

MAY ADAM

— Since 1881 —

WWW.MAYADAM.NET

TIMOTHY M. ENGEL
BRETT KOENECKE
JUSTIN L. BELL
DOUGLAS A. ABRAHAM
TERRA M. LARSON
CODY L. HONEYWELL
CASH E. ANDERSON
AARON P. SCHEIBE
ASHLEY M. THEOBALD

August 9, 2024

OF COUNSEL
ROBERT B. ANDERSON
MICHAEL F. SHAW
TELEPHONE
605 224-8803 | FAX: 605 224-6289
E-MAIL
aaron@mavadam.net

Public Utilities Commission
Attn: Patricia Van Gerpen, Exec. Director
VIA FILING SERVICE: pattv.vangerpen@state.sd.us

RE: In the Matter of the Application by North Bend Wind Project, LLC for a Permit to Construct and Operate the North Bend Wind Project in Hyde County and Hughes County, South Dakota – PUC Docket: EL21-018
MAGT File: 7900

Dear Ms. Van Gerpen:

I write today in reference to permit Conditions 33, 44, and 45 for the North Bend Wind Project. Condition 33 requires implementation of a bird and bat conservation strategy for the Project, while Conditions 44 and 45 require research and monitoring for grassland breeding bird displacement and grouse lek monitoring. Following a request from the Project, the Western Area Power Administration (“WAPA”) and the South Dakota Department of Game, Fish and Parks (“GFP”) have agreed to postpone the start of the post-construction studies required under the above-referenced permit conditions until 2025.

This adjustment is necessary due to weather-related delays in reclamation work and planned construction activities by WAPA resulting in operational shutdowns during the September-October timeframe. WAPA and GFP have concluded those factors are likely to introduce confounding variables that will impact the relevant study results if done in 2024. The 2025 timeframe therefore offers a more appropriate study period for the required analysis.

Enclosed with this letter please find correspondence from WAPA and GFP providing additional background on the issues above and documenting both agencies’ agreement to the new timeline. Please note we previously shared information about the WAPA shutdown with staff in July correspondence regarding the Project’s ADLS.

August 9, 2024

Page 2 of 2

Please file this letter into the docket pursuant to Conditions 33, 44, and 45. As always, thank you for your courtesies in this matter.

Very truly yours,

MAY, ADAM, GERDES & THOMPSON LLP

A handwritten signature in black ink, appearing to read 'A. P. Scheibe', written in a cursive style.

AARON P. SCHEIBE

APS | jrw

Enclosures

CC/att: EL21-018 Service List