

REPORT OF THE LOCAL REVIEW COMMITTEE

FOR THE

**LOOKOUT SOLAR PARK I, LLC
PUC DOCKET EL 18-059**

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SEPTEMBER 2019

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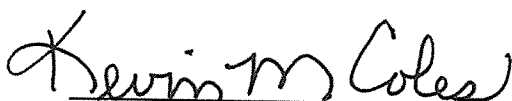
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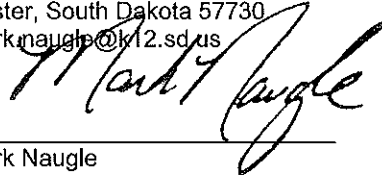
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EXECUTIVE SUMMARY

It is the opinion of the Local Review Committee (LRC) that the proposed Lookout Solar Park I, LLC Project to be constructed approximately 15 miles east of Buffalo Gap, South Dakota, will not have a significant social or economic effect on the Public Utilities Commission (PUC)-defined five-mile radius study area within the State of South Dakota. The area will be able to absorb the construction activities and gain significant benefits during and after construction.

Lookout Solar, a subsidiary of WIRCON USA, proposes to construct, own, and operate a 110-megawatt (MW) solar generation facility on individual Indian trust land in Oglala Lakota County, South Dakota. The solar park includes up to 500,000 solar panels, 18 34.5-kilovolt (kV) transmission lines, a substation, connection to 230-kV transmission lines, access roads to all of the solar panels and equipment, and an operating and maintenance facility.

The following is a summary of the LRC's findings:

(1) ***Housing Supplies***

It is the opinion of the LRC that adequate housing opportunities exist in the vicinity of the solar park to service both temporary construction workers and permanent employees that will operate the solar park. These include campgrounds/RV parks, motels/hotels, apartments, and single-family homes.

(2) ***Educational Facilities and Manpower***

It is the opinion of the LRC that the school districts near the solar park will be able to accommodate the small number of students likely to result from the hiring of three to five employees to operate the solar park. It is also the opinion of the LRC that the construction effort will provide significant economic benefits to the Oglala Sioux Tribe and local counties through contractor expenditures in the area, local purchases of materials and services, and short- and long-term employment and operation in the area.

(3) ***Water Supply and Distribution***

The LRC recommends that Lookout Solar complete a thorough analysis of their options for water supply at the solar park site. If water is needed at the site for intermittent panel cleaning and other operations and maintenance activities, Lookout Solar could conduct additional studies and develop contract(s) for extracting water through the existing 3-inch water line that runs to the area. If water is needed at the site on a more consistent basis for operations and maintenance, Lookout Solar could investigate constructing a new water line from the main line (approximately 6 miles away along Bureau of Indian Affairs [BIA] 2) to the solar park site. Lookout Solar also has the option of bringing water to the solar park site (via truck transport).

It is the opinion of the LRC that Lookout Solar has options for water supply to the solar park site, depending on the use.



(4) **Wastewater Treatment and Collection**

It is the opinion of the LRC that utilizing portable toilet facilities for domestic waste from the operating and maintenance facility at the solar park will be adequate. The solar park will operate as a closed system and no process water will be discharged. If any discharges are planned, a proper permit from South Dakota Department of Environmental and Natural Resources (DENR) will be required before any water may be discharged.

(5) **Solid Waste Disposal and Collection**

It is the opinion of the LRC that sufficient capacity exists in area landfills to accept any and all waste materials from construction; solid waste will not be generated from operation of the solar park. An adequate number of reputable waste haulers are available to ensure that proper disposal of all waste will occur.

(6) **Law Enforcement**

It is the opinion of the LRC that both the construction and operational phases of the solar park will have no significant impact on law enforcement activities and facilities in the affected area. The Oglala Sioux Tribe Department of Public Safety, Oglala Lakota County Sheriff's Department, and Custer County Sheriff's Department can handle the influx of temporary workers during construction activities. The LRC recommends that Lookout Solar and their construction manager host a pre-construction meeting for emergency services agencies to familiarize them with the location, scope, and timing of the solar park.

(7) **Transportation**

The LRC recommends that Lookout Solar establish haul road agreements, future maintenance agreements, and construction permits with the appropriate counties prior to commencement of construction. This will ensure that the roads used during construction are returned to acceptable, pre-construction conditions. Lookout Solar should coordinate closely with the appropriate counties to ensure all specific requirements and stipulations are met prior to, during, and upon completion of construction. The LRC also recommends that Lookout Solar use dust control methods on any of the unpaved, gravel roadways used during construction.

The LRC is of the opinion that access to the solar park site should be on Riverside Road from BIA 2. This would be the most efficient means of access to the site and will result in the least disruption of traffic in the area.

(8) **Fire Protection**

It is the opinion of the LRC that adequate fire protection can be provided by fire departments within the boundaries of the Reservation and in the immediate surrounding area. If necessary, additional emergency fire services/departments in the region can be called to the solar park site to support local responding departments, if necessary.



(9) **Health**

The LRC recommends that contractors on-site be made aware of what the probable response to a 911 call for medical assistance will be. It would be advisable that an emergency services meeting be held prior to commencement of construction.

It is the opinion of the LRC that construction and operation of the solar park will not significantly impact the health of the surrounding residents or health facilities in the general area of the solar park site. It is also the conclusion of the LRC that adequate emergency health services are available if needed during construction and operation of the solar park.

(10) **Recreation**

It is the opinion of the LRC that both the construction and operational phases of the solar park will have no substantial impact on recreational activities or facilities in the affected area. Since a number of the 150 construction workers will be hired locally from the Oglala Sioux Tribe and surrounding counties, it is not anticipated that there will be an increase in demand for recreational services. Most of the non-local workers will be working during construction of the solar park and will be short-term visitors. Many of these workers are anticipated to leave on weekends and holidays to return to their permanent homes. The existing recreational facilities will be able to adequately provide for the limited recreational needs of the construction workers and full-time employees.

(11) **Government**

The LRC recommends that Lookout Solar continue to coordinate with the Tribe regarding any requirements related to the solar park site. The LRC also recommends that Lookout Solar stay apprised to the progress of Oglala Lakota County establishing their own planning and zoning board/department, as Lookout Solar may need to coordinate with them once they are established.

It is the opinion of the LRC that both the construction and operational phases of the solar park will not have a significant impact on government activities and facilities in the study area. The LRC is of the opinion that the solar park will be beneficial to local governments by adding to the tax base. The incremental costs to governments in the area, which can be associated with the construction and operation of solar park site will be more than offset by the revenues generated.

(12) **Energy**

It is the opinion of the LRC that operation of the solar park will have a positive impact on electrical energy supplies in the area. Adding solar power to the electrical supply system will provide clean and renewable power to the area, reducing reliance on nonrenewable power sources, such as coal. It is recognized by the LRC as a welcome additional provider of electricity to southwest South Dakota.



CHAPTER 1 INTRODUCTION

1.1 Background

On February 23, 2018, the South Dakota Public Utilities Commission (PUC) received a Notification of Intent (NOI) to submit a permit application for an energy conversion facility from Lookout Solar Park I, LLC (Lookout Solar). Lookout Solar, a subsidiary of WIRCON USA, proposes to construct, own, and operate a 110-megawatt (MW) solar generation facility on individual Indian trust land in Oglala Lakota County, South Dakota (see **Appendix A**).

The PUC has jurisdiction over this matter pursuant to South Dakota Codified Law (SDCL) Chapter 49-41B (specifically, 49-41B-5 and B-6) and Administrative Rules of South Dakota (ARSD) 20:10:22:01.

- ◆ Pursuant to SDCL 49-41B-6, the PUC is required to designate the affected area relative to this filing, as well as a Local Review Committee (LRC) within 30 days after the filing of the NOI.
- ◆ According to SDCL 49-41B-2(10), the term “siting area” is defined as “that area within 10 miles in any direction of a proposed energy conversion facility or which is determined by the PUC to be affected by a proposed energy conversion facility.”
- ◆ In ARSD 20:10:22:01(1), “affected area” is defined as “that area, which may be affected environmentally, socially, or economically by the location of a facility at a proposed site.”

On February 28, 2018, the PUC filed two exhibits along with its recommendation of the affected siting area and LRC. Specifically, the PUC recommended that the affected area include a 5-mile buffer surrounding the solar park site. The affected area includes the counties of Custer, Oglala Lakota, and Fall River and school districts of Custer 16-1, Oglala Lakota 65-1, and Hot Springs 23-2. See **Appendix A** for maps of Custer, Oglala Lakota, and Fall River counties and **Appendix B** for maps of Custer 16-1, Oglala Lakota 65-1, and Hot Springs 23-2 school districts.

On March 1, 2018, the PUC transmitted notice of the filing and intervention deadline of March 16, 2018, to interested parties on the PUC’s Weekly Filings electronic listserv. No petitions to intervene or comments were filed.

At its regularly scheduled meeting on March 20, 2018, the PUC voted unanimously to designate the affected area as a 5-mile radius from the proposed energy conversion facility. In accordance with SDCL 49-41B-6, the PUC also voted unanimously to designate the LRC. Therefore, on March 26, 2018, the PUC issued an order, designating the affected area as a 5-mile radius from the proposed energy facility and the following individuals as the LRC (see **Appendix D**):

- ◆ Presidents of the Boards of Education of Custer, Oglala Lakota, and Hot Springs School Districts
- ◆ Chairs of the Custer, Oglala Lakota, and Fall River County Commissions
- ◆ President of the Oglala Sioux Tribe
- ◆ Representative of Lookout Solar

The LRC, pursuant to SDCL 49-41B-7, is responsible for assessing the potential social and economic effects of the energy conversion facility, assessing the surrounding area’s ability to absorb those effects and arrive at recommendations and mitigation measures deemed necessary. Within seven months after



the actual filing of the application by Lookout Solar (filed December 17, 2018) the LRC is required to file a Final Report with the PUC containing its findings and recommendations. By rule, the LRC would have until July 17, 2019, to file the report.

The LRC intends to provide the Final Report in a timely manner. They have determined that a consultant should be retained to assist them in carrying out their duties. The LRC recommended, and the PUC concurred, that KLJ be retained. Elizabeth Ricciardi, Project Manager at KLJ, has more than 13 years of experience working in environmental science, planning, and compliance, and has worked with several federal, state, and private agencies. She has managed and developed numerous large National Environmental Policy Act documents and PUC environmental and permitting documents, whereby she gathered, analyzed, and organized social and economic data and assessed and documented social and economic impacts. She is experienced in assessing the affected environment for a wide variety of resources and impacts from a wide variety projects. Ms. Ricciardi holds a degree in Environmental Studies from Northeastern Illinois University.

1.2 Project Overview

The 110-MW solar park includes up to 500,000 solar panels, 18 34.5-kilovolt (kV) transmission lines, a substation, connection to 230-kV transmission lines, access roads to all of the solar panels and equipment, and an operating and maintenance facility (Project).

The solar panels, access roads, and operating and maintenance facility would be located within the 840-acre solar park on individual Indian trust land in Oglala Lakota County, South Dakota. The land is currently jointly owned by Oglala Sioux Tribal members, Lynn Dee Rapp, Frank D. Rapp, Deborah Rapp Wammen, and Julia Trevillyan.

The 34-kV transmission lines would be approximately 11 miles long and would run west from the solar park to the substation in Custer County, South Dakota (see **Appendix A**). The transmission lines would be installed underground within the existing 66-foot-wide right-of-way (ROW) of Riverside Road, 148th Avenue, and Cottonwood Cutoff. Where the transmission lines would cross the Cheyenne River and Angostura Canal, horizontal directional drilling would be used for installation. The substation would be approximately 5.7 acres on private land and would connect to 230-kV transmission lines owned and operated by the Western Area Power Administration (WAPA). Power generated by the solar park would feed into the Southwest Power Pool.²

Construction of the Project is anticipated to begin in the Spring 2020, with operation beginning in the Winter 2022 and continuing for at least 30 years.

- ◆ **Figure 1** provides an overview of the Project Area.
- ◆ **Figure 2** provides a view of the current solar park site.
- ◆ **Table 1** provides a summary of the Project location.
- ◆ **Table 2** provides a summary of the government approvals required for the Project.
- ◆ **Appendix D** contains details/data pertaining to the Project, as provided to the South Dakota PUC from Lookout Solar. These details are summarized throughout this report, as applicable.

² The Southwest Power Pool is currently working on the Definitive Interconnection System Impact Studies for the Project. Lookout Solar is currently negotiating a power purchase agreement with them.





Figure 1, Overview of Project Area



Figure 2, Solar Park Site, View North from Riverside Road



Table 1, Project Location

PROJECT ELEMENT	SECTION	TOWNSHIP	RANGE	COUNTY
Solar Park	35, 36	41 North	48 West	Oglala Lakota
34-kV Transmission Line	26, 27, 28, 29, 30, 35, 36	6 South	9 East	Custer
	13, 14, 15, 24	6 South	8 East	
Substation	14	6 South	8 East	Custer

Table 2, Government Approvals

GOVERNMENT ENTITY	TYPE OF APPROVAL
WAPA	Interconnection to transmission lines
US Bureau of Reclamation	Crossing the Angostura Canal
US Forest Service	Utility permit for transmission lines along US Forest Service land
US Bureau of Indian Affairs	Approval of lease
South Dakota Department of School and Public Lands	Easement for crossing the Cheyenne River
South Dakota DENR	Approval for stormwater discharge during construction
Custer County	Approval to occupy the county ROW
	Floodplain development permit
	Building permit
Oglala Sioux Tribe	Business license

Key: ROW = right-of-way; DENR = Department of Environmental and Natural Resources

1.3 Applicable Laws

- ◆ SDCL 49-41B-6 – Designation of affected area by commission after NOI filed--LRC designated, composition. Within 30 days after the filing of the NOI to apply for a permit for the construction of an energy conversion facility or AC/DC conversion facility, the PUC shall designate the affected area and an LRC composed of:

- (1) The chair of the Tribal council of each affected reservation
- (2) The president of the board of education of each affected school district
- (3) The chair of the county commissioners of each affected county
- (4) The mayor of each affected municipality
- (5) A representative of the applicant utility designated by the utilities

Source: SL 1977, ch 390, § 10; SL 2006, ch 242, § 3.

- ◆ SDCL 49-41B-7 – Assessment by LRC--Factors included. The LRC shall meet to assess the extent of the potential social and economic effect to be generated by the proposed facility, to assess the affected area's capacity to absorb those effects at various stages of construction, and formulate mitigation measures. The assessment of the LRC shall include consideration of the temporary and permanent alternatives in the following areas:

- (1) Housing supplies
- (2) Educational facilities and manpower
- (3) Water supply and distribution



- (4) Wastewater treatment and collection
- (5) Solid waste disposal and collection
- (6) Law enforcement
- (7) Transportation
- (8) Fire protection
- (9) Health
- (10) Recreation
- (11) Government
- (12) Energy

Source: SL 1977, ch 390, § 12; SL 2010, ch 226, § 5.

- ◆ SDCL 49-41B-8. Employment of personnel by committee--Expenses--Information furnished by commission. The LRC may employ such persons as determined by the PUC, which may be required to carry out the provisions of § 49-41B-7 and the expenses of said staff shall be paid from the initial filing fee. The commission shall furnish copies of the application to the members of the LRC and all other information which the commission determines that the committee should receive.

Source: SL 1977, ch 390, § 14.

- ◆ SDCL 49-41B-9. Financing of committee expenses. Expense payments and other authorized payments to members of the LRC for their service on the committee shall be financed by the unit of government or utility which they represent.

Source: SL 1977, ch 390, § 11.

- ◆ SDCL 49-41B-10. Final report of committee. Within seven months after the application is filed, the LRC shall file a final report with the PUC, which includes the recommendations of the committee as to mitigation measures and minority reports.

Source: SL 1977, ch 390, § 13.

- ◆ SDCL 49-41B-20. Final report heard by commission at final hearing--Decision on application--Adoption of committee's report. The final report shall be heard by the PUC at the final hearing wherein the commission makes its decision on the application for a permit. The LRC report may be adopted in whole or in part, at the discretion of the commission.

Source: SL 1977, ch 390, § 13.



CHAPTER 2 ASSESSMENT BY LOCAL REVIEW COMMITTEE

2.1 Housing Supplies

On average, 150 workers are expected to be on site during peak construction, which is slated to begin in the spring of 2020. A number of these short-term workers will be hired locally from the Oglala Sioux Tribe and surrounding counties and will already have adequate housing. Non-local construction workers on short-term assignments will likely utilize motels during the week and leave on weekends to return to their homes. The closest motels are in Oglala (20 miles), Hot Springs (25 miles), or Custer (35 miles). Some non-local construction workers will bring their own campers or travel trailers with the intent to locate them in an available campgrounds or mobile home parks that allows short-term (i.e., 1- to 6-months) leasing. The closest campgrounds/RV parks are 12 miles north at French Creek Camping Area, 20 miles south in Oglala, 25 miles west in the Black Hills National Forest, and 25 miles away in Hot Springs.

Some non-local workers may try to coordinate with local landowners who will allow a travel trailer in their yard with a connection to an electric power source. This provides a short-term economic benefit to the businesses and landowners in the area. Non-local construction workers will provide a revenue source for area motels.

A permanent work force of three to five Lookout Solar employees will be stationed at the solar park beginning in 2021. A number of these permanent workers will be hired locally from the Oglala Sioux Tribe and surrounding counties and will already have adequate housing. Non-local, permanent workers will have a number of options for locating in the surrounding area. The closest towns with public schools are Oglala (22 miles southeast of solar park), Hot Springs (25 miles west of solar park), and Hermosa (26 miles northwest of solar park).

Adequate housing opportunities exist within a thirty-mile radius of the solar park. A review of the comprehensive real estate listing service Zillow shows the following nearest properties for sale:

- ◆ Smithwick, South Dakota – 16 miles south-southwest of solar park – 2 bed/1 bath – \$125,000; 4 bed/2 bath – \$216,000
- ◆ Hot Springs, South Dakota – 25 miles southwest of solar park – several properties ranging in type, size, and price (\$109,000 - \$250,000)

On July 26, 2019, KLJ contacted the Thunder Valley Community Development Corporation (CDC) of Oglala Lakota County to discuss housing on the Pine Ridge Reservation (Reservation) (see Record of Communication in **Appendix C**). Star Means, Director of Housing and Homeowner Initiative, explained that the Thunder Valley CDC is a non-profit program that develops homes and community facilities on the Reservation. They recently developed 7 single-family homes, a 12-unit apartment complex, and a community center with a bunkhouse (i.e., rental units for short-term stays) (see **Figure 3**). They are currently developing 14 additional single-family homes in the geographic center of the Reservation. Ms. Means stated that the majority of the existing residences on the Reservation are composed of mobile housing units and US Department of Housing and Urban Development (HUD)-administered rental housing for low-income residents.





Figure 3, Simulation of Single-Family Homes Developed by Thunder Valley CDC

Oglala Sioux Lakota Housing (OSLH) is a Tribally designated housing entity chartered by the Oglala Sioux Tribe that obtains and maintains housing for Tribal members on the Reservation. OSLH manages and maintains more than 1,300 low-rent units and has built more than 500 home ownership units; they are currently building more. Their current projects include rehabilitating at least 30 low-rent units and upgrading the existing community water systems.

On July 30 and August 14, 2019, KLJ contacted the City of Hot Springs Development Coordinator, Scott Sogge, via email to inquire about rental properties; properties for sale; and any new planned, recently completed, or ongoing developments in Hot Springs (see Records of Communication in **Appendix C**). As of the date of this report, a response has not been received.

It is the opinion of the LRC that adequate housing opportunities exist in the vicinity of the solar park to service non-local temporary construction workers and permanent employees that will operate the solar park. These include campgrounds/RV parks, motels/hotels, apartments, and single-family homes.

2.2 Educational Facilities and Manpower

2.2.1 Educational Facilities

Located within the affected area of the solar park are three school districts: Custer 16-1, Oglala Lakota 65-1, and Hot Springs 23-2 (see **Figure 4** and **Appendix B**). There are also schools within the Oelrichs 23-3 School District that are in proximity to the affected area.





Figure 4, School Districts in the Affected Area

The nearest public schools to the solar park are as follows:

- ◆ Red Shirt Elementary; 84 students – pre-kindergarten through 8th grade; Oglala Lakota 65-1 School District; unincorporated village of Red Shirt, South Dakota (13 miles northeast of solar park).
- ◆ Loneman Day School; number of students not available – kindergarten through 8th grade; Oglala Lakota 65-1 School District; Oglala, South Dakota (22 miles southeast of solar park).
- ◆ Oelrichs Elementary School; 51 students – kindergarten through 6th grade; Oelrichs 23-3 School District; Oelrich, South Dakota (24 miles southwest of solar park).
- ◆ Hot Springs Elementary School (389 students – kindergarten through 5th grade), Hot Springs Middle School (193 students – 6th through 8th grade), and Hot Springs High School (265 students – 9th through 12th grade); Hot Springs 23-2 School District; Hot Springs, South Dakota (25 miles west of solar park).
- ◆ Hermosa Elementary and Middle School; 192 students – kindergarten through 8th grade; Custer 16-1 School District; Hermosa, South Dakota (26 miles northwest of solar park).

With the per student funding system utilized by the State of South Dakota, any school district that receives additional students will also receive funding for that student.

On July 26 and August 14, 2019, KLJ contacted Superintendent Mark Naugle of the Custer 16-1 School District via email to inquire about the district’s current capacity and availability to accept additional students. On August 15, 2019, Mr. Naugle responded to KLJ’s inquiry stating that he is aware of the solar park and does not have any concerns. They are in the preliminary stages of potentially constructing another school building in Hermosa, and have the capability to accept additional students in all grades (see Records of Communication in **Appendix C**).



On July 26 and August 14, 2019, KLJ contacted Superintendent Dr. Anthony Fairbanks of the Oglala Lakota 65-1 School District via email to inquire about the district’s current capacity and availability to accept additional students. As of the date of this report, a response has not been received; however, on August 22, 2019, KLJ contacted the Oglala Lakota 65-1 School Board via telephone to discuss the district’s current capacity and availability to accept additional students. The Administrative Assistant of the school board stated that three schools in the district have the availability to accept additional students. In addition, the district is currently expanding one of their schools, which will have the availability to accept additional students upon completion of expansion (see Records of Communication in **Appendix C**).

On August 28, 2019, KLJ contacted Superintendent Kevin Coles of the Hot Springs 23-2 School District via telephone to inquire about the district’s current capacity and availability to accept additional students (see Records of Communication in **Appendix C**). Mr. Coles stated that he was not familiar with the solar park. The Hot Springs 23-2 School District has the capacity and space to accept additional students. However, depending on the time of year and number of students that would enroll, there could be issue with enough staffing to support additional students. If the students would enroll during the school year, there may not be enough teachers on staff, so the district would need to hire additional teachers. Mr. Coles stated that during the school year, it can be difficult to obtain additional teachers.

It is the opinion of the LRC that the school districts near the solar park will be able to accommodate the small number of students likely to result from the hiring of three to five employees to operate the solar park.

2.2.2 Manpower

Estimated employment data for Custer, Oglala Lakota, and Fall River counties were derived from the 2013-2017 US Census Bureau American Community Survey (ACS) and are summarized in **Table 3**.

Table 3, Employment Data

LOCATION	TOTAL POPULATION	UNEMPLOYMENT RATE	PREDOMINANT INDUSTRY
Custer County	8,519	2.3%	Educational services, health care, and social assistance – 22.9%
Oglala Lakota County	14,291	9.9%	Educational services, health care, and social assistance – 42.3%
Fall River County	6,783	1.5%	Educational services, health care, and social assistance – 37.1%

As shown in **Table 3**, the predominant industry in the affected area of the solar park is in educational services, health care, and social assistance. The unemployment rate is the highest in Oglala Lakota County and lowest in Fall River County.

On average 150 workers are expected to be on site during construction of the solar park, which is slated to begin in the spring of 2020. A portion of the construction, maintenance, and operation workforce will be hired locally from the Oglala Sioux Tribe and surrounding counties.

It is the opinion of the LRC that the construction effort will provide significant economic benefits to the Oglala Sioux Tribe and local counties through contractor expenditures in the area, local purchases of materials and services, and short- and long-term employment and operation in the area.



2.3 Water Supply and Distribution

On July 30, 2019, KLJ contacted the Oglala Sioux Rural Water System Manager, Willard Clifford, to discuss potential water supply to the solar park site (see Record of Communication in **Appendix C**). Water from the Oglala Sioux Rural Water System is sourced from groundwater (i.e., wells throughout the Reservation and the Missouri River) and treated at the Mni Wiconi Water Treatment Plant (see **Figure 5**).



Figure 5, Mni Wiconi Water Treatment Plant

Mr. Clifford stated that he was aware of the solar park. He explained that the only water line in the solar park area is a 3-inch water line that runs from the main water line (approximately 6 miles away along Bureau of Indian Affairs [BIA] 2) to the Rapp property (landowners of the solar park site). Mr. Clifford stated that water pressure through the 3-inch line is low, it is currently boosted to get better pressure.

He stated that Lookout Solar could obtain water for the solar park from the existing 3-inch water line; however, the availability water capacity through that line is unknown and pressure is low. In addition, the water would have to go through the existing meter, which could impact water availability for the current landowner. Lookout Solar would need to coordinate and develop a contract with the current landowner regarding obtaining water from the existing 3-inch line and potentially conduct studies to determine how their water extraction would impact the landowner's water availability.

Mr. Clifford discussed other options for water supply to the solar park site, including a new distribution line and a well. However, he stated that the most viable option would likely be obtaining water from the existing 3-inch line. In addition, the Project does not plan to use on-site wells.

Mr. Clifford stated that a new water line could be constructed to run from the main line (approximately 6 miles away along BIA 2) to the solar park site. Lookout Solar would need to investigate if they could construct a new line next to the existing 3-inch line or if they would need to construct the additional line in a new corridor. They would also need to determine if they would need an easement for constructing a new line.

The LRC recommends that Lookout Solar complete a thorough analysis of their options for water supply at the solar park site. If water is needed at the site for intermittent panel cleaning and other operations and maintenance activities, Lookout Solar could conduct additional studies and develop contract(s) for



extracting water through the existing 3-inch water line that runs to the area. If water is needed at the site on a more consistent basis for operations and maintenance, Lookout Solar could investigate constructing a new water line from the main line (approximately 6 miles away along BIA 2) to the solar park site. Lookout Solar also has the option of bringing water to the solar park site (via truck transport).

It is the opinion of the LRC that Lookout Solar has options for water supply to the solar park site, depending on the use.

2.4 Wastewater Treatment and Collection

Portable toilet facilities will be provided on site during construction and upon completion of construction. All of the waste will be collected within the toilets and transported by commercial operators to a disposal facility capable of handling the waste. There are commercial operators and treatment facilities available within 25 miles of the solar park in Hot Springs.

It is the opinion of the LRC that utilizing portable toilet facilities for domestic waste from the operating and maintenance facility at the solar park will be adequate. The solar park will operate as a closed system and no process water will be discharged. If any discharges are planned, a proper permit from Department of Environmental and Natural Resources (DENR) will be required before any water may be discharged.

2.5 Solid Waste Disposal and Collection

During construction a significant amount of solid waste may be generated. This solid waste will be collected by solid waste collection companies and hauled to an approved landfill. The Rapid City and Custer-Fall River landfills are the nearest landfills to the solar park. The Rapid City Landfill is a restricted-use landfill that only accepts authorized wastes (see **Table 4**). The Custer-Fall River Landfill is similar to the Rapid City Landfill, except it also accepts an unauthorized waste listed in **Table 5** (i.e., contaminated soil with approval from the South Dakota DENR).

It is anticipated that a commercial garbage hauler will be utilized by Lookout Solar and its construction contractors, and that any commercial hauler will dispose of the collected materials at one of the either the Rapid City Landfill or Custer-Fall River Landfill, as appropriate.

It is the opinion of the LRC that sufficient capacity exists in the available landfills to accept any and all waste materials from construction of the solar park; solid waste will not be generated as a result of operation of the solar park. An adequate number of reputable waste haulers are available to ensure that proper disposal of all waste will occur.



Table 4, Authorized Wastes at Restricted-Use Facility

**Authorized Wastes
Restricted Use Solid Waste Disposal Facility**

Under South Dakota law, local ordinances may further restrict some of the items listed below. The operator may choose not to accept some of the waste materials listed below.

Type of Waste	Handling Procedures / Requirements
Construction and demolition debris: Concrete, brick, stonework, asphaltic concrete, concrete block, asphaltic or fiberglass shingles, painted or stained wood, attached insulation, pipe, and similar wastes.	These wastes must be buried. These wastes may not be burned . Concrete, brick, stonework, asphaltic concrete, and concrete block may be buried or temporarily stored for subsequent recycling and reuse.
Trees and untreated wood: Scrap lumber, trees, tree branches, and brush. Painted, stained, glued, or chemically treated wood is considered treated and may not be open burned.	These wastes may be burned or buried. Wastes to be burned must be isolated in a separate area of the site. Contact the local fire department, DENR, and local law enforcement prior to open burning.
White goods/metals: Refrigerators, washers, dryers, freezers, stoves, water heaters and other recyclable scrap metals, excluding fuel tanks unless they have been cleaned and can be recycled.	These materials may be accepted for temporary storage only. Refrigerant (Freon) removal from refrigerant-containing appliances must comply with EPA regulations prior to recycling.
Waste tires	Waste tires may be accepted for temporary storage only. Keep tires at least 300 feet away from any open flame. Waste tires may not be burned or buried. Storage is not to exceed one year.
Miscellaneous wastes: Carpets, chairs, couches, mattresses, linoleum, glass, and similar materials.	These wastes may not be burned. These materials must be buried.
Ash	Only ash from wood burning stoves or other household sources and authorized on-site open burning may be accepted for burial.
Yard waste: Leaves, grass clippings, garden waste and similar vegetation.	Yard waste may not be burned. Yard waste must be composted. Reuse of compost shall be in compliance with applicable federal, state and local laws. Mature compost may be used on-site or given away to local residents and farmers.

Other wastes not listed above may be approved by DENR on a case-by-case basis. Waste not specifically listed above or approved by DENR must be removed and properly disposed at a permitted municipal solid waste landfill. DENR can be contacted at (605) 773-3153.



Table 5, Unauthorized Wastes at Restricted-Use Facility

**Unauthorized Wastes
Restricted Use Solid Waste Disposal Facility**

The following wastes are not allowed to be accepted at a restricted use site. If these substances/materials are found at the site, proper specific handling procedures and requirements are stated below for operator use. DENR can be contacted at (605) 773-3153.

Type of Waste	Handling Procedures / Requirements
<u>Hazardous waste:</u> Waste oil, solvents, PCBs, ash, or similar wastes.	Isolate waste and contact DENR as soon as possible.
<u>Pesticide containers</u>	Waste must be removed from the site and taken to a permitted municipal solid waste landfill or contact the Department of Agriculture about recycling options.
<u>Regulated asbestos-containing materials</u>	Isolate waste and contact DENR as soon as possible. Waste must be taken to a permitted municipal solid waste landfill.
<u>Lead-acid batteries</u>	Waste must be removed from the site and taken to a recycler that accepts lead-acid batteries.
<u>Putrescible wastes:</u> Municipal solid waste and household garbage.	Waste must be removed from the site and taken to a permitted municipal solid waste landfill.
<u>Liquid waste:</u> Petroleum products, sludges, tar, paint, used motor oil, contaminated water, or other liquid wastes.	Isolate waste and contact DENR as soon as possible to determine appropriate disposal methods.
<u>Treated wood:</u> Wood treated with inorganic chemicals, chromated copper arsenate (CCA), pentachlorophenol (PCP), or creosote. CCA and PCP treated wood is commonly referred to as green or brown treated.	Waste must be removed from the site and taken to a permitted municipal solid waste landfill for disposal.
<u>Miscellaneous wastes:</u> Cardboard, plastic, plastic containers, Styrofoam, foam rubber, packaging materials, loose insulation, containerized paints, sealants, adhesives, and similar materials.	Waste must be removed from the site and taken to a permitted municipal solid waste landfill for disposal or recycled.
<u>Electronic wastes:</u> Televisions, computers, monitors, cell phones, VCRs/DVDs, and similar electronic waste materials	Electronic wastes must be removed from the site and taken to a recycler or permitted municipal solid waste landfill.
<u>Contaminated soil:</u> Soil contaminated with diesel fuel, fuel oil, kerosene, jet fuel, gasoline, pesticides, solvents, transformer oil, motor oil, lubricants, grease, tar, or similar materials.	Isolate waste and contact DENR as soon as possible to determine appropriate disposal methods.



2.6 Law Enforcement

On July 25, 2019, KLJ contacted the Oglala Lakota County Sheriff's Department via telephone to inquire about their current capabilities, knowledge of the Project, and any concerns pertaining to the Project (see Records of Communication in **Appendix C**). Sheriff Joe Herman explained that law enforcement in Oglala Lakota County is primarily provided by the Oglala Sioux Tribe Department of Public Safety since the county is entirely within the boundaries of the Reservation. See **Figures 6** and **7** for a photograph of an Oglala Sioux Tribe police vehicle and Oglala Sioux Tribe Department of Public Safety office, respectively. The Tribe has their own laws and requirements pertaining to law enforcement and emergency management. The Oglala Lakota County Sheriff's Office only provides law enforcement in the area for non-Tribal-related incidences and calls, such as non-Tribal members acting disorderly, driving drunk, or trespassing. However, when there are major events/calls (e.g., active shooter, bomb threats), both the county and Tribal law enforcement respond.

The Oglala Lakota County Sheriff's Department does not have any formal mutual aid agreements with any surrounding counties (i.e., Custer and Fall River counties). Sheriff Herman stated that he was not aware of the solar park, but did not have any concerns pertaining to construction and operation of the solar park, because the Tribe has primary jurisdiction over emergency response and law enforcement in the county. He stated that the Oglala Lakota County Sheriff's Department has the available capacity to respond to any emergency management issues related to the solar park that the Tribe wouldn't handle.

On July 25 and August 14, 2019, KLJ contacted Chief of Police Robert Ecoffey of the Oglala Sioux Tribe Department of Public Safety via email to inquire about their current capabilities, knowledge of the Project, and any concerns pertaining to the Project (see Records of Communication in **Appendix C**). On August 16, 2019, Chief Ecoffey contacted KLJ via telephone. Chief Ecoffey stated that their department was very familiar with the solar park and they did not have any concerns. He stated that the solar park site is located in an isolated area with very few residences. His department does not receive very many 911/emergency calls for the area due to its isolated location. The Oglala Sioux Tribe Department of Public Safety does not have any formal mutual aid agreements with Custer or Fall River County, but they coordinate and have good working relationships with Oglala Lakota County and Fall River County Sheriff's Departments. The Oglala Sioux Tribe Department of Public Safety provides police, emergency, and ambulance services to locations within the Reservation; the Bureau of Indian Affairs provides fire management services.

Chief Ecoffey stated that his department currently has the capacity to address any issues/emergencies that arise during construction and operation of the solar park. The Oglala Sioux Tribe Department of Public Safety does not have any special requirements for construction and operation of the solar park since it is located on Reservation land. He stated that the Tribe has an emergency management office that responds to weather-related emergencies (e.g., flooding, major storms), lost individuals, and water-related rescue. They also have the capacity to address any issues/emergencies that arise during construction and operation of the solar park.





Figure 6, Oglala Sioux Tribe Police Vehicle



Figure 7, Oglala Sioux Tribe Department of Public Safety Office



On July 25, 2019, KLJ contacted the Custer County Sheriff's Department via email to inquire about their current capabilities, knowledge of the Project, and any concerns pertaining to the Project (see Records of Communication in **Appendix C**). On July 30, 2019, Sheriff Marty Mechaley responded to KLJ's inquiry, stating that his department provides law enforcement services to all communities in Custer County. He stated that he does not have the actual statistics on the most common calls his department receives; however, they are most likely related to traffic issues/incidents. His department does not currently have any formal mutual aid agreements with surrounding counties (i.e., Oglala Lakota and Fall River counties). However, similar to the Oglala Lakota County Sheriff's Department, the Custer County Sheriff's Department would respond to incidents/calls at the solar park, if directly requested to by Tribal law enforcement. Sheriff Mechaley stated that they would not likely be able to allocate long-term local resources to the solar park for emergency management. He also advised that if there are going to be tools/equipment stored on-site at the solar park, he recommended taking security precautions due to potential theft and vandalism.

As stated in the *Response to the South Dakota PUC Staff's First Set of Data Requests* (see **Appendix D**), during construction, the contractor would secure all construction areas to prevent public access. The contractor would also coordinate with local and county emergency management to develop procedures for emergency response and potential incidents concerning construction activities. The contractor would provide site maps, haul routes, schedules, contact numbers, training, and other requested information to local and county emergency management. The solar park would also register with the rural identification/addressing (fire number) system and 911 systems.

On July 25 and August 14, 2019, KLJ contacted Sheriff Robert Evans of the Fall River County Sheriff's Department via email to inquire about their current capabilities and any mutual aid agreements, knowledge of the Project, and any concerns pertaining to the Project (see Records of Communication in **Appendix C**). As of the date of this report, a response has not been received.

It is the opinion of the LRC that both the construction and operational phases of the solar park will have no significant impact on law enforcement activities and facilities in the affected area. The Oglala Sioux Tribe Department of Public Safety, Oglala Lakota County Sheriff's Department, and Custer County Sheriff's Department can handle the influx of temporary workers during construction activities. The LRC recommends that Lookout Solar and their construction manager host a pre-construction meeting for emergency services agencies to familiarize them with the location, scope, and timing of the Project.

2.7 Transportation

Primary access to the solar park site is provided by an unpaved, gravel roadway (i.e., Riverside Road) to the east and west (see **Figures 8** and **9**). There are several other unimproved/gravel roadways and two-track trails in the vicinity of the solar park site. The nearest asphalt-paved roadway that connects with Riverside Road is BIA 2 (two-lane roadway), approximately 6 miles west of the solar park site. The nearest highway that connects with Riverside Road is South Dakota Highway 79 (four-lane roadway), approximately 17 miles west of the solar park site.





Figure 8, View of Riverside Road from Solar Park Site, Facing East



Figure 9, View of Riverside Road from Solar Park Site, Facing West



As stated in the *Response to the South Dakota PUC Staff's First Set of Data Requests* (see **Appendix D**), Custer County and Oglala Sioux County gravel roads would be maintained by the contractor during construction, and paved roads would be returned to preconstruction conditions if they're damaged during construction. It is anticipated that several types of light, medium, and heavy-duty construction vehicles and private vehicles would travel to and from the construction site. The movement of equipment and materials to the site would result in a temporary increase in traffic on local roadways during the construction period. Most equipment would remain onsite for the duration of construction activities. Shipments of materials, such as gravel, concrete, and water would not be expected to substantially affect local primary and secondary roadways.

On July 25, 2019, KLJ contacted Custer County Highway Superintendent Gary Woodford via email to inquire about his knowledge of, and obtain input on, the Project (see Record of Communication in **Appendix C**). On August 1, 2019, Mr. Woodford replied to KLJ's inquiry. He stated that they are aware of the solar park. They do not require permits for construction vehicles; however, they require that the roadway used during construction be maintained and returned to pre-construction conditions once the solar park is complete. They will have more stipulations in place once the final design and engineering is completed. He also explained that, at various locations along the 34.5-kV transmission line route, there is not adequate space along the roadway to accommodate installation of the lines; however, Lookout Solar has applied for and received permission to occupy the ROW.

On July 25 and August 14, 2019, KLJ contacted Oglala Lakota County Highway Superintendent Ken Franks and Fall River County Highway Superintendent Randy Seiler via email to inquire about their knowledge of, and obtain input on, the Project (see Records of Communication in **Appendix C**). As of the date of this report, responses have not been received.

The LRC recommends that Lookout Solar establish haul road agreements, future maintenance agreements, and construction permits with the appropriate counties prior to commencement of construction. This will ensure that the roads used during construction are returned to acceptable, pre-construction conditions. Lookout Solar should coordinate closely with the appropriate counties to ensure all specific requirements and stipulations are met prior to, during, and upon completion of construction. The LRC also recommends that Lookout Solar use dust control methods on any of the unpaved, gravel roadways used during construction.

The LRC is of the opinion that access to the solar park site should be on Riverside Road from BIA 2. This would be the most efficient means of access to the site and will result in the least disruption of traffic in the area.

2.8 Fire Protection

The Bureau of Indian Affairs Fire Station is located approximately 37 miles southeast of the solar park site in Pine Ridge, South Dakota. The station provides the following to the Reservation: wildland fire suppression for life and property, hazardous fuels management, fire prevention and safety education, and emergency preparedness.

On August 22, 2019, KLJ contacted Superintendent John Long of the Bureau of Indian Affairs via telephone to inquire about his knowledge of the Project and emergency fire services the Bureau provides (see Records of Communication in **Appendix C**). Mr. Long stated that he is aware of the solar park and doesn't have any concerns. The Bureau of Indian Affairs provides emergency services for all wildland fires within the boundaries of the Reservation. Mr. Long explained that the Bureau does not



provide emergency services for structure fires; the volunteer fire departments cover all structure fires. He stated that the Tribe is currently developing their own separate program for handling structure fires within the boundaries of the Reservation, but the program is not yet operational. If there is a fire at the solar park site that threatens grasslands surrounding the site, the Bureau of Indian Affairs would respond. However, if there is only a structure fire at the solar park site, then the volunteer fire department nearest to the site would likely respond.

Other off-Reservation fire stations in the surrounding area include:

- ◆ Smithwick Volunteer Fire Department (approximately 14 miles south of the solar park site).
- ◆ Buffalo Gap Volunteer Fire Department (approximately 16 miles west of the solar park site).
- ◆ Fairburn Fire Department (approximately 17 miles northwest of the solar park site).
- ◆ Folsom Volunteer Fire Department (approximately 24 miles north-northeast of the solar park site).
- ◆ Hermosa Volunteer Fire Department (approximately 26 miles north of the solar park site).
- ◆ Cascade Volunteer Fire Department (approximately 29 miles southwest of the solar park site).
- ◆ Custer Fire Department (approximately 36 miles northwest of the solar park site)

On August 22, 2019, KLJ contacted the Smithwick Volunteer Fire Department via telephone to inquire about their current capabilities, knowledge of the Project, and any concerns pertaining to the Project (see Records of Communication in **Appendix C**). The Administrative Assistant stated that their department is aware of the solar park and doesn't have any concerns. She stated that their department would only provide emergency fire services to the solar park site if the other nearest responding departments needed assistance.

It is the opinion of the LRC that adequate fire protection can be provided by fire departments within the boundaries of the Reservation and in the immediate surrounding area. Additional emergency fire services/departments in the region can be called to the solar park site to support local responding departments, if necessary.

2.9 Health

One of the aspects considered for human health and well-being is that of the surrounding residences and communities. Operation of the solar park will not affect the health of the surrounding residents, diminish air quality, or significantly impact the ambient noise environment.

The closest residences are nearly one mile from the solar park site, except for a farmstead located in the north-central portion of the solar park site. It is not anticipated that the farmstead will be affected by the solar panels or operation and maintenance facility. However, if during final design it is determined that the farmstead would conflict with the site layout, it would be relocated or disassembled.

Relative to traditional power generation (e.g., combustion of fossil fuels), solar energy has a beneficial impact on human health and well-being, as there are less emissions of hazardous chemicals, noise, and overall pollution. The solar panels do not produce noise. However, the inverters, which convert direct current to alternating current, typically produce a low-volume hum. The inverters will be housed in sound-proofed boxing at the solar park. At a distance of 300 feet, Lookout Solar anticipates that the inverters will have a sound pressure level of 45 decibels (similar to the amount of noise generated by a refrigerator). Therefore, the inverters will unlikely be heard at nearby residences.

Another aspect considered for human health and well-being is the availability of, and impact on, health services for the workforce employed for the Project.



In general, trauma centers range (state to state) from Level I to Level V.

- ◆ A Level I Trauma Center is capable of providing total care for every aspect of injury (from prevention through rehabilitation).
- ◆ A Level II Trauma Center is able to initiate definitive care for all injured patients.
- ◆ A Level III Trauma Center has the ability to provide prompt assessment, resuscitation, surgery, intensive care, and stabilization of injured patients and emergency operations.
- ◆ A Level IV Trauma Center has the ability to provide advanced trauma life support prior to transferring patients to a higher level trauma center.
- ◆ A Level V Trauma Center provides initial evaluation, stabilization, and diagnostic capabilities and prepares patients for transfer to higher levels of care.

The closest medical facilities to the site are summarized as follows:

- ◆ Hot Springs, South Dakota, approximately 25 miles southwest of the solar park
 - (1) Rapid City Medical Center – Level III Trauma Center
 - (2) Black Hills Treatment VA, Hospital – Level IV Trauma Center
 - (3) Regional Health Medical Clinic – Level V Trauma Center
- ◆ Custer, South Dakota, approximately 36 miles northwest of the solar park
 - (1) Regional Health Custer Hospital – Level III Trauma Center
- ◆ Rapid City, approximately 42 miles north-northwest of the solar park
 - (1) Rapid City Regional Hospital – Level II Trauma Center

The nearest Level I Trauma Centers are in Denver, Colorado (Denver Health Medical Center), approximately 275 miles southwest of the solar park, and Fargo, North Dakota (Sanford Medical Center), approximately 380 miles northeast of the solar park.

Ambulance service in the event of a 911 call would most likely be provided by Hot Springs Ambulance Service in Hot Springs or Custer County Ambulance Services in Custer. Oelrichs Ambulance Services could also provide ambulance service, and Black Hills Life Flight, located in Rapid City, can provide emergency helicopter service.

As stated in the *Response to the South Dakota PUC Staff's First Set of Data Requests* (see **Appendix D**), during construction, the contractor would secure all construction areas to prevent public access and coordinate with local and county emergency management to develop procedures for emergency response and potential incidents concerning construction activities. The contractor would provide site maps, haul routes, schedules, contact numbers, training, and other requested information to local and county emergency management. The solar park would also register with the rural identification/addressing (fire number) system and 911 systems. Upon completion of construction, there will be security fencing around the perimeter of the solar park, as well as signs alerting the public about trespassing and potential dangers associated with the solar park.

The LRC recommends that contractors on-site be made aware of what the probable response to a 911 call for medical assistance will be. It would be advisable that an emergency services meeting be held prior to commencement of construction.

It is the opinion of the LRC that construction and operation of the solar park will not significantly impact the health of the surrounding residents or health facilities in the general area of the solar park site. It is



also the conclusion of the LRC that adequate emergency health services are available if needed during construction and operation of the solar park.

2.10 Recreation

The affected area and vicinity have a myriad of outdoor recreational activities available, including hunting, fishing, hiking, and camping. Badlands National Park is located less than 5 miles east-northeast of the solar park and offers hiking, camping, and scenic driving (see **Figure 10**). The Black Hills National Forest is located approximately 25 miles west of the solar park and offers hiking, camping, mountain biking, horseback riding, hunting, fishing, scenic driving, golfing, and rock climbing (see **Figure 11**). In winter, there are opportunities for ice fishing and snowmobiling near the solar park.

It is the opinion of the LRC that both the construction and operational phases of the solar park will have no significant impact on recreational activities or facilities in the affected area. Since a number of the 150 construction workers will be hired locally from the Oglala Sioux Tribe and surrounding counties, it is not anticipated that there will be an increase in demand for recreational services. Most of the non-local workers will be working during construction of the solar park and will be short-term visitors. Many of these workers are anticipated to leave on weekends and holidays to return to their permanent homes. The existing recreational facilities will be able to adequately provide for the limited recreational needs of the construction workers and full-time employees.

2.11 Government

Oglala Lakota County does not currently have its own county seat or administrative center. The neighboring Fall River County provides county services, such as permitting and zoning for development, to Oglala Lakota County. On July 31, 2019, KLJ contacted the Fall River/Oglala Lakota County Auditor's Office to discuss the Project (see Record of Communication in **Appendix C**). Ms. Aaron Everle, Administrative Assistant at the Auditor's Office, stated that she was aware of the solar park and that it has been discussed at commissioners meetings since 2018.

She explained that Oglala Lakota County is currently in the process of establishing their own planning and zoning board/department. Once established and operational, the new planning and zoning board/department will handle all county services, and Fall River County will no longer facilitate county services for Oglala Lakota County. Ms. Everle stated that Fall River County approves of the solar park and does not have any issues with the proposed location for the solar park or concerns related to the solar park.

Since the solar park will be located on individual Indian trust land, which is not Tribally controlled Reservation land, the Tribe does not technically need to approve of the solar park. However, the Bureau of Indian Affairs has approved the lease for the solar park, and the Oglala Sioux Tribal Council, including the current Tribal President, have expressed support for the solar park through resolutions and letters (see **Appendix D**).

As stated in the *Response to the South Dakota PUC Staff's First Set of Data Requests* (see **Appendix D**), Lookout Solar has submitted applications for floodplain development and grading permits to Custer County and is coordinating with the Tribe to identify any Tribal permits or approvals required for the solar park.





Figure 10, Camping in Badlands National Park

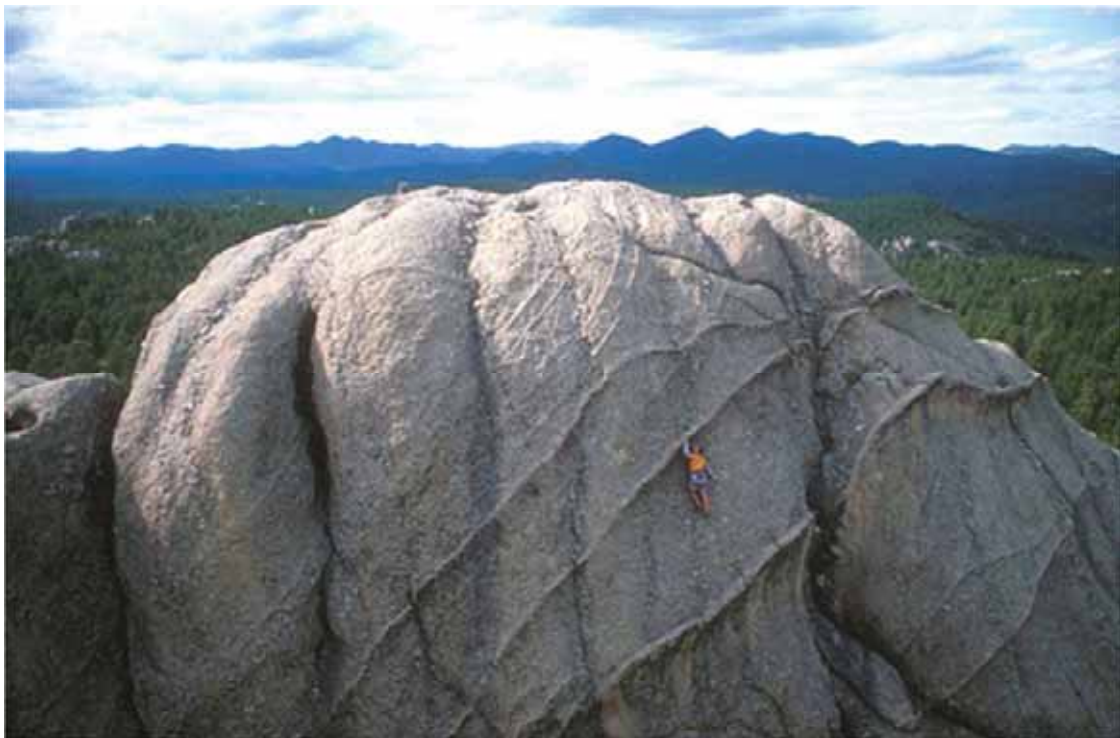


Figure 11, Climbing in Black Hills National Forest



On August 22, 2019, KLJ contacted the Planning Director for the Custer County Planning and Economic Department, Ms. Kim Kerkvliet, via telephone to discuss her knowledge of the Project, any concerns she might have, and potential impacts on the economy as a result of the Project (see Records of Communication in **Appendix C**). Ms. Kerkvliet stated that she was aware of the solar park and didn't have any concerns pertaining to the park itself or the location. The Custer Planning and Economic Department is primarily involved with the permitting for the 34-kV transmission line proposed to run through Custer County.

Ms. Kerkvliet stated that Lookout Solar has completed the required permitting for the portions of the Project occurring in Custer County (through the planning department and highway department), except for one permit required for the proposed substation structure. She stated that the highway department doesn't have any concerns, except that there may be a couple of challenges during construction due to terrain.

She believes the Project will have a neutral impact on the economy in the region and that it is good to see solar technology being attempted in the area. See **Figure 12** for a photograph of the Custer County Courthouse.



Figure 12, Custer County Courthouse

The LRC recommends that Lookout Solar continue to coordinate with the Tribe regarding any requirements related to the solar park site. The LRC also recommends that Lookout Solar stay apprised to the progress of Oglala Lakota County establishing their own planning and zoning board/department, as Lookout Solar may need to coordinate with them once they are established.

It is the opinion of the LRC that both the construction and operational phases of the solar park will not have a significant impact on government activities and facilities in the study area. The LRC is of the opinion that the solar park will be beneficial to local governments by adding to the tax base. The



incremental costs to governments in the area, which can be associated with the construction and operation of solar park site will be more than offset by the revenues generated.

2.12 Energy

The solar park is being constructed by Lookout Solar to provide 110 MW of solar power that would interconnect with WAPA's existing New Underwood to Wayside 230-kV transmission lines. **Figure 13** shows example solar panels.



Figure 13, Example Solar Panels

WAPA is one of four power marketing administrations within the US Department of Energy whose role is to market and transmit wholesale, clean and renewable electricity. WAPA sells power to federal and state agencies, cities and towns, rural electric cooperatives, public utility districts, irrigation districts, and Native American Tribes. Those entities, in turn, provide retail electric service to customers.

It is the opinion of the LRC that operation of the solar park will have a positive impact on electrical energy supplies in the area. Adding solar power to the electrical supply system will provide clean and renewable power to the area, reducing reliance on nonrenewable power sources, such as coal. It is recognized by the LRC as a welcome additional provider of electricity to southwest South Dakota.



CHAPTER 3 CONCLUSIONS AND RECOMMENDATIONS OF THE LOCAL REVIEW COMMITTEE

AREAS TO BE ASSESSED BY LRC	LRC DETERMINATION
(1) Housing Supplies	Adequate housing opportunities exist for non-local construction and permanent employees.
(2) Educational facilities and manpower	Area school districts have adequate capacity to accept additional students. Custer, Oglala Lakota, and Fall River counties, as well as the Pine Ridge Reservation can provide additional construction workforce.
(3) Water supply and distribution	Lookout Solar should complete a thorough analysis of the options for water supply. If water is needed for intermittent activities, Lookout Solar could conduct additional studies and develop contract(s) for extracting water through the existing 3-inch water line. If water is needed on a more consistent basis for activities, Lookout Solar could investigate constructing a new water line from the main line. Lookout Solar also has the option of bringing water to the solar park site (via truck transport).
(4) Wastewater treatment and collection	Portable toilet facilities for domestic waste from the operating and maintenance facility at the solar park will be adequate.
(5) Solid waste disposal and collection	Sufficient capacity exists in local landfills for waste generated during construction; solid waste will not be generated from operation of the solar park.
(6) Law enforcement	No significant effect is anticipated. The Oglala Sioux Tribe Department of Public Safety, Oglala Lakota County Sheriff's Department, and Custer County Sheriff's Department can handle the influx of temporary workers during construction activities.
(7) Transportation	Lookout Solar should establish haul road agreements, future maintenance agreements, and construction permits with the appropriate counties prior to commencement of construction to ensure that the roads used during construction are returned to acceptable, pre-construction conditions. Lookout Solar should coordinate closely with the appropriate counties to ensure all specific requirements and stipulations are met prior to, during, and upon completion of construction. Lookout Solar should use dust control methods on any of the unpaved, gravel roadways used during construction. The LRC is of the opinion that access to the solar park site should be on Riverside Road from BIA 2.
(8) Fire protection	Adequate fire protection can be provided by fire departments within the boundaries of the Reservation and in the immediate surrounding area. Additional emergency fire services/departments in the region can be called to the solar park site to support local responding departments, if necessary.
(9) Health	It is the opinion of the LRC that construction and operation of the solar park will not substantially impact the health of the surrounding residents or health facilities in the general area of the solar park site. It is also the conclusion of the LRC that adequate emergency health services are available if needed during construction and operation of the solar park.
(10) Recreation	No significant effect is anticipated.
(11) Government	Positive effect is anticipated with tax revenues being more than the incremental costs associated with the solar park.
(12) Energy	Positive effect of providing clean and renewable power for the surrounding area.



CHAPTER 4 NARRATIVE FOR CONCLUSIONS AND RECOMMENDATIONS

Proposed Lookout Solar Park I, LLC Project

Pursuant to SDCL 49-41B-6 and 49-41B-7, the South Dakota PUC designated an LRC to assess the extent of the potential social and economic effects from the proposed Lookout Solar Park I, LLC Project, assess the affected area's capacity to absorb those effects at various stages of construction, and formulate mitigation measures, as needed. Specifically, the assessment by the LRC considers the temporary and long-term effects on the following areas:

- (1) Housing Supplies
- (2) Educational Facilities and Manpower
- (3) Water Supply and Distribution
- (4) Wastewater Treatment and Collection
- (5) Solid Waste Disposal and Collection
- (6) Law Enforcement
- (7) Transportation
- (8) Fire Protection
- (9) Health
- (10) Recreation
- (11) Government
- (12) Energy

It is the opinion of the LRC that the proposed Lookout Solar Park I, LLC Project to be constructed approximately 15 miles east of Buffalo Gap, South Dakota, will not have a significant social or economic effect on the PUC-defined five-mile radius study area within the State of South Dakota. The area will be able to absorb the construction activities and gain significant benefits during and after construction.

The following is a summary of the LRC's findings:

- (1) ***Housing Supplies*** – No significant impact

RECOMMENDATIONS

None.

CONCLUSIONS

It is the opinion of the LRC that adequate housing opportunities exist in the vicinity of the solar park to service non-local, temporary construction workers and permanent employees that will operate the solar park. These include campgrounds/RV parks, motels/hotels, apartments, and single-family homes.



- (2) ***Educational Facilities and Manpower*** – Positive impact

RECOMMENDATIONS

None.

CONCLUSIONS

It is the opinion of the LRC that the school districts near the solar park will be able to accommodate the small number of students likely to result from the hiring of three to five employees to operate the solar park. It is also the opinion of the LRC that the construction effort will provide significant economic benefits to the Oglala Sioux Tribe and local counties through contractor expenditures in the area, local purchases of materials and services, and short- and long-term employment and operation in the area.

- (3) ***Water Supply and Distribution*** – No significant impact

RECOMMENDATIONS

The LRC recommends that Lookout Solar complete a thorough analysis of their options for water supply at the solar park site. If water is needed at the site for intermittent panel cleaning and other operations and maintenance activities, Lookout Solar could conduct additional studies and develop contract(s) for extracting water through the existing 3-inch water line that runs to the area. If water is needed at the site on a more consistent basis for operations and maintenance, Lookout Solar could investigate constructing a new water line from the main line (approximately 6 miles away along BIA 2) to the solar park site. Lookout Solar also has the option of bringing water to the solar park site (via truck transport).

CONCLUSIONS

It is the opinion of the LRC that Lookout Solar has options for water supply to the solar park site, depending on the use.

- (4) ***Wastewater Treatment and Collection*** – No significant impact

RECOMMENDATIONS

None.

CONCLUSIONS

It is the opinion of the LRC that utilizing portable toilet facilities for domestic waste from the operating and maintenance facility at the solar park will be adequate. The solar park will operate as a closed system and no process water will be discharged. If any discharges are planned, a proper permit from DENR will be required before any water may be discharged.

- (5) ***Solid Waste Disposal and Collection*** – No significant impact

RECOMMENDATIONS

None.

CONCLUSIONS

It is the opinion of the LRC that sufficient capacity exists in area landfills to accept any and all waste materials from construction; solid waste will not be generated from operation of the solar park. An adequate number of reputable waste haulers are available to ensure that proper disposal of all waste will occur.



- (6) **Law Enforcement** – No significant impact

RECOMMENDATIONS

None.

CONCLUSIONS

It is the opinion of the LRC that both the construction and operational phases of the solar park will have no significant impact on law enforcement activities and facilities in the affected area. The Oglala Sioux Tribe Department of Public Safety, Oglala Lakota County Sheriff's Department, and Custer County Sheriff's Department can handle the influx of temporary workers during construction activities. The LRC recommends that Lookout Solar and their construction manager host a pre-construction meeting for emergency services agencies to familiarize them with the location, scope, and timing of the solar park.

- (7) **Transportation** – No significant impact

RECOMMENDATIONS

The LRC recommends that Lookout Solar establish haul road agreements, future maintenance agreements, and construction permits with the appropriate counties prior to commencement of construction. This will ensure that the roads used during construction are returned to acceptable, pre-construction conditions. Lookout Solar should coordinate closely with the appropriate counties to ensure all specific requirements and stipulations are met prior to, during, and upon completion of construction. The LRC also recommends that Lookout Solar use dust control methods on any of the unpaved, gravel roadways used during construction.

CONCLUSIONS

The LRC is of the opinion that access to the solar park site should be on Riverside Road from BIA 2. This would be the most efficient means of access to the site and will result in the least disruption of traffic in the area.

- (8) **Fire Protection** – No significant impact

RECOMMENDATIONS

None.

CONCLUSIONS

It is the opinion of the LRC that adequate fire protection can be provided by fire departments within the boundaries of the Reservation and in the immediate surrounding area. Additional emergency fire services/departments in the region can be called to the solar park site to support local responding departments, if necessary.



- (9) **Health** – No significant impact

RECOMMENDATIONS

The LRC recommends that contractors on-site be made aware of what the probable response to a 911 call for medical assistance will be. It would be advisable that an emergency services meeting be held prior to commencement of construction.

CONCLUSIONS

It is the opinion of the LRC that construction and operation of the solar park will not significantly impact the health of the surrounding residents or health facilities in the general area of the solar park site. It is also the conclusion of the LRC that adequate emergency health services are available if needed during construction and operation of the solar park.

- (10) **Recreation** – No significant impact

RECOMMENDATIONS

None.

CONCLUSIONS

It is the opinion of the LRC that both the construction and operational phases of the solar park will have no substantial impact on recreational activities or facilities in the affected area. Since a number of the 150 construction workers will be hired locally from the Oglala Sioux Tribe and surrounding counties, it is not anticipated that there will be an increase in demand for recreational services. Most of the non-local workers will be working during construction of the solar park and will be short-term visitors. Many of these workers are anticipated to leave on weekends and holidays to return to their permanent homes. The existing recreational facilities will be able to adequately provide for the limited recreational needs of the construction workers and full-time employees.

- (11) **Government** – No significant impact

RECOMMENDATIONS

The LRC recommends that Lookout Solar continue to coordinate with the Tribe regarding any requirements related to the solar park site. The LRC also recommends that Lookout Solar stay apprised to the progress of Oglala Lakota County establishing their own planning and zoning board/department, as Lookout Solar may need to coordinate with them once they are established.

CONCLUSIONS

It is the opinion of the LRC that both the construction and operational phases of the solar park will not have a significant impact on government activities and facilities in the study area. The LRC is of the opinion that the solar park will be beneficial to local governments by adding to the tax base. The incremental costs to governments in the area, which can be associated with the construction and operation of solar park site will be more than offset by the revenues generated.



(12) **Energy** – Positive impact

RECOMMENDATIONS

None.

CONCLUSIONS

It is the opinion of the LRC that operation of the solar park will have a positive impact on electrical energy supplies in the area. Adding solar power to the electrical supply system will provide clean and renewable power to the area, reducing reliance on nonrenewable power sources, such as coal. It is recognized by the LRC as a welcome additional provider of electricity to southwest South Dakota.



CHAPTER 5 ACRONYMS & ABBREVIATIONS

ACS	American Community Survey
ARSD	Administrative Rules of South Dakota
BIA	Bureau of Indian Affairs
DENR	Department of Environmental and Natural Resources
CDC	Community Development Corporation
kV	kilovolt
Lookout Solar	Lookout Solar Park I, LLC
LRC	Local Review Committee
MW	megawatt
NOI	Notification of Intent
OSLH	Oglala Sioux Lakota Housing
PUC	Public Utilities Commission
ROW	right-of-way
SDCL	South Dakota Codified Law
WAPA	Western Area Power Administration

