

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

**IN THE MATTER OF THE APPLICATION OF WILD SPRINGS SOLAR, LLC FOR AN
ENERGY FACILITY PERMIT FOR THE WILD SPRINGS SOLAR PROJECT**

SD PUC DOCKET EL 20-____

DIRECT TESTIMONY OF MELISSA SCHMIT
ON BEHALF OF WILD SPRINGS SOLAR, LLC

May 15, 2020

1 **I. INTRODUCTION AND QUALIFICATIONS**

2

3 **Q. Please state your name, employer, and business address.**

4 A. My name is Melissa Schmit. I am the Director of Permitting at Geronimo Energy,
5 LLC (“Geronimo”), located at 8400 Normandale Lake Boulevard, Suite 1200,
6 Bloomington, Minnesota.

7

8 **Q. Briefly describe your educational and professional background and duties.**

9 A. I hold a Bachelor of Arts in Environmental Studies and Geography from Gustavus
10 Adolphus College and a Juris Doctor from Hamline University School of Law. I
11 have 13 years of experience permitting various infrastructure at the local, state,
12 and federal level. In my tenure at Geronimo, I have permitted nearly a gigawatt of
13 wind and solar energy. A copy of my curriculum vitae is provided as Exhibit A7-1.

14

15 **Q. What is your role with respect to the Wild Springs Solar Project (the
16 “Project”)?**

17 A. I oversee all aspects of local, state, and federal permitting for the Project, including
18 retaining and managing environmental firms to conduct desktop and field analyses
19 and prepare permit applications for the Project. I also coordinate with local, state,
20 and federal agencies and entities, and provide input on ways that the Project’s
21 design can avoid or minimize potential impacts to environmental features.

22

23 **II. PURPOSE OF TESTIMONY**

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25 **Q. What is the purpose of your Direct Testimony?**

26 A. The purpose of my testimony is to address the following topics:

- 27
- Environmental site analysis and associated site/design modifications;
 - 28 • Siting flexibility;
 - 29 • The Western Area Power Administration’s (“WAPA”) National Environmental
30 Policy Act (“NEPA”) review of the Project;
 - 31 • Local permitting;

- 32 • Aviation-related analyses and coordination;
33 • The Project's Vegetation Maintenance Plan ("VMP"); and
34 • Decommissioning costs and financial assurance.

35

36 **Q. What exhibits are attached to your Direct Testimony?**

37 A. The following exhibit is attached to my Direct Testimony:

- 38 • Exhibit A7-1: Curriculum Vitae

39

40 **Q. Please identify the sections of the Energy Facility Permit Application**
41 **("Application") that you are sponsoring.**

42 A. I am sponsoring the following portions of the Application:

- 43 • Section 1.0: Introduction
44 • Section 3.0: Estimated Cost of the Energy Facility
45 • Section 4.1: Overall Project Description
46 • Section 4.5.4: Restoration
47 • Section 5.0: Decommissioning of Energy Facilities
48 • Section 6.0: Time Schedule
49 • Section 7.0: Alternative Sites and Siting Criteria
50 • Section 8.0: Local Land Use Controls
51 • Section 9.7.4: Transportation
52 • Section 10.0: Future Additions and Modifications
53 • Section 11.0: Additional Information in Application
54 • Section 12.0: Testimony and Exhibits
55 • Appendix A: Agency Correspondence
56 • Appendix D: Decommissioning Plan
57 • Appendix J: Glare Analysis

58

59 **III. ENVIRONMENTAL SITE ANALYSIS AND ASSOCIATED SITE/DESIGN**
60 **MODIFICATIONS**

61

62 **Q. Please provide an overview of the environmental analysis conducted for the**
63 **Project.**

64 A. Wild Springs initiated consultation with the United States Fish and Wildlife Service
65 (“USFWS”) and the South Dakota Department of Game, Fish, and Parks
66 (“SDGFP”) in June 2017 to introduce the proposed Project and to request
67 information on habitats and species of concern. Since that time, Wild Springs has
68 conducted field surveys for wildlife (including raptor nests and prairie grouse leks)
69 and other environmental resources (including wetlands/waterbodies and cultural
70 resources), and has used this site-specific data, along with agency input, to adjust
71 the Land Control Area and design to avoid or minimize environmental impacts.

72
73 **Q. Discuss further how environmental studies and agency coordination**
74 **factored into developing the Project site proposed in the Application.**

75 A. Initially, Wild Springs analyzed approximately 1,000 acres. However, as a result
76 of site-specific studies and agency consultation, the site was adjusted twice to
77 enable avoidance of resources identified. First, to avoid a cultural resource site
78 identified during the 2017 Level III cultural resource field surveys, approximately
79 147 acres were eliminated from and acreage was added to the Land Control Area,
80 resulting in an adjusted Land Control Area totaling approximately 1,265 acres.
81 Second, in consultation with the USFWS and SDGFP, the Land Control Area was
82 further expanded to 1,499 acres to avoid the 2019-mapped extent of two prairie
83 dog colonies, which can provide habitat for certain federally- and state-listed
84 species. While these features are present within the current Land Control Area,
85 by expanding the site, Wild Springs has been able to design the Project to avoid
86 these features. Thus, in total, Wild Springs conducted site-specific surveys on
87 approximately 1,643 acres, and ultimately selected the 1,499-acre proposed
88 Project site in the Application based on survey data and agency recommendations.

89
90 Additionally, Wild Springs has used wetland/waterbody delineation data to design
91 the Project to minimize wetland impacts and waterbody crossings. See the Direct
92 Testimony of Brie Anderson for further discussion. Other site-specific data, such

93 as raptor nest surveys and prairie grouse surveys, confirmed the absence of eagle
94 nests or prairie grouse leks within the site. See the Direct Testimony of Todd
95 Mattson for further discussion. Likewise, the glare analyses conducted, which I
96 will discuss further below, confirmed the Project would not impact nearby aviation
97 operations.
98

99 **Q. Since the Land Control Area has changed over time, have field surveys been**
100 **conducted for the entire 1,499-acre site?**

101 A. Yes. As the Land Control Area was adjusted, the study areas also were adjusted.
102 Thus, cultural resource, wetland/waterbody, and wildlife field surveys were
103 conducted for the entire 1,499-acre site, and the glare analyses also utilized the
104 current Land Control Area.
105

106 **IV. SITING FLEXIBILITY**
107

108 **Q. What is the Preliminary Development Area?**

109 A. The Preliminary Development Area is the area within which the preliminary layout
110 presented in Figures 4 and 5a-d of the Application is located.
111

112 **Q. Might the Project's design change?**

113 A. Yes. Although Wild Springs expects the final layout will remain very similar to the
114 preliminary layout presented in the Application, changes may occur as a result of
115 ongoing site evaluation (e.g., geotechnical analyses), permitting processes,
116 landowner recommendations, landowner preferences, and micro-siting activities.
117 Additionally, layout changes may be needed to avoid unknown resources identified
118 during construction, such as previously unidentified cultural resources.
119

120 **Q. What siting flexibility is Wild Springs requesting?**

121 A. Wild Springs requests that the permit allow Project facilities to be shifted within the
122 Land Control Area so long as the facilities: (1) avoid impacts to cultural resources,
123 (2) avoid the 2019-mapped extent of the prairie dog colonies; and (3) avoid wetland

124 impacts or impacts are in compliance with applicable U.S. Army Corps of
125 Engineers (“USACE”) regulations.

126

127 **V. NEPA PROCESS**

128

129 **Q. Why is the Project undergoing a NEPA review?**

130 A. WAPA’s execution of an interconnection agreement with the Project allowing
131 interconnection at WAPA’s New Underwood Substation constitutes a federal
132 action. As such, WAPA must complete a NEPA review prior to executing the
133 agreement. While WAPA must analyze impacts of the entire Project, WAPA’s
134 federal action is limited to the approval of the interconnection.

135

136 **Q. What is the status of WAPA’s NEPA review?**

137 A. Currently, Wild Springs is preparing a Draft Applicant-prepared Environmental
138 Assessment (“EA”) for the Project interconnection in accordance with applicable
139 NEPA requirements. To inform EA content and development, WAPA held a public
140 scoping meeting at the New Underwood Community Center on March 3, 2020.
141 The meeting was attended by approximately 30 people. Thereafter, the public
142 scoping period closed on April 3, 2020. Wild Springs currently anticipates that
143 WAPA will approve a final EA and issue a Finding of No Significant Impact
144 (“FONSI”) in the winter of 2020/2021.

145

146 **Q. As part of the NEPA review, is WAPA engaging in agency consultation?**

147 A. Yes. WAPA is consulting with the USFWS regarding threatened and endangered
148 species per Section 7 of the Endangered Species Act. See Section 11.2.1.2 for
149 further discussion of the Section 7 USFWS consultation. Additionally, pursuant to
150 Section 106 of the National Historic Preservation Act, WAPA is consulting with the
151 SHPO and federally recognized tribes with an interest in the Project area regarding
152 potential effects to historic and tribal resources. See Sections 9.7.5 and 11.2.2.5
153 of the Application for further discussion of the Section 106 SHPO and tribal

154 consultation. WAPA's consultation with the agencies and tribes will be addressed
155 in the Draft EA.

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157 **VI. LOCAL PERMITTING**

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159 **Q. Please describe the coordination you have had with Pennington County (the**
160 **"County") regarding the Project.**

161 A. Wild Springs began coordination with the County on the Project in 2017. Most
162 recently, I attended a pre-application meeting with the County Planning and Zoning
163 Department in February 2020 to discuss specific permitting requirements for the
164 Project, and I have continued to coordinate with the County as we move forward
165 with Project permitting.

166

167 **Q. Does the County require any zoning permits for the Project?**

168 A. Yes. Per the County's Zoning Ordinance ("Ordinance"), a utility-scale solar energy
169 system ("USES") is a conditional use in both the A-1 General Agricultural District
170 and the A-2 Limited Agricultural District, which are the zoning districts in which the
171 Project is located. As such, Wild Springs must obtain a Conditional Use Permit
172 ("CUP") from the County for the Project and the 115 kilovolt ("kV") transmission
173 line extending between the Project substation and the existing WAPA New
174 Underwood Substation. The Project will also require building permits, other
175 construction-related permits, and may require a floodplain permit.

176

177 **Q. What is the status of the Project's CUP application?**

178 A. The County Planning and Zoning Department has reviewed a draft of the CUP
179 application. We plan to submit the CUP application in late May or early June.

180

181 **Q. How long do you anticipate it will take to complete the CUP process?**

182 A. Once the CUP application is submitted, I understand that the process typically
183 takes approximately six weeks to complete. Based on our anticipated submittal,
184 we should receive a CUP in July or early August 2020.

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VII. AVIATION ANALYSIS AND COORDINATION

Q. Has Wild Springs considered the Project’s potential impacts on aviation?

A. Yes. Although not required by Federal Aviation Administration (“FAA”) regulations, Wild Springs filed for and received Determinations of No Hazard for points along the perimeter of the Land Control Area. Additionally, in accordance with the FAA’s Interim Policy for Solar Projects at Airports, Wild Springs conducted glare analyses to assess the potential glare for aircraft arriving and departing Rapid City Regional Airport and Ellsworth Air Force Base. The glare analyses determined that the Project will not impact the runways or air traffic control centers at either Rapid City Regional Airport or Ellsworth Air Force Base. Copies of the glare analysis reports are provided in Appendix J of the Application.

Q. Has Wild Springs received any correspondence from or related to the Rapid City Regional Airport or Ellsworth Air Force Base?

A. Yes. In a letter dated February 5, 2020, the South Dakota Department of Transportation – Air, Rail & Transit, Aeronautics Commission (“Aeronautics Commission”) provided comments regarding the Project. The Aeronautics Commission noted the Project would not pose an obstruction hazard to any South Dakota airports, which includes the Rapid City Regional Airport. The Aeronautics Commission also recommended Wild Springs seek Determinations of No Hazard, which the Project received on March 17, 2020. Wild Springs will submit copies of the Determinations of No Hazard to the Aeronautics Commission prior to construction. See Appendix A – Agency Correspondence of the Application.

Additionally, Wild Springs provided the Ellsworth Air Force Base with a copy of the glare analysis report conducted for its runways and traffic control center. In a letter dated February 21, 2020, Ellsworth Air Force Base confirmed the Project would not impact its present or future missions. See Appendix A – Agency Correspondence of the Application.

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VIII. VEGETATION MANAGEMENT PLAN

Q. What is the VMP?

A. The VMP outlines two vegetation maintenance strategies that may be implemented at the Project: mowing and grazing. Mowing would take the form of traditional mowing once vegetation reaches a height of 18-24 inches during the growing season. Alternatively, Wild Springs may decide to use grazing with sheep as a long-term vegetation management technique. The VMP includes three seed mixes: a rangeland mix, a grazing mix, and a wet mix. The VMP also provides a guide to site preparation, installation of prescribed seed mixes, management of invasive species and noxious weeds, and control of erosion/sedimentation. See Section 4.5.4 and Appendix C to the Application.

Q. Please describe the different seed mixes and when they would be used.

A. The rangeland mix is substantially similar to the existing vegetation currently in the non-cropped areas of the Land Control Area. This mix has many of the same plant species observed during field studies. The main difference between the mowing and grazing mixes is that the grazers will eat all the legumes first, so legumes are cut from the grazing mix and replaced with other species. The grazing mix is comprised of low-growing forbes that meet the nutritional requirements of a local sheep flock. The wet mix would be incorporated into areas around wetlands and drainages and will help stabilize soils after rain events. Additionally, a cover crop will be planted with the native mixes to stabilize the soil and prevent erosion during the time it takes for the native seeds to establish.

Q. Did you coordinate with any agencies regarding the seed mixes?

A. Yes. Wild Springs consulted with the Belle Fourche office of the U.S. Department of Agriculture, Natural Resources Conservation Service (“NRCS”) on recommended seed mixes based on the South Dakota NRCS standards. On February 5, 2020, the agency provided information on seed mixes based on soil

247 conditions, seeding method, and seeding timelines. Wild Springs has incorporated
248 these recommendations into the VMP. See Appendix A to the Application.

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250 **IX. DECOMMISSIONING COST AND FINANCIAL ASSURANCE**

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252 **Q. Does the County have a decommissioning financial assurance requirement?**

253 A. Yes. In its Ordinance, the County sets forth specific decommissioning
254 requirements, including preparation of a Decommissioning Plan and providing a
255 letter of insurance and financial assurance prior to beginning construction.

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257 **Q. How does Wild Springs propose to address decommissioning financial
258 assurance at both the County and State levels?**

259 A. Since decommissioning financial assurance is already required by Pennington
260 County, Wild Springs requests that the Commission defer to the County's
261 decommissioning financial assurance requirements. However, to ensure the
262 Commission has the ability to access the decommissioning financial assurance
263 that will be provided, Wild Springs proposes naming both the County and the
264 Commission as beneficiaries of the decommissioning financial assurance
265 instrument. In addition, to account for potential changes in decommissioning
266 costs, Wild Springs proposes providing an updated decommissioning cost
267 estimate to the County and the Commission at year 10 of Project operation, which
268 would be used to update, as needed, the decommissioning cost financial security.

269

270 **Q. What is the estimated cost to decommission the Project?**

271 A. A Decommissioning Plan for the Project, including a decommissioning cost
272 estimate prepared by Westwood Engineering (a South Dakota-licensed
273 engineering firm), is provided in Appendix D of the Application. As set forth in the
274 Decommissioning Plan, based on current recycling costs and salvage values, the
275 cost of decommissioning the Project is estimated to be approximately
276 \$2,323,000.00.

277

278 X. CONCLUSION

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280 Q. Does this conclude your Direct Testimony?

281 A. Yes.

282

283 Dated this 15th day of May, 2020.

284



285

286 Melissa Schmit

287 69992985