

MEETING OF THE HYDE COUNTY COMMISSION

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Transcript of Proceedings  
August 10, 2021  
1:00 p.m.

Hyde County Commission  
Mel Buchheim, Acting Chairman  
Ron Van Den Berg, Commissioner  
Greg Swenson, Commissioner  
Randy Olson, Commissioner  
Randy Hague, Commissioner  
  
Marilyn Ring, Auditor  
Carrie Stephenson, Planning/Zoning Director

APPEARANCES

Emily Sovell,  
Hyde County State's Attorney's Office.

Reported by Cheri McComsey Wittler, RPR, CRR  
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1           The following transcript of proceedings was  
2 taken at the Hyde County Auditorium in Highmore,  
3 South Dakota, on the 10th day of August, 2021, commencing  
4 at 1:00 p.m.; before Cheri McComsey Wittler, a Registered  
5 Professional Reporter, Certified Realtime Reporter, and  
6 Notary Public within and for the State of South Dakota.

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1 MS. STEPHENSON: We do have Cheri Wittler here.  
2 She's a court reporter. So this will be all transcribed.  
3 So when you do speak, please speak clearly and loudly so  
4 she can hear you.

5 And if you are on the speaking list, as you come  
6 up I won't start your time yet but please say your name  
7 and she may need you to spell it for her as well so it  
8 can be part of the proper record. Once that gets done,  
9 we'll start your time so that won't be part of the three  
10 minutes as you're getting yourself on the record.

11 CHAIRMAN BUCHHEIM: Casey Willis, do you want to  
12 step forward, about your application for the conditional  
13 use permit, please.

14 MR. WILLIS: Sure.

15 My name is Casey Willis. I'm with Engie North  
16 America. I'm the developer on this project. This is the  
17 North Bend Wind Project we're proposing. It's in both  
18 Hughes and Hyde County this time, whereas Tripe H was  
19 exclusively in Hyde County.

20 We started this project about the same time as  
21 the Triple H Project, started approaching some of the  
22 landowners in 2015 or so assessing the wind regime. To  
23 date we have about 40,000 acres of land under easement  
24 with participating landowners, and that accounts for  
25 approximately 40 landowner groups in both Hughes and

1 Hyde County.

2 I mentioned we started this in 2015. We've done  
3 fairly extensive wind studies and biological assessments  
4 and other field studies as well as an interconnection  
5 evaluation. It does take quite a bit of time to get  
6 through. That was started in roughly 2017.

7 So in terms of major contracts for the project,  
8 we don't have power purchase agreements signed for the  
9 project just yet. We're actively submitting bids to  
10 various entities, and we're convinced that it's a fairly  
11 competitive project, as was Tripe H.

12 We've selected to use for this project a GE wind  
13 turbine. I'll go over some of the nuances, but it's  
14 essentially the same turbine that was installed in  
15 Tripe H. It's just a newer upgrade of it. They  
16 periodically do software upgrades and tweaks to their  
17 products that are kind of minor in nature to improve the  
18 performance, and that's essentially what the difference  
19 between the two is.

20 Same DOT contractor, Wanzek, would be utilized  
21 for the project, given their familiarity. And from the  
22 target standpoint, if everything aligns, we would like to  
23 start construction in early '22, which would put this  
24 project into commercial operation toward the end of the  
25 year in 2022.

1           So the overall generation capacity of this  
2 project is slightly smaller than Triple H. Triple H was  
3 250 megawatts. This one is 200 megawatts. And that's  
4 determined by the interconnection capacity and size  
5 that's available along the line.

6           We're proposing -- in the CUP application  
7 we're proposing a request to build up to 51 locations in  
8 Hyde County. Concurrently, we're also proposing 27  
9 locations in Hughes County. The point of interconnect is  
10 actually on an existing line that crosses through the  
11 area. It's a power line operated by Western Area Power  
12 Authority.

13           Some of you may have heard the scoping meeting  
14 that we had tied to their process back in January. What  
15 this would entail is WAPA would build a new switchyard,  
16 essentially, on that line, and we would build a  
17 substation immediately adjacent to it.

18           Both the switchyard that WAPA would construct  
19 and the project substation are actually located on leased  
20 land that's owned by the South Dakota State Lands. This  
21 is different than what we did with Triple H where we  
22 acquired small parcels. Slightly different there.

23           Similar to Triple H, there's no overhead  
24 transmission line because of the location of where we're  
25 proposing to build the substation. All of the turbines



1 themselves will be connected underground by a 34 and a  
2 half kilovolt collection line. And at the project  
3 substation the voltage is then stepped up by transformer  
4 to 230 kV and injected onto the line.

5 In terms of operations and maintenance, I think  
6 you're all aware that we built an O&M facility on the  
7 47 down here. Just given the fact that we're using  
8 essentially a very similar turbine and they're both from  
9 GE, our plan at this point is to utilize that facility to  
10 serve both projects.

11 We sized that area. It's probably sufficient to  
12 build another small building if we needed to on it. So  
13 rather than building a whole new operations and  
14 maintenance, that's the likely plan.

15 And the last item that is in this proposal is  
16 the request to build a permanent met tower. This helps  
17 us assess the performance in the wind regime. It's  
18 downwind from one of the -- a set of the turbines that  
19 are proposed. I'll go over that in a bit.

20 On to the schematic that shows the turbine  
21 itself, again, we're proposing to use a 2.82 megawatt  
22 127 GE turbine. This is very similar to the Triple H  
23 one. It's about 10 feet taller so it comes in at just  
24 under 500 feet, which is actually on the smaller side of  
25 actually turbines that we're using these days. And it

1 has more to do with the wind regime here being a lot  
2 stronger than other places so typically it results in a  
3 smaller turbine.

4 The next page it shows our usable turbine area.  
5 I mentioned at the beginning we had roughly 40,000 acres  
6 under easement. And that reflects basically the graphic  
7 on the left. Once you factor in all of the setbacks from  
8 the county ordinances, both Hughes and Hyde, they're  
9 actually very similar. And once you factor in other  
10 environmental constraints, microwave beam paths, houses,  
11 it significantly reduces the area where we can actually  
12 place turbines.

13 The map on the right shows what we're left with  
14 in terms of where we can place turbines. In addition to  
15 that -- it doesn't actually show the layout on this  
16 particular map. I'll show that on the next page. But  
17 that's what we start with when we try to figure out where  
18 to place turbines.

19 And then there's an element in spacing them  
20 appropriately. They can't be too close together. So it  
21 becomes a bit of a challenge to figure out where to place  
22 turbines.

23 The next map shows the proposed array in both  
24 Hughes and Hyde County. Again, 58 are proposed in Hyde.  
25 And it shows the three permanent met tower locations

1 generally in the southeast.

2 The next map is the array, but it's just -- it's  
3 Hyde County alone. The first is both. The second is  
4 Hyde County alone. It shows the same thing.

5 And then I mentioned the State Lands parcel that  
6 we were proposing to build the substation on. It's  
7 generally in the southeast side of the area that we're  
8 looking at, on Holabird grade in Section 16. Again, the  
9 orange parcel shows our project substation, slightly  
10 smaller, and WAPA would propose a slightly larger one at  
11 21 acres, I believe is what they're looking at.

12 The next two maps show the permanent met tower  
13 locations in just greater detail in terms of where  
14 they're at in the section. Again, we would only build  
15 one of those. We're looking at three. Over time we kind  
16 of rule out a couple of them. But, again, only one.  
17 It's an unguyed met tower 100 meters tall.

18 In terms of the benefits that this project  
19 would generate, the capital investment in both Hughes  
20 and Hyde County -- it's actually listed incorrectly as  
21 only Hyde County. It's both counties. It's 265 to  
22 285 million.

23 I mentioned that there would be shared O&M  
24 activities. This would result in an additional 8 to 10  
25 people being employed to support both projects at that



1 existing facility. Similar to Triple H, there would be  
2 about up to 400 employed during construction with 130  
3 on-site at any one point.

4 Over the life of the project it's expected to,  
5 on average, generate about \$967,000 annually in  
6 production taxes based on the state statutes and how  
7 those are calculated for over 29 million over the life of  
8 the project.

9 Of that amount, roughly 293,000 goes to the  
10 state, and the counties would split, based on the  
11 percentage of the generation in each county,  
12 approximately 337,000, followed by the school districts  
13 with the exact same amount.

14 This project would also -- you know, similar to  
15 Triple H, it will create stable and long-term payments to  
16 the landowners that are participating and indirect  
17 benefits from the use of local services and sales tax  
18 generation.

19 The next slide shows the compliance with the  
20 Hyde County standards. We're in compliance with all of  
21 the established dwelling -- the array accounts for all of  
22 the setbacks from dwelling units, county roads, highways,  
23 noise, and shadow flicker.

24 In a couple of instances there are waivers that  
25 have been granted, just a couple of them, by the

1 participating landowners, as allowed in the county's  
2 ordinance.

3 And then, finally, the last slide shows our  
4 preliminary schedule. So the main pacing item for us is  
5 actually the PUC facilities permit. It can take up to  
6 nine months, and the formal filing date was June 23. So  
7 the way this statute works is that the PUC has exactly  
8 nine months to render a decision on it. It can be done  
9 earlier, but the schedule essentially accounts for it  
10 taking the full time.

11 If that happens and it takes the full time, our  
12 plan would be to start construction in roughly April of  
13 2022. Concurrently, we'd be starting final design and  
14 engineering on the project as we go into elements of like  
15 the delivery and the road use maintenance plan that would  
16 start later this fall and go up to the point of starting  
17 construction.

18 Civil work is started immediately and it would  
19 be done in the late spring to early summer and then  
20 shortly thereafter turbine deliveries would commence with  
21 the POI and substation being energized roughly October of  
22 2022. And, finally, commercial operation date would be  
23 targeted around November.

24 Again, all of this is a little -- you know, for  
25 us to have this happen, all of our major contracts need

1 to come together, permits need to be approved. In the  
2 event that, as an example, we are not able to sign a  
3 power purchase agreement in a timely fashion, it may push  
4 the schedule a little bit. But that is our target  
5 timeline.

6 So overall our request that's accounted for in  
7 the CUP is -- as I stated in the beginning, we're  
8 requesting the approval of up to 51 turbine locations,  
9 similar to what we requested with Triple H, the ability  
10 to move those around to microsite those turbines about  
11 250 feet in the event that there's a need to, as long as  
12 it complies with all of the county standards.

13 The requested approval to build a project  
14 substation on the east half of Section 10, Township 110  
15 North, Range 73 West, and that's the State Lands parcel I  
16 referenced, and that's along Holabird grade. And then  
17 finally the ability to build one of three proposed  
18 permanent met tower locations. And that would be an  
19 unguyed met tower up to 100 meters tall.

20 So that's what I have, if there's questions.

21 MS. STEPHENSON: Casey, I had one. I see that  
22 you had some that signed the waivers for the noise and  
23 the shadow flicker. I believe the only waiver that you  
24 provided was the one for the setback.

25 Do you have those other ones available?



1 MR. WILLIS: Yeah. It may actually be just in  
2 Hughes County. I'll double-check that.

3 MS. STEPHENSON: Okay. We just didn't have any  
4 in your application so we would need copies of those.

5 MS. SOVELL: And I think there was actually  
6 reference to six waivers on the setback.

7 MS. STEPHENSON: Yep. We fixed that.

8 CHAIRMAN BUCHHEIM: You said there's supposed to  
9 be 6 to 8 people employed in this deal.

10 MR. WILLIS: 8 to 10. That's on top --

11 CHAIRMAN BUCHHEIM: How many was supposed to be  
12 employed in the last one? You always said they would be  
13 living in Highmore and paying taxes and renting houses.

14 How many people will be working here on this  
15 project? I mean, to maintain them, keep them up.

16 MR. WILLIS: Right. So for Tripe H I believe it  
17 is about 15.

18 CHAIRMAN BUCHHEIM: Yep. I don't think we have  
19 any of them living here in Hyde County.

20 MR. WILLIS: I don't know. I don't know where  
21 they live. It's not something that --

22 CHAIRMAN BUCHHEIM: So it's something that  
23 instead of preaching that they're going to be living here  
24 and telling everybody that they're going to be living  
25 here and buying groceries, kids will be going to school



1 here, well, that's not the case really. I just want to  
2 make sure that people know that.

3 MR. WILLIS: Yeah. I mean, it's not like we can  
4 dictate --

5 CHAIRMAN BUCHHEIM: I know. But when you preach  
6 they'll probably be living here --

7 MR. WILLIS: They have the opportunity.

8 CHAIRMAN BUCHHEIM: -- and attending school,  
9 that's really not -- that's kind of a false statement.

10 Another thing I had to say about your haul road  
11 agreement, where they're supposed to be traveling on them  
12 certain roads, well, there's a lot of times they weren't  
13 on the right roads.

14 MR. WILLIS: We tried to fix that where there  
15 were issues.

16 CHAIRMAN BUCHHEIM: Well, there were a lot of  
17 issues with it. I think that's got to be really strict.  
18 If that happens again, it's a sad situation.

19 MS. SOVELL: Casey, the haul road that's the  
20 working draft, is it the same in Hyde County -- despite  
21 the map differences, is it the same one they're using in  
22 Hughes, do you know?

23 MR. WILLIS: Yeah. Because Hughes has never  
24 dealt with a wind project so it seems like the logical  
25 thing to start with is what we did with Hyde. That's the

1 template that we redlined and I sent to Mike and Carrie a  
2 couple of weeks, a month ago. That's exactly what they  
3 have as well.

4 COMMISSIONER HAGUE: Are you going to build it  
5 even if Hughes County doesn't go with it?

6 MR. WILLIS: It would be challenging, to be  
7 honest with you. We would have to reassess that. If you  
8 talk about reducing the project 30 -- by 35 percent,  
9 you're burdening the capital cost of the project, and it  
10 makes it costlier and less competitive. Ideally, no.

11 COMMISSIONER HAGUE: Okay.

12 COMMISSIONER OLSON: What is the per unit per  
13 person per year? What do they get?

14 MR. WILLIS: Per unit per person per year? Are  
15 you talking about the compensation to the landowners?

16 COMMISSIONER OLSON: Yes.

17 MR. WILLIS: That's proprietary. It's not  
18 something that we share. There's a confidentiality  
19 provisions in the easement.

20 COMMISSIONER OLSON: Okay.

21 CHAIRMAN BUCHHEIM: And how about your safety  
22 issues? I brought up the safety issues numerous times on  
23 that other project, but nobody ever did nothing about it.

24 MR. WILLIS: What safety issues? Can you  
25 clarify for me?

1           CHAIRMAN BUCHHEIM: Coming out of the gravel  
2 pit.

3           MR. WILLIS: We are not using that gravel pit  
4 again.

5           CHAIRMAN BUCHHEIM: I know it. And that's fine.  
6 But you never ever did straighten up that last problem I  
7 had with it.

8           MR. WILLIS: Right. No. I understand that  
9 there were issues that were raised.

10          CHAIRMAN BUCHHEIM: Yeah. And that little sign  
11 you put up down there, 10 miles an hour, that would never  
12 hold up in a court of law.

13          MR. WILLIS: I'm just telling you categorically  
14 we're not using that gravel pit because of the issues  
15 that occurred. We looked, at our own expense, at other  
16 options to supply gravel to alleviate that concern.

17          CHAIRMAN BUCHHEIM: Anybody else got any  
18 questions up here on the board?

19          MR. WILLIS: Can I step down?

20          CHAIRMAN BUCHHEIM: Yep.

21          MS. STEPHENSON: Do you guys have any other  
22 questions before we start the public portion?

23                 All right. So we will start with the speakers.  
24 The first one on the list is Dick Knox. So, Dick, if  
25 you'll spell your name for our reporter here, and then

1 we'll get your time started.

2 MR. DICK KNOX: Okay. I'm Dick Knox, spelled  
3 K-N-O-X. I've been a resident of Hyde County since 1958.  
4 My parents moved up here and bought the family farm/ranch  
5 that we are still ranching and farming on today.

6 I was the second generation to work that ranch.  
7 My sons, Doug and Dan, are the third generation. And I  
8 first come aware of this project because WAPA in  
9 Billings, Montana sent me this letter back in January.  
10 There's a place to put my name, address, telephone  
11 number, my concerns, and add more on the back if I  
12 needed to, which I did. I mailed it back to them in  
13 February. To this day I've never heard one single thing  
14 from them.

15 A month ago -- there was also a telephone number  
16 on here. A month ago I called them up. What did I get?  
17 An answering machine that said leave your name, address,  
18 telephone number, and we'll get back to you. So far  
19 nobody's got back to me.

20 I also found out that they had a cell phone  
21 number there so I called the cell phone number several  
22 days later. It just rang and rang and rang. Never even  
23 asked me for a message or nothing.

24 So then here I am today. I'm not -- I want to  
25 make this clear. Everything I'm talking about today will



1 be in Pratt Township. That's where our farm is, our  
2 ranch is. That's where we operate out of, and that's  
3 what I'm talking about.

4 And I want to also make it clear that I'm not  
5 trying to trash this project. I'm going to talk about  
6 one thing that's greatly going to affect our operation in  
7 Pratt Township, and it's going to make it hard for  
8 anybody to live there and for that to be a headquarters  
9 of our operation.

10 So from there, there's 27 turbines projected to  
11 be put in Pratt Township, and there's one turbine out of  
12 the 27 is all I have a concern with and that's a turbine  
13 in Section 2/110/73. And it's Turbine No. 47. And that  
14 turbine is within your legal setback. I know that. So  
15 maybe I don't even have a legal right to be here. But as  
16 a landowner, and I still own land down there, I need to  
17 voice --

18 MS. STEPHENSON: 30 seconds.

19 MR. DICK KNOX: Okay. Well -- man, that went  
20 fast.

21 Anyway, this turbine is going to cause  
22 interference with our farm, and I'm here today to ask  
23 that that turbine be removed from Pratt Township. They  
24 can put it anywhere else they want to. Get it out of  
25 Pratt Township.

1           Man, I didn't think I could talk 30 seconds, let  
2 alone -- well, anyway, thank you for your time. I got to  
3 go then.

4           CHAIRMAN BUCHHEIM: Thank you.

5           MS. STEPHENSON: Okay. Our next speaker on the  
6 list is Paul Knox.

7           MR. PAUL KNOX: Paul Knox. I'm a lifelong  
8 resident, born and raised down there. My concerns, I  
9 have several. As being a school board member, the state  
10 has advised us through the business manager not to count  
11 any of this money that we're supposed to get off these  
12 projects until we actually get it. So what's that tell  
13 you? They going to go bankrupt in a couple of years and  
14 then just nothing here?

15           Our decommissioning bond is totally inadequate  
16 for what's going on down in Oklahoma and Kansas.  
17 Hundreds of towers sold to a shell company, and they're  
18 basically abandoned, filed bankruptcy, nobody there to  
19 clean it up.

20           Another concern of mine is the native prairie  
21 down there. 60 percent of that project's in native  
22 prairie, and that's a huge Native American village from  
23 Ree Heights to the river to Blunt. There are countless  
24 tepee rings down there. In fact, the other day I maybe  
25 discovered a turtle effigy on some family ground. Can we

1 not try to protect that a little bit? There's not much  
2 native sod left.

3 And the setbacks. These towers keep getting  
4 bigger. Can we at least try to keep them a two-mile  
5 setback from a guy's building site?

6 That's all I have. Thank you.

7 MS. STEPHENSON: Our next speaker is Nick Nemec.

8 MR. NEMEC: I'm going to address the roads.  
9 Last year when they were doing construction it was  
10 probably toward the tail end of the two wettest years  
11 we've had in at least my lifetime. And the road -- the  
12 Holabird grade, which is the road I'm familiar with, did  
13 get pretty beat up.

14 But I have to give the company credit. They  
15 made a good-faith effort while they were in construction  
16 to maintain that road as best they could. There were  
17 road graders going up and down that road every day trying  
18 to smooth out ruts. They brought in more fill for bad  
19 spots. And now after they're done with construction --

20 And it wasn't just the Holabird grade where they  
21 were traveling was bad; the Holabird grade north of  
22 Holabird, which one of those construction vehicles never  
23 set foot on, was bad too. The roads were bad all over.  
24 And so it wasn't just construction that was causing bad  
25 roads. It was the weather that was causing the bad

1 roads.

2           They did a good-faith effort of repairing them,  
3 I think. I'm on the Holabird grade just about every day.  
4 And, to my judgment, it's back to previous condition. In  
5 fact, on road approaches into fields they've actually  
6 improved them, and where township roads and county roads  
7 intersect, they've increased the radius so it's easier to  
8 get a semitruck around a lot of those corners. The  
9 approaches into fields, they've increased the radiuses  
10 there so it's easier to get a truck in and out of the  
11 field.

12           When they were hauling their extra dirt away, if  
13 you got ahold of them, they were more than willing to  
14 haul dirt to you to improve a field approach that wasn't  
15 one they were using. If you had a tower that bordered  
16 some of our land -- was on your land or -- they put these  
17 tower roads in to get to their towers.

18           Some of their tower roads are as good as a  
19 county road, and they don't mind if you use them to  
20 access your fields so that's a great improvement there.  
21 And so the road situation, I think, is way better than it  
22 was previously.

23           And then as far as setbacks, my daughter and  
24 son-in-law live --

25           MS. STEPHENSON: 30 seconds.



1 MR. NEMEC: My daughter and son-in-law live a  
2 mile and a half from wind turbines. And she says they  
3 don't even notice them. Now I realize they're further  
4 back than what the setback is, but they don't even hardly  
5 notice the turbine out there on the horizons.

6 MS. STEPHENSON: Our next one is Dan Knox.

7 (Mr. Knox distributes a document.)

8 MR. DAN KNOX: My name is Dan Knox, K-N-O-X. I  
9 want to thank you for the opportunity to speak to you on  
10 behalf of our farm and our family. I'd like to present a  
11 case for the removal of site 47 due to the proximity of  
12 our farm and, most importantly, my home.

13 Unless I am misunderstanding this, there's eight  
14 sites that have to be removed from this proposal,  
15 regardless. Hyde County themselves, with a similar  
16 board, eliminated two sites from the previous project.  
17 With the prevailing winds being from northwest to  
18 southeast, this proposed project will definitely carry  
19 sound onto our personal residence. We already experience  
20 sound from the previous project with a north wind on a  
21 calm day. It is the intensity of the added decibels that  
22 we are most concerned about.

23 I'd like to point out on those maps that I  
24 handed out that we own land on three sides of the quarter  
25 that site 47 sits on; therefore, this would truly put

1 this tower in the middle of our farm.

2 I've stood up at previous meetings, always  
3 advocating for more legitimate setbacks to  
4 nonparticipating members. At the last meeting I went on  
5 record saying that I think it's only fair to respect the  
6 person who was there first. In this case, it's my family  
7 and I.

8 I also pointed out that Hyde County has  
9 ordinances to prevent participating members from pushing  
10 a feedlot or hog barn up against existing  
11 nonparticipating members' residences. The time I've  
12 spent around these turbines makes me firmly believe that  
13 with the prevailing winds at this site, even the  
14 approximate mile-ish setback is just not sufficient.

15 The landscape of our area has changed  
16 drastically due to these towers, and with the proposed  
17 project many of our acres will seem engulfed by this wind  
18 farm. And at the risk of sounding hypocritical, I would  
19 like everyone to know that I do have towers. My brother  
20 and I have many acres in the last project that we did not  
21 sign up. However, we purchased land that had towers  
22 constructed on it, as a result of an existing easement,  
23 that was not removable.

24 MS. STEPHENSON: 30 seconds.

25 MR. DAN KNOX: Once again, I'd like you to take

1 into consideration that this tower I do believe with the  
2 northwest winds, especially with snowfall and as the tree  
3 leaves -- in the fall and winter, that sound will carry  
4 drastically more than even in the summer months. And I'd  
5 just like you to take that into consideration.

6 And I appreciate your time. Thank you.

7 MS. STEPHENSON: Our next speaker will be Doug  
8 Knox.

9 MR. DOUG KNOX: Doug K-N-O-X.

10 Doug Knox. I'm representing the Richard Knox  
11 Family Farm. We at the Richard Knox Family Farm feel we  
12 need to have our farm and farmyard safe and inviting in  
13 order to keep our family farm alive. Our farm has been  
14 in Hyde County since 1958, as my dad mentioned, with the  
15 next generation, my son Mason, also wanting to farm.

16 I feel the Richard Knox family has been an asset  
17 to Highmore and Hyde County. We have always supported  
18 Highmore and the county by buying local when available  
19 and always actively participated in community fundraisers  
20 benefiting local causes and people in need. Our farm has  
21 three owners, three to four full-time employees, and  
22 three to four part-time employees, all residents of  
23 Hyde County and/or Highmore.

24 As part owner of the Richard Knox Family Farm,  
25 I'm asking you the board to remove Turbine 47 to keep the



1 turbine effects away from our farmyard. It is my  
2 understanding that many sites will have to be removed  
3 anyway. Removing this turbine will also allow  
4 substantial relief from the turbine effects on our  
5 headquarters and also benefit the large amounts of  
6 wildlife our farm shelters.

7 Our farm is not a 30-year project in Hyde  
8 County. It's a forever farm in Hyde County.

9 MS. STEPHENSON: Our next speaker will be  
10 Tonja Jessen.

11 MS. JESSEN: Tonja Jessen T-O-N-J-A J-E-S-S-E-N.

12 I'm going to kind of -- I guess just to  
13 summarize with Nick, I agree with everything he said with  
14 the roads. I drove a lot of roads last year, both Hyde,  
15 Hughes, Sully County, and it didn't matter where you  
16 were, it was just because of the wet. And I do agree  
17 that the company did an excellent job of putting those  
18 roads back to where they were.

19 As far as the speed and safety, I agree it can  
20 be an issue. However, as being a farm/ranch operation  
21 ourselves, we're driving big trucks up and down these  
22 roads too. And I've met a lot of grain trucks and gravel  
23 trucks over the years, and they don't slow up. They  
24 don't scoot over. You're riding your butt on the  
25 ridge -- on the lovely ridge that the county leaves on



1 the edge, you're leveling it off. So the roads have  
2 always been an issue, but I do feel that the company did  
3 an excellent job of bringing them back, if not better  
4 than what they were.

5 As far as archaeological issues, I do know they  
6 have someone out there that's been checking, and this has  
7 been going on since the first project. They were doing  
8 the bird surveys, the archaeological. They're not taking  
9 any of it for granted.

10 They have a guy I don't know however long ago  
11 this first go-around went. And I did a lot of research  
12 and I talked to a gentleman that has all that research  
13 and he's done all the tepee ring sites and archaeological  
14 digs. Because they are a valuable part of our  
15 South Dakota history, and we don't want to disturb. And  
16 I feel like they're going an excellent job of making sure  
17 to keep that in mind when they're doing this project.

18 As far as the people living in Highmore or  
19 Hyde County, I do feel that there would be more people  
20 living here if we had housing. We are doing better. We  
21 have a housing committee that's working and trying to get  
22 homes into Highmore, but it's very hard to come into  
23 Highmore and live when you don't have housing available  
24 for someone to come in. And, unfortunately, Miller is  
25 not that far away. I do know some people are living over

1 in Harrold. So, you know, you've got to get your housing  
2 where you can find it.

3 I have an old classmate that wants to move back  
4 to the area, and she cannot find land anywhere or a house  
5 to move back to. So it is hard to move back in. And, to  
6 be honest, how welcome do you suppose these new people  
7 are going to feel when they know this has been a fight  
8 from day one. They're probably not going to feel real  
9 welcomed into the community if they know the community's  
10 constantly been fighting it from day one. So that's  
11 something we need to work on.

12 MS. STEPHENSON: 30 seconds.

13 MS. JESSEN: But I do agree. I think we have a  
14 great opportunity to help build our community, our city,  
15 our county, and our school. To quote -- I think it's on  
16 the bottom of the school's website. We have the  
17 opportunity to build a better tomorrow today and I think  
18 this will be a great opportunity to expand and bring  
19 money and more people in.

20 MS. STEPHENSON: Mark Klebsch.

21 MR. KLEBSCH: K-L-E-B-S-C-H. I don't know.  
22 After that I got nothing.

23 I agree with everything she said about the  
24 roads. They're really way better than they are now than  
25 they used to be. You know, they were trouble during

1 construction, but they're really good now.

2 As far as -- I'm not going to argue about this  
3 and that and all that. But how it's been lately, I  
4 really do wish I had a dozen of them. Because one  
5 complaint, the cows never get under them. Jeez, the cows  
6 just love them. The shade would be great. But other  
7 than that, I agree with Nick and Tonja, all that stuff.

8 Thank you.

9 MS. STEPHENSON: That was the last person we had  
10 signed up. We will do one last call for anybody that  
11 wishes to speak.

12 Okay. Seeing none, we have no more speakers.

13 CHAIRMAN BUCHHEIM: Do you want to address  
14 anymore, Casey?

15 MR. WILLIS: Yeah. Just the one that comes to  
16 mind is the archaeological issues. I will just say that  
17 it's something we as a company and most wind companies  
18 actually take a complete 100 percent avoidance approach.

19 So basically we go out and survey the areas of  
20 disturbance prior to disturbance, identify eligible  
21 sites, flag them with construction fencing and avoid. We  
22 reroute things. That's not just this project, Triple H,  
23 that's every project.

24 Just generally speaking in an area where there  
25 is a lot of agricultural operations, there's not that



1 many sites typically. You would find more intact -- it's  
2 not to say there are not any. There certainly are.  
3 We're finding them out. And that's the whole point is  
4 we're flagging and avoiding them. That's what we do.

5 CHAIRMAN BUCHHEIM: Anybody have any questions  
6 here?

7 Make a motion to close the evidence.

8 COMMISSIONER SWENSON: I will.

9 COMMISSIONER HAGUE: Second.

10 CHAIRMAN BUCHHEIM: All in favor signify by  
11 saying aye.

12 (All indicate aye.)

13 CHAIRMAN BUCHHEIM: Any deliberation about this,  
14 or what do we want to do?

15 THE COURT REPORTER: Excuse me. Emily, do you  
16 want their discussion on the record?

17 MS. SOVELL: We have not in the past put the  
18 deliberations on the record. Do you want the  
19 deliberations on the record?

20 CHAIRMAN BUCHHEIM: No.

21 (The Commission deliberates off the record.)

22 COMMISSIONER VAN DEN BERG: I'll make a motion  
23 to approve the North Bend Wind Project with the  
24 contingency to eliminate Tower 47.

25 MS. SOVELL: Any contingencies regarding the



1 haul road or anything else or just that contingency?

2 COMMISSIONER VAN DEN BERG: Just that  
3 contingency.

4 MS. SOVELL: Motion's on the table.

5 (Discussion off the record.)

6 COMMISSIONER HAGUE: I'll second it if we don't  
7 have any other major troubles.

8 CHAIRMAN BUCHHEIM: I got a lot of concerns  
9 about them staying on their own roads and everything  
10 they've been preaching to us. It never ever materialized  
11 before, what I thought.

12 (Discussion off the record.)

13 CHAIRMAN BUCHHEIM: All those in favor of this  
14 motion signify by saying aye.

15 (All but Chair Buchheim indicate aye.)

16 CHAIRMAN BUCHHEIM: Myself, nay.

17 MS. SOVELL: Okay. So then what we have done  
18 historically is with respect to the application, there is  
19 a signature for the original that will be take by the  
20 auditor for formal record.

21 I'll circulate that to Mel acting as Chair. You  
22 sign there.

23 In addition, historically we have adopted  
24 findings. I will go through what -- I have two different  
25 templates. I'll use something similar to in the past.

1 while he's signing off on that. You can tell me if you  
2 want other findings.

3 The hearing was held on August 10, 2021, before  
4 the Hyde County Board of Adjustment concerning  
5 Conditional Use Application No. CUP2021-001. The board,  
6 having heard evidence from Applicant North Bend Wind  
7 Project, LLC, hereby makes the following findings:

8 No. 1, Notice of the Hearing was published on  
9 July 29, 2021, and August 10, 2021. No. 2, proponents of  
10 the Conditional Use Permit stated in part economic  
11 development, increased tax base, compliance intent with  
12 local zoning ordinances, employment opportunities, and  
13 similar benefits.

14 Opponents of the CUP stated in part concerns  
15 regarding noise, impact upon established farmsteads, and  
16 impact upon archaeological sites.

17 Were there any other portions you want with  
18 respect to --

19 No. 4, the board further finds the Applicant's  
20 mode of conduct and location will not hinder the  
21 enjoyment and use of nearby properties and will not  
22 disrupt the appropriate use of land and resources of the  
23 county.

24 In closing, the board concludes the Conditional  
25 Use Permit is granted contingent upon removal of Tower

1 No. 47.

2 Does anyone want to motion to approve those  
3 findings with respect to CUP2021-001?

4 COMMISSIONER SWENSON: Yeah.

5 MS. SOVELL: Motion by Greg Swenson.

6 Second by --

7 COMMISSIONER VAN DEN BERG: I'll second.

8 MS. SOVELL: Okay. Call the vote.

9 CHAIRMAN BUCHHEIM: Rollcall or just --

10 MS. SOVELL: Let's do rollcall on this.

11 CHAIRMAN BUCHHEIM: Ronnie.

12 COMMISSIONER VAN DEN BERG: Yes.

13 CHAIRMAN BUCHHEIM: Greg.

14 COMMISSIONER SWENSON: Yes.

15 CHAIRMAN BUCHHEIM: Randy.

16 COMMISSIONER OLSON: Yes.

17 CHAIRMAN BUCHHEIM: Randy.

18 COMMISSIONER HAGUE: Yes.

19 CHAIRMAN BUCHHEIM: Myself, aye.

20 MS. SOVELL: So, with that, if you conclude the  
21 hearing or motion to conclude at this time, I will run  
22 down and put those in signature form, and we'll have them  
23 back up if you can wait for Carrie.

24 (Discussion off the record.)

25 COMMISSIONER VAN DEN BERG: I'll make a motion

1 to adjourn.

2 CHAIRMAN BUCHHEIM: Anybody want to second that?

3 COMMISSIONER SWENSON: Yeah.

4 CHAIRMAN BUCHHEIM: All in favor signify by  
5 saying aye.

6 (All indicate aye.)

7 (The hearing is concluded at 1:55 p.m.)

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1 STATE OF SOUTH DAKOTA)

2 :SS

CERTIFICATE

3 COUNTY OF SULLY )

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5 I, CHERI MCCOMSEY WITTLER, a Registered  
6 Professional Reporter, Certified Realtime Reporter and  
7 Notary Public in and for the State of South Dakota:

8 DO HEREBY CERTIFY that as the duly-appointed  
9 shorthand reporter, I took in shorthand the proceedings  
10 had in the above-entitled matter on the 10th day of  
11 August, 2021, and that the attached is a true and correct  
12 transcription of the proceedings so taken.

13 Dated at Onida, South Dakota this 10th day of  
14 September, 2021.

15

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18

/s/ Cheri McComsey Wittler \_\_\_\_\_  
Cheri McComsey Wittler,  
Notary Public and  
Registered Professional Reporter  
Certified Realtime Reporter

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