



500 West Russell Street  
Sioux Falls, South Dakota 57101-0988

November 10, 2021

—VIA ELECTRONIC FILING—

Ms. Patricia Van Gerpen  
Executive Director  
South Dakota Public Utilities Commission  
State Capitol Building  
500 East Capitol Avenue  
Pierre, South Dakota 57501-5070

RE: SITE PERMIT CONDITION NO. 1 – ADDITIONAL PERMITS OBTAINED  
APPLICATION BY DAKOTA RANGE I, LLC & DAKOTA RANGE II, LLC FOR A  
PERMIT OF A WIND ENERGY FACILITY IN GRANT COUNTY AND CODINGTON  
COUNTY, SOUTH DAKOTA, FOR THE DAKOTA RANGE WIND FARM  
DOCKET NO. EL18-003

Dear Ms. Van Gerpen:

Northern States Power Company, doing business as Xcel Energy (NSP or the Company), submits this filing to the South Dakota Public Utilities Commission regarding the 302.4 MW wind energy conversion facility located in Grant and Codington Counties South Dakota known as the Dakota Range I & II Wind Energy Facility.

The Commission's July 23, 2018 Site Permit – Permit Condition 1 states:

Applicant will obtain all governmental permits which reasonably may be required by any township, county, state or federal agency, or any other governmental unit for construction and operation activity prior to engaging in the particular activity covered by that permit. Copies of any permits obtained by Applicant shall be sent to the Commission.

In compliance with this Site Permit Condition, the Company submitted a filing on July 31, 2020 containing the permits obtained in pre-construction of the Dakota Range I & II Wind Energy Facility. Since that time, the Company has obtained additional permits – see below for a list of attachments:

- Attachment A – Affidavit of Darin Schottler regarding Federal Aviation Administration’s Determinations of No Hazard.
- Attachment B – Federal Communications Commission Aircraft Detection Lighting System (ADLS) License
- Attachment C – Water Use Permit
- Attachment D – Conditional Use Permit ADLS Acceptance Letter
- Attachment E – Department of Transportation Road Use Permit

Below, we provide an updated status for all permits and approvals included in **Table 27-1: List of Applicable Permits or Approvals** of the January 24, 2018 Application. The shaded pieces were already provided in our July 31, 2020 filing – including the adjustments made to the table to include additional township Road Use Agreement permits that we included with the July 2020 filing.

**Table 27-1 (As of November 10, 2021): List of Applicable Permits or Approvals**

Agency	Permit/ Approval	Description	Status as of January 24, 2018	Current Status
USFWS	Compliance with Section 10 of the ESA	Private non-federal entities undertaking projects may not result in the take of an endangered or threatened species, unless an incidental take permit is issued by the USFWS.	Wildlife studies and coordination with USFWS determined low risk to threatened and endangered species warranting permitting under the ESA. No incidental take permit warranted. BBCS to be prepared and implemented for the Project.	Additional pre-construction wildlife studies were completed that confirmed low risk to threatened and endangered species. No incidental take permit is warranted. The BBCS was provided to wildlife USFWS and filed on 7/23/2020.
USFWS	Compliance with the BGEPA	Projects may not result in the take of bald or golden eagles, unless an eagle take permit is issued by the USFWS.	Wildlife studies and coordination with USFWS determined low risk to eagles. No permit warranted. BBCS to be prepared and implemented for the Project.	Additional pre-construction eagle studies were conducted that confirmed a low risk to eagles, and no ETP is warranted. The BBCS was provided to wildlife agencies and filed on 7/23/2020.
FAA	Form 7460-1, Notice of Proposed Construction or Alteration	Required if construction or alteration is within 6 miles of public aviation facility and for structures higher than 200 feet	Received Determinations of No Hazard from FAA for a preliminary layout in February 2016 and for current layout in December 2017.	November 10, 2021 Filing: <b>Attachment A</b> - Affidavit of Darin Schottler regarding Federal Aviation Administration’s Determinations of No Hazard

Agency	Permit/ Approval	Description	Status as of January 24, 2018	Current Status
			Notices of Proposed Construction for the final layout will be filed after final design is complete.	July 31, 2020 Filing: FAA Determinations of No Hazard have been obtained and are included as <b>Attachment A</b> and <b>Attachment B</b> to this filing.
FCC	Radio Station Authorization	Required for operation of the Aircraft Detection Lighting System (ADLS) radar tower.	License issued September 23, 2021.	November 10, 2021 Filing: <b>Attachment B</b> - FCC ADLS License
USACE	Section 404 permit	Authorization under the Clean Water Act for impacts to wetlands and waters of the U.S.	Impacts will comply with USACE NWP 12 requirements.	The project has been designed to avoid impacts to wetlands.
South Dakota SHPO	Coordination	Coordination regarding potential effects on archaeological and historical resources	A CRMMP was developed in coordination with SHPO; cultural resources surveys completed in December 2017 in accordance with CRMMP. Avoidance and mitigation measures will be implemented per the CRMMP to protect archaeological and historic resources.	An updated cultural and tribal resources survey reported was reviewed by SHPO and filed on 7/8/2020. Per the CRMMP, an archaeologist and SWO tribal resources monitor will be onsite during construction to ensure that appropriate avoidance and minimization measures are implemented.
Native American tribes	Coordination	Coordination regarding potential effects on Native American cultural resources	Cultural resources surveys are being completed in coordination with the SWO, allowing the SWO opportunities to review finds and participate in eligibility recommendations and avoidance plans for sensitive tribal resources.	An updated cultural and tribal resources survey report was completed in coordination with SWO and filed on 7/8/2020. Per the CRMMP, an archaeologist and SWO tribal resources monitor will be onsite during construction to ensure that appropriate avoidance and minimization measures are implemented.

Agency	Permit/ Approval	Description	Status as of January 24, 2018	Current Status
SDPUC	Energy Facility Site Permit	Application required for wind facilities with nameplate capacity greater than 100 megawatts	Submitted January 2018	Site Permit received July 23, 2018 and is available online in the docket filings.
SDGFP	Coordination	Coordination regarding effects on state-listed threatened or endangered species	Wildlife studies and coordination with SDGFP complete. Site determined low risk to state-listed species. Avoidance and minimization measures will be implemented to address potential impacts. BBCS to be prepared and implemented for the Project	Additional pre-construction wildlife studies were completed that confirmed low risk to state-listed species. The BBCS was provided to SDGFP and filed on 7/23/2020.
SDDENR	Section 401 Water Quality Certification	Complete an application under the Clean Water Act, only if Individual Permit is required for Section 404	Project-specific certification is not anticipated due to NWP 12 compliance.	No project-specific certification is required.
	General Permit for Storm Water Discharges Associated with Construction Activities	Storm water permit required for construction activities	SWPPP will be prepared and Notice of Intent will be submitted after final design is complete.	July 31, 2020 Filing: South Dakota General Permit for Stormwater Discharges included as <b>Attachment C</b> to this filing. South Dakota Contractor Authorization Form Approval included as <b>Attachment D</b> to this filing. EPA Authorization to Discharge under the Construction Stormwater General Permit included as <b>Attachment E</b> to this filing.
	Temporary Water Use Permit	Temporary permits for the use of public water for	If necessary, will be obtained prior to construction.	July 31, 2020 Filing: Permit Obtained on 7/30/2020. Included as

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		construction, testing, or drilling purposes; issuance of a temporary permit is not a grant of water right		<b>Attachment F</b> to this filing.
	General Permit for Temporary Discharges	Temporary permit for the use of public water for construction dewatering	If necessary, will be obtained prior to construction.	If necessary, will be obtained prior to engaging in the activity.
	Water Rights Permit for Nonirrigation Use	Needed if water will be appropriated for O&M facility	If necessary, will be obtained prior to construction.	November 10, 2021: <b>Attachment C</b> - Water Use Permit
SDDOT, Aeronautics Commission	Aeronautical Hazard Permit	Permit lighting plan determined with FAA coordination	Will be completed after final design is complete.	November 10, 2021: <b>Attachment D</b> - Conditional Use Permit ADLS Acceptance Letter  <i>Note: In 2019 there was a law change - SD no longer issues permits for tall structures - FAA Determinations of no hazard must be received.</i>
SDCL 49-32-3.1	Notice to telecommunication companies	Telecommunication companies review the preliminary electrical layout and may suggest revisions to reduce impact to their systems	Will be completed after final design is complete.	The project team is in the process of contacting all telecommunications companies in the project area. We are providing the construction plans for their review and comment. Construction coordination efforts are underway.
SDDOT	Highway Access Permit	Permit required for any access roads abutting State roads	If necessary, will be obtained after final design is complete.	If necessary, will be obtained prior to engaging in the activity.
	Utility Permit	Permit required for any utility crossing or use within State road right-of-way	If necessary, will be obtained after final design is complete.	November 10, 2021 Filing: <b>Attachment E</b> - Department of Transportation Road Use Permit
	Oversize & Overweight Permit	Permit required for heavy equipment transport over State roads during construction	Will be obtained prior to transport of overweight/oversized loads.	If necessary, will be obtained prior to engaging in the activity.

Agency	Permit/ Approval	Description	Status as of January 24, 2018	Current Status
Codrington County	Conditional Use Permit	Permit required for construction of the Project	Obtained June 19, 2017.	Included in Appendix K of the January 24, 2018 Application.
	Individual Building Permits	Permit required for construction of each turbine and building	Will be obtained prior to construction.	July 31, 2020 Filing: Tower 57 permit is included as <b>Attachment G</b> to this filing. Additional permits will be provided once obtained. No work will be commenced on other towers until permits are obtained.
	County Road Permits	County Road Permits are required for right-of-way occupancy, utility crossings, road approaches, and overweight loads	Will be obtained prior to activity requiring permit.	July 31, 2020 Filing: Road Approaches: Included as <b>Attachment H</b> to this filing.  Overweight Loads: Not required for foundation construction. Will obtain prior to hauling turbine components.  Right-of-way occupancy and utility crossing permits will be obtained once the collection layout is finalized. No work requiring these permits will be commenced until the permits are obtained. Once obtained, the Company will file the Permit with the Commission.
	County Road Use Agreement	Road use agreement may be required	Will be obtained in Q3 2018.	July 31, 2020 Filing: RUAs were signed in 2018 for County and townships. Included as <b>Attachment I</b> to this filing.
Grant County	Conditional Use Permit	Permit required for construction of the Project	Obtained June 12, 2017.	Included in Appendix K of the January 24, 2018 Application.
	Individual Building Permits	Permit required for construction of each turbine and building	Will be obtained prior to construction.	July 31, 2020 Filing: Obtained July 2020. Included as <b>Attachment J</b> to this filing.

Agency	Permit/ Approval	Description	Status as of January 24, 2018	Current Status
	County Road Permits	County Road Permits are required for right-of-way occupancy, utility crossings, road approaches, and overweight loads	Will be obtained prior to activity for which permit is required.	<p>July 31, 2020 Filing: Road Approaches: Included as <b>Attachment K</b> to this filing.</p> <p>Overweight Loads: Not required for foundation construction. Will obtain prior to hauling turbine components.</p> <p>Right-of-way occupancy and utility crossing permits will be obtained once the collection layout is finalized. No work requiring these permits will commenced until the permits are obtained. Once obtained, the Company will file the Permit with the Commission.</p>
	County Road Use Agreement	Road use agreement may be required	Will be obtained in Q3 2018.	July 31, 2020 Filing: RUAs were signed in 2018 for County and townships. Included as <b>Attachment L</b> to this filing.
<b>Additions</b>				
Leola Township	Road Use Agreement			July 31, 2020 Filing: RUAs were signed in 2018 for townships. Included in <b>Attachment I</b> .
Germantown Township	Road Use Agreement			July 31, 2020 Filing: RUAs were signed in 2018 for townships. Included in <b>Attachment I</b> .
Blooming Valley Township	Road Use Agreement			July 31, 2020 Filing: RUAs were signed in 2018 for townships. Included in <b>Attachment L</b> .
Farmington Township	Road Use Agreement			July 31, 2020 Filing: RUAs were signed in 2018 for townships. Included in <b>Attachment L</b> .
Lura Township	Road Use Agreement			July 31, 2020 Filing: RUAs were signed in 2018 for townships. Included in

Agency	Permit/ Approval	Description	Status as of January 24, 2018	Current Status
				<u><b>Attachment L.</b></u>
Osceola Township	Road Use Agreement			July 31, 2020 Filing: RUAs were signed in 2018 for townships. Included in <u><b>Attachment L.</b></u>
Mazeppa Township	Road Use Agreement			July 31, 2020 Filing: RUAs were signed in 2018 for townships. Included in <u><b>Attachment L.</b></u>

If you have any questions regarding this filing, please contact Amber Hedlund at (612) 337-2268 or [amber.r.hedlund@xcelenergy.com](mailto:amber.r.hedlund@xcelenergy.com) or me at (605) 339-8350 or [steven.t.kolbeck@xcelenergy.com](mailto:steven.t.kolbeck@xcelenergy.com).

Sincerely,

/s/

STEVEN T. KOLBECK

PRINCIPAL MANAGER – SOUTH DAKOTA

Enclosures