



Hughes County

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Pierre, SD 57501

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March 3, 2022

Commissioner Chris Nelson, Chairman
Commissioner Kristie Fiegen, Vice Chairperson
Commissioner Gary Hanson
SD Public Utilities Commission
Capitol Building, 1st floor
500 E. Capitol Ave.
Pierre, SD 57501-5070

Dear PUC Commissioners,

Hughes County is aware that the developers of the North Bend Wind Project have requested an extension of the deadline for a decision from the Commission. It is our understanding that the developers are accusing Hughes County of delaying the project from moving forward. This is not the case. Per the attached timeline, Hughes County has been negotiating in good faith by responding to the developer and working towards a Haul Road Agreement that is acceptable to both parties.

Per Hughes County Ordinance 1997-03, the Hughes County Commission directed our staff that we require a Haul Road Agreement to be in place prior to scheduling a hearing for the Conditional Use Permit. There are two distinct reasons for prioritizing the Haul Road Agreement. First, the Hughes County Commission witnessed the issues in Hyde County with the Triple H Wind Farm. Commissioners were able to monitor the condition of those roads at all stages of that project. We want to protect Hughes County from additional, unforeseen road maintenance expenses due to this project and having a thorough Haul Road Agreement in place will allow us to do that. Second, the Commission has already experienced this developer disrupting the County's roads. The developer began survey and geotechnical work on the County roads without informing the County prior to that work commencing. The enclosed pictures were taken in October of 2020 and reflect the damage the company did to the roads. This lack of communication causes alarm to the commission.

It is our understanding that the developers chose to apply to the two counties and the PUC simultaneously, something they had not done in the past. Had they chosen to wait for County approval prior to requesting PUC approval, this extension would not be necessary.

Hughes County's goal is to protect the interests of the County and the safety of the travelling public. The Hughes County Commission is committed to protecting our County roads. The County Commission's obligation is to ensure that our roads remain in the same as, or better, condition than they are currently and that this project has as little detrimental effect on Hughes County as possible.

Sincerely,

Randy Brown
Hughes County Commission Chairman

Connie Hohn
Hughes County Commission Vice-Chairman

North Bend Wind Farm Timeline

05/04/2021 Received email from the Developer that they were finalizing the project layout.
05/15/2021 Developer shared a permit application and map submitted to Hyde County.
05/21/2021 Developer shared maps of the proposed project.
05/24/2021 Conference call with Developer on proposed North Bend Project
06/02/2021 Hughes County received \$1,500 payment for CUP application fee from Engie
06/07/2021 Casey Willis attended a Commission meeting and presented a project update.
06/10/2021 Received Haul Road Agreement template from Developer
06/17/2021 Received CUP Application from Developer
09/10/2021 Sent draft CUP and Haul Road Agreement to Developer
10/13/2021 Sent additional Haul Road Agreement information to Developer
10/26/2021 Conference call with Developer to discuss Haul Road Agreement and CUP
10/26/2021 Sent Haul Road Agreement draft back to Developer
11/09/2021 Received draft Haul Road Agreement back from the Developer
11/09/2021 Conference call with Developer to discuss Haul Road Agreement and CUP
11/10/2021 Received draft Haul Road Agreement back from Developer
11/16/2021 Received comments back from the Developer on the CUP
11/22/2021 Received the draft CUP back from the Developer
12/21/2021 Draft CUP and Haul Road Agreement sent back to Developer
01/20/2022 Received draft CUP and Haul Road Agreement back from Developer
02/02/2022 Received response back from Developer on questions.
02/04/2022 Responded back to Developer on most recent submissions
02/18/2022 Received updated draft Haul Road Agreement and site plan from Developer
03/02/2022 Sent Haul Road Agreement back to Developer