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From the office of Miles F. Schumacher

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March 3, 2021

Ms. Patricia Van Gerpen, Executive Director
South Dakota Public Utilities Commission
Capital Building, 1st Floor
500 East Capital Avenue
Pierre, SD 57501-5070

Re: Docket #EL19-003; Application to the SD PUC for a Facility Permit to Construct
A 300 megawatt Wind Facility

Dear Ms. Van Gerpen:

Crowned Ridge Wind, LLC ("Crowned Ridge") submits this letter in response to the Staff's February 16, 2021 Letter and David Hessler's Sound Study Report ("Report"). Mr. Hessler's Report concludes that the Crowned Ridge "project has been appropriately designed and is meeting, in good faith, the intent of the permit noise limits." Hessler Report at 3. The Report also indicates that:

. . . . the wind gradient and general atmospheric conditions appear to have been highly conducive to the propagation of project sound during the 17 hour period from about 1 p.m. on 10/22/20 until about 6 a.m. on 10/23/20 and it can be concluded with considerable certainty from the behavior of the measured sound levels through the shutdowns that occurred during this period, and from a review of audio files before, during and after these shutdowns, that the Leq(10 min) sound levels measured 1 to 5 dBA above the permitted limits where driven by the project rather than background sound. . . . During the remainder of the survey at those test locations and throughout the entire survey at Positions 4 through 6 there is no evidence of non-compliance and, in fact, every reason to believe the project's sound emissions are below the applicable maxima. Because the overages occurred only once at only three of the six test positions during this unusually long three week survey period and because wind turbine noise is unavoidably variable with changing atmospheric conditions, we would conclude that the project has been appropriately designed and is meeting, in good faith, the intent of the permit noise limits. In essence, our analysis indicates that the project sound level was compliant with the stipulated noise limits at Positions 1-3 for 96% of survey period and for 100% at the remaining positions.

Sound Report at 33.

In order to place the 17-hour period mentioned in Hessler's Report into additional context, attached are three graphs produced by Epsilon Associates, Inc. ("Epsilon"). Epsilon's graphs are similar to three of the figures included in Mr. Hessler's Report: Figure 2.1.3 (Position 1) (Attachment 1); Figure 2.2.2 (Position 2) (Attachment 2); and Figure 2.3.2 (Position 3) (Attachment 3). Epsilon's Attachments include the following information: (1) sound level metrics and hub height wind speed; (2) ground level meteorological data including wind speeds (average and gust) and temperature; (3) electrical output; and (4) precipitation observations in gray and peach shading, which were obtained from the National Weather Service ("NWS") station in Watertown, South Dakota. Attachment 4 includes a spreadsheet of the NWS data used in the graphs. In Attachments 1-3, Epsilon also highlighted the periods of precipitation. According to the applicable ANSI measurement criteria (ANSI S12.18), periods of precipitation are not to be used to determine compliance with sound thresholds, and, further Condition No. 26(e)(iii) of the Facility Permit requires that sound measurement data should "[d]iscard those samples measured period with precipitation."

Based on its review, Epsilon does not view Mr. Hessler's observations as indicating a systemic issue with Crowned Ridge's compliance with the Commission's sound thresholds. As Mr. Hessler's Report found, Crowned Ridge met the sound level limits for Positions 1-3 during the remainder of the October 2020 sound compliance measurement program. This is consistent with the first sound study report submitted on May 15, 2020, which found Crowned Ridge was in compliance with the Commission's sound thresholds. Therefore, taking together the May 2020 and recent sound study reports of Epsilon and Mr. Hessler, the Crowned Ridge wind facility is appropriately designed, and there are no systemic issues associated with compliance of the Commission-approved sound thresholds.

Notwithstanding that there is no information or data to indicate a systemic issue with compliance with the Commission-approved sound thresholds, if the Commission so desires, Crowned Ridge can have Epsilon conduct a follow-up sound study designed to focus on Positions 1-3 to confirm compliance. Crowned Ridge proposes that any study use the same sound study protocols approved by the Commission on October 2, 2020, with the following changes: (1) require that an acoustical consultant from Epsilon remain in Watertown, South Dakota for the duration of the sound level measurement to allow for frequent personal observations during the performance of the sound study; (2) perform the study only for Positions 1-3; (3) require that the study and report focus on time periods adjacent to turbine shutdowns; (4) modify the wind turbine shutdown procedure to perform four shutdowns daily at 1:00 a.m., 7:00 a.m., 1:00 p.m., and 7:00 p.m. for wind turbines within 1.75 miles of a measurement location shutdown, which is sufficient to conduct sound measurements at Positions 1-3, and, which, also, can be modified, as requested, by the Epsilon acoustical consultant; and (5) perform the study in March or April of 2021, so it can be conducted during similar weather patterns and wind turbine output ranges that were present in October of 2020.

To assist the Commission's understanding of the Attachments and consideration of possible next steps, Crowned Ridge, including, Richard Lampeter of Epsilon, will make themselves available at the upcoming Commission March 5, 2021 meeting.

Ms. Patricia Van Gerpen, Executive Director

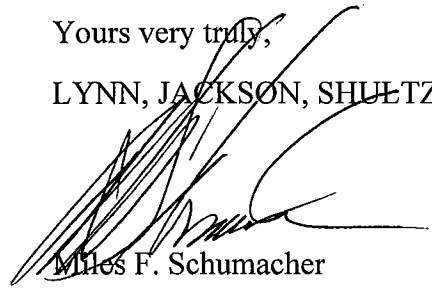
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If there are any questions, please contact me.

Yours very truly,

LYNN, JACKSON, SHULTZ & LEBRUN, P.C.

A handwritten signature in black ink, appearing to read "Miles F. Schumacher", is written over the typed name. The signature is fluid and cursive, with a long horizontal stroke at the end.

Miles F. Schumacher