turbine array  
24 in 30 years. Highest comes out to shy of three and  
25 lowest to almost negligible, 0.02. So there's a

1 potential, but I was pleased that it was considerably  
2 lower than what I had envisioned.

3 MR. KEOLKER: I got another one. Are any of the  
4 maps that you have displayed here available on your  
5 website? And if they are not, can they be made  
6 available?

7 I mean, it's a PowerPoint. You've got them all  
8 saved on file someplace; right?

9 MR. PAT O'MEARA: They're not on our website.  
10 We haven't really put much information at all -- I don't  
11 think we have any information on the actual project  
12 that's on our website. We could certainly make these  
13 available.

14 CHAIRMAN NELSON: Let me just jump in here.  
15 Their entire Application is on our website, including a  
16 number of maps.

17 MR. KEOLKER: All of the maps that they showed  
18 here?

19 CHAIRMAN NELSON: I don't know that we've got  
20 all of these. But maps such as -- here's just an example  
21 that shows locations.

22 MR. KEOLKER: Okay. Thank you.

23 MR. PAT O'MEARA: One thing I would add to that  
24 is that the turbine locations that are on these maps  
25 around the room and that we put up here are still

1 preliminary.

2 MR. KEOLKER: Yeah. I wasn't worried about the  
3 turbine location, more about the actual layout and where  
4 the roads are and that kind of thing. Just curious.

5 MR. PAT O'MEARA: We feel that this layout that  
6 we presented tonight is close to what will be final.  
7 But, again, we don't have all of the information from all  
8 the wildlife issues.

9 We actually toured the site this morning with  
10 Natalie Gates of the U.S. Fish & Wildlife Service, and  
11 Trenton -- sorry. I'm blanking on Trenton's last name --  
12 from South Dakota Game, Fish & Parks. Sorry. I'm not  
13 sure about Trenton's last name.

14 But we did tour the site this morning with them  
15 so they could see what's there, and they had some  
16 suggestions on some changes that we might need to make to  
17 the design to help decrease any disruption of the site  
18 for migration of species or animals through the site.

19 CHAIRMAN NELSON: Others?

20 MR. SJODIN: My name is Ron Sjodin, S-J-O-D-I-N.  
21 My wife is Vivian. We're part of the Newell community  
22 here. We have three businesses.

23 And I really want to compliment your briefing.  
24 It's an outstanding briefing. It's been well thought  
25 out. Your team is wonderful.

1           But I'm speaking to the economic development of  
2 Newell, the surrounding area. It's a wonderful project  
3 for that, so I'm speaking in favor of it. And it sounds  
4 like you've got so many of these problems worked out, and  
5 there might be a few come along the line here.

6           We need an extension of our economic development  
7 in Newell. I think it will stretch out to the  
8 surrounding towns around here to include Belle Fourche,  
9 maybe Sturgis. And that power helping residential is  
10 developing. The power is helping commercial and  
11 industrial. We need industry in South Dakota. So for  
12 the western South Dakota to develop in such a way, I  
13 can't speak highly enough of it.

14           And my wife and I talked about it coming to this  
15 briefing, and we've kind of endorsed it. We both feel  
16 about the same way. So thanks again. We've enjoyed the  
17 briefing.

18           Sorry we missed last night's presentation, but  
19 we didn't know about it.

20           So enough said. Continue on. In my estimation  
21 you've done a wonderful job. Thank you.

22           MR. PAT O'MEARA: Thank you very much. You're  
23 very generous.

24           CHAIRMAN NELSON: Others. I'm Joel Hovland,  
25 H-O-V-L-A-N-D, and I'm the superintendent of the schools

1 here.

2           And when I look at this project going in I -- I  
3 see all the opportunities for furthering our kids'  
4 education, exposure to things that they will never get if  
5 they stick around here.

6           This could help kids stay here afterwards.  
7 There's going to be jobs coming up. So I'm all for this  
8 project. I think it's a neat thing. There will be kids  
9 coming into town with the workers, and hopefully they'll  
10 like it and stay.

11           We have 330 kids at this school, and I'd like to  
12 keep that number there or higher.

13           So thank you very much.

14           MR. PAT O'MEARA: Thank you.

15           CHAIRMAN NELSON: Thank you.

16           Other comments or questions?

17           Wow. You all must feel very, very well  
18 educated. And it was a good presentation. I do  
19 appreciate that.

20           I'm just going to throw in a couple of comments  
21 just to give you all a minute or two to think if you've  
22 got anything else.

23           The question dealing with the cranes, I'm very,  
24 very familiar as a landowner with a large wind farm in  
25 eastern South Dakota, and it's in the whooping crane fly

1 way.

2 And I can tell you the minute they see a  
3 whooping crane those turbines stop, and they do not start  
4 until the whooping cranes leave. I mean, it's just --  
5 that's the way they manage those things. It's an  
6 absolute because they don't want to take any risk there.

7 As to your question as to how quickly they can  
8 build these things, that's a 108-turbine field that I'm  
9 familiar with. They built that thing in five months in  
10 the middle of winter. I was absolutely amazed as how  
11 quickly that thing can come together.

12 So, with that rambling, other questions,  
13 comments?

14 Commissioner Hanson, anything to add?

15 COMMISSIONER HANSON: I was fearful that my  
16 brother was going to show up. He ranches close to  
17 Orman Dam, and I thought he'd have some impertinent  
18 questions for me. But I see his good friend Marty is  
19 here so I'm looking forward to questions from you.

20 But I'd just like to say I did very much  
21 appreciate the presentation, and we'll be available  
22 afterwards.

23 And you're probably going to speak to that, the  
24 fact that everything that is filed or transpires with  
25 this Docket is going to be on the PUC website. You'll be

1 able to access that. Every piece of paper. If you folks  
2 send a letter to one of us, we will respond to it through  
3 the PUC. That will be part of the Docket as well. So  
4 we're very, very transparent in the PUC.

5 Thank you, Mr. Chairman.

6 CHAIRMAN NELSON: Any other questions or  
7 comments?

8 I'm not going to drag this out. It's going to  
9 be like an auction. We're going to go pretty fast.

10 Okay. I guess the closing comment I would make  
11 just to kind of let you know where this goes from here,  
12 by law we have six months to make our decision after the  
13 Application was filed. So this is going to move along  
14 pretty rapidly.

15 The Commission Staff that you see here that are  
16 a party to this Docket, they're the folks that are  
17 looking out for the public interest, and they will be  
18 ultimately making a recommendation to the Commission on  
19 whether, again, we should grant the permit, deny the  
20 permit, or grant it and add some specific conditions to  
21 it, assuming the project is built.

22 And so they will make that recommendation to us,  
23 and then at some point we will have a public meeting in  
24 the State Capitol where the three Commissioners will  
25 ultimately take a public vote on whether or not to grant

1 the permit or not and what conditions might be added.

2 So that's kind of how this thing is going to  
3 play out. And I'd stress if you've got questions or  
4 concerns, talk to our Commission Staff because they're  
5 the ones that can dig deeper into that before this is  
6 finalized.

7 Commissioner Hanson points out a very good  
8 point. By state law we as Commissioners can't have  
9 one-on-one conversations with you about this Docket. The  
10 only conversations that we can have with you are in a  
11 public meeting, public setting like this where it's been  
12 transcribed. And so that's why we say if you've got some  
13 questions or comments that need to come to us, they need  
14 to go through our staff.

15 COMMISSIONER HANSON: Neither can we have  
16 discussions with the Applicant outside of an open meeting  
17 law. Chris and I cannot even speak to each other about  
18 this unless we're in an open meeting.

19 So just to give you an idea of what the ex parte  
20 law is like in South Dakota for us. So you need to have  
21 that conversation, like Commissioner Nelson says, with  
22 our staff.

23 Thank you.

24 CHAIRMAN NELSON: With that, I would like to  
25 thank each one of you for taking a little bit of time out

1 tonight to learn a little bit more about what may be  
2 happening in your community, asking your questions, and I  
3 appreciate your involvement.

4 I appreciate you all with your presentation. I  
5 appreciate you folks coming to be backup tonight.

6 And with that, we will consider this adjourned.  
7 Thank you.

8 (The hearing is adjourned at 7:27 p.m.)

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1 STATE OF SOUTH DAKOTA)

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CERTIFICATE

3 COUNTY OF SULLY )

4

5 I, CHERI MCCOMSEY WITTLER, a Registered  
6 Professional Reporter, Certified Realtime Reporter and  
7 Notary Public in and for the State of South Dakota:

8 DO HEREBY CERTIFY that as the duly-appointed  
9 shorthand reporter, I took in shorthand the proceedings  
10 had in the above-entitled matter on the 9th day of July,  
11 2015, and that the attached is a true and correct  
12 transcription of the proceedings so taken.

13 Dated at Onida, South Dakota this 21st day of  
14 July, 2015.

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Cheri McComsey Wittler,  
Notary Public and  
Registered Professional Reporter  
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