

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

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

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**RESPONSE TO APPLICANT'S
FIRST SET OF DATA
REQUESTS TO JON HENSLIN**

EL 18-053



Below, please find Deuel Harvest Wind Energy LLC's ("Applicant") First Set of Data Requests to Jon Henslin. 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).

1020 Lake Alice Drive
Clear Lake, South Dakota 57226

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?

Altamont Township, Lake Alice Shores, 7-116-48, Lot 10
Yes, our home is on this lot.

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.

Entire year; however, have occasionally taken a month vacation in the winter.

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

for agricultural purposes.

As our primary residence, and since it is on the lake, recreation (fishing etc.).

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

I am concerned that the view (day and night), sound, property value, and flashing red lights could negatively impact my property.

1-7) Describe your concerns regarding the Project.

Effects on property values
Constant Flashing Lights
Bald eagle nest on north end of Lake Alice.
Contracts
Health effects

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.

Provide property value guarantees for nonparticipants in the siting area.

Provide ADLS – I believe the applicant plans to use ADLS; but would like assurance.

Provide two-mile radius safety zone for all bald eagle nests, including the nest identified at the PUC public hearing held in Clear Lake on this project.

Have the PUC or the State Attorney General Office review the lease and easement agreements to make sure the documents follow state and federal laws and rules.

The health effects mitigation measures would be tied to setbacks.

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.

Graduated from SDSU with a BS degree in Engineering in 1971.
Licensed Professional Engineer (PE) in Minnesota.
39 Years of work experience with Minnesota Department of Transportation.
Retired in 2011.

Some materials I have relied upon:
Deuel County Zoning Ordinance
South Dakota Energy Siting Rules (Chapter 20:10:20)

South Dakota Codified Law Title 49
Invenergy (Special Exception Permit Application dated December 2017)
PUC Docket EL 053
List is not all inclusive.

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.

None, at this 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 concerned that this project will negatively impact my property. I do have a copy of an appraisal on my home. It was made when I applied for a mortgage. We had the home built for us and when the appraisal was made the construction had just started. The appraisal was based primarily on the house plans. However, major changes were made that greatly increased the square footage of finished living space. As a result, the appraisal is by no means accurate. Currently my wife and I are on vacation until the beginning of April. I did not bring a copy of the appraisal along. I would gladly provide you with a copy of the appraisal when we return. The home is currently for sale.

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;

December 6, 2017 email to Senator Rounds

I know congress is working on a tax bill that is generating a lot of press. I am very much concerned about our national debt; let us not leave a legacy of debt to our children and grandchildren.

One item that I feel it is time to do away with is the Production Tax Credit (PTC) for Industrial Wind Turbines. Over the last year there has been a lot of debate about wind turbines in Deuel County. It is very obvious that (despite what the developers say) these wind farms are not feasible without the PTC. The bottom line is that the tax payers are paying for a large amount of the initial cost in PTC and continue to subsidize the Wind Farms thru increases in our electric bills. I obtain electricity from two cooperatives; both identify the cost of solar and wind energy as a reason for rate increases. Yet the wind developers claim that wind will provide cost savings to the consumers.

Wind developers have repeatedly informed me that Wind Turbines do not affect property values. A 500 ft. wind turbine installed 1000 feet of your home does not affect property value? If there is no effect on property values, why have all three companies currently planning wind farms in Deuel County refused to provide any property value guaranties?

Representatives of one of the wind farm developers visited with my wife and I. They wanted us to sign a lease agreement. I asked them why, since we own a home on a lake and our lot is less than an acre in size. They told us it was to make sure we did not construct a tall structure on our property. That did not make much sense to me since our zoning already has height restrictions. We did not sign but they left a copy of an agreement with us. I later read the agreement over and what I found was rather disturbing. It would be nice to discuss the contents of the agreement with you and/or your staff. Have you had the opportunity to read one of these agreements? If not I would gladly provide you with a copy of the one given to me.

In closing I encourage you to consider doing away with the PTC or at the very lease not extending it. I would appreciate the opportunity to discuss the lease agreement with you or your staff.

Sincerely

Jon Henslin

March 23, email to Josh Haeder

Josh,

I truly appreciate your call this morning. Attached is the first half of the lease agreement being used for the Deuel County wind farm. I will be sending the second half in another email due to the size of the document. I will try to obtain a copy of the Good Neighbor Agreement.

I left you a phone message asking if next Monday March 26 at 1:00 PM would work for you to meet with us at our home.

Looking forward to that meeting.

Jon Henslin

Quoting "Haeder, Joshua (Rounds)" <josh_haeder@rounds.senate.gov>:

Thanks for speaking with me, shoot over copy of contract to this email and I will review.

Thanks,

Josh Haeder

Northeast Director | Sen. Mike Rounds (R-SD)

March 24, 2018 email to Josh Haeder

Hi Josh,

We did send you a copy of the lease and easement agreement however it bounced back to us because the size was too large to be accepted by the senate server. I will break it down to fewer pages per attachment so hopefully it will go through this time.

We would like to meet with you on Monday at 1:00 PM if that doesn't work anytime on Monday would work or anytime Wednesday until 4:00 PM or anytime Thursday until 4:00 PM. We added these extra times due to the weather and the message bouncing back. Hope one of those works for you.

Jon

April 2, 2018, meeting with Josh Haeder

April 5, 2018, email to Josh Haeder

Hello Josh,

Josh, thank you for taking the time to meet with Nancy and I on Monday. I hope we didn't keep you too long. We would not want to interfere with your daughters' elephant rides!

You had requested some layouts of the Deuel Harvest North and south Wind Farms and they are attached. We will be sending an additional map that shows both project's footprints. We are sending it separately due to the size of the attachments.

The maps show the project footprints, turbine locations and residences (participating and non-participating). At the Special Excepting Public Hearing the Developer provided the County with three maps showing various possible turbine locations for each project North and South (the zoning regulations call for a map - singular). The Developer requested approval with the stipulation that they could change the number and location of the turbines in the final layout submitted for a building permit, as long as they met the Counties zoning regulations and stayed within the project footprint. The Special Exception was granted. We can discuss this further at our next meeting.

Could we schedule another meeting at our home on April 17th, 18th, 19th or 20th? We do have some other residents that would like to share their concerns. If possible plan for a two hour visit. We can furnish coffee and a veggie/fruit plate.

Again thank you for listening to our concerns.

Jon and Nancy Henslin

April 23, 2018, second meeting with Josh Haeder

April 5, 2018 email to Josh Haeder

Dear Josh Haeder,

Josh, I don't know how to put into words the enormous amount of appreciation that Nancy and I have for you taking the time to meet with us. I know the whole group that was here Monday shares that sentiment. It was refreshing to have someone sincerely listen to our concerns.

I know you heard from us that we are not against wind energy. If you had the time to listen to the entire video of the January 22, 2018 Public Hearing, regarding Invenergy's application for a Special Exception to construct two Wind Energy Systems (WES) in Deuel County; that fact would be evident. However, we are concerned about the effects of WES on health, property rights, and property values. We are also concerned about the approval process, funding, and overall plan (including cost vs benefit).

Wind Lease and Easement Agreement

Josh at our first meeting we reviewed a Wind Lease and Easement Agreement used by Invenergy. Attached you will find another Wind Lease and Easement Agreement that is being used in South Dakota by Crown Ridge Wind Energy Center LLC., an affiliate of NextEra Energy Resources, LLC. I did quickly read thru the agreement and found many items that were similar to those we addressed in the Invenergy Agreement. You can have your legal staff review it. I did wonder about the last sentence in 3.5 Exercise of Option, you may want to look at that.

Lighting

At the Monday meeting I gave you a handout on Lighting. I would like to explain that handout better. Number the sheets from 1 to 6 and the explanation is as follows.

Page 1, is a fact sheet I prepared regarding lighting for the WES projects that were approved at the January 22, 2018 Board of Adjustment Meeting.

Page 2, is the presentation that Nancy Henslin gave at the January 22, 2018 meeting.

Page 3, on this page the highlighted area is Section 504.5.e (Deuel Co. Zoning), which refers to exterior lighting. Also refer to item 5 on this page where it states "satisfactory provision and arrangement has been made concerning the following" (which includes exterior lighting and turbine lights are exterior lights).

Page 4, on this page the highlighted area is Section 1215.03.4 (Deuel Co. Zoning), which addresses FAA requirements.

Page 5, this page is copied from Invenergy's Special Exception permit application. The highlighted area refers to Section 504.5.e. The only exterior lighting addressed is lighting for their O&M Building.

Page 6, this page is copied from the Board of Adjustments' Findings of Fact for Invenergy's Special Exception. In its Findings of Fact the Board of Adjustment fails to even identify exterior lighting.

Comments: The constant blinking red turbine lights, cause light pollution and negatively impact the public's property value and quality of life. The technology to reduce this negative effect is readily available. The question is who is going to require it; County, State, or Federal? Our experience in Deuel County has been that it is not working at the County level even though the County has the authority and responsibility to address the lighting issue. The Developer (Invenergy) has not been willing to provide the technology and at the public hearing for the Special Exception provided false information regarding the Aircraft Detection Lighting System. It appears that the State or Federal government would be the most effective level for implementation. In Deuel County alone the number of wind turbines could increase from zero in

2010 to over 500+ in 2020 to over 1000+ in 2030. I for one, at night want to look at the heavens and see stars, planets, constellations and the moon on a black background.

Property Value

You were also given a handout on property value. As with lighting I would like to explain it better. Number the sheets from 1 to 9 and the explanation is as follows.

Page 1&2, these pages are taken from Deuel County's Zoning Ordinances and cover Purpose, Special Exceptions and Power and Jurisdiction Relating to Special Exceptions.

Page 3&4, the top of page 3 discusses the purpose and intent of the zoning regulations. The important part here is: "The regulations are intended to preserve and protect existing property uses and values against adverse or unharmonious uses...". The remaining portion of page three and page four relate to effects of a Special Exception on adjoining properties and properties generally in the district. It documents the input we provided the Board of Adjustments at the January 22, 2018 Public Hearing. It also documents the response given by Invenergy.

Page 5, the area highlighted on this page refers to that portion of the county zoning that addresses the effects of the special exception (WES) on adjoining properties and properties generally in the district. The effects mentioned were economic, noise, glare, odor, or other effects. The Board of Adjustment is required to make written findings certifying that satisfactory provision and arrangement has been made concerning these effects. This was not done.

Page 6, the area highlighted was taken from Invenergy's special exception permit application. This section was to address section 504.5.b. It covered the off-street parking portion but completely eliminated the portion related to the effect of the WES on adjacent properties etc..

Page 7, the area highlighted is taken from the Board of Adjustment's Findings of Fact regarding 504.5.b.

Page 8 is an interesting letter put together by Brenda Taylor (Deuel County citizen). In it she documents actual cases where home owners in Deuel/Brookings Counties have had problems selling properties after wind turbines were constructed. The information from local relators is also interesting.

Page 10 is a copy of a letter I sent to the Clear Lake paper regarding property value guarantee. Comments: Do wind turbines effect property value? I am convinced the answer is yes. I have always heard that in real estate the rule is location, location, location. Realtors I have spoken with tell me that wind turbines have a negative impact on property values. Of course if one is purchasing just land with turbines on it and you obtain revenue off them that could be different. Most of the articles I have read state, there is no negative effect due to the presence of wind turbines, have been based upon Spatial Hedonic Analysis. It is interesting that Ben Hoen, the author of many of those reports, in an interview in 2010 stated "I think one of the things that often happens is that (wind) developers put our report forward and say look property values aren't affected, and that's not what we would say specifically. On the other hand, they have little ground to stand on if they say we won't guarantee that." It also appears to me in the Spatial Hedonic Analysis there are a lot of characteristics included for the homes in the study area, which is good. However, it appeared to me that turbine characteristics were not well defined. For example a one hundred foot tall turbine would not have the same effect as a 600 foot turbine at the same distance from a home. Also only the closest turbine distance was considered in the analysis. Obviously a home with one turbine within a mile will be less impacted than a home with 8 turbines in a mile. The amount of negative impact on a home's value increases rapidly as the distance to the turbine decreases. Wind Turbines do negatively

affect property values.

Invenergy has assured us that this project (discussed earlier) will not affect property values, which is not true. Our Board of Adjustment has approved the special exception for this project without providing written findings certifying that satisfactory provisions and arrangements have been made concerning these effects. Who will protect the property rights and values in South Dakota Counties? For us the county is not doing the job. Who should? It appears to me that it would be a State or Federal issue. Another option would be the Counties/State providing training for County Zoning Officers/Boards/States Attorneys. Property values/rights are an important issue, with the large number of current and potential projects, timing is critical. Maybe a moratorium is a logical course of action.

Again Josh thank you for making time in your work schedule to visit our home and listen to all of our concerns.

Sincerely

Jon and Nancy Henslin

August 12 2018 text message to Josh Haeder

Good morning Josh, did you prepare any findings or get any legal opinions done on wind leases?
Jon and Nancy Henslin How is you campaign going?

October 16, 2018 presentation to the Deuel county Commissioners.

The two Deuel Harvest and the portion of Crowned Ridge in Deuel County have a projected cost of about 900 million dollars. The projects have a combined foot print of about 85 thousand acres which is over 20 percent of the land in Deuel County. The impact of these projects (positive and negative) will affect 100 percent of the county.

I am here today as a citizen of Deuel County to express my concerns about the Public Hearings that were held regarding the Special Exception Applications for these projects.

How effective have the hearing been?

Invenergy, NextEra and wind lease holders may feel the hearings were excellent.

Many who had concerns about the projects are probably disappointed.

Most Deuel County residents did not attend the hearing so would not have any comments on its effectiveness. I remember prior to the vote on the Invenergy application one of the board members stated regarding the application document: "I think you all have access to (pause) I'm not 100% sure, but if you want to see it(application) it is up at the zoning office. It's been published for a long time". I doubt that 1% of the voting members of Deuel County have read what was in the application. With all of Deuel County being affected by these two projects, more effort should have been put into educating Deuel County residents.

At the Public Hearing for Deuel Harvest, the number of speakers was limited to about 25, with each speaker allowed three-minutes. Which calculates to 90 seconds per project. At the Public Hearing for Crowned Ridge no limits were placed upon the number of speakers, however, a

three-minute time limit was again used. Since there was a time limit imposed, many of the speakers were not able to communicate their whole concern, which is unfortunate. Some presenters brought along printed copies of their presentations and supporting data so that it could be reviewed by the Board, if the speaker were unable to complete their talk in the three minutes. In the case of Deuel Harvest Wind, providing printed copies was a waste of time for the board voted on the Special Exception that evening. They had no time to consider the printed information provided.

One of the concerns that I had was flashing red lights. At the Public Hearing for Deuel Harvest, it was suggested that an Aircraft Detection Lighting System be used. When the Board asked Invenergy about the use of that system, Invenergy said that Aircraft Detection Lighting System was unproven technology, which is untrue.

When the Public Hearing was held for Crowned, the Board asked about the use of an Aircraft Detection Lighting System. NextEra indicated an Aircraft Detection Lighting System would require a two-step approach and that it would be a “departure from the intent” of a lighting system. Wrong on both accounts. The intent of the lighting system is to warn aircraft not provide constant flashing lights. The Aircraft Detection Lighting System provides the required aircraft warning. An Aircraft Detection Lighting System and a constant flashing lights system have the same approval process.

Any Wind Energy System developed in Deuel County or expanded in Deuel County should require an Aircraft Detection Lighting System. Since Invenergy provided incorrect information their Special Exception should be amended to include an Aircraft Detection Lighting System.

I am also concerned about property value impacts. Special Exception Application Documents prepared by Invenergy and NextEra do not address property value impacts on adjacent properties. The Board of Adjustments is specifically required to consider the property value impacts on adjacent properties.

Commissioner Steve Rhody allowed me to question Invenergy about property value impacts not being included in their Special Exception Permit application. Invenergy spoke but did not provide an answer to the question.

NextEra was asked about the effects of their project on property values – specifically regarding non-participants. Their response indicated there are no long-term negative impacts on home values. NextEra’s representative spoke of an extensive study consisting of 50,000 homes in 9 states and 27 counties that found no net negative or positive effects.

The extensive study referred to was done by the Lawrence Berkeley National Laboratory (LBNL). It is interesting that Ben Hoen, the primary author of the extensive report has said:

“I think one of the things that often happens is that (wind) developers put our report forward and say look property values are not affected, and that’s not what we would say specifically. On the other hand, they have little ground to stand on if they say we won’t guarantee that.”

That statement should ring a bell with you. During the Hearing held to update the Wind Energy System ordinances Gary Dejong told the Wind Energy System developers to: “Put their money where their mouth is” in regard to property value guarantees.

I have copies of a few papers that address problems related to the extensive study identified by Next Era. One of the authors Albert Wilson states “the Report should not be given serious consideration for any policy purposes. The underlying analytical methods cannot be shown to be reliable or accurate”. Another article by Michael McCann states “Regardless of terminology or focus, the fact is that the raw data shows a post construction negative impact of 28% for homes less than 1-mile from turbines vs. homes in the 3-10-mile range”

The visual impact of wind turbines has been researched. It is interesting that the number of turbines visible and the distance to the turbines both affect property value. One research study (Yasin Sunak and Reinhard Madlener) identifies over 10% reduction in property value if eight or more turbines were visible.

The PUC hired David Lawrence, a South Dakota State-Certified General Appraiser. He was hired to determine if the studies and testimony of the applicant adequately reflect the potential impact to the value of properties in the vicinity of the proposed Crocker Wind Project. His answer was:

“It is my opinion that the studies and testimony do not provide adequate market evidence that can be applied to the subject area of the Crocker Wind Project.” Note these studies included the LBNL studies referenced by NextEra.

About a month later, David Lawrence was again hired by the PUC to review Dakota Range I and II. He was again asked the same question related to that project. His answer was:

“It is my opinion the studies and testimony presented by Dakota Range provide a good starting point; however, the studies presented have limitations that need to be considered for their applicability to South Dakota.” Note these studies included the LBNL studies referenced by NextEra.

David Lawrence believes; a comprehensive study from the market area of South Dakota will provide the evidence that is required to determine the potential impacts of a wind energy project on property values. The methodology that is applicable in this type of study is referred to as the case-by-case sales comparison approach which provides a more reliable alternative to the hedonic analysis.

I believe the comprehensive study identified by David Lawrence needs to be done immediately. Such a study would take about 6 months. The study would provide a reliable tool in South Dakota to assess impacts on property values. Any Special Exceptions approved prior to the completion of such a study needs to include a property value guarantee.

Getting back to the Public Hearings. The items I brought before the Board of Adjustment at the Deuel Harvest Public Meeting were not adequately addressed. Satisfactory provisions and arrangement should have been made for these issues. Others who tried to express their concerns

in the 3 minutes provided, felt the same way. It appeared the public hearing for Deuel Harvest had been scripted ahead of time (possibly by First District). Our voices were heard, but very little was listened to.

Regarding the Crowned Ridge Hearing, 30+ speakers addressed the Board of Adjustments. Were any asked follow up questions? I hope that is not an indication that they were only heard but not listened to. It is encouraging that the Board did not immediately vote on the Special Exception. Not voting will allow them time to consider the public input provided.

In closing:

The Special Exception process for large Wind Energy Systems can be very difficult. To move forward with these complicated projects, every “I” must be dotted and every “T” crossed. Doing it right will take time. The application needs to be gone thru line by line and if deficiencies are found, address them and if concerns are raised, solutions should be explored. We must remember that our requirements listed in the ordinances are minimum requirements and if needed, more strict measures may be taken. The Board must religiously adhere to the responsibilities given to them in the zoning regulations including those associated with Special Exceptions. The public should be well informed regarding projects of this magnitude. One or more public information meetings may be necessary. Public Hearings should be conducted in such a manner that the public feels their input is listened to and considered by the Board members. Enough time must be provided for the public to present their input.

January 22, 2018, presentations for the special exception public meeting.

Effects on Adjoining Properties

Deuel County Zoning states in section 504 the following:

Part B in this section refers to two separate items. One is off street parking and loading areas which Invenergy’s application addresses. However the second part of this ordinance refers to **the economic, noise, glare, odor or other effects of the special exception on adjoining properties and properties generally in the district.**

The economic, noise, glare, odor or other effects are those caused by the special exception which is the Wind Energy System (WES) not the off-street parking and loading areas. These items need to be addressed, especially the economic effects of the turbines on adjacent residences and businesses.

7.5 Permit Expiration

Deuel County Ordinance addresses the expiration of a Wind Energy System Special Exception Permit. It states: “the permit shall become void if no substantial construction has been completed within three (3) years of issuance.”

The Deuel Harvest Wind has requested that substantial construction be defined as ‘pouring a single foundation within the project footprint’. This definition is the definition used in SD Codified Law to define the “development of potential to produce energy”.

The two definitions are not interchangeable. For a large Wind Energy System (WES) the pouring of a single foundation does not seem to constitute substantial construction. Leaving the wording as it currently reads in the zoning, retains control in the county and requires the permittee to show substantial progress. The county can always extend the permit if necessary.

In addition if Invenergy hold to the project schedule provided, construction will be completed in less than 2 years for the North Project and less than 3 years for the South Project.

Decommissioning Plan

Deuel County Zoning states in part: the decommissioning plan shall include the permittee post a bond or other adequate security sufficient to pay the entire cost of the decommissioning process.

Deuel Harvest states in their application regarding the decommissioning process the following. To avoid duplication and potential conflicts in obligations Deuel Harvest requests that the county defer to and accept the SDPUC’s final decision on financial assurance.

However the SD Energy Facility Siting Rules states the following regarding decommissioning of Wind Energy Facilities (20:10:22:33:01)

Decommissioning of wind energy facilities -- Funding for removal of facilities. The applicant shall provide a plan regarding the action to be taken upon the decommissioning and removal of the wind energy facilities. Estimates of monetary costs and the site condition after decommissioning shall be included in the plan. The commission **may require** a bond, guarantee, insurance, or other requirement to provide funding for the decommissioning and removal of a wind energy facility. The commission shall consider the size of the facility, the location of the facility, and the financial condition of the applicant when determining **whether to require some type of funding**. The same criteria shall be used **to determine the amount of any required funding.**”

As stated earlier Invenergy has requested in order to avoid duplication and potential conflicts in obligations, Deuel Harvest requests that the County defer to and accept the SDPUC’s final decision on financial assurance. However by so doing the County may not receive the adequate security that our ordinance requires. The ordinance states: The decommissioning plan shall include the requirements that Permittee post a bond or other adequate security sufficient **to pay the entire cost** of the decommission process.

Invenergy’s request does not assure adequate security nor full cost of the decommission process; therefore it would not be prudent to grant this request.

Lighting

The Deuel Harvest Special Exception Permit Application contains information on lighting.

I would like to submit the following regarding the lighting of turbines.

Last year North Dakota signed into law a bill which requires “Light-Mitigating Technology Systems” on Wind Energy Systems (WES) capable of producing more than 500 kW of electricity. The system first proposed was an Aircraft Detection Lighting System (ADLS). In December of 2015, FAA introduced standards for ADLS. The first FAA approved commercial operation of an ADLS was installed in Wyoming NY. The Wyoming NY installation was very effective. An article about this installation stated “Since we turned the system on in Wyoming, we regularly see nights where the lights are off 99% of the time.”

What will Deuel County look like in 5-10 years? If Wind Energy Systems (WES) continue to expand in the county, and additional phases add more and more turbines within the footprints of existing Wind Energy Systems (WES), we will no longer have the prairie view that was so familiar to indigenous peoples and our forefathers. The landscape will be a metal forest of turbines. However, at night, if the Aircraft Detection Lighting Systems (ADLS) is installed, we may be able to enjoy the same view of the stars that those who were here before us marveled at years ago.

I believe that if a public meeting had been held on these two projects and our citizens (participating and non-participating) had been allowed to freely express their views on this subject, the vast majority would have requested the red lights remain dark and only flash when an aircraft is detected.

We encourage the Board of Adjustment to require that all turbines in Deuel County have Aircraft Detection Lighting System (ADLS) technology. This technology should be part of the initial construction not delayed to be incorporated at a later date.

And

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

January 2019, met with Adam Behnke, Conservation Officer (SD Game Fish and Parks), subject matter bald eagle nest.

September 18, 2018, voice message from Jennifer Hieb regarding response from Senator Rounds regarding PTC.

January 2019, phone call with Josh Haeder regarding legal opinions on wind leases.

1-13) With respect to your statements at the January 24, 2019, public input hearing, state all facts that support the statements you made and produce copies of all documents that support statements you made.

All statements should be supported in the information provided to the PUC. One exception is the article related to Suicide. That article can be found at:

<https://docs.wind-watch.org/Zou-suicide-2017-Oct.pdf>

Dated this 26th day of February 2019.

By /s/ Jon Henslin

Jon Henslin

1020 Lake Alice Drive

Clear Lake, South Dakota

jnhenslin@itcmilbank.com