

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

**IN THE MATTER OF THE
APPLICATION OF DEUEL HARVEST
WIND ENERGY LLC FOR A PERMIT
OF A WIND ENERGY FACILITY AND
A 345-KV TRANSMISSION LINE IN
DEUEL COUNTY**

* **APPLICANT’S FIRST SET OF DATA**
* **REQUESTS TO JOHN HOMAN**
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* **EL18-053**
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Below, please find Deuel Harvest Wind Energy LLC’s (“Applicant”) First Set of Data Requests to John Homan. Please submit responses within 10 business days or promptly contact the undersigned to discuss an alternative arrangement.

- 1-1) Provide copies of all data requests submitted by PUC staff to you in this proceeding and copies of all responses to those data requests. Provide this information to date and on an ongoing basis.
- 1-2) Identify the address of your permanent residence (where you reside).
- 1-3) Identify all property you own within the vicinity of the Deuel Harvest North Wind Farm (“Project”) and the location (by section, township, and range) of such property. Are there any habitable buildings on the property you own?
- 1-4) If you have a residence in the vicinity of the Project, identify whether you live at the residence throughout the entire year and, if not, how many months of the year you reside at the residence.
- 1-5) Identify how you use your land, including, but not limited to, whether you use your land for agricultural purposes.
- 1-6) Identify any sensitive or unique features of your property that you assert would be impacted by the Project.
- 1-7) Describe your concerns regarding the Project.
- 1-8) Describe what mitigation measures would address the concerns you identified in response to Request 1-7 and whether any of the mitigation measures identified by the Applicant in its Application could address any of your concerns.
- 1-9) Identify any documents, information, education, training, or professional experience you have relied upon to form your opinions concerning the Project. Where you have relied upon documents or other tangible materials, please provide such documents and/or materials.

- 1-10) Identify any witnesses, including expert witnesses, you plan to have testify on your behalf. For each witness (including expert witnesses), please provide a resume or statement of qualifications of the witness(es), identify the subject matter regarding which the witness will testify, and identify and provide any exhibits the witness will refer to or introduce.
- 1-11) Are you asserting that the Project will negatively impact your property value? If so, provide copies of any appraisals or other valuations that have been conducted for such property within the last ten years.
- 1-12) Identify any communications, written or otherwise, you have had with units, officials, and/or representatives of local, state, and/or federal governments or agencies concerning the Project.
- a) For any written communications, provide a copy of the communication; and
 - b) For any unwritten communications, provide the date of the communication, the persons involved, and the subject matter of the communication.
- 1-13) Your Application for Party Status does not identify your interest in this proceeding. Please briefly explain your interest in this proceeding.
- 1-14) Please state the address where you reside.
- 1-15) Does Homan Steel Construction, Inc. ("Homan Construction") own the property legally described as the W1/2 Section 32-116-47, Glenwood Township, Deuel County, South Dakota ("Glenwood Property")? If so, please describe the Homan Construction business activities that occur on the Glenwood Property.
- 1-16) On July 31, 2017, Deuel County issued a building permit, Attachment 5, for a "new 24' x 40' house" on the Glenwood Property. With respect to the proposed house, please state a) the status of construction; b) the intended purposes for the residence; c) whether the house has a certificate of occupancy; and d) whether, if completed, the house is occupied.
- 1-17) On September 11, 2017, Deuel County issued a Special Exception Permit, Attachment 6, for construction of "an airplane landing strip for private use" on the Glenwood Property ("Private Landing Strip"). With respect to the Private Landing Strip, please state a) the status of construction; b) the intended purposes for the air strip; c) whether the air strip has been used; and d) the intended use of the air strip, including frequency and timing of use.
- 1-18) Describe your experience and qualifications related to piloting an aircraft.
- 1-19) Describe the type of business engaged in by and ownership of Homan Steel Construction, Inc.
- 1-20) Referring to Attachments 1 and 2, did you submit these attachments to the Clear Lake Courier?

1-21) Does Attachment 3 depict the location of the Private Landing Strip and location of the new house on the Glenwood Property?

Dated this 13th day of February 2019.

By /s/ Lisa Agrimonti

Mollie M. Smith

Lisa M. Agrimonti

FREDRIKSON & BYRON, P.A.

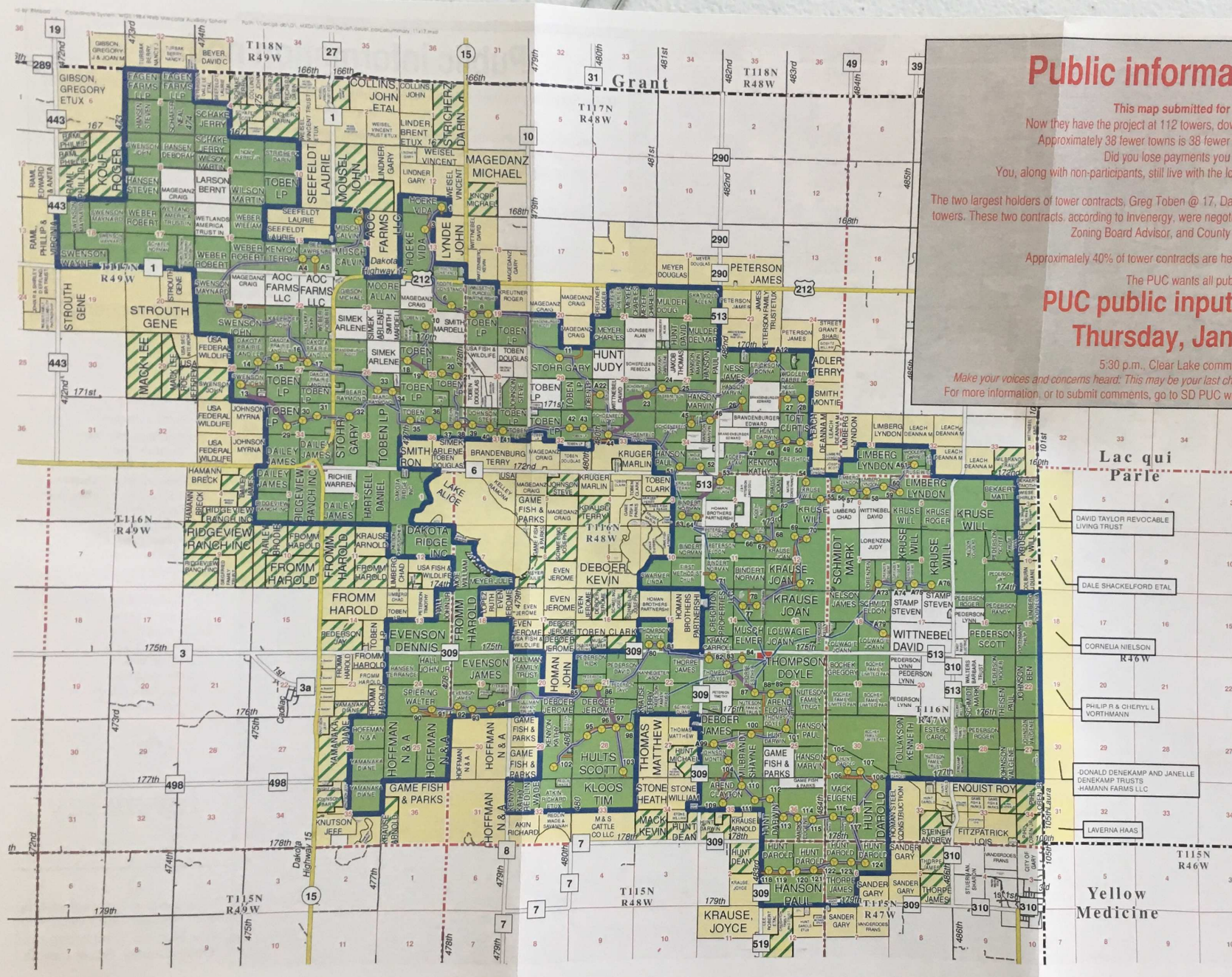
Attorneys for Applicant

200 South Sixth Street, Suite 4000

Minneapolis, MN 55402

Phone: (612) 492-7000

Fax: (612) 492-7077



Public information notice:

This map submitted for PUC approval.
 Now they have the project at 112 towers, down from approximately 150 towers.
 Approximately 38 fewer towers is 38 fewer tower payments to participants.
 Did you lose payments you were promised?
 You, along with non-participants, still live with the long-term, negative effects of the project!

The two largest holders of tower contracts, Greg Toben @ 17, Darold Hunt @ 11, have approximately 25% of the total towers. These two contracts, according to Invenery, were negotiated by John Knight, Deuel County States Attorney, Zoning Board Advisor, and County Commission Advisor.

Approximately 40% of tower contracts are held by non-resident landowners.

PUC public input hearing is Thursday, January 24

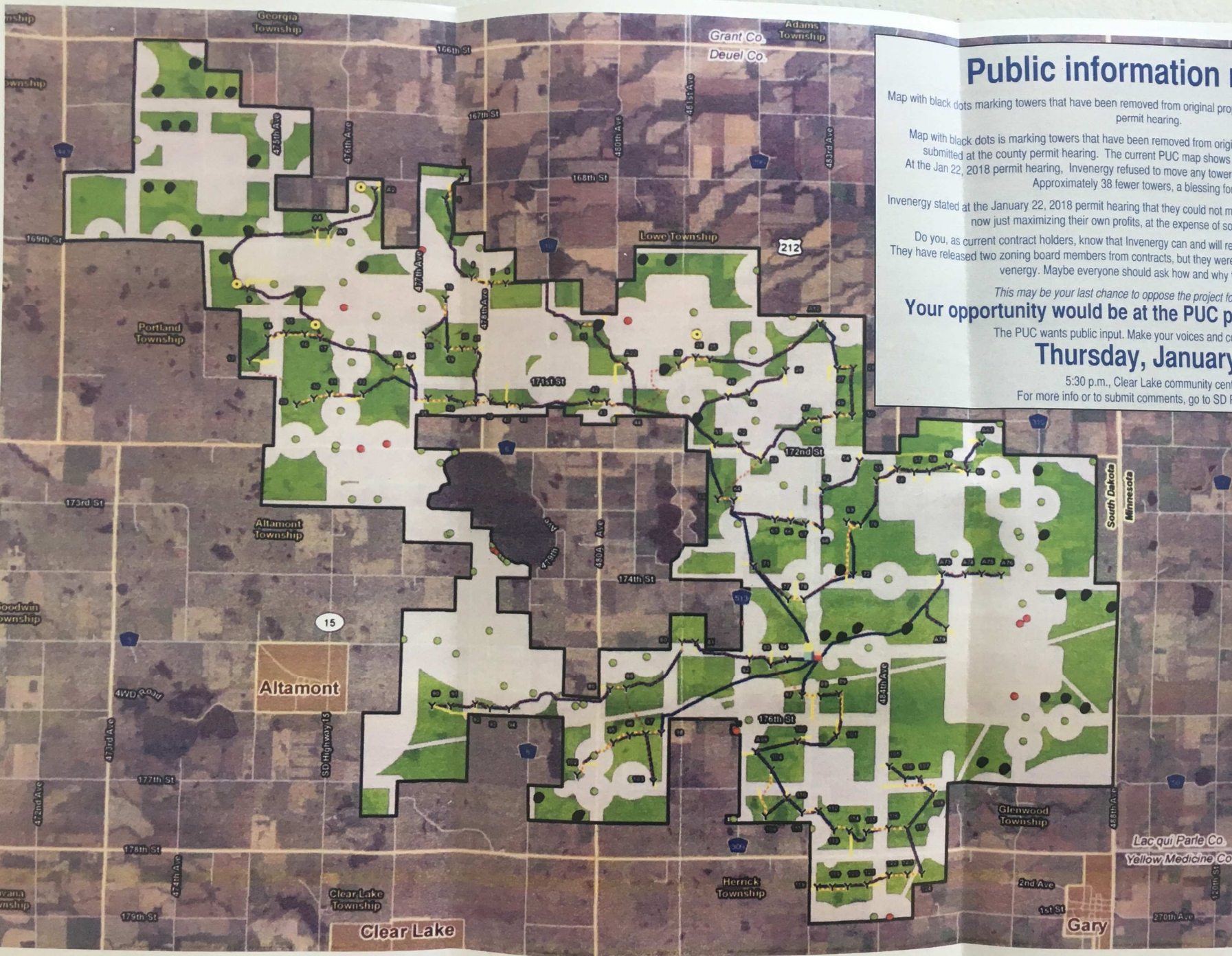
5:30 p.m., Clear Lake community center
 Make your voices and concerns heard: This may be your last chance to oppose the project for many reasons.
 For more information, or to submit comments, go to SD PUC website. Information furnished by John Homan.



Legend

- Turbine Location
- Collection Corridor
- Access Road
- Crane Path
- Interconnection Substation
- Project Substation; O&M Building
- Transmission Line Corridor
- Township/Range Boundary
- Section Line
- Project Boundary
- Landowner Parcel Status**
- Participating
- Holds lease with Deuel Harvest
- Within 1/2 mile of project boundary
- Road Classification**
- US/State Route
- County Road
- Local Road
- Dirt/Unpaved Road





Public information notice:

Map with black dots marking towers that have been removed from original proposed project. Map submitted at county permit hearing.

Map with black dots is marking towers that have been removed from original proposed project map that was submitted at the county permit hearing. The current PUC map shows approximately 38 fewer towers. At the Jan 22, 2018 permit hearing, Invenergy refused to move any towers to accommodate non-participants. Approximately 38 fewer towers, a blessing for many!

Invenergy stated at the January 22, 2018 permit hearing that they could not move any towers. It appears that they are now just maximizing their own profits, at the expense of some contract holders.

Do you, as current contract holders, know that Invenergy can and will release landowners from contracts? They have released two zoning board members from contracts, but they were allowed to keep the payments from Invenergy. Maybe everyone should ask how and why that was done?

This may be your last chance to oppose the project for many reasons.

Your opportunity would be at the PUC public input meeting.

The PUC wants public input. Make your voices and concerns heard on

Thursday, January 24

5:30 p.m., Clear Lake community center

For more info or to submit comments, go to SD PUC website.

- Y Turbine Location
- Permanent Met Tower
- Laydown Yard
- Project Substation
- Interconnection Substation
- Transmission Line Corridor
- O&M Building
- Crane Path
- Access Road
- Collection Line
- Project Area
- Town
- Township Boundary
- State Boundary
- County Boundary
- Buildable Area
- Constraints
- Residence Status**
- Not Participating
- Participating



Invenergy

Figure A-2
Turbine Siting Constraints Map
Deuel Harvest North Wind Farm
Deuel Harvest Wind Energy LLC
Deuel County, South Dakota

Attachment 3



Deuel County Building Permit Application

Date 7-28-17

Permit Number 17-68A6
DOE # 186

Applicant's Name John Homan Phone Number 520-4492

Address 4114 12th Ave NE

Owner's Name Homan Steel Constr. Inc. Phone Number 605-882-4492
(If different than Applicant) (If different than Applicant)

Owner's Address _____
(If different than Applicant)

Development Site Legal Description W 1/2 - Sec. 32 - 116 - 47
Glenwood Twp.

Development Site Street Address 128th St.

Development Site Parcel Number 1986 Existing Zoning Designation Ag

Type of Application (Check All That Apply)

☒ House
☒ New Structure ☐ Alteration/Addition ☐ Accessory Building ☐ Moving

☐ Demolition ☐ Excavation/Grading ☐ Building Removal ☐ Tree removal

Building Dimensions 24 x 40 Building Eave Height 8' Foundation Type Concrete-crawl space

Lot Area _____ Roof Type 4-12 pitch Roofing Material asphalt

Heating System elec. hwr. Basement Area: None ☒ Partial _____ Full _____

Type of Siding LP Estimated Project Construction Cost (including labor): 10,000.00

Setback from public road right of way 160' (Minimum required is 150' for Ag or Commercial District)

Required Application Submissions

- ☒ Residential Development in the Agricultural Zone - Documentation showing that the building site meets the minimum lot requirement of three (3) acres.
- ☐ Residential Development - Signed Agricultural Easement: Scott Christensen
- ☐ Name of installer of the private sewerage system.
- ☐ Moved In Buildings - Signatures as required in Section 1205 of Deuel County Zoning Ordinance.
- ☐ Development in Commercial/Industrial Zoning District - Documentation showing that the building site meets the minimum lot requirement of three (3) acres.

☒ A sketch of the proposed project on graph paper, showing the following, shall accompany this application:

1. North direction
2. Dimensions of proposed structure
3. Street names
4. Location of proposed structure on lot
5. Dimension and location of existing buildings on site
6. Front, Rear and Side Yard Setbacks
7. Any other information required by Zoning Officer

Complete Zoning Ordinance available at: www.deuelcountysd.com/zoning
Phone: 605-874-8582 Email: dczoning@tclat.com

To Contact Zoning Office:
Mail: PO Box 606, Clear Lake, SD 57226

Site Sketch

Please leave this area blank. This will be used to figure our Building Permit Fees.

$$\begin{array}{r} 24 \times 40 = 960 \\ \times .05 \\ \hline 48.00 \end{array}$$

I hereby certify that I have read and examined this application and know the information contained herein to be true and correct. Further, It is hereby agreed between the undersigned, as owner, his agent or servant, and Deuel County that for and in consideration of the premises and the permit to construct, erect, alter, install, move, excavate, and the occupancy of the structure as above described, to be issued and granted by the Zoning Officer, that the work thereon will be done in accordance with the description herein set forth in this statement, and as more fully described in the specifications and plans herewith filed; and it is further agreed to construct, erect, alter, install, move, excavate, and occupy in strict compliance with the ordinances of Deuel County and to obey any and all lawful orders of the Zoning Officer and all State Laws and regulations relating to construction, alteration, repairs, removal, safety and regulations pertaining to construction and installation of a sanitary sewage disposal system. This permit is revocable for cause. The permit shall become void unless substantial progress has been made within six (6) months from the date of issuance. If completion date is beyond one (1) year, the reason for the delay must be submitted to the Board of Adjustment and a request for extension made.

SIGNATURE OF CONTRACTOR DATE

SIGNATURE OF APPLICANT DATE

SIGNATURE OF OWNER DATE

Permit issued this 31 day of July 2017

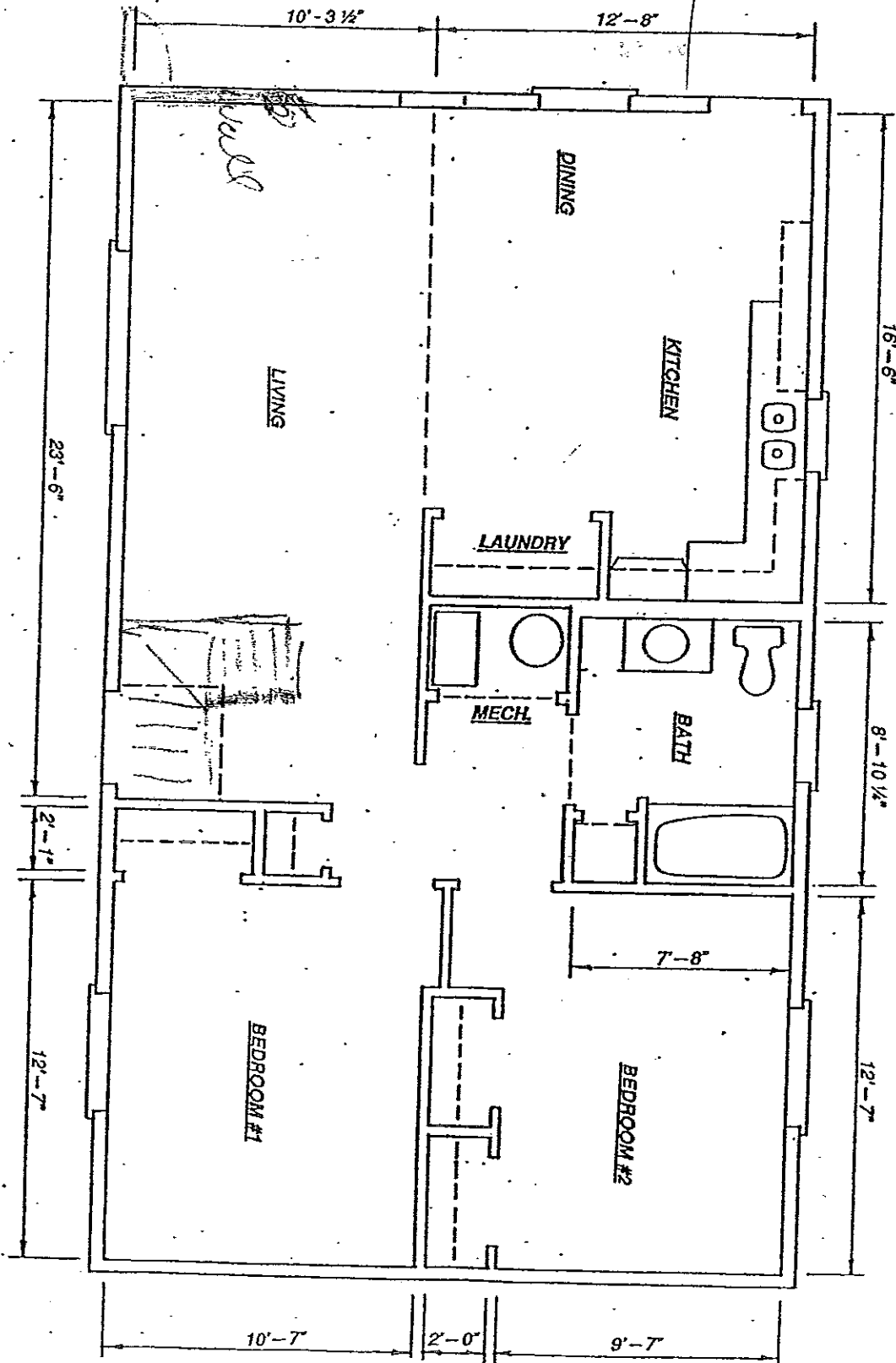
Deuel County Zoning Officer

FOR OFFICIAL USE ONLY

Fee Paid: \$48.00 Date: 7-31-17
 Permit Issued: 7-31-17 Date: 7-31-17
 Permit Expires: 180 days unless started then 2 yrs.

Reasons For Denying Permit:

960 RANCH "REVERSE"



Information **Configure** **Print** **Email** **Save** **Copy** **Preview** **Minimize** **Unload**

This free print screen utility is provided by:

Vanguard Appraisals, Inc.
Cedar Rapids, IA
Version: 4.6.0.0

Visit us on the web at:
www.vanguardappraisals.com

▼ Places

My Places

- ☒ **Sightseeing Tour**
Make sure 3D Buildings layer is checked
- ☐ Line Measure
- ☐ Line Measure
- ☐ Line Measure
- ☐ Line Measure
- ☐ Line Measure
- ☐ Line Measure
- ☒ Untitled Polygon
- ☐ Line Measure
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▼ Layers

Primary Database

- ☐ The new Google Earth
- ☒ Borders and Labels
- ☒ Places
- ☒ Photos
- ☐ Roads
- ☐ 3D Buildings
- ☐ Ocean
- ☐ Weather
- ☐ Gallery
- ☐ Global Awareness
- ☐ More



EX. A31-1

07/31/2017

MISCELLANEOUS RECEIPT # 102712

DEUEL COUNTY TREASURER
PO BOX 680
CLEAR LAKE, SD 57226
(605)874-2483

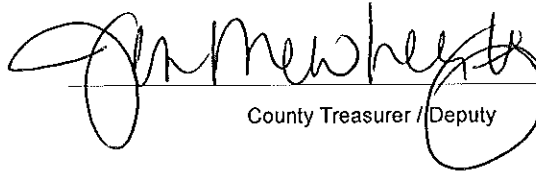
HOMAN STEEL/ZONING

TOTAL: 48.00

Ck/Cash:

Receipt for: BUILDING PERMIT

Account #	Account Description	Line Amount
101 - 0 - 326.00	BUILDING AND VARIANCE	48.00



County Treasurer / Deputy

BUILDING PERMIT

ISSUED BY

DEUEL COUNTY, SOUTH DAKOTA

Date: July 31, 2017 Permit Number: 17-68 AG DOE 1986

PERMIT ISSUED TO:

Name: Homan Steel Construction Inc., John Homan

Address: 4114 12 Ave NE Watertown, SD 57201

Owner: Homan Steel Construction Inc., John Homan

Contractor: Jay Grabow

For Construction of: To Build a New 24' x 40' House with full crawlspace located more than 150' from the road right of way and the section line right of way and meeting all zoning lot requirements.

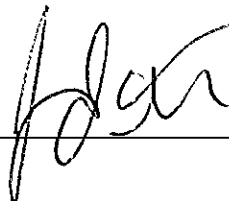
LOCATED:

W1/2 Section 32-116-47, Glenwood Township, Deuel County, South Dakota.

INSPECTIONS

1. Setback: To be made prior to construction of foundation.
Date inspected: 7-31-17

Jodi Theisen, Zoning Officer
PO Box 606
Clear Lake SD 57226



A building permit that has not begun within (180) days or has not been substantially completed within two (2) years shall expire.

MISC 2017 3123

STATE OF SOUTH DAKOTA-COUNTY OF DEUEL-SS
 FILED FOR RECORD THE 31ST DAY OF JULY
2017 AT 12:05 O'CLOCK PM AND RECORDED
 IN BOOK 2017 OF MISC PAGE 3123

This Document
 prepared by
 Deuel County
 Zoning Officer
 PO Box 606
 Clear Lake, SD 57226

COPY

Register of Deeds
 RF:\$30.00

Deputy
 RT:JOHN HOMAN - HSC



RECORDED ✓
 NUMERICAL ✓
 GRANTOR ✓
 GRANTEE ✓
 SAT. ASSG.
 1pg. 1299

AGRICULTURAL EASEMENT

The following easement is to be utilized as required for farm and nonfarm residential development within the Agricultural and Planned Development Districts.

1. Purpose. This easement is required in the Agricultural District.
2. Easement.

Grantors are the owners of real property described as follows: W2 - Sec 32 - 116 - 47

In accordance with the conditions set forth in the decision of Deuel County, dated 7-31-17, approving a permit for a dwelling on the above described property, and in consideration of such approval, Grantors grant to the owners of all property adjacent to the above described property, a perpetual nonexclusive easement as follows:

- a. The Grantors, Homan Steel Constr. Inc. - John Homan whose address is: 4114 12th Ave NE Waterbury SD 57201 their heirs, successors, and assigns acknowledge by the granting of this easement that the above described property is situated in an agricultural area and may be subjected to conditions resulting from commercial agricultural operations on adjacent lands. Such operations include the cultivation, harvesting, and storage of crops and livestock raising and the application of chemicals, operation of machinery, application of irrigation water, and other accepted and customary agricultural activities conducted in accordance with Federal and State laws. These activities ordinarily and necessarily produce noise, dust, smoke, and other conditions that may conflict with Grantors' use of Grantors' property for residential purposes. Grantors hereby waive all common law rights to object to normal and necessary agricultural management activities legally conducted on adjacent lands which may conflict with Grantors' use of Grantors' property for residential purposes, and Grantors hereby grant an easement to adjacent property owners for such activities.
- b. Nothing in this easement shall grant a right to adjacent property owners for ingress or egress upon or across the described property. Nothing in this easement shall prohibit or otherwise restrict the Grantors from enforcing or seeking enforcement of statutes or regulations of governmental agencies for activities conducted on adjacent properties.

This easement is appurtenant to all property adjacent to the above described property and shall bind to the heirs, successors and assigns of Grantors and shall endure for the benefit of the adjoining landowners, their heirs, successors, and assigns. The adjacent landowners, their heirs, successors, and assigns are hereby expressly granted the right of third party enforcement of this easement.

IN WITNESS WHEREOF, the Grantors have executed this easement on 7-31-2017.

Signature, Grantor

Signature, Grantor

STATE OF SOUTH DAKOTA

SS:

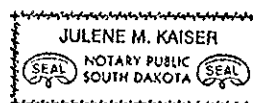
COUNTY OF DEUEL

This instrument was acknowledged before me on July 31, 2017, by

Julene M. Kaiser Notary Public.

My Commission Expires:

My Commission Expires
9/29/2022



DEUEL COUNTY
NOTICE OF APPEAL
SPECIAL EXCEPTION/VARIANCE APPLICATION

PERMIT NUMBER 17-16

APPLICANT (PRINT): John Homan PHONE: 605-520-4992
882-4992
 ADDRESS: 4114 12th Ave NE
 OWNER (PRINT): Homan Steel Constr. PHONE: same
 IF DIFFERENT THAN APPLICANT
 ADDRESS: same

I/WE, THE UNDERSIGNED, DO HEREBY PETITION THE BOARD OF ADJUSTMENT OF DEUEL COUNTY SOUTH DAKOTA, TO ISSUE A SPECIAL EXCEPTION PERMIT OR VARIANCE FOR THE PROPERTY DESCRIBED AS:

(CIRCLE APPROPRIATE)

LEGAL DESCRIPTION (Please print or type)

West 1/2, less portion lying north of RR, ~~Sec. 32~~ Sec. 32-116-47

PARCEL NUMBER: 1986

GENERAL AREA OR STREET ADDRESS: _____

EXISTING LAND USE: Ag. EXISTING ZONING: Ag.

SIZE OF PARCEL: ACRES 310 LOT DIMENSIONS: WIDTH _____ LENGTH _____ DEPTH _____

SURROUNDING LAND USE

NORTH: Ag
 SOUTH: Ag
 EAST: Ag
 WEST: Ag

PLEASE DESCRIBE WHAT YOU PROPOSE TO DO AND WHY YOU ARE SEEKING A SPECIAL EXCEPTION PERMIT (attach a separate sheet of paper if necessary)

Airplane landing strip. for private use.

IF YOU ARE SEEKING A VARIANCE PLEASE PROVIDE A BRIEF STATEMENT OF THE VARIANCE DESIRED AND PLEASE STATE THE HARDSHIP REQUIRING RELIEF. (Proof of hardship is on the applicant - Hardship examples are odd size or shape of the lot, unusual topography, etc. attach a separate sheet of paper if necessary)

SIGNATURE OF APPLICANT John Homan

SIGNATURE OF OWNER (IF DIFFERENT THAN APPLICANT) _____

Note: A sketch of proposed property shall accompany this application, showing the following:

- | | |
|--|--|
| 1. North Direction | 5. Location Of Proposed Structure On Lot |
| 2. Dimensions Of Proposed Structure | 6. Dimensions Of Front And Side Set Backs |
| 3. Street Names | 7. Location Of Adjacent Existing Buildings |
| 4. Other Information As May Be Requested | |

THE BOARD OF ADJUSTMENT MAY REQUIRE THAT SUCH PLANS BE PREPARED BY A REGISTERED ENGINEER OR LAND SURVEYOR.

"PLEASE USE THE ATTACHED SKETCH INSTRUCTION SHEET FOR AN EXAMPLE.

FOR OFFICIAL USE ONLY

DATE FILED WITH ZONING OFFICER: 3-15-17
 FEE PAID (NON-REFUNDABLE): ☒ YES ☐ NO
 DATE OF HEARING: 4-10-17
 ACTION BY BOARD OF ADJUSTMENT: Tabled

until May 3, 2017
passed July 10, 2017 passed
Sept 11, 2017 letter signed



Grass strip



Prepared by: Jodi Theisen
Deuel County Zoning Officer

Letter of Assurances

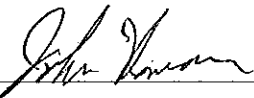
Applicant has made an application for a special exception requesting approval of a private airstrip in an Ag District. The Deuel County Board of Adjustment has approved, a special exception on the condition that the applicant (John Homan) signs a letter of assurance acknowledging that the only way he can be guaranteed unrestricted access to the airspace over his neighbor's property, is to secure those rights from the adjacent property owners.

Property location: W1/2 less portion lying north of Railroad in NE1/4NW1/4 Section 32-116-47, Glenwood Township, Deuel County, South Dakota.

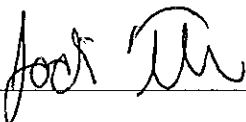
The following are the conditions to be placed upon the special exception permit issued to John Homan by the Deuel County Board of Adjustment on July 10, 2017:

1. Applicant hereby acknowledges that the only way to be guaranteed unrestricted access to the airspace over the neighbor's property is to secure those rights from the adjacent property owners. By signing this letter of assurance, Applicant does not waive any legal rights to which he is entitled. *that the applicant communicates with their adjacent property owners.*

Applicant has executed this letter of assurance on this 9-11 day of ^{Sept}~~July~~, 2017.



John Homan



Zoning Officer
Deuel County Board of Adjustment

9-11-17
Date

IT IS UNLAWFUL TO COMMENCE WORK BEFORE THIS PERMIT
IS PLACED IN A CONSPICUOUS PLACE ON THE PREMISES

THIS CERTIFIES THAT
SPECIAL EXCEPTION

PERMIT NUMBER 17-16 ZONING DISTRICT AG
has been issued to John Homan
in compliance with the requirements of the Deuel County Planning
Commission Ordinances for To build and operated an airplane landing strip for private use
located in GLENWOOD TOWNSHIP Sec 32 T 116 N; R 47 DOE # 1986
W1/2 Less Porption Lying North of The Railroad in NE1/1NW1/4

SPECIFIC CONDITIONS OR VARIANCE REQUIREMENTS

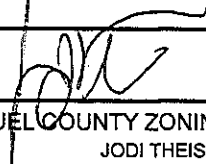
SPECIAL EXCEPTION: on the condition that the applicant (John Homan) signs a letter of assurance acknowledging that if he needs unrestricted access to the air space over the neighbor's property, applicant is required to secure those rights from the adjacent property owners to use the following property: W1/2 less portion lying north of Railroad in NE1/4NW1/4 Section 32-116-47, Glenwood Township, to build and operate an airplane landing strip for private use in an Ag Zoned District.

The Board determined that it is empowered under the section of the ordinance described in the application to grant the special exception and that granting the special exception will not adversely affect the public interest. The Board then made written findings as required by Section 504, Subparagraph 5(a-h) of the Ordinance.

- a. Entrance to and exit from property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe: Doesn't apply for automotive.
- b. Off-street parking and loading areas where required, with particular attention to the items in (a) above and the economic, noise, glare, odor or other effects of the special exception on adjoining properties and properties generally in the district: Applicant has sufficient parking. Loading is not a concern. The special exception will have no or minimal economic, noise, glare, odor or other effects on the adjoining properties or properties generally in the district.
- c. Utilities, with reference to locations, availability, and compatibility: Doesn't apply.
- d. Screening and buffering with reference to type, dimensions, and character: Doesn't apply.
- e. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district: There are no signs or exterior lighting.
- f. Required yards and other open spaces: Applicant has sufficient yard and other open spaces.
- g. General compatibility with adjacent properties and other property: The applicant's proposed use is generally compatible with the adjacent properties and other properties in the Ag District.
- h. Refuse and service areas, with particular reference to the items in (a) and (b) above: There are no concerns regarding refuse or service areas. Doesn't apply.

On 9-11-17 the Letter of Assurance was signed.

DATE September 11, 2017


DEUEL COUNTY ZONING OFFICER
JODI THEISEN
PO BOX 606
CLEAR LAKE, SD 57226

04/11/2017

MISCELLANEOUS RECEIPT # 102262

DEUEL COUNTY TREASURER
PO BOX 680
CLEAR LAKE, SD 57226
(605)874-2483

HOMAN STEEL/ZONING

TOTAL: 200.00

Ck/Cash: CK

Receipt for: SPECIAL EXCEPTION

Account #	Account Description	Line Amount
101 - 0 - 326.00	BUILDING AND VARIANCE	200.00


County Treasurer / Deputy

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

**IN THE MATTER OF THE
APPLICATION BY DEUEL HARVEST
WIND, LLC FOR A PERMIT OF A
WIND ENERGY FACILITY AND A 345-
kV TRANSMISSION LINE IN DEUEL
COUNTY**

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CERTIFICATE OF SERVICE

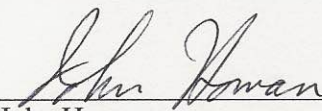
EL18-053

I hereby certify that true and correct copies of
John Homan's response to applicants 1st set of data request.

were served electronically to the Parties indicated below, on February 25th, 2019, addressed
to:

<p>Ms. Kristen Edwards Staff Attorney South Dakota Public Utilities Commission 500 E. Capitol Ave. Pierre, SD 57501 Kristen.edwards@state.sd.us (605) 773-3201 - voice</p>	<p>Ms. Lisa M. Agrimonti - Representing: Deuel Harvest Wind Energy LLC Attorney Fredrikson & Byron, P.A. 200 South Sixth Street, Suite 4000 Minneapolis, MN 55402-1425 lagrimonti@fredlaw.com (612) 492-7000 - voice (612) 492-7077 - fax</p>
<p>Ms. Amanda Reiss Staff Attorney South Dakota Public Utilities Commission 500 E. Capitol Ave. Pierre, SD 57501 amanda.reiss@state.sd.us (605) 773-3201 - voice</p>	

Date: 2-25-19



John Homan
Intervenor
4114 12th Ave. NE
Watertown, SD 57201
Homan1971@gmail.com

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

**IN THE MATTER OF THE
APPLICATION OF DEUEL HARVEST
WIND ENERGY LLC FOR A PERMIT
OF A WIND ENERGY FACILITY AND
A 345-KV TRANSMISSION LINE IN
DEUEL COUNTY**

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**INTERVENOR JOHN HOMAN'S
RESPONSES TO APPLICANT'S FIRST
SET OF DATA REQUESTS**

EL18-053

Below, please find John Homan's responses to Applicant's First Set of Data Requests. The original request is restated and followed by my response.

1-1) Provide copies of all data requests submitted by PUC staff to you in this proceeding and copies of all response to those data requests. Provide this information to date and on an ongoing basis.

1-2) Identify the address of your permanent residence (where you reside).

**John Homan
4114 12th Ave NE
Watertown, SD 57201**

1-3) Identify all property you own within the vicinity of the Deuel Harvest North Wind Farm ("Project") and the location (by section, township, and range) of such property. Are there any habitable buildings on the property you own?

**John Homan = 224 acres - Sec 20, Twp. 116, R 48
John Homan = 138 acres - Sec 15, Twp. 116, R 49
Homan Steel Constr, Inc = 310 acres - Sec 32, Twp. 116, R 47
House under construction, a 48' x 70' building, includes office, shop, and storage.**

1-4) If you have a residence in the vicinity of the Project, identify whether you live at the residence throughout the entire year and, if not, how many months of the year you reside at the residence.

None at this time.

1-5) Identify how you use your land, including, but not limited to, whether you use your land for agricultural purposes.

The land in section 32 = some farm land, pasture, CRP, and used to support wildlife, and for outdoor recreation.

1-6) Identify any sensitive or unique features of your property that you assert would be impacted by the Project.

Description of section 32 property is as follows:

The property is crossed by Monighan Creek, in the half mile we have 1.3 miles of creek. The entire valley is covered with a variety of natural growth, shrubs, trees, native plants and grasses, as well as many acres of planted trees and shrubs. The valley transitions to rolling hills and drainages.

In addition to the free flowing, spring fed creek, we have developed 4 spring fed dams with bordering grasses, cattails, trees, and shrubs. One of the dams is a approx. 6 acre natural restocking fishery.

It is a haven for all kinds of wildlife!

The property in section 20 is a mix of pasture, crp, farm land, and several acres of trees and shrubs. The property includes an approx. 35 acre lake/slough that is a waterfowl haven, within the designated duck nesting habitat area.

The property in section 15 is pasture land dotted with cattail sloughs.

1-7) Describe your concerns regarding the Project.

The close proximity of these massive, industrial wind turbines will be detrimental to all the birds and wildlife.

As the proposed project shows, we will have approximately 9 towers within a mile of the property, and approximately 17 towers within 2 miles of the property in section 32.

There will be towers adjacent to my property in section 20. The closest one approx. 600' from our property line.

I am concerned that the close proximity of the towers will harm the usage of the property, by all the wildlife, local and migratory.

It will be very harmful for the usage of the property that we have worked for an invested in for 30 years.

The work and enjoyment that our entire family has invested in, including our children and grandchildren. We are concerned about the safety and health of our family in the normal use of the property that we are accustomed to.

The property in section 32, includes approximately 50 acres of trees and shrubs. It was a playground for our children and it is also now for our grandchildren!

We are concerned about fire danger to our persons and trees and shrubs, because of the proximity of wind turbines. In a rural situation like this, a fire could not be controlled in a location like this.

The landing strip that we are constructing would not be safe to use, and safety was a concern of our zoning board before they granted us the permit, as well as a great concern to our family and anyone else that would be using the landing strip.

I am also greatly concerned about possible damage to, and contamination of, our numerous springs and aquifers.

1-8) Describe what mitigation measures would address the concerns you identified in response to Request 1-7 and whether any of the mitigation measures identified by the Applicant in its Application could address any of your concerns.

Towers could be moved or removed to accommodate our concerns, without any harm to the overall project. Already many original towers have been moved or removed. Towers need to be moved to allow for the safe usage of our landing strip. Towers should be moved to prevent damage to the environmentally sensitive areas that support many species of wildlife. Towers also need to be moved to prevent problems from noise, infrasound, and shadow flicker for ourselves and many other non-participants to prevent health problems, quality of life problems, and loss of property values.

1-9) Identify any documents, information, education, training, or professional experience you have relied upon to form your opinions concerning the Project. Where you have relied upon documents or other tangible materials, please provide such documents and/or materials.

I would like to reserve the right to provide documents at a future time. Information is readily available from many sources, studies, and news reports of issues caused by industrial wind turbines.

My professional experience is from traveling all over the United States in the course of our construction business and hearing about the negative effects of living near industrial wind projects.

1-10) Identify any witnesses, including expert witnesses, you plan to have testify on your behalf. For each witness (including expert witnesses), please provide a resume or statement of qualifications of the witness(es), identify the subject matter regarding which the witness will testify, and identify and provide any exhibits the witness will refer to or introduce.

I would reserve the right to add witnesses at a later time.

1-11) Are you asserting that the Project will negatively impact your property value? If so, provide copies of any appraisals or other valuations that have been conducted for such property within the last ten years.

I am absolutely asserting that the project will negatively affect the value of our property in the respect of the purpose and use that the property was developed for, in the past, and for the future. Value of property is not always based on monetary value, usage value is determined by different individuals. I do not have a current appraisal at this time, but would reserve the right to submit later.

1-12) Identify any communications, written or otherwise, you have had with units, officials, and/or representatives of local, state, and/or federal governments or agencies concerning the Project.

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

I will include written letters to the county boards and presentations at hearings. I will submit others that may have been sent as I find them.

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

I have personally talked to Deuel County Commissioners, at different times, while county setbacks etc. were being determined, and at Commissioners meetings. Also many conversations with members of the zoning board, at the zoning board meetings, concerning my landing strip, over a 6 month period in 2017. Most of the conversations were about how my landing strip would affect the possible future industrial wind towers.

1-13) Your Application for Party Status does not identify your interest in this proceeding. Please briefly explain your interest in this proceeding.

Explained in 1-7.

1-14) Please state the address where you reside.

4114 12th Ave NE

Watertown, SD 57201

1-15) Does Homan Steel Construction, Inc. ("Homan Construction") own the property legally described as the W1/2 Section 32-116-47, Glenwood Township, Deuel County, South Dakota ("Glenwood Property")? If so, please describe the Homan Construction business activities that occur on the Glenwood Property.

Yes, it is used as an office, shop, and equipment storage for farming and construction activities, as well as recreational activities.

1-16) On July 31, 2017, Deuel County issued a building permit, Attachment 5, for a "new 24' x 40' house" on the Glenwood Property. With respect to the proposed house, please state a) the status of construction; b) the intended purposes for the residence; c) whether the house has a certificate of occupancy; and d) whether, if completed, the house is occupied.

Construction to be completed spring 2019.

1-17) On September 11, 2017, Deuel County issued a Special Exception Permit, Attachment 6, for construction of "an airplane landing strip for private use" on the Glenwood Property ("Private Landing Strip"). With respect to the Private Landing Strip, please state a) the status of construction; b) the intended purposes for the air strip; c) whether the air strip has been used; and d) the intended use of the air strip, including frequency and timing of use.

Construction to be completed spring 2019. The intended purpose and usage will be for our family's use for transportation to and from the farms and surrounding recreation areas. For use by friends and business associates if requested. For use by other local residents if requested, and for any emergency uses necessary. For use by airplanes and ultralights.

1-18) Describe your experience and qualifications related to piloting an aircraft.

I am not a licensed pilot.

1-19) Describe the type of business engaged in by and ownership of Homan Steel Construction, Inc.

Homan Steel Construction, Inc. owners John and Teresa Homan.

I have been in the construction business as a subcontractor and general contractor since 1970. Grain storage handling, grain elevator construction, wood framed and steel frame buildings - farm and commercial, concrete construction. We have built projects from North Carolina and Georgia to Oregon and California, from Canada border to Texas valley, from Michigan to New Mexico. We have traveled extensively through the United States due to our construction business.

1-20) Referring to Attachments 1 and 2, did you submit these attachments to the Clear Lake Courier?

I did provide maps from Invenergy, and supplied information included.

1-21) Does Attachment 3 depict the location of the Private Landing Strip and location of the

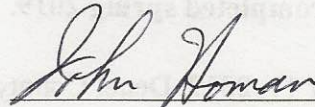
new house on the Glenwood Property?

That is correct.

This transition includes 3 letters of communications in response to your request.

Labled A, B, C.

Date: 2-25-19



John Homan

Intervenor

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Watertown, SD 57201

Homan1971@gmail.com