

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

**IN THE MATTER OF THE  
APPLICATION BY CROCKER WIND  
FARM, LLC FOR A PERMIT OF A  
WIND ENERGY FACILITY AND A 345  
KV TRANSMISSION LINE IN CLARK  
COUNTY, SOUTH DAKOTA, FOR  
CROCKER WIND FARM**

\*  
\* **INTERVENORS' RESPONSES TO**  
\* **CROCKER WIND FARM, LLC'S FIRST**  
\* **SET OF DATA REQUESTS TO**  
\* **INTERVENORS**  
\*  
\* **EL17-055**  
\*

**Intervenors, Shad Stevens and Gale Paulson, through counsel, hereby respond as follows:**

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

**Copies of all Data Requests and Responses will be provided.**

- 1-2) In the Intervenors' Application for Party Status in the above-referenced action, it states: "Reasons for such opposition [by Intervenors] include but are not limited to: concerns regarding the applicant's compliance with applicable laws and rules; concerns involving the environmental, social, and economic injury the project will have on the [Intervenors] and the area; concerns that the project will impair the health, safety, and welfare of the applicants and 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 the basis of each Intervenor's opposition to the Project related to "concerns involving the environmental, social, and economic injury the project will have on the [Intervenors] and the area."

**Intervenors are still evaluating the Application and Crocker Wind Farm, LLC's ability to satisfy the provisions of SDCL 49-41B-22. Specific concerns include, but are not necessarily limited to the following:**

- **Negative environmental impact**
- **Risk of injury to person and property**
- **High wildlife value of the area and damage thereto**
- **USFWS easement swap issues**
- **Damage to USFWS easements**



- b) Identify the basis of each Intervenor's opposition to the Project related to "concerns that the project will impair the health, safety, and welfare of the [Intervenors] and inhabitants of the area."

**Intervenors are still evaluating the Application and Crocker Wind Farm, LLC's ability to satisfy the provisions of SDCL 49-41B-22. Specific concerns include, but are not necessarily limited to the following:**

- **Fatal accidents (National Transportation Safety Board)**
- **Negative health issues**
- **Ice-throw**
- **Wind towers located too close to the Reid Lake Waterfowl Refuge and areas where thousands of ducks and geese migrate through, rest and feed – areas they "inhabit"**
- **Towers on easement land will destroy valuable wildlife habitat**

- c) Identify the basis of each Intervenor's opposition to the Project related to "concerns that the project will interfere with the orderly development of the region."

**Intervenors are still evaluating the Application and Crocker Wind Farm, LLC's ability to satisfy the provisions of SDCL 49-41B-22. Specific concerns include, but are not necessarily limited to the following:**

- **Pending litigation with Clark County's Board of Adjustment**
- **Damage to areas that have been developed as wildlife habitats and refuges**
- **The Project does not comport with the current development of the region**

1-3) For each individual Intervenor, identify:

- a) Whether Intervenor owns property or resides in the vicinity of the proposed Crocker Wind Farm ("Project") and, if so, the location (by section, township, and range) of such property and/or residence;

**Stevens owns property and resides adjacent to the footprint, in section 7, range 58, of Woodland Township.**

**Paulson owns property on the north, south, and east sides of the Reid Lake Waterfowl Refuge and owns a home on a bluff overlooking the Reid Lake Waterfowl Refuge in Section 24, Township 118, Range 58 of Woodland Township.**

- b) If Intervenor has a residence in the vicinity of the Project, how far said residence is from the closest proposed Project turbine location;

**Crocker Wind Farm has the coordinates of the residences and the locations of its proposed turbines and is capable of determining that distance, which distance is further subject to change by way of a micro-siting variance which is yet to be defined.**

- c) If Intervenor has a residence in the vicinity of the Project, whether the Intervenor lives at the residence throughout the entire year and, if not, how many months of the year the Intervenor lives at the residence;

**Year-round for both Stevens and Paulson.**

- d) If Intervenor owns property in the vicinity of the Project, how Intervenor uses his/her land, including, but not limited to, whether the Intervenor uses his/her land for agricultural purposes;

**Objection. This request is irrelevant and seeks confidential information. Subject to that objection, some of Paulson's land is enrolled in CRP and grassland and wetland easements and some is used for agricultural purposes.**

- e) Intervenor's occupation;

**Stevens - Retired.**

**Paulson – Engineer, Farmer/Renter, Partially Retired**

- f) Any mitigation measures that could address Intervenor's concerns with respect to the Project, including those concerns identified in response to Data Request 1-2(a)-(c);

**One concern is that Crocker Wind Farm has pending litigation with Clark County's Board of Adjustment. A reasonable mitigation measure would be closing the court case and allowing the decisions of the Board to stand.**

**Another concern relates to waterfowl and wildlife. There are no mitigation measures because this location in general is unfit to be used for a wind farm.**

**Towers should not be allowed on easement lands. However, if the easement exchange is to take place, the amount should be 70 acres per tower as stated in FWS letters, not the small amount (about 1 acre per tower) proposed by Geronimo/Crocker.**

- g) Any documents, information, education, training, or professional experience the Intervenor has relied upon to form his/her opinions concerning the Project. Where Intervenor has relied upon documents or other tangible materials, please provide such documents and/or materials; and

**Intervenor has relied on those materials provided by Crocker Wind Farm, LLC, as well as their personal experiences living in the area.**

- h) With respect to those Intervenor who own property and/or reside in the vicinity of the Project, any sensitive or unique features of that property that the Intervenor asserts would be impacted by the Project.

**Despite the study showing no Sharp-tail Grouse in the area, Sharptail Grouse are in the area. Further, there is a registered airport and turbines are sited within an unsafe distance therefrom.**

**This area is in the unique and sensitive Coteau des Prairie and Prairie Potholes region. This is a main flyway for migrating waterfowl. The Reid Lake Waterfowl Refuge, which is about ½ mile from the project area, is a very important stop/rest area for these waterfowl. Further, many majestic migrating and local bald eagles follow the waterfowl and would be affected by the wind towers.**

- 1-4) Identify any witnesses, including expert witnesses, who are anticipated to submit testimony on behalf of Intervenor. For each anticipated witness:

- a) Describe the subject matter of the witness's testimony; and

**Written testimony will be filed by March 28<sup>th</sup> as set forth in the Procedural Schedule.**

- b) Identify and provide copies of any documents the witness intends to rely on to support his/her testimony.

**Written Testimony will be filed by March 28<sup>th</sup> as set forth in the Procedural Schedule.**

- 1-5) Identify and provide any exhibits Intervenor intend to rely upon or use at the evidentiary hearing in this matter.

**Exhibit lists will be filed by May 2<sup>nd</sup> as set forth in the Procedural Schedule.**

- 1-6) Identify and provide any documents any Intervenor submitted at the public input hearing in this matter.

**All documents submitted at the Public Input Hearing are noted in the docket.**

- 1-7) Identify any communications, written or otherwise, an Intervenor has had with units, officials, and/or representatives of local, state, and/or federal governments or agencies concerning the Project.

**Stevens attended various Clark County Commissioner's Meetings and Public Hearings. No records were kept from those meetings.**

**Stevens attended PUC Hearings and submitted comments which are part of the EL17-028 and EL17-055 dockets.**



**Paulson has corresponded with GFP and FWS personnel.**

- a) For any written communications, provide a copy of the communication.

**Stevens also communicated with the South Dakota Department of Aeronautics and the Federal Aviation Administration regarding registration of Lone Tree Airport. Attached is a copy of the communication.**

**Attached are emails involving Paulson, as are pictures of geese and eagles near the Reid Lake Waterfowl Refuge that were forwarded to GFP and FWS personnel.**

- b) For any unwritten communications, provide the date of the communication, the persons involved, and the subject matter of the communication.

**Stevens met twice with Connie Mueller, USFWS in Waybay, in the spring of 2016 and fall of 2017. Discussions occurred regarding the status of the Environmental Assessment. No records were kept from those meetings.**

- 1-8) Identify any communications, written or otherwise, an Intervenor has had regarding the Project with owners of infrastructure located within the Project boundaries, including, but not limited to, Northern Border Pipeline Company and Interstate Telecommunications Cooperative.

**None**

- a) For any written communications, provide a copy of the communication.

**None**

- b) For unwritten communications, provide the date of the communication, the persons involved, and the subject matter of the communication.

**None**

Dated at Sioux Falls, South Dakota this 23<sup>rd</sup> day of March, 2018.

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

/s/ Reece M. Almond

Reece M. Almond  
206 W. 14<sup>th</sup> Street  
P.O. Box 1030  
Sioux Falls, SD 57101-1030  
Phone: (605) 336-2880  
Fax: (605) 335-3639  
*Attorneys for Intervenors*

**Certificate of Service**

The undersigned, one of the attorneys for Intervenor, certifies that a true and correct copy of the foregoing was served on March 23, 2018, via email upon the following persons:

Ms. Mollie Smith  
Fredrikson & Byron, PA  
Attorneys for Crocker Wind Farm, LLC  
[msmith@fredlaw.com](mailto:msmith@fredlaw.com)

Mr. Brett Koenecke  
Ms. Kara C. Semmler  
May, Adam, Gerdes & Thompson, LLP  
Attorneys for Crocker Wind Farm, LLC  
[brett@mayadam.net](mailto:brett@mayadam.net)  
[kcs@mayadam.net](mailto:kcs@mayadam.net)

Ms. Kristen Edwards  
Staff Attorney  
South Dakota Public Utilities Commission  
[kristen.edwards@state.sd.us](mailto:kristen.edwards@state.sd.us)

Ms. Amanda Reiss  
Staff Attorney  
South Dakota Public Utilities Commission  
[amanda.reiss@state.sd.us](mailto:amanda.reiss@state.sd.us)

/s/ Reece M. Almond  
Reece M. Almond

**Shad**

From: [REDACTED]  
 To: <shads@itctel.com>  
 Sent: Tuesday, July 15, 2008 9:47 PM  
 Subject: Airport

## How do I register a private use airport with the FAA and obtain a location identifier?

Contact your State Aviation Office. Contacts can be found on your State Department of Transportation web site. This office can offer assistance in the airport registration process or use

Follow the instructions on the form and submit to the office listed for your state. If you have begun the registration process, contact the office that you sent your Form 7480-1 to and ask for your application status. If you have received an Airspace Study letter from the FAA, contact the FAA Airport Safety Data Branch (202) 267-8728 and ask for your application status

No virus found in this incoming message.

Checked by AVG.

Version: 7.5.519 / Virus Database: 270.4.10/1550 - Release Date: 7/13/2008 5:58 PM

Bruce Lindholm Pgm Mgr 605-773-3534  
~~3534~~

Jason Frybrock Charts  
 605-773-3764

45° 01' 20.52 N 97° 50' 39.98 W 40.00  
 Eler@ Windsock 1799 ft

7/15/2008

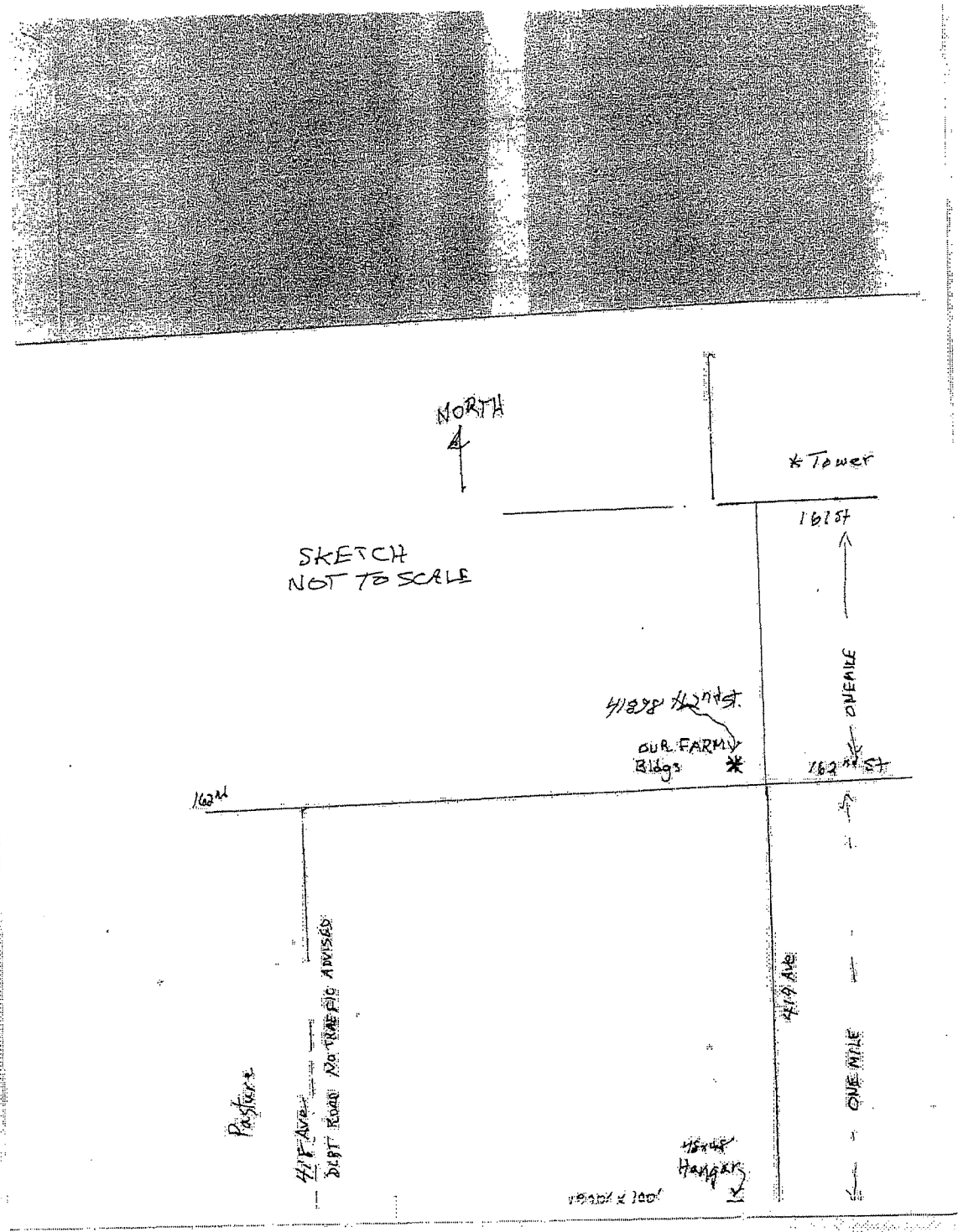
**Attachment to FAA Form 7480-1**

After retiring and moving back to the family farm some years back, I cleared approximately five acres of agland and built a hangar and adjacent landing strip.

The 100' x 1920' grass landing strip is mowed/maintained during summer months but not plowed during winter. There are no obstructions on either end of the landing strip which runs due East-West and parallel to an unmaintained dirt road. The closest obstruction is a tower 2+ miles north. A windsock is located adjacent to the runway on the north side. The hangar is locked and unattended.

It is my desire to have the "airport" depicted on aeronautical navigation charts and have submitted an application for airport licensing to the SD Dept. of Aeronautics.

S.D. Stevens  



**Proposed turbine placement is unacceptable**

*Two Issues*

1. Downwind turbine blade vortex
2. A string of turbines too close for safe takeoff or landing

**Assumptions:**

Distance from end of runway to turbine #58 is 9/10 mile  
Distance from end of runway to turbine #214 is 1.1 mile  
Distance from end of runway to turbine #55 & 56 is 1.6 miles

100mph airspeed on climb out (recommended)  
650 fpm rate of climb (PA28 Performance chart)

*less on a hot day!*

**Calculations:**

$100 \times 5280 / 3600 = 146$  feet per second (horizontal)  
 $650 \text{ fpm} / 60 = 10.8$  feet per second (vertical)

$.9 \text{ mi.} \times 5280 \text{ feet} / 146 \text{ feet per second} = 32.5$  seconds to impact turbine #58  
@ height of 352 ft  $10.3 \text{ fps} \times 32.5 \text{ seconds} = 352 \text{ ft}$

$1.1 \text{ mi.} \times 5280 \text{ feet} / 146 \text{ feet per second} = 39.8$  seconds to impact turbine #214  
@ height of 410 ft  $10.3 \text{ fps} \times 39.8 \text{ seconds} = 410 \text{ ft}$

*Anticipated Geronimo would  
ignore my request for a RWY  
Corridor 1 mi each side by 2 mi  
from RWY end.*

*BTW only an issue on west end  
I insured FAA would know the  
airport existed by registering it*

<b>NOTICE OF LANDING AREA PROPOSAL</b>										
<b>U.S. Department of Transportation Federal Aviation Administration</b>					<b>Name of Proponent, Individual, or Organization</b> <div style="font-size: 1.2em; font-weight: bold;">Sheldon Stevens</div>					
<input type="checkbox"/> Check if the property owner's name and address are different than above, and list property owner's name and address on the reverse.					<b>Address of Proponent, Individual, or Organization</b> (No., Street, City, State, Zip Code) <div style="background-color: black; width: 100px; height: 20px; margin-top: 5px;"></div>					
<input checked="" type="checkbox"/> Establishment or Activation <input type="checkbox"/> Deactivation or abandonment <input type="checkbox"/> Alteration <input type="checkbox"/> Change of Status					<input checked="" type="checkbox"/> Airport <input type="checkbox"/> Ultralight Flightpark <input type="checkbox"/> Vertiport <input type="checkbox"/> Helipoint <input type="checkbox"/> Seaplane Base <input type="checkbox"/> Other (Specify)					
<b>A. Location of Landing Area</b>										
<b>1. Associated City/State</b> <div style="font-size: 1.2em; font-weight: bold;">Cracker SD</div>			<b>2. County/State (Physical Location of Airport)</b> <div style="font-size: 1.2em; font-weight: bold;">Clark SD</div>			<b>3. Distance and Direction From Associated City or Town</b> <div style="display: flex; justify-content: space-between;"> <span>Miles</span> <span>Direction</span> </div> <div style="display: flex; justify-content: space-between;"> <div style="font-size: 1.2em; font-weight: bold;">6</div> <div style="font-size: 1.2em; font-weight: bold;">SW</div> </div>				
<b>4. Name of Landing Area</b> <div style="font-size: 1.2em; font-weight: bold;">Long Tree</div>			<b>5. Latitude</b> <div style="font-size: 1.2em; font-weight: bold;">45°10'120.52</div>		<b>6. Longitude</b> <div style="font-size: 1.2em; font-weight: bold;">97°150'140.00</div>		<b>7. Elevation</b> <div style="font-size: 1.2em; font-weight: bold;">1799</div>			
<b>B. Purpose</b>										
<b>Type Use</b> <input type="checkbox"/> Public <input checked="" type="checkbox"/> Private <input type="checkbox"/> Private Use of Public Land/Waters			<b>If Change of Status or Alteration, Describe Change</b> <div style="height: 20px;"></div>			<input type="checkbox"/> Establishment or change to traffic pattern (Describe on reverse)		<b>Construction Dates</b> <div style="display: flex; justify-content: space-between;"> <span>To Begin/Began</span> <span>Est. Completion</span> </div> <div style="display: flex; justify-content: space-between;"> <div style="font-size: 1.2em; font-weight: bold;">2006</div> <div style="font-size: 1.2em; font-weight: bold;">Completed 2007</div> </div>		
<b>C. Other Landing Areas</b>										
		<b>Ref. A5 above</b>		<b>D. Landing Area Data</b>		<b>Existing (if any)</b>		<b>Proposed</b>		
<b>Direction From Landing Area</b>		<b>Distance From Landing Area</b>		<b>1. Airport, Seaplane Base, or Flightpark</b> <b>Magnetic Bearing of Runway (s) or Sealane</b>		<b>Rwy #1</b>		<b>Rwy #2</b>		
				<b>Length of Runway (s) or Sealane (s) in Feet</b>		<div style="font-size: 1.2em; font-weight: bold;">90/270</div>				
				<b>Width of Runway (s) or Sealane (s) in Feet</b>		<div style="font-size: 1.2em; font-weight: bold;">1920'</div>				
				<b>Type of Runway Surface: (Concrete, Asphalt, Turf, Etc.)</b>		<div style="font-size: 1.2em; font-weight: bold;">Turf</div>				
				<b>2. Helipoint</b>						
				<b>Dimensions of Final Approach and Take off Area (FATO) in Feet</b>						
				<b>Dimensions of Touchdown and Lift-Off Area (TLOF) in Feet</b>						
				<b>Magnetic Direction of Ingress/Egress</b>						
				<b>Routes</b>						
<b>Type</b>		<b>Height Above Landing Area</b>		<b>Direction From Landing Area</b>		<b>Distance From Landing Area</b>		<b>3. All Landing Areas</b>		
<div style="font-size: 1.2em; font-weight: bold;">Tower</div>		<div style="font-size: 1.2em; font-weight: bold;">200'</div>		<div style="font-size: 1.2em; font-weight: bold;">N</div>		<div style="font-size: 1.2em; font-weight: bold;">2 mi</div>		<b>Description of Lighting (if any)</b> <div style="font-size: 1.2em; font-weight: bold;">NONE</div>		
								<b>Direction of Prevailing Wind</b> <div style="font-size: 1.2em; font-weight: bold;">NW</div>		
<b>F. Operational Data</b>										
<b>1. Estimated or Actual Number Based Aircraft</b>										
<b>Airport, Flightpark, Seaplane base</b>		<b>Present (If est. indicate by letter "E")</b>		<b>Anticipated 5 Years Hence</b>		<b>Helipoint</b>		<b>Present (If est. indicate by letter "E")</b>		
<b>Multi-engine</b>						<b>Under 3500 lbs. MGW</b>				
<b>Single-engine</b>		<div style="font-size: 1.2em; font-weight: bold;">ONE</div>		<div style="font-size: 1.2em; font-weight: bold;">ONE</div>		<b>Over 3500 lbs. MGW</b>				
<b>Glider</b>										
<b>G. Other Considerations</b>										
<b>Identification</b>		<b>Direction From Landing Area</b>		<b>Distance From Landing Area</b>		<b>2. Average Number Monthly Landings</b>		<b>Present (If est. indicate by letter "E")</b>		
<div style="font-size: 1.2em; font-weight: bold;">None</div>						<b>Anticipated 5 Years Hence</b>		<b>Anticipated 5 Years Hence</b>		
						<b>Jet</b>				
						<b>Turboprop</b>				
						<b>Prop</b>				
						<b>Helicopter</b>				
						<b>Ultralight</b>				
						<b>Glider</b>				
<b>3. Are IFR Procedures For The Airport Anticipated</b> <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes    Within _____ Years    Type Navaid: _____										
<b>H. Application for Airport Licensing</b>										
<input type="checkbox"/> Has Been Made		<input checked="" type="checkbox"/> Not Required		<input type="checkbox"/> County		<input type="checkbox"/> Municipal Authority				
<input type="checkbox"/> Will Be Made		<input checked="" type="checkbox"/> State								
<b>I. CERTIFICATION: I hereby certify that all of the above statements made by me are true and complete to the best of my knowledge.</b>										
<b>Name, title (and address if different than above) of person filing this notice - type or print</b> <div style="font-size: 1.2em; font-weight: bold;">S. Stevens, OWNER</div>					<b>Signature (in ink)</b> <div style="font-size: 1.2em; font-weight: bold;">S.D. Stevens</div>					
					<b>Date of Signature</b> <div style="font-size: 1.2em; font-weight: bold;">1/11/2016</div>					
					<b>Telephone No. (Precede with area code)</b> <div style="background-color: black; width: 100px; height: 20px;"></div>					

# APPLICATION FOR LICENSING OF AIRPORT / HELIPORT STATE OF SOUTH DAKOTA

Sheldon Stevens hereby makes application for an operating license for the  
"Lone Tree" Airport/Heliport, as required by the South Dakota Codified Law

50-5-1. Said license to be for the purpose of operating the said Airport/Heliport as: (check one)

- ☒ A public facility open to the public in the State of South Dakota.
- ☒ A restricted use Airport/Heliport for private use only, not open to the public, in the State of South Dakota.

The subject Airport/Heliport is located in Section 18, Township 118, Range 58  
Clark County, South Dakota. Latitude 45 01' 20.52N, Longitude 97 50' 40.00W

THEREFORE: Be It hereby requested that representatives of the South Dakota Aeronautics Commission inspect the subject Airport/Heliport and issue an operating license authorizing the Owner \_\_\_\_\_ to operate the "Lone Tree" \_\_\_\_\_ Airport/Heliport in the State of South Dakota.

Respectfully submitted on 01/14/2016

BY Sheldon D. Stevens

**Signature**

[illegible]

**ATTEST:**

**Shad**

**From:** "Boehm, Jennifer" <Jennifer.Boehm@state.sd.us>  
**To:** [REDACTED] "Stahl, Colton" <Colton.Stahl@state.sd.us>; "Koch, Thomas" <Thomas.Koch@state.sd.us>  
**Cc:** "Becker, Jon" <Jon.Becker@state.sd.us>  
**Sent:** Tuesday, May 10, 2016 1:29 PM  
**Subject:** RE: Application for airport registration  
Hi Sheldon,

We had some office turnover during January so I am not sure what the status of your applications are. I am sending your email to my co-workers, Colton Stahl & Tom Koch who should be able to help you,

They are out of the office today but should be able to contact you on Wednesday.

Jenny

**From:** shad [REDACTED]  
**Sent:** Tuesday, May 10, 2016 12:31 PM  
**To:** Boehm, Jennifer  
**Subject:** Application for airport registration

Hello Jennifer,  
I'm hoping that you can help me or direct this msg to the appropriate person.

Last January I submitted SD EForm 0942 to the SD Department of Aeronautics & Form 7480-1 to the FAA.

Can you advise the status of my application for airport registration?

Sincerely,  
Sheldon Stevens

[REDACTED]  
Sent from Samsung Mobile

5/11/2016

Intervenors 000034

**Shad**

---

**From:** "Koch, Thomas" <Thomas.Koch@state.sd.us>  
**To:** [REDACTED]  
**Cc:** "Stahl, Colton" <Colton.Stahl@state.sd.us>; "Becker, Jon" <Jon.Becker@state.sd.us>  
**Sent:** Wednesday, May 11, 2016 7:46 AM  
**Subject:** Application for airport registration  
Good Morning Mr. Stevens,

I received your email from Jennifer Boehm yesterday regarding your application for airport registration. The Aeronautics staff person who handled your application took a new position and I did not receive any information regarding your application when I started in late March. Unfortunately, no one else in the office can find any information regarding the application either. I was wondering if you have a copy of either or both the SD Eform 0942 and FAA Form 7480-1. I apologize for any inconvenience this may have caused. Thank you.

Sincerely,

Tom Koch  
SDDOT Aeronautics  
605-773-3764

5/11/2016



**Shad**

**From:** "Koch, Thomas" <Thomas.Koch@state.sd.us>  
**To:** "shad" [REDACTED]  
**Sent:** Friday, July 08, 2016 1:26 PM  
**Attach:** NRA\_Notification.pdf  
**Subject:** FW: Notification of NRA Letters

Great! We have also report determined that the FAA is complete and no objections were found to the construction of your airport. You may have already received this document from the FAA but if not you will receive it. We will also attach a copy of the notification. If you need any further assistance please don't hesitate to ask.

Sincerely,

Tom Koch  
FAA  
605-770-3754

**From:** noreply@faa.gov [mailto:noreply@faa.gov]  
**Sent:** Friday, July 08, 2016 12:49 PM  
**To:** Koch, Thomas; nick.pratt@faa.gov  
**Subject:** Notification of NRA Letters

The attached document was sent to you by the OE/AAA for your review.

*To ensure e-mail notifications are delivered to your inbox please add to your address book. Notifications sent from this address are system generated FAA e-mails and replies to this address will NOT be read or forwarded for review. Each system generated e-mail will contain specific FAA contact information in the text of the message.*

10/18/2016





Federal Aviation Administration  
Airports District Office  
6020 - 28th Avenue South, Room 102  
Minneapolis, MN 55450-2706

FAA - Minneapolis Airports District Office

July 08, 2016

TO:

Sheldon Stevens



Thomas.Koch@state.sd.us

CC:

Nick Pratt

111

Minneapolis, MN 55455

nick.pratt@faa.gov

**NOTICE OF AIRPORT AIRSPACE ANALYSIS DETERMINATION**  
**ESTABLISH PRIVATE USE AIRPORT**  
**⇒CONDITIONAL NO OBJECTION←**

The Federal Aviation Administration(FAA) has conducted an aeronautical study under the provisions of Title 14 of the Code of Federal Regulations, Part 157, concerning:

RE: (See attached Table 1 for referenced case(s))

Table 1 - Letter Referenced Case(s)

ASN	Prior ASN	Airport Name	Description	Location	Latitude (NAD83)	Longitude (NAD83)	Airport Elevation (feet)
2016-AGL-5108-NRA		LONE TREE	Establish new airport Lone Tree Airport Crocker,SD	Crocker, SD	45-01-20.20N	97-50-41.50W	1799

We have completed an airspace analysis of the proposed private use airport. As studied, the location is approximately 5 nautical miles NNE of Crocker, SD.

Because this is a proposed private-use airport, all operators proceed at their own risk. The proponent must meet all state and local requirements. To enhance the safety of operations, we recommend: 1. All operations are conducted in VFR weather conditions. 2. The landing area is limited to private use only. 3. A non-obstructing wind indicator is maintained adjacent to the takeoff/landing area. 4. No night operations are conducted unless the runway and wind indicator are lit. 5. No terrain or obstacles penetrate the 20:1 (1 ft rise for every 20 ft from the runway end) visual approach/departure surface at least 100 ft wide or as wide as the runway (whichever is wider) and extending into the approach area from the landing threshold for each runway end. The threshold may be displaced to provide a clear 20:1 surface provided enough landing distance remains for safe operations in the aircraft to be used. 6. Unauthorized persons are restricted from access to the runway during flight operations.

It is recommended that your airport be constructed to the standards identified in FAA Advisory Circular (AC) 150/5300-13, Airport Design (current version). Also, a clear approach slope, as identified in (AC) 150/5300-13 Table 3-2 Approach/Departure Standards, should be established at each runway end. If there are other obstructions that penetrate the approach surface, they should be removed or lowered. If the penetrating obstructions cannot be removed or lowered, we recommend that the thresholds be displaced and appropriately marked, so as to provide a clear approach slope surface to each runway end. Please note that roads are defined as obstructions by 14 CFR Part 77. Private roads are the greater of a 10 foot vertical obstruction or the highest

mobile object that normally traverses the road. Public roads are considered a 15 foot obstruction, interstate highways are a 17 foot obstruction, railroads are 23 foot obstructions and waterways are the highest mobile object that traverses the waterway.

Be advised, in accordance with 14 CFR Part 157, any construction, alteration to or abandonment of the subject airport requires notice to the FAA for aeronautical review. Notice for these actions can be given using FAA Form 7480-1, "Notice for Construction, Alteration and Deactivation of Airports". Please refer to Form 7480-1 for triggering events that will require notice.

Provided that the aforementioned conditions are met, our aeronautical study has determined that your proposed private use airport will not adversely affect the safe and efficient use of the navigable airspace by aircraft.

This determination does not constitute FAA approval or disapproval of the physical development involved in the proposal. It is a determination with respect to the safe and efficient use of navigable airspace by aircraft and with respect to the safety of persons and property on the ground. In making the determination, the FAA has considered matters such as the effects the proposal would have on existing or planned traffic patterns of neighboring airports, the effects it would have on the existing airspace structure and projected programs of the FAA, the effects it would have on the safety of persons and property on the ground, and the effects that existing or proposed manmade objects (on file with the FAA) and known natural objects within the affected area would have on the airport proposal.

The FAA cannot prevent the construction of structures near an airport. The airport environment can only be protected through such means as local zoning ordinances, acquisitions of property in fee title or aviation easements, letters of agreements, or other means. This determination in no way preempts or waives any ordinances, laws, or regulations of any government body or agency.

Please complete, sign and date the enclosed Airport Master Record Form and return it to my attention. LONE TREE is activated and assigned/secured a private use location identifier. Please indicate on the Airport Master Record Form if you desire to have your airport charted. Please be advised that charting of private use airports is not guaranteed. Additionally, if charted, there is no guarantee your airport will remain on FAA published charts. Charting of private use airports relies heavily on landmark value and chart clutter. The inclusion on a chart may take several charting cycles and does not coincide with the issuance of a location identifier. Instructions for completion of the 5010-5 Form can be found online at <https://www.faa.gov> in Advisory Circular (AC) 150/5200-35, "Submitting the Airport Master Record in Order to Activate a New Airport".

In order to avoid placing any unfair restrictions on users of the navigable airspace, this determination is valid until 01/08/2018. Should the airport not be established and the Airport Master Record 5010-5 Form not returned by 01/08/2018, an extension of our determination should be requested in writing by 12/23/2017. Should you not elect to establish the airport, please notify the FAA in writing by 01/08/2018.

If you have any questions concerning this determination, please contact me at [Nick.Pratt@faa.gov](mailto:Nick.Pratt@faa.gov) or at (612) 253-4633.

Sincerely,

Nick Pratt

ADO

Attachment: Airport Master Record 5010 Form



# AIRPORT MASTER RECORD

> 1 ASSOC CITY: Crocker  
> 2 AIRPORT NAME: LONE TREE  
3 CBD TO AIRPORT (NM): 5 NNE

4 STATE: SD  
6 REGION/ADO: AGL/DMA

LOC ID:  
5 COUNTY: Clark  
7 SECT AERO CHT: TWIN CITIES

FAA SITE NR: 0.

## GENERAL

10 OWNERSHIP: PR  
11 OWNER: Sheldon Stevens  
12 ADDRESS: 41898 162nd St  
Clark SD 57225  
13 PHONE NR: 605-532-3198  
14 MANAGER: Sheldon Stevens  
15 ADDRESS: 41898 162nd St  
Clark SD 57225  
16 PHONE NR: 605-532-3198  
17 ATTENDANCE SCHEDULE:  
MONTHS DAYS HOURS

## 70 FUEL

## SERVICES

## BASED AIRCRAFT

90 SINGLE ENG: 0  
91 MULTI ENG: 0  
92 JET: 0  
TOTAL: 0  
93 HELICOPTERS: 0  
94 GLIDERS: 0  
95 MILITARY: 0  
96 ULTRA-LIGHT: 0

18 AIRPORT USE: Private  
19 ARPT LAT: 45-01-20.2000N  
20 ARPT LONG: 97-50-41.5000W  
21 ARPT ELEV: 1799.0  
22 ACREAGE: 0  
> 23 RIGHT TRAFFIC:  
24 NON-COMM LANDING:

## FACILITIES

> 80 ARPT BCN:  
> 81 ARPT LGT SKED:  
> 82 UNICOM: 0.0  
83 WIND INDICATOR:  
84 SEGMENTED CIRCLE:  
85 CONTROL TWR: NO  
86 FSS:  
87 FSS ON ARPT: NO  
88 FSS PHONE NR:  
89 TOLL FREE NR:

## RUNWAY DATA

> 30 RUNWAY IDENT:  
> 31 LENGTH:  
> 32 WIDTH:  
> 33 SURF TYPE-COND:

09/27  
1940  
100

## LIGHTING/APCH AIDS

> 40 EDGE INTENSITY:  
> 42 RWY MARK TYPE-COND:

## OBSTRUCTION DATA

50 FAR 77 CATEGORY:  
51 DISPLACED THR:  
52 CTLG OBSTN:  
53 OBSTN MARKED/LGTD:  
54 HGT ABOVE RWY END:  
55 DIST FROM RWY END:

A30/A30  
070

(-) ARPT MGR PLEASE ADVISE FSS IN ITEM 86 WHEN CHANGES OCCUR TO ITEMS PRECEDED BY >

111 OWNER/MANAGER SIGNATURE

113 DATE:

**Shad**

---

**From:** "Shad" [REDACTED]  
**To:** <nick.pratt@faa.gov>  
**Sent:** Wednesday, December 07, 2016 12:59 PM  
**Subject:** Lone Tree Airport ASN 2016-AGL-5108-NRA

Good Afternoon Mr. Pratt,

In response to your letter dated July 08, 2016, I promptly signed and submitted the Airport Master Record form for Lone Tree Airport in Clark County, South Dakota.

I've attempted several times recently to check the FAA airport record data base to verify that the airport is listed and did not find it. Perhaps I am not navigating the website properly and would much appreciate your confirmation that the airport is indeed listed in the FAA airport registry. Thank you.

Sincerely;

Shad Stevens  
[REDACTED]

12/7/2016



Federal Aviation Administration  
800 Independence Avenue, S.W.  
Washington, D.C. 20591

December 19, 2016

Sheldon Stevens  
[REDACTED]

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The National Flight Data Center has assigned/reassigned the location identifier for the following airport/heliport: **Lone Tree**

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The new location identifier for the landing facility is **SD59**

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This action has taken place in response to:

- ☐ Landing facility changed from Public to Private Use
- ☐ Landing facility changed from Private to Public Use
- ☒ Establishment of a New Landing Facility
- ☐ Other (AWOS-3 Weather Data Added)

The new or changed identifier will be effective **21 DEC 2016**

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If you have any questions please call **405-954-6671**

Harold Jackson  
National Flight Data Center- West  
MRAC Oklahoma City, OK



**Shad**

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**From:** <nick.pratt@faa.gov>  
**To:** [REDACTED]  
**Sent:** Monday, December 19, 2016 1:06 PM  
**Subject:** RE: Lone Tree Airport

The latest word is that Lone Tree Airport is scheduled for activation on 21 December 2016.

I should be in all this week. If you have any further questions,

Nick Pratt  
Program Manager  
Dulles-Minnesota ADO  
T 812 258 4633  
F 812 258 4633

**From:** shad [REDACTED]  
**Sent:** Friday, December 16, 2016 8:34 AM  
**To:** Pratt, Nick (FAA)  
**Subject:** RE: Lone Tree Airport

Thank you, Nick

Sent from Samsung Mobile

----- Original message -----

**From:**  
**Date:** 12/16/2016 8:28 AM (GMT-06:00)  
**To:**  
**Subject:** Lone Tree Airport

Hi Shad,

I have not been able find out very much additional information on the establishment of Lone Tree airport. I do know that it is moving through the process and is in the queue to be activated. I've been out of state for training this week so I have had limited time to make inquiries. If I learn anything more specific I will let you know.

Nick Pratt

12/20/2016

Intervenors 000043

**Shad**

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**From:** "Shad" [REDACTED]  
**To:** <nick.pratt@faa.gov>  
**Sent:** Sunday, February 12, 2017 1:45 PM  
**Subject:** RE: Lone Tree Airport (SD59)

Hi Nick,

You were very helpful in moving my airport registration through the final phase of a rather lengthy process. I think I may need some assistance again!

First, some background information: A large wind farm project is currently proposed in Clark County in northeast South Dakota. I have recently obtained a map of the project footprint & proposed siting of approximately 220 large wind turbines. My airport (Lone Tree SD59) which has been operational since 2007 is located just outside the wind farm footprint. Several wind turbines, however are sited a very short distance from, and in line with the departure end of the runway. Two of the turbines appear to be within a mile of the runway end and several more would penetrate a 20:1 slope ratio for obstruction clearance.

I know that the wind farm developer, Crocker Wind Farm LLC is required to submit an FAA Form 7460-1 "No Hazard" application during the permitting process. Since the proposed turbine siting clearly presents an aviation hazard, my question is: Has Form 7460-1 been submitted for this project; and what was the disposition?

Thanks,  
Shad Stevens

2/12/2017

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

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**IN THE MATTER OF THE  
APPLICATION BY CROCKER WIND  
FARM, LLC FOR A PERMIT OF A  
WIND ENERGY FACILITY AND A 345  
KV TRANSMISSION LINE IN CLARK  
COUNTY, SOUTH DAKOTA, FOR  
CROCKER WIND FARM**

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\*      **GALE PAULSON'S RESPONSES TO**  
\*      **CROCKER WIND FARM, LLC'S FIRST**  
\*      **SET OF DATA REQUESTS TO**  
\*      **INTERVENORS**

\*      **EL17-055**  
\*  
\*

**Gale Paulson, through counsel, hereby responds as follows:**

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

**Copies of all Data Requests and Responses will be provided.**

- 1-2) In the Intervenor's Application for Party Status in the above-referenced action, it states: "Reasons for such opposition [by Intervenor] include but are not limited to: concerns regarding the applicant's compliance with applicable laws and rules; concerns involving the environmental, social, and economic injury the project will have on the [Intervenor] and the area; concerns that the project will impair the health, safety, and welfare of the applicants and 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 the basis of each Intervenor's opposition to the Project related to "concerns involving the environmental, social, and economic injury the project will have on the [Intervenor] and the area."

**Specific concerns include, but are not necessarily limited to the following:**

- **Damage to waterfowl in the area which would eventually damage the excellent waterfowl hunting in this area**
- **Damage to eagles, especially migrating eagles that follow the waterfowl**
- **Damage to USFWS easements and 'easement swap' issues**

- b) Identify the basis of each Intervenor's opposition to the Project related to "concerns that the project will impair the health, safety, and welfare of the [Intervenors] and inhabitants of the area."

**Wind towers are located too close to the Reid Lake Waterfowl Refuge and are located in areas where thousands of ducks and geese migrate through, rest and feed – areas they "inhabit". Towers on easement land will destroy valuable wildlife habitat.**

- c) Identify the basis of each Intervenor's opposition to the Project related to "concerns that the project will interfere with the orderly development of the region."

**The wind farm (especially towers near the Reid Lake Waterfowl Refuge and on easement land) will eventually damage the excellent wildlife habitat and waterfowl hunting in this area – and may even cause damage to the pheasant population and hunting.**

1-3) For each individual Intervenor, identify:

- a) Whether Intervenor owns property or resides in the vicinity of the proposed Crocker Wind Farm ("Project") and, if so, the location (by section, township, and range) of such property and/or residence;

**I own property on the north, south, and east sides of the Reid Lake Waterfowl Refuge, and I own a home on a bluff overlooking the Reid Lake Waterfowl Refuge in Section 24, Township 118, Range 58 of Woodland Township.**

- b) If Intervenor has a residence in the vicinity of the Project, how far said residence is from the closest proposed Project turbine location;

**Between ¾ and 1 mile**

- c) If Intervenor has a residence in the vicinity of the Project, whether the Intervenor lives at the residence throughout the entire year and, if not, how many months of the year the Intervenor lives at the residence;

**I live at this home throughout the year, mostly Friday through Monday. During spring planting and fall harvest and hunting season, I am often there throughout the week.**

- d) If Intervenor owns property in the vicinity of the Project, how Intervenor uses his/her land, including, but not limited to, whether the Intervenor uses his/her land for agricultural purposes;

**Some of my land is enrolled in CRP, some is in grassland and wetland easements, some is used for agricultural purposes (growing crops), and some is used for putting up hay.**

- e) Intervenor's occupation;

**Engineer, Farmer/Renter – partially retired (I am 67 years old)**

- f) Any mitigation measures that could address Intervenor's concerns with respect to the Project, including those concerns identified in response to Data Request 1-2(a)-(c);

**I am very concerned about the destruction of waterfowl and wildlife and the risk to the excellent waterfowl hunting around the Reid Lake Waterfowl Refuge. If no towers would be allowed within a 3-mile radius of the Reid Lake Waterfowl Refuge this would be an excellent mitigation measure – and would still allow the project to proceed.**

**Another concern is that the Crocker Wind Farm has pending litigation with Clark County's Board of Adjustment. A reasonable mitigation measure would be closing this court case and allowing the decisions of the Board to stand.**

**Do not allow wind towers on grassland easement land. However, if the easement exchange is to take place, the amount should be 70 acres per tower as stated in FWS letters, not the small amount (about 1 acre per tower) proposed by Geronimo/Crocker.**

- g) Any documents, information, education, training, or professional experience the Intervenor has relied upon to form his/her opinions concerning the Project. Where Intervenor has relied upon documents or other tangible materials, please provide such documents and/or materials; and

**I was born and raised in this area and have hunted this area my whole life (I am 67 years old). I grew up on the northwest side of the Reid Lake Waterfowl Refuge and now have a home on the southwest side of the Refuge. I know the common feeding patterns of the thousands of geese and ducks who rest at the Reid Lake Waterfowl Refuge every fall. Thousands of geese and ducks feed in the same fields on the north, northwest, west, southwest, and south sides every year, and most of these fields are within 3 miles of Reid Lake. The ducks and geese normally go out to feed twice a day (morning and evening) and often do not return to the Refuge until after dark. These large flocks (thousands) of ducks and geese would often be flying toward and around the wind towers that are proposed to be located north, northwest, west, southwest, and south when leaving and returning to the Reid Lake Waterfowl Refuge. I strongly recommend removing any towers within 3 miles of the Reid Lake Waterfowl Refuge.**

- h) With respect to those Intervenor's who own property and/or reside in the vicinity of the Project, any sensitive or unique features of that property that the Intervenor asserts would be impacted by the Project.

**As the GFP and FWS have noted in many of their own letters, this area is in the unique and sensitive Coteau des Prairie and Prairie Potholes region. This is a main flyway for migrating waterfowl. The Reid Lake Waterfowl Refuge, which is about ½ mile from the project area, is a very important stop/rest area for these waterfowl. Thousands of these**

**geese and ducks feed in the area where towers are proposed, and this will have a damaging effect on the waterfowl and waterfowl hunting in this area. Further, many majestic migrating and local bald eagles follow the waterfowl and would be affected by the wind towers.**

1-4) Identify any witnesses, including expert witnesses, who are anticipated to submit testimony on behalf of Intervenor. For each anticipated witness:

a) Describe the subject matter of the witness's testimony; and

**Written testimony will be filed by March 28<sup>th</sup> as set forth in the Procedural Schedule.**

b) Identify and provide copies of any documents the witness intends to rely on to support his/her testimony.

**Written Testimony will be filed by March 28<sup>th</sup> as set forth in the Procedural Schedule.**

1-5) Identify and provide any exhibits Intervenor intend to rely upon or use at the evidentiary hearing in this matter.

**Exhibit lists will be filed by May 2<sup>nd</sup> as set forth in the Procedural Schedule.**

1-6) Identify and provide any documents any Intervenor submitted at the public input hearing in this matter.

**All documents submitted at the Public Input Hearing are noted in the docket.**

1-7) Identify any communications, written or otherwise, an Intervenor has had with units, officials, and/or representatives of local, state, and/or federal governments or agencies concerning the Project.

**I have corresponded with GFP and FWS personnel.**

a) For any written communications, provide a copy of the communication.

**Email correspondence is attached, as are some pictures of geese and eagles on or near the Reid Lake Waterfowl Refuge that I have sent to these people.**

b) For any unwritten communications, provide the date of the communication, the persons involved, and the subject matter of the communication.

**None**

1-8) Identify any communications, written or otherwise, an Intervenor has had regarding the Project with owners of infrastructure located within the Project boundaries, including, but



not limited to, Northern Border Pipeline Company and Interstate Telecommunications Cooperative.

**None**

- a) For any written communications, provide a copy of the communication.

**None**

- b) For unwritten communications, provide the date of the communication, the persons involved, and the subject matter of the communication.

**None**



## United States Department of the Interior

### FISH AND WILDLIFE SERVICE

Ecological Services  
420 South Garfield Avenue, Suite 400  
Pierre, South Dakota 57501-5408



November 29, 2016

Melissa Schmit  
Crocker Wind Farm, LLC  
7650 Edinborough Way  
Suite 725  
Edina, Minnesota 55435

Re: Crocker Wind Farm Revised Project  
Boundary, Clark County, South Dakota

Dear Ms. Schmit:

This letter is in response to your request dated October 27, 2016, for environmental comments regarding the above referenced boundary expansion of the proposed Crocker Wind Farm project. As mapped, the expansion is an approximately 3 x 4 mile area immediately north of South Dakota Highway 20, Clark County, South Dakota, immediately adjacent to the previous project area's northern boundary.

The information and recommendations provided in our letter to you dated May 18, 2016 regarding the Crocker Wind Farm also apply to the project expansion area.

In that May 2016 letter, we raised concern regarding the existence of numerous U.S. Fish and Wildlife Service (Service) easements at the project site, which are an indication of relatively high wildlife value of the habitat in this area. The expansion area also contains contiguous Service easements. It appears, based on aerial photo review of the expansion area, that the habitat is comprised mainly of grasslands with a high number of wetlands intermixed, as is the case in much of the remaining Crocker Wind Farm proposed project area. We have estimated, based on turbine layouts you have provided that 41% of turbines comprising the Crocker Wind Farm are proposed to be installed on native prairie. Some wildlife species can adapt to a variety of grassland types, but native prairies are of particular importance due to their increasing rarity; the continued loss of native prairies imperils many species, including crucial pollinators like the Dakota skipper (see below), that cannot survive without intact prairie ecosystems. Additionally, true restoration of these areas post-disturbance is highly difficult if not impossible, thus native prairie impacts cannot fully be rectified.

We reiterate our foremost recommendation regarding wind projects in South Dakota, relayed to you during our initial meeting and in several contacts and correspondences thereafter: avoid and minimize impacts to grasslands to the greatest extent possible.

Recommendations from our office, the Waubay Wetland Management District office, and our agency guidelines (Land-based Wind Energy Guidelines and Eagle Conservation Plan Guidance) are intended to provide means to evaluate wind energy projects for the risk of potentially adverse impacts. The resulting wildlife and habitat information are to be used during project planning to avoid and minimize those impacts. In some cases, it is appropriate to abandon project areas due to high risk to wildlife.

The Crocker Wind Farm is located in a grassland/wetland complex used by numerous grassland nesting species, and has been identified as a high-use area for waterfowl with more than 100 breeding birds per square mile. Grassland nesting species, including species identified in our 2008 *Birds of Conservation Concern* (<https://www.fws.gov/migratorybirds/pdf/grants/BirdsofConservationConcern2008.pdf>) will be directly and indirectly impacted by placement of turbines, access roads and other project facilities on the landscape. As you know, we recommend offsetting measures for any turbines placed within grasslands to compensate for avoidance behavior by grassland nesting birds, which may avoid the structures by 300 m or more (approximately a 70 acre circle around each turbine) (Shaffer and Buhl 2015). The area also attracts many shorebird and waterbird species due to the high number of basins in the area, and while project facilities may not directly impact these habitats, they are likely to negatively affect wildlife that uses the wetlands.

Risks posed to eagles nesting near the Crocker project area may increase if the proposed expansion area is developed. Per your 2016 raptor nest survey report, two active bald eagle nests were located during preconstruction surveys: one 5.4 miles northeast and the other 6.2 miles north of the old project boundary. Expanding the project area into the 3 x 4 mile area north of the old boundary places turbines closer to those nests, and the revised boundary also expands the 10-mile buffer within which we recommend surveying for eagle nests. Additional surveys would be needed to detect any eagle nests within the new 10 mile buffer.

Listed species may be at risk as well. Although surveys have not been conducted in the area to detect Dakota skippers or Poweshiek skipperlings, a minimum of 62 areas totaling 162.5 acres of suitable habitat for these species were documented during preconstruction habitat surveys, and many portions of the project area have yet to be evaluated for suitability. As noted above, Dakota skippers – as well as the Poweshiek skipperlings – rely on native prairie habitats.

Federally endangered whooping cranes have been documented moving through the area. The Aransas/Wood Buffalo flock that migrates through South Dakota each spring and fall is the only self-sustaining wild population of these birds in existence. The birds do not breed in South Dakota. Although they are most often sighted in counties near the Missouri River, whooping cranes are known to occur in both far eastern and western portions of the South Dakota. We currently recommend that spring and fall monitoring for migrating whooping cranes occur at wind projects within the whooping crane migration corridor (which widens in South Dakota based on state-specific records – see enclosed map). If cranes are sighted near the project, turbine operations are then shut down to preclude collision mortality. This is described in the Upper Great Plains Programmatic Environmental Impact Statement which may be utilized for development of the Crocker Wind Farm.



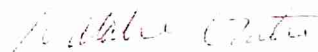
In short, the Crocker Wind Farm appears to be in a high wildlife use area and the proposed boundary expansion appears to exacerbate, rather than alleviate, direct and indirect risks posed to wildlife should the project be constructed as currently proposed.

We reiterate from our May 2016 letter, our policy relative to migratory birds: the Migratory Bird Treaty Act prohibits the taking, killing, possession, and transportation, (among other actions) of migratory birds, their eggs, parts, and nests, except when specifically permitted by regulations. While the MBTA has no provision for allowing unauthorized take, the Service realizes that some birds may be killed during operation of the Crocker Wind Farm even if all known reasonable and effective measures to protect birds are used. The Service's Office of Law Enforcement carries out its mission to protect migratory birds through investigations and enforcement, as well as by fostering relationships with individuals, companies, and industries that have taken effective steps to avoid take of migratory birds, and by encouraging others to implement measures to avoid take of migratory birds. It is not possible to absolve individuals, companies, or agencies from liability even if they implement bird mortality avoidance or other similar protective measures. However, the Office of Law Enforcement focuses its resources on investigating and prosecuting individuals and companies that take migratory birds without identifying and implementing all reasonable, prudent and effective measures to avoid that take. Companies are encouraged to work closely with Service biologists to identify available protective measures when developing project plans and/or avian protection plans, and to implement those measures prior to/during construction, operation, or similar activities.

If changes are made in the project plans or operating criteria, or if additional information becomes available, the Service should be informed so that the above determinations can be reconsidered.

The Service appreciates the opportunity to provide comments. If you have any questions on these comments, please contact Natalie Gates of this office at (605) 224-8693, Extension 227.

Sincerely,



Scott Larson  
Field Supervisor  
South Dakota Field Office

Enclosure

Cc: Waubay WMD; Waubay, SD  
(Attn: Connie Mueller)  
SDGFP; Pierre, SD  
(Attn: Silka Kempema)



Intervenios 000053













950000 000056





Intervenors 000057







InterView 000059





Intervenors 000060

## Gale Paulson

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**From:** Gale Paulson [REDACTED]  
**Sent:** Thursday, March 15, 2018 7:26 PM  
**To:** 'Boyle, Barbara'; 'Will Meeks'  
**Cc:** 'Mueller, Connie'; 'Jeff Kalo'; 'Tarbox Nancy'; 'kkalo.125@gmail.com'; 'Doug Paulson'; 'Wahl Lowell'; 'shads'; 'Darci Cell'; 'Landon Paulson'  
**Subject:** RE: Crocker Wind Draft Environmental Assessment  
**Attachments:** 2016.png

Barbara and Will,

Maybe I misunderstood, but I thought that the FWS was going to prepare and an independent EA regarding the Crocker Wind project. Is that still in the progress—or is this biased Assessment prepared by Geronimo what you are calling an FWS Independent study?

This Geronimo analysis is full of just their opinions; and very few facts—and I think many of their opinions are grossly in error. Much of the BS is this EA has nothing to do with wildlife or wildlife habitat, which is what I assumed the FWS EA would deal with—and much of this EA is devoid of facts or common sense.

For example:

1. This EA makes the statement that 14 wind towers, associated facilities, and 14 transmission lines, etc will only take up 15.1 acres (this is for the grassland easement swap). In two (2) previous letters provided by the FWS in 2016, your own people state that each tower would affect at least 70 acres of land. The 15.1 acre figure for 14 towers, etc is ridiculous. Are you going to accept Geronimo's opinions over that of your own people?
2. Where were the Geronimo eagle sightings taken around Reid Lake. I have a home which overlooks the south side of Reid Lake and I own land on both the north and side of Reid Lake—and I have seen over 100 eagles at one time sitting on the ice surrounding a couple open spots of water that were filled with ducks and geese. I have also seen many eagles on my land north and northwest of Reid Lake and a neighbor's land on the southwest side of Reid Lake—and I am quite sure the Geronimo people never looked in this area. Please refer to attached aerial view of the Reid/Round Lake complex. The Geronimo survey apparently did not see many eagles and their survey stated that most of the bald eagles observed were perched in trees on the east and north portions of the lake shore. Please note that there are no trees on either the north or east shore of Reid Lake. Please refer to attached aerial picture of the area. Reid Lake is the large body of water in the picture. Please note there is a gravel road that runs along the east side of the lake. There is a shelter belt about a quarter to half mile north of Reid Lake and this shelter belt runs continuous for two (2) miles from east to west, with a larger grove of trees in the middle. This is on my land—and this is where I often see eagles in the spring and fall. I also see eagles in some of the dead trees around the many small sloughs in this area. However, please note that there are no roads in this area—and I don't think Geronimo or anyone else has been on my land to observe the eagles. As I have noted there is a gravel road that runs north to south on the east side of Reid Lake—and the next through north/south road is 4 miles to the east. The closest through east west road is over a mile north of Reid Lake. Most of the eagles in this area are in the area north and west of Reid Lake (which is in the direction of the wind towers) in an area that I doubt Geronimo has ever been. Therefore no credence can be placed in their survey. I wonder if they said they saw eagles east of Reid Lake only because they know that no towers will be located in this direction.
3. The Geronimo EA partially correctly makes the statement that the Reid Lake Waterfowl Refuge is located ½ miles southeast of the project area. Most of the towers will be northwest of the Refuge, but there are also towers that are straight west, straight north, and southwest of the Refuge. The survey also mentions how important waterfowl hunting is in this area and that large concentration of geese, ducks, and swans migrate through this area—and they rest/stay at the Reid Lake Refuge. However Geronimo does not think this large wind farm will have a harmful effect on the waterfowl and the waterfowl hunting. That is unbelievable and ridiculous.

As I noted previously (and you can see from the attached aerial map), there is a road that runs along the east side of Reid Lake.

The prevalent winds in our area are from the west and northwest in the fall---and ducks and geese usually fly off the Refuge against the wind, which means they often fly north and west from the Refuge (away from the road) when going out to feed in the morning and evening. They often do not return to the Refuge until after dark. The migrating waterfowl that rest and stay at Reid Lake in the fall come from the north and northwest---coming from North Dakota and the Sand Lake Refuge near Aberdeen. Therefore the Crocker Wind Farm which is located within ½ mile northwest and west of Reid Lake could not be located in a worse place to have a detrimental effect on waterfowl.

These are just three points (and each of these will definitely have a negative effect on wildlife) where the Geronimo Survey is lacking. I don't see how any credence could be placed in this bias Geronimo Survey and I surely hope that the FWS (maybe in conjunction with the GF&P) will be providing your own unbiased assessment of how this wind farm will really affect the wildlife and wildlife habitat.

I encourage you to visit the **Waubay FWS Home Page** and view and read the **Wildlife & Habitat** and **About the District** sections---and then tell me if you think this is an area where a 120 tower wind farm should be located. It is very difficult for me to understand why the FWS, which is supposed to be looking out for wildlife and wildlife habitat, would be siding with a large wind farm that will do nothing but harm wildlife and the wildlife habitat. There are things that are more important than money.

Gale Paulson  
Clark, SD

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**From:** Gale Paulson [REDACTED]  
**Sent:** Wednesday, March 14, 2018 4:08 PM  
**To:** 'Mueller, Connie' <connie\_mueller@fws.gov>; 'Jeff Kalo' <jeffkalo@coreorthopedicsavera.org>; 'Tarbox Nancy' <ntarbox@itctel.com>; 'kkalo.125@gmail.com' <kkalo.125@gmail.com>; 'Doug Paulson' <dapsd1@hotmail.com>; 'Wahl Lowell' <lowellwahl@gmail.com>; 'shads' [REDACTED] 'Darci Cell' <darci@itctel.com>  
**Subject:** RE: Crocker Wind Draft Environmental Assessment

Connie,

Thanks for sending this. I have a couple questions for you.

The below release appears to state that 14 wind turbines, associated infrastructure, and 14 transmission poles will only permanently affect 15.1 acres. Is that correct? If so, can you tell me if you and your office agree with that statement?

In previous letters the FWS (I believe representing your department) indicated that a wind tower would disturb an area of 300m or more around each tower---which this letter indicated amounted to about 70 acres per tower. It is ridiculous to say that only 15.1 acres will be affected---and I surely hope that your office will even object to that. After all this is your area and you need to stand-up for the wildlife and habitat in this area.

This assessment even notes that the project area is only ½ mile from the Reid Lake Wildlife Refuge. How can your office allow that? I am sure you could use the MBTA to fight that issue. I suggest that you go to your website home page and read the sections titled **Wildlife & Habitat** and **About the District**. These are publications---and I would suggest that you fight and stand-up for what your site promotes and not give in to Big Wind. If you won't fight to maintain and protect what is expoused on your site home page, what is the purpose of your office.

Gale Paulson,  
Clark, SD

**From:** Mueller, Connie [mailto:connie\_mueller@fws.gov]  
**Sent:** Wednesday, March 14, 2018 2:35 PM

**To:** undisclosed-recipients:

**Subject:** Crocker Wind Draft Environmental Assessment

Crocker Wind Farm, LLC, a wholly owned subsidiary of Geronimo Energy, LLC, has proposed a project which would place 14 turbines, associated infrastructure, and 14 transmission poles on Service grassland easements in South Dakota.

Please find below a news release for the Crocker Wind Environmental Assessment of the proposed US Fish & Wildlife Service easement exchange. The news release includes the web address that contains a link to the Assessment and related documents.

Comments will be taken until April 24, 2018 at the locations indicated in the news release.

Please note that a paper copy is available now at the Refuge office, and another paper copy will be available by next week at the Emil M. Larson Public Library in Clark SD.

Connie Mueller, Project Leader  
Waubay NWR Complex

# News Release

**U.S. FISH AND WILDLIFE SERVICE**  
Mountain-Prairie Region  
134 Union Boulevard  
Lakewood, Colorado 80228

*For Immediate Release*  
March 14, 2018

## **U.S. Fish and Wildlife Service Releases Draft Environmental Assessment for Crocker Wind Farm**

**Contact:** Roya Mogadam, 303-236-4572, [Roya\\_Mogadam@fws.gov](mailto:Roya_Mogadam@fws.gov)

**DENVER** – The U.S. Fish and Wildlife Service (Service), working with Crocker Wind Farm, LLC (Crocker), a wholly owned subsidiary of Geronimo Energy, LLC (Geronimo), is releasing today a draft Environmental Assessment (EA) for the proposed Crocker Wind Farm in Clark County, South Dakota. The Crocker Wind Farm project (Project) proposal would place 14 turbines, associated infrastructure, and 14 transmission poles on Service grassland easements in South Dakota.

Grassland easements are voluntary agreements made with landowners that protect grassland habitats for waterfowl, migratory birds, and other wildlife. South Dakota is home to some of the last native grassland habitats in the Prairie Pothole Region. This area also provides potential for expansion of energy, including wind energy. To balance the needs of wildlife and people, the Service first works with wind energy companies to avoid impacts to Service easement interests. Where that is not practicable, the Service coordinates with wind energy companies to minimize impacts to protected resources and trust species and may consider a land exchange.

Crocker has been meeting with the Service to minimize project impacts to lands protected by these easements. The Project may permanently impact up to 15.1 grassland easement acres and temporarily impact up to 270 acres during project development. The draft EA is proposing to enter into a land exchange for the affected parcels.

The Service has provisions to allow temporary impacts if stipulations of permits require restoration. The Service also has provisions and regulations governing exchanges for permanent impacts to easement interests. A land exchange can be a valuable tool that allows the Service to exchange easement lands impacted by a project for lands elsewhere that have equal or greater conservation value. These newly exchanged lands would be protected by a conservation easement in perpetuity.

The U.S. Fish and Wildlife Service is required by law to evaluate projects such as the Crocker Wind Farm under the National Environmental Policy Act (NEPA) and to ensure that information on any environmental effects are made available to public officials and citizens before decisions are made and actions taken. The Service is seeking comments from the public for 30 days, until April 24, 2018. Interested parties can submit comments electronically at [crocker\\_comments@fws.gov](mailto:crocker_comments@fws.gov) or by mail to:

Crocker Wind EA comments  
Waubay NWR Complex  
44401 134 A Street  
Waubay, SD 57273

For more information and a copy of the draft EA please visit [https://www.fws.gov/refuge/waubay\\_wmd/](https://www.fws.gov/refuge/waubay_wmd/).

– FWS –



## Gale Paulson

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**From:** Gale Paulson [REDACTED]  
**Sent:** Tuesday, January 30, 2018 11:05 AM  
**To:** 'Boyle, Barbara'  
**Cc:** 'Will Meeks'  
**Subject:** RE: Crocker Wind Farm  
**Attachments:** FWS Response 3 letter---November 29, 2016.pdf

Barbara and Will,

Thank you for previous response and also this response. It is sincerely appreciated and I would appreciate anything that you can do to help limit this Crocker Wind Farm project in order to protect wildlife—especially migrating birds

I apologize for bombarding you with what seem like so many different issues; but I feel they are all related. My primary goal is to protect wildlife and wildlife habitat---primary in the area of the Reid Lake Waterfowl Refuge. As the numerous letters provided by the FWS regarding this project indicate, this wind farm is being installed in an important and unique wildlife area and I hope the FWS and GF&P would be opposed to large wind farms—especially in the area where this one is proposed—and would want to help restrict it.

The attached letter (Dated November 29, 2016) is the last letter that I have seen from the FWS regarding the Crocker Wind Farm—and it states that the expansion of the project east and south (toward Reid Lake area) has exacerbated the problems that the wind farm creates for wildlife. It also refers to the Migratory Bird Treaty Act regarding the protection of wildlife. It appears to me that the Migratory Bird Treaty Act could be used to restrict towers in certain areas—such as near a Waterfowl Refuge due to the damage that could be caused to migrating birds. Your below email indicates that the Geronimo has been coordinating with the FWS—but to me that it appears they have “thumbed their noses” at the letters and recommendations that the FWS has provided to them by moving the project and towers even closer to the Reid Lake area, and the attached letter makes note of this. That does not seem like the right thing to do.

I grew up in this area and know how important the Reid Lake Waterfowl Refuge is to hunters and outdoor enthusiasts. As a young hunter (many, many years ago), we would always try to monitor reports of the goose and duck migration at the Sand Lake Refuge (near Aberdeen, SD) and on the North Dakota/South Dakota border---because their next stop would be Reid Lake. The Reid Lake Refuge was usually the next stop for geese and ducks leaving the Sand Lake Refuge and when they left North Dakota. Cranes, Swans, and other waterfowl also migrate through this area---and there are also quite a few bald eagles around Reid Lake, especially in the fall.

Can you provide answers to the below questions?

1. Is there anything that you can do to at least limit the scope of the project? YES NO
2. Do you have the power/authority to put a restriction on the location of the wind towers? YES NO
3. Could you provide and enforce a stipulation that no wind towers be located within 3 miles of the Reid Lake Waterfowl Refuge YES NO
4. Has the FWS provided any letters or written comments regarding this project since the attached November 29, 2016 letter? YES NO

I and many others think this large wind farm will do much damage to wildlife and will have a negative effect on the excellent waterfowl hunting in this area—and we would appreciate anything that you can do to help us stop or at least limit this project. Hunters come from Watertown, Brookings, Sioux Falls, and other areas to hunt waterfowl around Reid Lake. This last fall there were even a few groups of hunters from Minnesota--now that SD allows some out of state waterfowl licenses.

If you can at least do number 4 above, it would be a big help. I would obviously prefer that the wind farm not be built at all, but this would be somewhat of a compromise. The wind farm could still be constructed (if they comply with all other issues to the satisfaction of the PUC) and waterfowl would be protected to some degree. I think this is more than a fair compromise. I do not think Geronimo will listen to recommendations and therefore I hope that you can do more than just make recommendations. They are suing the Clark County Commission because the commission required a ¾ mile set back from residences in order to help protect residents who do not want a huge tower in their back yard. This is not the action of a company that is trying to cooperate and do what is best for a community.

I would like to be on the mailing list regarding your Assessment.

Gale Paulson

Ph: [REDACTED]

**From:** Boyle, Barbara [mailto:barbara\_boyle@fws.gov]

**Sent:** Tuesday, January 30, 2018 9:35 AM

**To:** gale [REDACTED]

**Subject:** Fwd: Crocker Wind Farm

Mr. Paulson -

You and I spoke a while back on your Reid Lake concerns. Mr. Meeks has asked me to follow up with you on the Crocker Wind Farm project as well.

As I mentioned before, we greatly appreciate your interest in conservation protections and I want to thank you for your interest in Geronimo Energy's (Geronimo) Crocker Wind Farm project. Geronimo has been coordinating with the U.S. Fish and Wildlife Service (Service) to minimize and offset project impacts to lands protected by conservation easements. The Service is required by law to evaluate projects such as the Crocker Wind Farm under the National Environmental Policy Act (NEPA) and to ensure that information on any environmental effects are made available to public officials and citizens.

The Service is currently reviewing the Environmental Assessment (EA) and anticipates releasing it for public review and comment in February 2018. We can be sure to put your name on the mailing list to ensure you have an opportunity to review and respond for the formal record.

Thank you again for your interest. Please feel free to call or email me at the contact information below.

Sincerely,  
Barbara Boyle

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Refuge Supervisor - Prairie Zone  
Mountain-Prairie Region  
U.S. Fish and Wildlife Service  
303-236-4308  
720-315-9395 (cell)

**From:** Gale Paulson [REDACTED]

**To:** "Will Meeks" <will\_meeks@fws.gov>

**Subject:** FW: Crocker Wind Farm

Mr. Meeks

Attached are three (3) letters provided to Geronimo (company proposing the Crocker Wind Farm in northeast South Dakota) by the FWS regarding the location of the Crocker Wind Farm. Please note that the latest response letter was response No. 3 which is dated November 29, 2016 and states that the Crocker wind farm will have a negative effect on wildlife and appears to even suggest that the project be moved from this area. I think that the project map has even changed since this November of 2016 letter was issued and that there are more towers closer to the Reid Lake Waterfowl Refuge. Please note the top paragraph on Page 2 and the top paragraph on Page 3 of the attached FWS Response No. 3 letter.

Based on these letters, I do not see how the FWS could, in good faith, allow this project to proceed—at the very least the FWS should strictly prohibit the use of any easement land from being used for any purpose for this project.

I would at least like to see the FWS prohibit the provision of any wind towers on easement land—because it would be a violation of the easement contract.

We are asking for your help to stop or restrict this Crocker Wind Farm project

I have also attached pictures showing the large number of migrating geese on Reid Lake this fall.

Gale Paulson

Ph: [REDACTED]

Email: [REDACTED]

## Gale Paulson

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**From:** Gale Paulson [REDACTED]  
**Sent:** Tuesday, January 23, 2018 11:59 AM  
**To:** 'Will Meeks'  
**Subject:** RE: Crocker Wind Farm  
**Attachments:** Eagle Picture 1.jpg; Eagle Picture 2.jpg; Eagles Fall 2017 north of Reid Lake.JPG; Eagles 2017 mile north of Reid Lake.JPG

Mr. Meeks,

In addition to the below, attached are some pictures of eagles taken this fall. These eagles were within about a mile of Reid Lake—and were west and north of the lake which is in the direction of the proposed Crocker wind farm.

Gale Paulson, President  
PS International, Inc.

Ph: [REDACTED]  
[REDACTED]  
[REDACTED]

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**From:** Gale Paulson [REDACTED]  
**Sent:** Tuesday, January 23, 2018 11:33 AM  
**To:** 'Will Meeks' <will\_meeks@fws.gov>  
**Subject:** FW: Crocker Wind Farm

Mr. Meeks

Attached are three (3) letters provided to Geronimo (company proposing the Crocker Wind Farm in northeast South Dakota) by the FWS regarding the location of the Crocker Wind Farm. Please note that the latest response letter was response No. 3 which is dated November 29, 2016 and states that the Crocker wind farm will have a negative effect on wildlife and appears to even suggest that the project be moved from this area. I think that the project map has even changed since this November of 2016 letter was issued and that there are more towers closer to the Reid Lake Waterfowl Refuge. Please note the top paragraph on Page 2 and the top paragraph on Page 3 of the attached FWS Response No. 3 letter.

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We are asking for your help to stop or restrict this Crocker Wind Farm project

I have also attached pictures showing the large number of migrating geese on Reid Lake this fall.

Gale Paulson

Ph: [REDACTED]  
[REDACTED]

**Gale Paulson**

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**From:** Mueller, Connie <connie\_mueller@fws.gov>  
**Sent:** Thursday, March 15, 2018 1:10 PM  
**To:** Gale Paulson  
**Subject:** Re: Crocker Wind Draft Environmental Assessment

Mr. Paulson,

Thank you for your comments. In order to get your questions and comments into the public record you will need to submit them to the designated site at [crocker\\_comments@fws.gov](mailto:crocker_comments@fws.gov).

You will see in the draft EA (available at [https://www.fws.gov/refuge/waubay\\_wmd/](https://www.fws.gov/refuge/waubay_wmd/)) that the permanent grassland disturbance that would happen on grassland easements during the construction of 14 turbines (and associated structures) is 15.1 acres.

Connie Mueller, Project Leader  
Waubay NWR Complex

On Wed, Mar 14, 2018 at 4:08 PM, Gale Paulson [REDACTED] wrote:

Connie,

Thanks for sending this. I have a couple questions for you.

The below release appears to state that 14 wind turbines, associated infrastructure, and 14 transmission poles will only permanently affect 15.1 acres. Is that correct? Is so, can you tell me if you and your office agree with that statement?

In previous letters the FWS (I believe representing your department) indicated that a wind tower would disturb an area of 300m or more around each tower—which this letter indicated amounted to about 70 acres per tower. It is ridiculous to say that only 15.1 acres will be affected—and I surely hope that your office will even object to that. After all this is your area and you need to stand-up for the wildlife and habitat in this area.

This assessment even notes that the project area is only ½ mile from the Reid Lake Wildlife Refuge. How can your office allow that? I am sure you could use the MBTA to fight that issue. I suggest that you go to you website home page and read the sections titled **Wildlife & Habitat** and **About the District**. These are publications—and I would suggest that you fight and stand-up for what your site promotes and not give in to Big Wind. If you won't fight to maintain and protect what is expoused on you site home page, what is the purpose of your office.

Gale Paulson,

Clark, SD

**From:** Mueller, Connie [mailto:[connie\\_mueller@fws.gov](mailto:connie_mueller@fws.gov)]

**Sent:** Wednesday, March 14, 2018 2:35 PM

**To:** undisclosed-recipients:

**Subject:** Crocker Wind Draft Environmental Assessment

Crocker Wind Farm, LLC, a wholly owned subsidiary of Geronimo Energy, LLC, has proposed a project which would place 14 turbines, associated infrastructure, and 14 transmission poles on Service grassland easements in South Dakota.

Please find below a news release for the Crocker Wind Environmental Assessment of the proposed US Fish & Wildlife Service easement exchange. The news release includes the web address that contains a link to the Assessment and related documents.

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Please note that a paper copy is available now at the Refuge office, and another paper copy will be available by next week at the Emil M. Larson Public Library in Clark SD.

Connie Mueller, Project Leader

Waubay NWR Complex

# News Release

**U.S. FISH AND WILDLIFE SERVICE**

**Mountain-Prairie Region**

**134 Union Boulevard**

**Lakewood, Colorado 80228**

*For Immediate Release*

March 14, 2018

**U.S. Fish and Wildlife Service Releases Draft Environmental Assessment for  
Crocker Wind Farm**

**Contact:** Roya Mogadam, 303-236-4572, [Roya\\_Mogadam@fws.gov](mailto:Roya_Mogadam@fws.gov)

**DENVER** – The U.S. Fish and Wildlife Service (Service), working with Crocker Wind Farm, LLC (Crocker), a wholly owned subsidiary of Geronimo Energy, LLC (Geronimo), is releasing today a draft Environmental Assessment (EA) for the proposed Crocker Wind Farm in Clark County, South Dakota. The Crocker Wind Farm project (Project) proposal would place 14 turbines, associated infrastructure, and 14 transmission poles on Service grassland easements in South Dakota.

Grassland easements are voluntary agreements made with landowners that protect grassland habitats for waterfowl, migratory birds, and other wildlife. South Dakota is home to some of the last native grassland habitats in the Prairie Pothole Region. This area also provides potential for expansion of energy, including wind energy. To balance the needs of wildlife and people, the Service first works with wind energy companies to avoid impacts to Service easement interests. Where that is not practicable, the Service coordinates with wind energy companies to minimize impacts to protected resources and trust species and may consider a land exchange.

Crocker has been meeting with the Service to minimize project impacts to lands protected by these easements. The Project may permanently impact up to 15.1 grassland easement acres and temporarily impact up to 270 acres during project development. The draft EA is proposing to enter into a land exchange for the affected parcels.

The Service has provisions to allow temporary impacts if stipulations of permits require restoration. The Service also has provisions and regulations governing exchanges for permanent impacts to easement interests. A land exchange can be a valuable tool that allows the Service to exchange easement lands impacted by a project for lands elsewhere that have equal or greater conservation value. These newly exchanged lands would be protected by a conservation easement in perpetuity.

The U.S. Fish and Wildlife Service is required by law to evaluate projects such as the Crocker Wind Farm under the National Environmental Policy Act (NEPA) and to ensure that information on any environmental effects are made available to public officials and citizens before decisions are made and actions taken. The Service is seeking comments from the public for 30 days, until April 24, 2018. Interested parties can submit comments electronically at [crocker\\_comments@fws.gov](mailto:crocker_comments@fws.gov) or by mail to:

Crocker Wind EA comments

Waubay NWR Complex

44401 134 A Street

Waubay, SD 57273

For more information and a copy of the draft EA please visit [https://www.fws.gov/refuge/waubay\\_wmd/](https://www.fws.gov/refuge/waubay_wmd/).

– FWS –



**Gale Paulson**

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**Subject:** FW: FW: Crocker Wind Farm

**From:** Gale Paulson [REDACTED]  
**Sent:** Saturday, February 25, 2017 12:48 PM  
**To:** 'Mueller, Connie' <connie\_mueller@fws.gov>  
**Cc:** 'Wickstrom, Thomas' <thomas\_wickstrom@fws.gov>  
**Subject:** RE: FW: Crocker Wind Farm

Connie,  
Your below email indicates that a one year bird study has been completed. It is my understanding that the proposed wind farm and location of towers has extended south and east of what was originally supposed to be a Crocker Wind Farm that was south and west of Crocker. Now it has extended south and east of Crocker and much closer to the Reed Lake Refuge than was originally the case. Therefore I hope, and assume, that your studies will include the Reed Lake area and not just the original wind farm location.

Gale Paulson,

Ph: [REDACTED]  
[REDACTED]

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**From:** Gale Paulson [REDACTED]  
**Sent:** Thursday, February 23, 2017 5:28 PM  
**To:** 'Mueller, Connie' <connie\_mueller@fws.gov>  
**Subject:** RE: FW: Crocker Wind Farm

Connie,  
Thank you for the response and the information. It is appreciated.  
As noted below, I have a home on the southwest side of Reed Lake (less than 200 yards from the water) and I grew up on a farm right across the lake on the northwest side. I own much of the land under the water and around the Reed Lake refuge and had to sign off to approve the refuge boundaries. I am an avid waterfowl hunter and I think the wind tower farm is getting too close to the refuge. I have hunted this area all my life and as I noted below, the geese and ducks fly west or southwest most of the time—and this would be right toward some of the wind towers in the southern part of the wind farm.  
Originally the wind farm was supposed to be contained closer to Crocker (in the Crocker Hills) which is west and north of the refuge. I don't know why have extended the wind towers as far south and west as they have, but I think they should at least eliminate the southern 2 to 3 miles of the wind farm. The wind farm could still exist and it would not impact the geese, ducks, and bald eagles near as much.

Gale Paulson

Phone: [REDACTED]  
[REDACTED]

**From:** Mueller, Connie [mailto:connie\_mueller@fws.gov]  
**Sent:** Thursday, February 23, 2017 3:54 PM  
**To:** [REDACTED]  
**Subject:** Fwd: FW: Crocker Wind Farm

Mr. Paulson,

Tom Wickstrom forwarded your email to me because I have the lead for this wind project at Waubay National Wildlife Refuge. As a federal employee I can not speak for SD Game, Fish and Parks.

One year of bird studies have been completed at the site. There will be another year of biological studies (bird/bat/butterfly...) before the US Fish and Wildlife Service does a review of turbine placement for the Environmental Assessment. Once we have been through the process of minimizing impacts, the EA will be available for public comment. I have added you to the list so you will be notified when it is available.

Thanks for your interest and concern. We will contact you when we have completed the Environmental Assessment.

Connie

Connie Mueller, Project Leader  
Waubay NWR Complex  
44401 134 A Street  
Waubay, SD 57273

----- Forwarded message -----

From: Gale Paulson [REDACTED]  
Date: Tue, Feb 21, 2017 at 11:07 AM  
Subject: FW: Crocker Wind Farm  
To: "Ellis, Drew" <drew\_ellis@fws.gov>, "Wickstrom, Thomas" <thomas\_wickstrom@fws.gov>

Drew and Tom,

I received a GF&P email regarding bald eagle awareness week-----and would like to know that if the state is so concerned about bald eagles and other wildlife what your position is regarding wind tower farms and what can be done to stop or at least limit them.

As you know, I own land and a house in Clark County and my land borders both the north and south side of the Reed Lake Waterfowl refuge. This refuge holds many ducks and geese in the fall and there are many bald eagles in the area---especially in the fall. I have counted over a 100 bald eagles just on my land at one time numerous times during the last few falls.

The problem is that there is a proposed Crocker Wind Farm project that is proposing to install over 200 wind towers to the north and west of this refuge. Originally the wind farm was supposed to be a much smaller project that was located around Crocker, SD which is about 7 miles northwest of the refuge. However the wind farm developers are aggressively pushing their project and the proposed project has expanded and the current proposal has wind towers less than a mile from the Reed Lake refuge. Geese and ducks more often than not fly west (or NW and SW) off this refuge when they feed---and this would be flying right into the wind towers. The bald eagles fly all around the area and often follow the paths of the ducks and geese.

I know that this wind farm will do much damage to the ducks, geese, and bald eagles---and there are many in the Clark area that are trying to stop or at least limit the scope of the project.

I would appreciate your comments regarding this issue and if there is anything that the FWS can do to limit this wind farm project.

Gale Paulson,

## Gale Paulson

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**Subject:** FW: Crocker Wind Farm  
**Attachments:** FWS Response 3 letter---November 29, 2016.pdf

**From:** Gale Paulson [REDACTED]  
**Sent:** Tuesday, January 30, 2018 10:19 AM  
**To:** 'Kempema, Silka' <Silka.Kempema@state.sd.us>; 'Mueller, Connie' <connie\_mueller@fws.gov>  
**Cc:** 'Jeff Kalo' <jeffkalo@coreorthopedicsvera.org>; 'shads' <shads@itctel.com>; 'darci@itctel.com' <darci@itctel.com>; 'Robling, Kevin (GFP)' <Kevin.Robling@state.sd.us>; 'Hepler, Kelly' <Kelly.Hepler@state.sd.us>; 'Dennert, Paul H.' <Paul.Dennert@state.sd.us>; 'Sharp, Doug' <Doug.Sharp@state.sd.us>; 'Katrina Kalo' <kkalo.125@gmail.com>; 'Landon Paulson' <landon.paulson@yahoo.com>; 'Boyd, Mary Anne' <MaryAnne.Boyd@state.sd.us>; 'Peterson, Cathy' <Cathy.Peterson@state.sd.us>; 'Doug Paulson' <dapsd1@hotmail.com>  
**Subject:** RE: Crocker Wind Farm

Silka and Connie

As indicated by previous letters that you provided, it appears that the FWS and GF&P were at one time (at least before 2017) not in favor of the Crocker Wind Farm; but your recent silence on the issue and lack of response (at least to my emails) is deafening.

Has something changed? I hope that you have not been muzzled by the State or Big Wind? I hope the FWS and GF&P would be opposed to large wind farms—especially in the area where this one is proposed—and would want to help restrict it.

The attached letter (Dated November 29, 2016) is the last letter that I have seen from the FWS regarding the Crocker Wind Farm—and it states that the expansion of the project east and south (toward Reid Lake area) has exacerbated the problems that the wind farm creates for wildlife. It also refers to the Migratory Bird Treaty Act regarding the protection of wildlife. It appears to me that the Migratory Bird Treaty Act could be used to restrict towers in certain areas—such as near a Waterfowl Refuge due to the damage that could be caused to migrating birds.

Can you at least answer Yes or NO to the following questions? It would be appreciated.

1. Do you still have problems/issues with the Crocker Wind Farm? YES NO
2. Is there anything that you can do to at least limit the scope of the project? YES NO
3. Do you have the power/authority to put a restriction on the location of the wind towers? YES NO
4. Could you provide and enforce a stipulation that no wind towers be located within 3 miles of the Reid Lake Waterfowl Refuge YES NO
5. Has the FWS provided any letters or written comments regarding this project since the attached November 29, 2016 letter? YES NO

I and many others think this large wind farm will do much damage to wildlife and will have a negative effect on the excellent waterfowl hunting in this area—and we would appreciate anything that you can do to help us stop or at least limit this project.

If you can at least do number 4 above, it would be a big help. I would obviously prefer that the wind farm not be built at all, but this would be somewhat of a compromise. The wind farm could still be constructed (if they comply with all other issues to the satisfaction of the PUC) and waterfowl would be protected to some degree.

Gale Paulson

Ph: [REDACTED]

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**From:** Gale Paulson [REDACTED]  
**Sent:** Friday, January 26, 2018 6:14 PM

**To:** 'Kempema, Silka' <Silka.Kempema@state.sd.us>; 'Mueller, Connie' <connie\_mueller@fws.gov>; 'Will Meeks' <will\_meeks@fws.gov>  
**Cc:** 'Jeff Kalo' <jeffkalo@coreorthopedicsavera.org>; 'shads' [REDACTED]; 'darci@itctel.com' <darci@itctel.com>; 'Robling, Kevin (GFP)' <Kevin.Robling@state.sd.us>; 'Hepler, Kelly' <Kelly.Hepler@state.sd.us>; 'Dennert, Paul H.' <Paul.Dennert@state.sd.us>; 'Sharp, Doug' <Doug.Sharp@state.sd.us>; 'Katrina Kalo' <kkalo.125@gmail.com>; 'Landon Paulson' <landon.paulson@yahoo.com>; 'Boyd, Mary Anne' <MaryAnne.Boyd@state.sd.us>; 'Peterson, Cathy' <Cathy.Peterson@state.sd.us>  
**Subject:** RE: Crocker Wind Farm

Silka, Connie, Will, and GFP commissioners,

The FWS (Connie) and GFP (Silka) appear to not be big fans of the Crocker Wind Farm project (and I certainly appreciate that)---and I have attached excerpts from your letters which I also sent in the below email string.

I do not want to be a pest, but on the contrary are hoping that you can and will work with the many land owners, hunters, and protectors of wildlife & their habitat to stop or restrict this large wind farm project that is being proposed in a very important wildlife habitat area.

I am hoping you can use the power of your departments to help stop this project. There is another PUC meeting in Clark, SD on February 5 regarding this project.

The reason I am attaching excerpts from your letter is because I wanted to highlight some important points that were made---but are obviously being ignored by Crocker/Geronimo. It appears to me that they are ignoring your statements/recommendations because they even expanded their project further south and east (closer to the Reid Lake waterfowl refuge and many wetland and grassland easement areas) from when your letters were written. The response letter No. 3 (dated November 29, 2016) makes note of that expansion and addition concerns.

Silka's March 14, 2016 letter states that the proposed wind farm is in an important wildlife area and that if major impacts are predicted, avoid development in this area. What did Geronimo do---they expanded closer to the Reid Lake wildlife refuge.

Silka's letter states that every effort should be made to avoid placement of new turbines in untiled prairie or contiguous blocks of grassland. I think Geronimo's expansion was in defiance to this.

Regarding Wetlands, Silka's letter states that turbines should not be placed in or near wetland basins and special care should be made to avoid areas with high concentrations of wetlands. The Geronimo expansion did the opposite.

The FWS letter mentions the Threatened/Endangered Species in the area.

The FWS letter also states that if the project may impact wetlands or other important fish and wildlife habitats, THE SERVICE RECOMMENDS COMPLETE AVOIDANCE OF THESE AREAS---Geronimo did the opposite.

The FWS letter states, perhaps the best means of avoiding impacts to wildlife is to AVOID PLACING WIND FARMS WITHIN HIGH WILDLIFE AREAS---Geronimo did the opposite.

After these letters were provided to Geronimo by the FWS and the GF&P, Geronimo appeared to just "give you the finger" and expanded the project south and east closer to the Reid Lake Waterfowl Refuge and other important wildlife habitat easement areas.

This prompted the FWS response letter 3 which reiterated the points for response letters 1 and 2, plus additional concerns that Geronimo was making things worse for wildlife by expanding in the direction they did. Geronimo obviously does not care about the wildlife habitat and unspoiled grasslands in this area---and they should not be allowed to construct a large wind farm in this area.

I hope that you have some recourse to Geronimo thumbing their nose at you and that you can and will work with the group that is opposing the Crocker Wind Farm.

We ask for any help that we can get from the FWS and GF&P to stop or restrict this large wind farm that is being proposed on an excellent wildlife and hunting area.

I hope that your departments have not been bought off by big wind as our state politicians have. I hope that you are in your job because you love the outdoors and want to protect the environment, wildlife, and wildlife habitat. If you are an avid outdoorsman, hunter like I am, you will realize that you cannot put a price on the peace, enjoyment, relaxation, etc. that you get by sitting in a duck/goose blind, sitting in a deer stand, walking the grassland looking for pheasants----or just hiking and enjoying wildlife with your camera.

Gale Paulson

Ph: [REDACTED]  
[REDACTED]

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**From:** Gale Paulson [REDACTED]  
**Sent:** Monday, January 22, 2018 5:53 PM  
**To:** 'Kempema, Silka' <Silka.Kempema@state.sd.us>; 'Mueller, Connie' <connie\_mueller@fws.gov>  
**Cc:** 'Jeff Kalo' <jeffkalo@coreorthopedicsavera.org>; 'shads' [REDACTED] 'darci@itctel.com' <darci@itctel.com>; 'darci@itctel.com' <darci@itctel.com>  
**Subject:** RE: Crocker Wind Farm

Silka and Connie

In a follow up to the previous email and information that I sent to you, attached are a couple earlier letters from the FWS and Silka's letter from the GFP.

Please note that Silka's letter states, "The proposed siting and operation of a wind farm has the potential to directly and indirectly impact area wildlife and that if major impacts are predicted, avoid development in this area." I think major impacts would definitely be predicted within a few miles of the Reid Lake Waterfowl Refuge.

**Silka's summary states: "Our agency has concerns regarding direct and indirect impacts to wildlife and habitats in association with the siting of the proposed project."**

Therefore I surely hope that you will act accordingly and avoid/restrict development within a few miles of the Reid Lake Refuge.

Gale Paulson

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**From:** Gale Paulson [REDACTED]  
**Sent:** Monday, January 22, 2018 5:31 PM  
**To:** 'Kempema, Silka' <Silka.Kempema@state.sd.us>; 'Mueller, Connie' <connie\_mueller@fws.gov>  
**Cc:** 'Jeff Kalo' <jeffkalo@coreorthopedicsavera.org>; 'shads' [REDACTED]; 'darci@itctel.com' <darci@itctel.com>; 'darci@itctel.com' <darci@itctel.com>  
**Subject:** RE: Crocker Wind Farm

Silka,

Your below response indicated that you were going to testify at the PUC hearing on Crocker Wind Farms initial application. As you know their application was disapproved by the PUC for a number of reasons before you even were scheduled.

Crocker is resubmitting their application again and there is a public input session in Clark on February 5.

Are you still the GFP representative for this project? If so what are your and the GFP plans.

Attached is a letter provided by the FWS in November of 2016 which states that the Crocker wind farm will have a negative effect on wildlife and appears to even suggest that the project be moved from this area. I think that that project map has even changed since this November of 2016 letter was issued and that there are more towers closer to the Reid Lake Waterfowl Refuge. **Please note the top paragraph on Page 2 and the top paragraph on Page 3 of the attached FWS letter.**

Connie you were also copied on this letter and therefore may also have been involved in its contents. This letter indicates that if you are considering allowing trade-offs/off setting measures for towers on easement land, the amount of land should be at least 70 acres.

Connie—I would like to see the FWS prohibit to the provision of any wind towers on easement land—because it would be a violation of the easement contract.

Silka—I would like to see the GF&P state that no towers could be located within a 2 or 3 mile radius of the Reid Lake Water fowl refuge.

We are asking for your help to stop or restrict this Crocker Wind Farm project

I have also attached pictures showing the large number of migrating geese on Reid Lake this fall and also some pictures that I took of some eagles in the area. These eagle pictures were either west or north of Reid Lake—which are the two direction where the wind towers would be the closest.

Gale Paulson

## Gale Paulson

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**From:** Kempema, Silka <Silka.Kempema@state.sd.us>  
**Sent:** Tuesday, October 17, 2017 11:43 AM  
**To:** Gale Paulson  
**Subject:** RE: Crocker Wind Farm

Hi Gale,

GFP will be testifying at the PUC hearings.

Silka

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**From:** Gale Paulson [REDACTED]  
**Sent:** Monday, October 02, 2017 1:17 PM  
**To:** Kempema, Silka  
**Cc:** Kiel, Emily; Ermer, Jacquie  
**Subject:** RE: [EXT] Crocker Wind Farm

Silka,

Can you our anyone at the GF&P provide a statement, letter, or even testimony regarding the Crocker Wind Farm.

I feel that because there is a Waterfowl Refuge (Reid Lake) close to Crocker Wind Farm (some of the proposed towers are less than a mile away) and that they also are considering wind towers on grassland easements, the GF&P would be very concerned.

In your below email of February 24<sup>th</sup>, you indicated that the GF&P would have concerns over these issues. Now is the time to be heard and try to stop or at least restrict this project.

The opponents to the Crocker Wind Farm are now making their case to the PUC and we would certainly appreciate any help the you can provide.

I think a 200 tower wind farm would have an adverse effect on migrating waterfowl ( as well as local waterfowl and wildlife) and that they would eventually bypass Reid Lake and this would hurt hunting in northern Clark County.

There are also many bald eagles that follow the migrating waterfowl and I have seen over 100 at one time around the Reid Lake area when there are thousands of geese there.

I look forward to hearing back from you regarding this issue.

Gale Paulson  
Clark, SD  
Ph: 605-759-1821  
Email: [REDACTED]

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**From:** Gale Paulson [mailto:[REDACTED]]  
**Sent:** Wednesday, September 20, 2017 4:55 PM  
**To:** 'Kempema, Silka' <Silka.Kempema@state.sd.us>  
**Cc:** 'Kiel, Emily' <Emily.Kiel@state.sd.us>; 'Ermer, Jacquie' <Jacquie.Ermer@state.sd.us>; 'darci@itctel.com' <darci@itctel.com>; 'Dad's email' [REDACTED]; 'Bjerke Anthony' <anbjerke@itctel.com>; 'Bjerke Aaron'

<aaron1@itctel.com>

**Subject:** RE: Crocker Wind Farm

Silka,

In a phone conversation after you had sent me the below email, if I remember correctly (and I may not), you told me that the GF&P normally does not get involved in these issues until the issue reaches the PUC. As you may know, that time has come.

Can or will the GF&P provide any type of statement or position against the Crocker Wind Farm project?

My hope is that the GF&P would at least be able to make some type of recommendation regarding the location of wind towers near Reid Lake---such as: we would recommend that any wind tower be located at least 3 miles from the Reid Lake Wildlife Refuge or something like that. I assume that you are also concerned about the amount of land that is enrolled in grassland and wetland easements in the area.

I am very concerned that waterfowl will eventually not use Reid Lake as their refuge (resting place where they are not disturbed or stressed). That would be big blow to waterfowl hunting in the area.

You may already be working with some of the other opponents of the Crocker Wind Farm project—but I just wanted to check.

Gale Paulson

Clark, SD

Ph: [REDACTED]  
[REDACTED]

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**From:** Kempema, Silka [mailto:Silka.Kempema@state.sd.us]

**Sent:** Friday, February 24, 2017 2:12 PM

**To:** [REDACTED]

**Cc:** Kiel, Emily <Emily.Kiel@state.sd.us>; Ermer, Jacquie <Jacquie.Ermer@state.sd.us>

**Subject:** RE: Crocker Wind Farm

Hello Gale,

The role that Game Fish and Parks plays in the siting of wind farms is to provide information and recommendations on how to avoid or reduce impacts. We do not have legal authority over the siting of wind farms. For wind farms over 99 MW, this belongs with the Public Utilities Commission. Anything less than that belongs to the respective county.

We have concerns regarding the siting of any wind farm in South Dakota, not just the one by Crocker. There are concerns over both grassland and wetland habitat loss and degradation as well as direct strikes with birds and bats.

If you would like more detailed information, please call me at 773-2742.

Regards,

Silka Kempema

Wildlife Biologist

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**From:** Gale Paulson [REDACTED]

**Sent:** Tuesday, February 21, 2017 10:56 AM

**To:** Kiel, Emily

**Cc:** Ermer, Jacquie

**Subject:** Crocker Wind Farm



I received GF&P email regarding bald eagle awareness week—and would like to know that if the state is so concerned about bald eagles and other wildlife what their position is regarding wind tower farms and what can be done to stop or at least limit them.

I own land and a house in Clark County and my land borders both the north and south side of the Reed Lake Waterfowl refuge. This refuge holds many ducks and geese in the fall and there are many bald eagles in the area—especially in the fall. I have counted over a 100 bald eagles just on my land at one time numerous times during the last few falls. The problem is that there is a proposed Crocker Wind Farm project that is proposing to install over 200 wind mills to the north and west of this refuge. Originally the wind farm was supposed to be a much smaller project that was located around Crocker, SD which is about 7 miles northwest of the refuge. However the wind farm developers are aggressively pushing their project and the proposed project has expanded and the current proposal has wind towers less than a mile from the Reed Lake refuge. Geese and ducks more often than not fly west (or NW and SW) off this refuge when they feed—and this would be flying right into the wind towers. The bald eagles fly all around the area and often follow the paths of the ducks and geese.

I know that this wind farm will do much damage to the ducks, geese, and bald eagles—and there are many in the Clark area that are trying to stop or at least limit the scope of the project.

I would appreciate your comments regarding this issue and if there is anything that the GF&P can do to limit this wind farm project.

## Gale Paulson

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**From:** Gale Paulson [REDACTED]  
**Sent:** Friday, March 16, 2018 11:01 AM  
**To:** 'Robling, Kevin (GFP)'  
**Cc:** 'Hepler, Kelly'; 'Ermer, Jacquie'; 'Kempema, Silka'; 'Doug Paulson'; 'Jeff Kalo'; 'darci@itctel.com'; 'Stevens Sheldon'; 'Kirschenmann, Tom'  
**Subject:** RE: Reid Lake and the Proposed Crocker Wind Farm  
**Attachments:** Crocker Wind Farm Silka excerpts.pdf; Crocker Wind Farm SDGF&P Siting Guidelines.pdf

Tracking:	Recipient	Read
	'Robling, Kevin (GFP)'	Read: 3/16/2018 11:01 AM
	'Hepler, Kelly'	
	'Ermer, Jacquie'	
	'Kempema, Silka'	
	'Doug Paulson'	
	'Jeff Kalo'	
	'darci@itctel.com'	Read: 3/16/2018 11:23 AM
	'Stevens Sheldon'	
	'Kirschenmann, Tom'	

Kevin,

Thanks for the response. It is appreciated. We would appreciate working with you regarding this issue. I don't think there has been another large wind farm located in an area like this.

Please refer to below email that I sent to Silka regarding her previous letter regarding this issue in 2016---and the two attachments that I also sent with that letter.

The GF&P in the past appeared to be very concerned about wind towers in this sensitive Coteau des Prairie and Prairie Potholes region---and as I have noted nothing has changed regarding the environment, wildlife, and wildlife habitat in this area. Therefore I think the GF&P should also be very concerned regarding this issue. The fact that there is also a very important waterfowl refuge(Reid Lake) close to this project and this is in the heart of the goose migration flyway should make this particular project even more concerning.

I hope we can work together in the benefit of wildlife and wildlife habitat and stop or at least restrict this project. I don't think it is appropriate to just say that there is inconclusive evidence and just let the project proceed. I think it would be best to error on the side of the wildlife in this area. Plus I doubt that the GFP and Silka were just shooting from the hip in their previous correspondence. If The GFP was going to publish a Siting Guideline for Wind Towers (as they did), I doubt that they were just shooting from the hip---and I hope that you will stand behind these previous statements.

**From:** Gale Paulson [REDACTED]  
**Sent:** Wednesday, March 14, 2018 6:27 PM  
**To:** 'Kempema, Silka' <Silka.Kempema@state.sd.us>  
**Cc:** 'Mueller, Connie' <connie\_mueller@fws.gov>; 'Jeff Kalo' <jeffkalo@coreorthopedicsavera.org>; 'Tarbox Nancy' <ntarbox@itctel.com>; 'kkalo.125@gmail.com' <kkalo.125@gmail.com>; 'Doug Paulson' <dapsd1@hotmail.com>; 'Wahl Lowell' <lowellwahl@gmail.com>; 'shads' [REDACTED] 'Darci Cell' <darci@itctel.com>; 'Landon Paulson' <landon.paulson@yahoo.com>; 'Bjerke Anthony' <anbjerke@itctel.com>; 'Bjerke Aaron' <aaron1@itctel.com>  
**Subject:** RE: Crocker Wind Draft Environmental Assessment

Silka,

Will you or someone at the GF&P be providing a response to the Crocker Wind Environmental Assessment? I strongly urge you to do so because your department's expertise regarding wildlife and wildlife habitat, especially migratory bird migration, in this area could be a big help to us landowners, outdoorsmen, and hunters who appreciate the wildlife in this area.

I'm sure that you remember the letter that you wrote in March of 2016 regarding the Crocker Wind Farm, but I am attaching excerpts just in case you have forgotten. In this letter you indicated that wind towers should be placed on land currently disturbed by cultivation---and to avoid placing of turbines and new roads on untilled prairie (which would include grassland easements). You appeared to very concerned about the placement of turbines in this Prairie Pothole Region and your summary stated that your agency has concerns regarding direct and indirect impacts to wildlife and habitats in association with the siting of the proposed project.

In your letter, you also referenced the SDGFP developed *Siting Guidelines for Wind Power Projects in South Dakota*. I have also attached excerpts from the guideline. This guideline encourages developers to select potential wind sites to minimize deleterious effects to wildlife and to protect the South Dakota rare/unique areas such as the Coteau des Prairies and Prairie Potholes---and please note that the proposed Crocker Wind Farm project is right in the heart of these areas. In fact this guideline makes reference to this unique/rare Coteau des Prairies and Prairie Potholes in at least three (3) different areas of the document. This guideline also states: "Wind development may be inappropriate in certain areas in South Dakota". I think this statement is probably referring to this often mentioned Coteau des Prairies and Prairie Pot hole region.

As I stated previously, nothing about the environment, habitat, or wildlife has changed in this region (it is still the Coteau des Prairies and Prairie Pothole region) and therefore I surely hope that your opinion and resistance to this project has not changed.

Us opponents to this project would sincerely appreciate you and Connie helping us fight to stop or at least limit the scope of this project. I think there are many very good reasons to stop or at the very least limit this project (especially on grassland easements and around the Reid Lake Water Fowl Refuge which attracts thousands of migrating ducks and geese). Your expertise and organizations would be a benefit in helping us get the PUC to stop or limit the project.

Gale Paulson,  
Clark, SD

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**From:** Robling, Kevin (GFP) [mailto:Kevin.Robling@state.sd.us]

**Sent:** Friday, March 16, 2018 9:56 AM

**To:** 'Gale Paulson' [REDACTED]

**Cc:** Hepler, Kelly <Kelly.Hepler@state.sd.us>; Ermer, Jacquie <Jacquie.Ermer@state.sd.us>; Kempema, Silka <Silka.Kempema@state.sd.us>; 'Doug Paulson' <dapsd1@hotmail.com>; 'Jeff Kalo' <jeffkalo@coreorthopedicsavera.org>; darci@itctel.com; 'Stevens Sheldon' <shads@itctel.com>; Kirschenmann, Tom <Tom.Kirschenmann@state.sd.us>

**Subject:** RE: Reid Lake and the Proposed Crocker Wind Farm

Gale,

We are currently working with Department staff and reviewing the scientific literature that is available regarding wind turbines and population performance impacts on numerous wildlife species. Preliminary findings indicate inconclusive evidence and it is clear further research needs to be conducted in the Northern Great Plains before a clear determination can be made on how wind turbines effect different wildlife species and to what degree. We understand your concerns and appreciate your passion on this issue.

Sincerely,

Kevin Robling | Executive Assistant Special Projects Coordinator  
South Dakota Game, Fish and Parks  
523 East Capitol Avenue | Pierre, SD 57501  
605.773.3534 | [Kevin.Robling@state.sd.us](mailto:Kevin.Robling@state.sd.us)



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**From:** Gale Paulson [REDACTED]  
**Sent:** Thursday, March 15, 2018 7:32 PM  
**To:** Robling, Kevin (GFP)  
**Cc:** Hepler, Kelly; Ermer, Jacquie; Kempema, Silka; 'Doug Paulson'; 'Jeff Kalo'; [darci@itctel.com](mailto:darci@itctel.com); 'Stevens Sheldon'  
**Subject:** RE: [EXT] Reid Lake and the Proposed Crocker Wind Farm

Kevin or Kelly,  
Any response regarding the below.

Gale Paulson, President  
PS International, Inc.  
Ph: [REDACTED]  
[REDACTED]

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**From:** Gale Paulson [REDACTED]  
**Sent:** Thursday, March 08, 2018 2:31 PM  
**To:** 'Robling, Kevin (GFP)' <[Kevin.Robling@state.sd.us](mailto:Kevin.Robling@state.sd.us)>  
**Cc:** 'Hepler, Kelly' <[Kelly.Hepler@state.sd.us](mailto:Kelly.Hepler@state.sd.us)>; 'Ermer, Jacquie' <[Jacquie.Ermer@state.sd.us](mailto:Jacquie.Ermer@state.sd.us)>; 'Kempema, Silka' <[Silka.Kempema@state.sd.us](mailto:Silka.Kempema@state.sd.us)>; 'Doug Paulson' <[dapsd1@hotmail.com](mailto:dapsd1@hotmail.com)>; 'Jeff Kalo' <[jeffkalo@coreorthopedicsavera.org](mailto:jeffkalo@coreorthopedicsavera.org)>; 'darci@itctel.com' <[darci@itctel.com](mailto:darci@itctel.com)>; 'Stevens Sheldon' [REDACTED]  
**Subject:** RE: Reid Lake and the Proposed Crocker Wind Farm

Kevin,  
On another subject (but still concerning Reid Lake and waterfowl habitat, migration, etc.) is there anything that the Game, Fish, and Parks can do help us stop or limit the development of the proposed Crocker Wind Farm---at least near the Reid Lake Waterfowl Refuge.

In a March 14, 2016 letter, the Wildlife Biologist for the SDGFP made the following statements regarding the proposed Crocker Wind Farm:

**"The proposed siting and operation of a wind farm has the potential to directly and indirectly impact area wildlife. The proposed project is located within the Prairie Pothole region. This glaciated region, characterized by high densities of wetland basins of various depths and sizes, is the major waterfowl production area in North America. In summary, our agency has concerns regarding direct and indirect impacts to wildlife and habitats in association with the siting of the proposed project."**

Since that time nothing has changed regarding the habitat, wildlife, etc. in this area. Therefore I surely hope that the GF&P still has the same concerns. As you may know the project was not approved by the South Dakota PUC on the first go round because of incomplete information, confusing plans, etc. submitted by the Crocker Wind Farm. However, they are coming back and going at it for a second round. Many of us local land owners, hunters, and others who just appreciate the wildlife and wildlife habitat are trying to stop or at least limit the scope of this project (which has

proposed over 120 large wind towers)—and would definitely appreciate and welcome any help that the GF&P could provide. I would at least like to see wind towers restricted from within 3 miles of the Reid Lake Waterfowl Refuge in order to protect the waterfowl that migrates through, rests, and feeds in this area.

Hopefully we can work together to stop or limit this project—to the benefit of wildlife and wildlife habitat. Does your department interact with or have much influence with the PUC? I don't think the project can proceed without approval from the PUC. I think (hope) the PUC would strongly consider any recommendations from the GF&P---especially in this important waterfowl area.

Gale Paulson,

Ph: [REDACTED]