## BEFORE THE PUBLIC UTILITIES COMMISSION

## OF THE STATE OF SOUTH DAKOTA

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IN THE MATTER OF THE APPLICATION BY SWEETLAND WIND FARM, LLC FOR FACILITY PERMITS FOR A WIND ENERGY FACILITY AND A 230-KV TRANSMISSION FACILITYIN HAND COUNTY, SOUTH DAKOTA

AFFIDAVIT OF MARK WENGIERSKI PROVIDING NOTICE OF TURBINE ADJUSTMENTS UP TO 250 FEET

EL 19-012

STATE OF COLORADO	)
	) SS
COUNTY OF BOULDER	)

- I, Mark Wengierski, being first duly sworn on oath, state and allege as follows:
- 1. I am the Project Manager for the Sweetland Wind Farm and associated 230 kV Transmission Line ("Project"), which is owned and being developed by Sweetland Wind Farm, LLC ("Sweetland"). I have the authority to provide this affidavit on behalf of Sweetland.
- 2. I am providing this Affidavit pursuant to paragraph 23 of the Settlement Stipulation approved by the South Dakota Public Utilities Commission ("Commission") in its July 31, 2019 Order Granting Joint Motion for Approval of Settlement Stipulation; Order Granting Permit to Construct Facility; Notice of Entry ("Order") in the above-referenced docket.
- 3. Since issuance of the Order, Sweetland has also determined that five (5) turbine adjustments within 250 feet of the locations approved by the Commission are needed for the Project. Maps showing the turbine locations approved by the Commission and the current turbine locations with the adjustments are attached hereto as **Exhibit A** (public and confidential).
- 4. A summary of the adjustments is provided below:
  - a. Turbine 34 has been adjusted approximately 68 feet to the South to avoid a floodplain.
  - b. Turbine 59 has been adjusted approximately 40 feet to the East to avoid a floodplain.
  - c. Turbine 77 has been adjusted approximately 120 feet to the Southwest during to enhance constructability and avoid an existing road.

- d. Turbine 78 has been adjusted approximately 117 feet to the Northwest to enhance constructability and avoid an existing road.
- e. Turbine 79 has been adjusted approximately 122 feet to the Northwest to enhance constructability and avoid an existing road.
- 5. The confidential version of **Exhibit A** identifies the locations of environmental avoidance areas, including cultural resources and wetlands, in relation to the turbine adjustments. In addition, **Exhibit B** provides a chart showing the distance of the turbines from residences, roads, overhead distribution and transmission lines, and property lines. As shown in **Exhibits A** and **B**, the proposed turbine adjustments comply with county and state setback requirements and commitments, cultural and tribal resource impacts are avoided, and wetland impacts are avoided or are in compliance with applicable U.S. Army Corps of Engineers regulations.
- 6. Attached as **Exhibit** C is an updated Sound and Shadow Flicker Analyses Memorandum, which demonstrates that the turbine adjustments comply with the sound requirements set forth in paragraph 28 of the Settlement Stipulation
- 7. As indicated in **Exhibit C**, only one receptor was modeled to exceed 30 hours of shadow flicker per year. A shadow flicker waiver executed by Mr. and Mrs. Stevens was filed on November 18, 2019 as Exhibit C to the Affidavit of Mark Wengierski in Support of Request for Approval of Turbine Model Change and Turbine Adjustments. Therefore, the Project meets the shadow flicker requirements set forth in paragraph 29 of the Settlement Stipulation.
- 8. The adjustments are located on land under lease/easement for the Project.
- 9. With respect to the Project, including the turbine adjustments described herein, Sweetland will comply with the Commission's Order and all other applicable regulations and requirements.

## FURTHER AFFIANT SAYETH NOT.

Dated this day of March, 2021.

Mark Wengierski

Subscribed and sworn to before me on this 14 day of March, 2021.

Notary Public

My Commission Expires: <u>67/63/2025</u>

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Colton Michael Sorrells NOTARY PUBLIC STATE OF COLORADO NOTARY ID# 20214004397 MY COMMISSION EXPIRES 02/03/2025