

Deuel Harvest Wind
Compliance Filing – Condition 28

Deuel Harvest Wind Energy LLC (“Deuel Harvest”) provides the following information required pursuant to paragraph 28 of the Permit Conditions approved by the South Dakota Public Utilities Commission (“Commission”) in its May 30, 2019 Final Decision and Order Granting Permit to Construct Facilities; Notice of Entry in Docket EL 18-053.

PUC 28 Within 90 days after the Project's commercial operation date, Applicant shall submit a report to the Commission that provides the following information:

PUC 28.a) as-built location of structures and facilities, including drawings clearly showing compliance with the setbacks required by state and local governments set forth in Table 9-1 of the Application;

Deuel Harvest: As-built maps providing the information required in subpart (a) are provided as Attachment A.

PUC 28.b) the status of remedial activities for road damage, landowner property damage, crop damage, environmental damage, or any other damage resulting from Project construction activities; and

Deuel Harvest: Information regarding each category identified in subpart (b) is provided below:

- County Road Damage: An Agreement for Use and Restoration of Contractor’s Haul Road with Deuel County was executed on October 28, 2019. County Haul Road improvements have not yet commenced, as site restoration, reclamation, and re-seeding is the top priority at this time; such activities require further use of public roads, so any assessment of final public road repairs at this time would be premature. Deuel Harvest is engaging in ongoing coordination and communication with the Deuel County Highway Department regarding assessments of post-construction County road conditions, scope of repair, and road improvements. A certificate of completion is expected in Q3 2021.
- Township Road Damage: Agreements for Road Use, Repair, and Improvements with each of the six affected Townships were executed between November 18, 2019 and December 30, 2019. Township Haul Road improvements have recently commenced and are ongoing. Deuel Harvest is engaging in ongoing coordination and communication with the Townships regarding assessments of post-construction Township road conditions, scope of repair, and road improvements. Certificates of completion are expected in Q3 2021.
- Landowner Property Damage: Approximately 20% of properties were restored in Q1 2021, before frost restrictions went into effect. Restoration activities resumed in April 2021 as weight restrictions on local roads due to frost were lifted. As of the date of this filing, approximately 50% of properties have been fully restored, with the remaining properties planned to be restored by early Q3 2021. Remaining activities include decompaction, fence/gate repairs, and reseeded. Additional information regarding specific restoration issues are discussed below in subpart (c).

- Crop Damage: Crop damage reimbursement for 2020 is approximately 62% complete. Deuel Harvest is working diligently to finalize reimbursement amounts for the remaining landowners who were impacted by construction. No major disputes exist, and the completion rate is increasing quickly as the project works with landowners on the logistics of gathering information, executing statements of reimbursement amounts and then the payments get processed and sent.
- Environmental Damage: No long-term environmental damage has occurred.

PUC 28.c) a summary of known landowner complaints and Applicant's plan for resolving those complaints.

Deuel Harvest: Most Landowner complaints have stemmed from the slow pace of restoration of their properties, and how Deuel Harvest will compensate farmers for the inability to plant crops in fields that have not been restored. Deuel Harvest has contacted most Landowners, and continues to attempt to contact Landowners that have so far been unreachable, to discuss individualized plans for property restoration. Items that have been discussed and agreed to in principle include 2020 crop damage reimbursement and reimbursement for farmers/Landowners to perform their own restoration. It is Deuel Harvest's understanding that landowner complaints were presented to the liaison, who in turn provided reports to the Public Utilities Commission.

Outstanding complaints and Deuel Harvest's plan for resolving them are described here:

- North Laydown Yard: Negotiations regarding restoration of the North Laydown Yard are ongoing. Deuel Harvest has made several offers and is working with the affected Landowner to come to a mutual agreement.
- Intersection 3: Deuel Wind's contractors left a Right of Way during construction, and subsequently disturbed a patch of native prairieland. Deuel Wind has contracted with an experienced prairie restoration company to restore this approximately 1-acre area. Negotiations with the Landowner to properly restore the disturbed prairieland are ongoing; both parties have stated that an agreement is imminent.
- On April 15, 2021, Deuel Harvest received a complaint from a participating landowner about the view and noise from a project turbine on an adjacent property owned by a different participating landowner. Deuel Harvest discussed the matter with the landowner on the telephone on April 15, 2021 and on April 26, 2021 and in-person on May 4, 2021. No specific mitigation has been identified. The landowner complained generally that other landowners got more turbines than he and he was expecting more. Deuel Harvest representatives explained that turbines can only be placed where allowed via a complex combination of state and local setback, noise and shadow flicker requirements, among other restrictions. After a several hour visit, he seemed satisfied and no further action was requested.