

MAY ADAM

— Since 1881 —

WWW.MAYADAM.NET

ROBERT B. ANDERSON
TIMOTHY M. ENGEL
MICHAEL F. SHAW
BRETT KOENECKE
JUSTIN L. BELL
DOUGLAS A. ABRAHAM
KARA C. SEMMLER
TERRA M. FISHER
LAURA C. ROWE

November 19, 2019

GLENN W. MARTENS 1881-1963
KARL GOLDSMITH 1885-1966
WARREN W. MAY 1920-2018
BRENT A. WILBUR 1949-2006
TELEPHONE
605 224-8803
FAX
605 224-6289

E-MAIL
brett@mayadam.net

Patricia Van Gerpen
Executive Director
SD Public Utilities Commission
500 E. Capitol Ave.
Pierre, SD 57501

RE: EL19-026, In the Matter of the Application by Tatanka Ridge Wind, LLC for a Permit of a Wind Energy Facility in Deuel County, South Dakota
Our file:

Dear Ms. Van Gerpen:

On November 4, 2019, the Commission held an evidentiary hearing regarding the funding for the decommissioning of the Project, the risk associated with ice throw, cumulative sound impacts, and the potential impacts to whooping cranes. After that time, Staff and the Applicant discussed the remaining issues in the docket. The parties have agreed to the following conditions to resolve all issues concerning the risk associated with ice throw and potential impacts to whooping cranes. We offer them for the Commission's consideration.

With respect to the issue of the whooping cranes, we suggest the following:

“Applicant shall establish a procedure for preventing whooping crane collisions with turbines during operations by establishing and implementing formal plans for monitoring the project site and surrounding area for whooping cranes during spring and fall migration periods throughout the operational life of the project and shutting down turbines and/or construction activities within 2 miles of whooping crane sightings. The South Dakota Game, Fish, and Parks will be consulted on the procedure to minimize impacts to whooping cranes.”

With respect to icing, we suggest this language:

“The Project will monitor icing conditions of the turbines. If these conditions occur during normal business hours or outside of such hours, the control systems will automatically shut down the affected turbines until icing is no longer a concern. In some cases, during normal business hours, site personnel may manually shutdown turbines that

MAY, ADAM, GERDES & THOMPSON LLP
503 SOUTH PIERRE STREET • P.O. BOX 160
PIERRE, SOUTH DAKOTA 57501-0160

pose a concern. Turbine control sensors will detect the reduction of efficiency of the blade due to ice buildup by utilizing meteorological data from onsite permanent meteorological towers, on-site anemometers, and other relevant turbine control parameters to determine if ice accumulation is occurring. These control systems will either automatically shut down the turbine(s) in icing conditions or Applicant may manually shut down turbine(s) if these conditions pose a concern. Applicant will pay for any documented damage caused by ice thrown from a turbine.”

The Parties agree that the condition proposed on Exhibit_JT-3 in Staff Exhibit S3 adequately addresses sound impacts. Finally, at hearing, the Applicant committed to making no changes in the siting of K0 which would move the tower nearer the highway. Project personnel have been directed by Applicant in a manner consistent with that commitment and considers that matter to be closed.

Sincerely yours,

MAY, ADAM, GERDES & THOMPSON LLP

A handwritten signature in black ink, appearing to read "Brett Koenecke", written over a horizontal line.

BRETT KOENECKE
BK |jrw