

**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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**APPLICANT’S RESPONSES TO
HEATH STONE’S SECOND SET OF
DATA REQUESTS TO DEUEL
HARVEST**

EL18-053

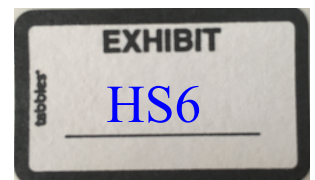
Below, please find Applicant’s responses to Heath Stone’s Second Set of Data Requests to Deuel Harvest.

- 1-1) Provide copies of all data requests submitted to or by you and copies of all responses provided to those data requests. Provide this information to date and on an ongoing basis.**

Lisa Agrimonti: Deuel Harvest has already provided documents responsive to this Request and will continue to do so. Copies of responses provided by Intervenors to Deuel Harvest’s requests to date are available at: <https://fredriksonandbyron.sharefile.com/d-sda7ff44948a40628>.

- 1-2) In Andrea Giampoli’s testimony regarding the Bald Eagle nest located approximately 1/4 mile north of Lake Alice, she states “In February 2018, the USFWS shared with us that a landowner had brought to their attention that there may be an eagle nest north of Lake Alice. We reviewed the SDGFP Natural Heritage Program response, and the results of our two years of nest surveys and noted that while there were medium sized raptor nests observed north of Lake Alice, none was considered large enough to be an eagle nest, so no further due diligence was conducted at that time.” I understand you checked your data and reviewed the natural heritage program database to determine you [sic] conclusions. Why did you feel no further due diligence was necessary?**

Andrea Giampoli: As I stated in my testimony, we assumed that the nest that the landowner reported was the same nest that our expert biologists identified as not being large enough to be an eagle nest. It was later determined that the landowner was referring to a different nest than the one that our biologists had identified. As soon as we identified this, we reached out to the agencies for more information and conducted on-site monitoring of the nest.



- 1-3) In regards to an eagle take permit, Andrea stated in Heath Stone’s first set of data requests to applicant, that “No. Deuel Harvest does not anticipate applying for an Eagle Take Permit at this time.” Has Deuel Harvest reviewed the Eagle Conservation Plan Guidance?**

Andrea Giampoli: Yes, Deuel Harvest conducted two years of pre-construction eagle point count surveys and eagle nest surveys following the methodologies recommended in the Eagle Conservation Plan Guidance.

- 1-4) In the Eagle Conservation Plan Guidance, they recommend conducting a risk analysis of the incidental taking of an eagle during the project. Has Deuel Harvest conducted this analysis and if so, is the risk Low, Medium, or High? Please provide documentation if this was conducted.**

Andrea Giampoli: Deuel Harvest conducted its risk assessment for eagles by evaluating site specific results, including two years of pre-construction eagle point count and eagle nest surveys. Deuel Harvest has documented low eagle use in the Project area with 0.1 observations per survey hour recorded in the first year and less than 0.1 observations per survey hour in the second year, a total of 54 eagle observations over 839 observation hours. Turbines will be sited at least 0.5 mile from the nearest known bald eagle nest north of Lake Alice. Therefore, Deuel Harvest has determined that its risk to eagles is low.

- 1-5) If Deuel Harvest does not plan on applying for an Eagle Take Permit and an Eagle is struck by a turbine during the project, will Deuel Harvest report the eagle casualty?**

Andrea Giampoli: Yes, as stated in Section 6.2.2 of the Bird and Bat Conservation Strategy, Deuel Harvest would notify USFWS and SDGFP within one business day of the discovery and positive species identification of an eagle.

- 1-6) To whom will Deuel Harvest report the casualty?**

Andrea Giampoli: USFWS and SDGFP.

- 1-7) If a permit is not obtained, is Deuel Harvest fully aware of the ramifications that are imposed by the Bald and Golden Eagle Protection Act?**

Lisa Agrimonti: Deuel Harvest objects to this request as calling for legal analysis and as being vague.

1-8) What is your long term management plan for Eagles in the project area?

Andrea Giampoli: Deuel Harvest's Bird and Bat Conservation Strategy details the Project's long-term management plan for all bird and bat species, including eagles.

Dated this 11th day of April, 2019.

By /s/ Lisa Agrimonti

Mollie M. Smith

Lisa M. Agrimonti

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