

**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**

**INTERVENOR JOHN HOMAN'S
WRITTEN TESTIMONY**

EL18-053

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My goal is to protect our property and maintain it for the future, to continue the use and enjoyment of it as it has been.

The property on section 32 of Glenwood Township was purchased in 1989. It was bought for an investment in the future. For our family to enjoy the outdoors, the hunting, and the rural atmosphere and have a place to enjoy with our children and grandchildren, especially in our retirement.

Allowing Deuel Harvest North to place industrial wind turbines in such close proximity to my property, would be restricting the normal usage and enjoyment of the property as it now exists, and restricts the continuing enjoyment in the future.

That would be denying my property rights and I would consider it trespass zoning.

We have spent 30 years developing it for the wildlife, and our enjoyment of it. The entire family spent days and years working to reach the goals, picking rocks, planting trees, pulling weeds, all the time learning to appreciate the uniqueness of the land and the area.

Christina and Garrett, appearing here, can attest to the amount of work they put into it!

It is perhaps one of the most unique spots (but not the only) in the area, of the Coteau Hills and Glacial Lakes Region. From article titled *Siting Guidelines for Wind Power Projects in South Dakota*, Page 3, paragraph 1-c,(Careful consideration should be given to the impact of wind power projects in areas that are unique/rare in South Dakota, such as the Coteau des Praires, Missouri River, and Prairie Pothole regions, particularly in areas that are relatively unfragmented. Special care should be given to avoid damage to unfragmented landscapes and high quality remnants in wetland and prairie ecosystems (e.g., tall grass, mixed grass, and short grass prairie). If possible, wind energy development should be located on already altered landscapes, such as cultivated or developed lands. An undeveloped buffer adjacent to intact prairies is also desirable.)

It is property from where the higher ridge of the Coteau transitions to the Minnesota valley. That is probably why we have such a great variety of wildlife species that use the area, creeks and valley, and all the side drainages. Two of my dams, one that is a fishery, are positioned not on

Monighan Creek, but on a drainage that is fed by area springs. Within less than a half mile the drainage is again a free flowing creek that requires an arched bridge under the old railroad tracks.

Monighan Creek is accommodated by a large double arched bridge to accommodate its flow under the old railroad bed in section 32.

The creek valley consists of natural growth trees and shrubs of many different species, dispersed with open grassed meadows. It also contains a few vertical creek banks that are used by birds like swallows that use earthen nests.

Monighan Creek valley continues on west, towards the southwest, then northwest and continues to the south past Rush Lake and west to the Crystal Springs Ranch area. It is a major creek that drains parts of the Coteau Hills. It is one of several creeks that drain in the project area or very close to it, including, Cobb Creek, Crow Creek, Crow Timber Creek, Lost Creek, and The Yellow Banks.

Monighan is listed as the home to the Northern Red Belly Dace, which is on the states threatened species list. It requires a fresh water, spring fed environment. These creek valleys with all their connecting drainages are a haven for traveling, foraging, and refuges for many species of wildlife.

Including all the species on accompanying list, and probably more that I can testify about.

- Eastern bluebirds
- Yellow warblers
- Orioles
- Cedar waxwings
- Brown thrashers
- Rose breasted grosbeaks
- Goldfinches
- Purple finches
- American Robins
- Blue jays
- Nuthatches
- Eastern kingbirds
- Northern Mocking birds
- Grey catbirds
- Bitterns
- Dark eyed juncos
- Red winged blackbirds
- Yellow headed blackbirds
- Many sparrows
- Mourning doves
- Many owls
- Great horned owls
- Cow birds
- Wood thrushes
- Tufted titmouse
- King fishers
- Indigo buntings
- Scarlet tanagers
- Bobolinks
- Meadowlarks
- Northern flicker
- Many wood peckers

Pileated woodpeckers
 Turkeys
 Turkey vultures
 Humming birds
 Bald eagles
 Red tailed hawks
 Many hawks
 Ring-necked pheasants
 Killdeer
 Black phoebes
 Purple martins
 Tree swallows
 Barn swallows
 Wrens
 Common grackle
 Brown creeper
 Starlings
 American crow
 Black capped chickadee
 Eastern Towhee
 Sandpipers
 American Pelicans
 Canadian goose
 Snow goose
 Mallard ducks
 Canvasbacks
 Hooded merganser
 Great blue heron
 Wood ducks
 Teal
 Buffohead

We have also wintered over 100 deer on our property and creek valleys, and numerous turkeys.

Monighan Creek runs from west to east across our property in section 32 of Glenwood Township. Within the property, we have approximately 1.3 miles of creek bed and associated trees, shrubs, and vegetation. We have approximately 50 acres of trees on the property including numerous native species, in addition to many species of planted varieties such as evergreens and other hardwoods, with additional forested areas totaling approximately 150 acres of trees and shrubs within a mile of the project. This environment provides habitat for the many different species of wildlife that now enhance the surrounding properties, as well as ours.

I will testify to the many species we now see on the property and surrounding areas, due to the development of habitat that we have spent 30 years working on.

Ducks and Geese- migration and nesting:

This project will be a long term negative affect on all our waterfowl and other avian species. Due to the large footprint, required for wind energy as opposed to other energy sources, such as coal or solar. This large area of land covering a large number of lakes, streams and wetlands will negatively affect ducks and geese, as well as other shorebirds, as Bitterns, would be affected. Have you ever seen a Bittern?

A large part of the project area is designated as duck nesting habitat by the United States Department of Agriculture.

This project area consisting of many stretches of grasslands would be more beneficial, to a large population of breeding ducks and geese and many other species of birds, than would other areas of mostly croplands.

According to studies, the longer the time frame a wind project exists, the more damage to birds and other species.

The entire project area is covered with fresh water springs and flowing wells that could very easily be negatively impacted by these 112 massive concrete foundations that we needed to support 500 foot industrial wind towers.

I feel the foundation design need to be available to the public for all tower sites so the public is aware of the size in diameter and the depth of the excavations required for the foundations.

The landowners in an area need to know if aquifers or any underwater springs are disturbed or impacted in a way that they would be disrupted or contaminated. This could impact water sources that feed wells, dams, or streams and have long term negative affects for the area. Contamination could be caused by chemicals used in construction, coatings on materials used, or discharges from industrial equipment. These materials or chemicals must be contained and removed from the soils to prevent leeching into the springs and aquifers. We need to know how these incidents are monitored and reported to the proper public authorities.

I firmly believe that a system needs to be in place to address the problems if springs are disturbed.

I have 4 fresh water spring fed dams on my property in section 32 of Glenwood Township. One of them is a natural restocking fishery.

The entire project area encompasses numerous lakes, sloughs and creeks and dams that provide exceptional habitat to all wildlife species. The lakes are, Lake Alice, Lone Tree, Rush Lake, Lake Francis and numerous large and small sloughs, I myself have a 35 acre natural cattail slough on my property in section 20 in Altamont Township. I will show with maps where all are located and how a large portion of the project area is a haven for wildlife. This project would be the worst possible scenario for our waterfowl, and all the other species of birds and wildlife populations.

Our property in section 20 of Altamont Township is also a haven for wildlife. In addition to the countless waterfowl we support because of our 35 acre slough and close proximity to Lake Alice, Lone Tree Lake and Rush Lake, the property is also, in past years, a wintering home for some upwards of 75 to 100 white tail deer. I will provide pictures.

Both properties referred to here are wildlife nursery as well as bedrooms and feeding areas!

The property also supports a large population of Monarch butterflies and we have observed large numbers during migration periods. The Monarch has been considered for the endangered species list because of the habitat loss.

I will testify about my concern of fire caused by electrical problems from transmission lines, that caused devastating damage to a large portion of my creek property. I am concerned that there is very little fire control that can be done in the case of a turbine fire originating 350 feet in the air. The time factor required to prevent damage to my property and trees, or to people that would be on the property at the time, is a critical concern to me and my family. The only

controlling factor would be more distance to provide the needed time in any high wind conditions.

I have not heard the wind company, Deuel Harvest, or any of our Deuel County boards address this concern in any satisfactory way

Greater setbacks appear to me to be only remedy to this concern. As now proposed on the project map, there would be a turbine within approximately 1000 feet of my property and 50 acres of trees and 7 homes to the east, downwind, within approximately 1 1/4 mile from the turbine. It is a continuation of trees, shrubs, and grasslands to those homes. Three of these homes have been sold or are for sale.

I will testify to my problems with the close proximity of industrial wind turbines to my landing strip in section 32 of Glenwood Township, designated as Homan Field. The wind turbines as now proposed on the project map will prevent safe usage of our county permitted and FAA approved landing strip.

The landing strip permit was applied for in March of 2017. It took 6 month and 6 Deuel County Zoning Board meetings to get the permit.

The permit hearings were conducted by zoning board members that appeared to be trying to find ways of denying the permit.

As you may now know, I was involved in the lawsuit against the Deuel County Zoning Board, for conflicts of interest. The judge ruled that 2 board members had contracts with Invenergy, because of these conflicts of interest, the judge ruled that the permit granted in January of 2018 to Deuel Harvest North, is void, or permit denied. Two other board members had conflicts with other wind projects and one, Mr. Kannegeiter, works for a landowner that is contracted for several wind turbines in the Deuel Harvest South project.

Mr. Paul Brandt has contracts with other wind companies and is majority owner in a company that has done over \$800,000.00 worth of business with a turbine blade manufacturer in Aberdeen, SD.

Invenergy's representatives and attorneys attended the permit hearing and observed all the zoning board members state publicly that they had no conflicts of interest. I would be completely surprised if they knew nothing about the contracts.

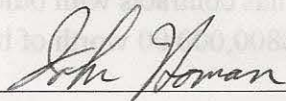
Invenergy attorneys also attended the hearing of the zoning board on the issue of my landing strip. They argued in opposition to my permit at several meetings, again I feel that they were aware of contracts with board members, but the issue of conflict of interest was not brought up by the board members, nor John Knight as advisor to the board, nor the attorneys for Invenergy.

During that time period, Invenergy was negotiating contracts with the neighboring landowner, Darold Hunt, who is now contracted to get 11 turbines. The contracts were negotiated by states attorney John Knight. During the Deuel County Commissioners meeting to determine setbacks for wind turbines, one of the voting members of the commission and their family members had contracts with Invenergy and another member had contracts with other wind projects within the county.

As the project is now proposed, I will have 9 industrial wind turbines within 1 mile of my property, the closest within about 1000 get of my property and forested area. We will have approximately 18 turbines within 2 miles and the view will be of many more.

The accumulative affect of the sound, the infrasound, and the shadow flicker on my property is of great concern! I feel that the setbacks should be increased to prevent problems associated with these issues. I think setbacks from residences should be at least 1.5 miles and a minimum of 1500 feet from public roads and right-of-ways and 2 miles from environmentally sensitive areas. I believe that all rural residences have to be treated the same as all urban or lake park district residences. This could include the possibility of waivers available to all landowners.

Date: 3-14-19



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