

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

**IN THE MATTER OF THE APPLICATION BY DAKOTA RANGE III, LLC  
FOR A PERMIT OF A WIND ENERGY FACILITY AND A 345-KV TRANSMISSION  
LINE IN GRANT AND ROBERTS COUNTIES, SOUTH DAKOTA**

**SD PUC DOCKET EL18-046**

**PRE-FILED SUPPLEMENTAL DIRECT TESTIMONY OF RYAN HENNING  
ON BEHALF OF DAKOTA RANGE III, LLC**

January 4, 2019

1 **I. INTRODUCTION**

2

3 **Q. Please state your name.**

4 A. My name is Ryan Henning.

5

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

7 A. Yes.

8

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

10 A. The purpose of my Supplemental Direct Testimony is to provide an update regarding  
11 environmental surveys and additional agency coordination that have been  
12 conducted for the Dakota Range III Wind Project and associated transmission line  
13 (“Project”).

14

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

16 A. The following exhibits are attached to my Supplemental Direct Testimony:

- 17 • Exhibit 1: Bat Acoustic Survey (December 2018)
- 18 • Exhibit 2: Dakota Skipper and Poweshiek Skipperling Butterfly Habitat Survey  
19 (December 14, 2018)
- 20 • Exhibit 3: Avian Use Surveys (December 19, 2018)

21

22 **II. ENVIRONMENTAL SURVEY UPDATE**

23

24 **Q. Please discuss the Bat Acoustic Survey (Exhibit 1).**

25 A. Western Ecosystems Technology, Inc. (“WEST”) conducted a bat acoustic survey on  
26 behalf of Dakota Range III, LLC (“Dakota Range III”) for the Project from May 10 –  
27 October 22, 2018. The study was designed to evaluate bat activity within the Project  
28 and was completed based on coordination with the U.S. Fish and Wildlife Service  
29 (“USFWS”) and the South Dakota Game, Fish and Parks (“SDGFP”).

30

31 **Q. Describe the results of the Bat Acoustic Survey.**

32 A. Bat activity was observed in the region. However, no large increases in overall bat  
33 activity were observed during the fall migration period, when mortality risk at  
34 operating wind projects has historically been greatest. Because of the similarity of  
35 the Project's habitat with current operating projects in the region (e.g., Buffalo Ridge  
36 II, located approximately 58 miles away in similar tilled agriculture and grassland  
37 habitat), it is probable that bat mortality at the Project would be low to moderate and  
38 follow similar patterns as those observed at other facilities within the region.

39

40 **Q. How will Dakota Range III avoid or mitigate impacts to bats?**

41 A. To reduce impacts to bats, the Project sited turbines away from the forested tracts  
42 larger than 15 acres, avoided siting turbines in wetlands and waterbodies, will  
43 feather blades to manufacturer's cut-in speed from sunset to sunrise during the bat  
44 active period (April 15 – October 15), and will avoid tree removal from June 1  
45 through July 31 to minimize risk of impact to potential maternal roosts and other tree  
46 roosting habitat for northern long-eared bats ("NLEB") and other non-listed bat  
47 species. Because of minimal potential NLEB habitat, impacts to NLEB are not  
48 anticipated. In addition, Dakota Range III will develop a Bird and Bat Conservation  
49 Strategy ("BBCS") based on adherence to the USFWS Land-Based Wind Energy  
50 Guidelines and established national guidance detailed in the USFWS, Region 6,  
51 Mountain-Prairie Region Outline for a Bird and Bat Conservation Strategy: Wind  
52 Energy Projects. The BBCS will detail the measures used to avoid and reduce  
53 potential impacts to non-listed bat species associated with the construction,  
54 operation, maintenance and decommissioning of the proposed Project, along with  
55 the two years of post-construction monitoring methodology. The BBCS and two  
56 years of post-construction monitoring will be used to evaluate the low risk fatality  
57 predictions.

58

59 **Q. Please discuss the Dakota Skipper and Poweshiek Skipperling Butterfly**  
60 **Habitat Survey (Exhibit 2).**

61 A. On behalf of Dakota Range III, WEST and a regional butterfly specialist completed a  
62 habitat and field assessment survey for the federally-threatened Dakota skipper

63 (“DASK”) and federally-endangered Poweshiek skipperling (“POSK”) for the Project.  
64 The surveys were completed in accordance with USFWS guidance and direction  
65 received during an October 2017 meeting with USFWS and SDGFP. Initial desktop  
66 analysis identified 94 grassland features as potentially suitable for DASK or POSK.  
67 Field survey assessments of these features were completed in June 2017 and June  
68 and September 2018.

69

70 **Q. Describe the results of the survey.**

71 A. The majority (87 of 94 features) of the grassland features surveyed are dominated  
72 by cool-season invasive species and are not considered suitable butterfly habitat  
73 based on USFWS guidance. Of the remaining seven features, only two had  
74 relatively high densities of needlegrasses, a cool-season native species, in  
75 combination with several forbs preferred by DASK or POSK. These two features  
76 (Grassland Polygons 55 (North Parcel) and 75 (South Parcel)) were further  
77 evaluated. Grassland Polygon 75 (South Parcel) was determined to be unlikely to  
78 have either butterfly species given overall poor habitat quality. Grassland Polygon  
79 55 (North Parcel) was determined to have areas of fair-good habitat for POSK. The  
80 survey concluded that impacts to Grassland Polygon 55 should be avoided or that  
81 further presence-absence surveys should be conducted to evaluate presence of the  
82 butterfly species.

83

84 **Q. What action will Dakota Range III take with respect to Grassland Polygon 55?**

85 A. Dakota Range III has avoided placement of any Project infrastructure in Grassland  
86 Polygon 55 (North Parcel). Therefore, this parcel will not experience any direct  
87 impacts from construction or operation of the Project, and no further surveys are  
88 warranted.

89

90 **Q. Please discuss the Avian Use Surveys (Exhibit 3).**

91 A. On behalf of Dakota Range III, WEST completed avian use surveys for the Project  
92 from January 1 – May, 2017, and September 11, 2017 – August 26, 2018. The  
93 purpose of the surveys was to: (1) provide estimates of eagle, large bird, and small

94 bird use; and (2) evaluate species composition and season and spatial use by birds,  
95 including special status species. Survey methods were consistent with USFWS and  
96 SDGFP guidance and recommendations.

97

98 **Q. Describe the results of the avian use surveys.**

99 A. Twenty-nine species were recorded during small bird surveys, and 29 species were  
100 also recorded during large bird surveys, of which six were diurnal raptor species.  
101 Diurnal raptor use was low overall when compared to other projects with publicly-  
102 available data. One bald eagle observation was recorded on the edge of the  
103 northern boundary of the Project area and three other Species of Greatest  
104 Conservation Need were observed (American white pelican, chestnut-collared  
105 longspur, and marbled godwit). No federally-listed or endangered species were  
106 observed. Overall, bird species composition and seasonal and spatial use patterns  
107 at the Project were typical for the region, and the Project is not likely to cause  
108 significant impacts to bird populations, including diurnal raptors and special-status  
109 species.

110

111 **Q. What is the status of the cultural resources investigations being conducted for**  
112 **the Project?**

113 A. As indicated in the Application, a Level I cultural resources record search was  
114 completed for the Project in 2018. Since the Application was filed, a Level III  
115 intensive cultural resources survey has been completed, including inventory of  
116 sensitive tribal resources (traditional cultural properties (“TCPs”)) in coordination with  
117 the Sisseton-Wahpeton Oyate (“SWO”) Tribal Historic Preservation Office (“THPO”).  
118 Further, the historic architecture survey for the Project has also now been  
119 completed. All State and National Register eligible and unevaluated cultural  
120 resources are avoided by Project facilities. Further coordination with SWO THPO  
121 will occur to monitor TCPs during construction. If necessary, further coordination  
122 with the South Dakota State Historic Preservation Office will occur to properly  
123 protect and preserve eligible and unevaluated cultural resources. Reports providing  
124 additional detail concerning these survey efforts and their results are currently being

125 prepared and will be submitted into this record by Dakota Range III once they are  
126 final.

127

128 **Q. What are the status of the wetland and waterbodies delineations being**  
129 **completed for the Project?**

130 A. On behalf of Dakota Range III, Blanton & Associates, Inc. completed a waters of the  
131 U.S. ("WOTUS") delineation of the proposed Project to identify and map potential  
132 WOTUS, including wetlands, that could potentially be affected by Project  
133 construction and to inform siting of facilities and evaluate compliance with available  
134 Nationwide Permits ("NWP"). Based on this delineation, Project impacts to  
135 potentially jurisdictional wetlands and waterbodies are minor and would meet the  
136 requirements for authorization under NWP 12 for utility lines and associated  
137 facilities.

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139 **III. CONCLUSION**

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141 **Q. Does this conclude your Supplemental Direct Testimony?**

142 A. Yes.

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144 Dated this 4th day of January, 2019.

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147 Ryan Henning

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