

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

**IN THE MATTER OF THE APPLICATION BY**

**DEUEL HARVEST WIND ENERGY SOUTH**

**LLC FOR ENERGY FACILITY PERMITS OF A**

**WIND ENERGY FACILITY AND A 345-KV**

**TRANSMISSION FACILITY IN DEUEL**

**COUNTY, SOUTH DAKOTA, FOR THE**

**SOUTH DEUEL WIND PROJECT**

**Intervenor**

**Arla Hamann Poindexter**

**Post Hearing Rebuttal Brief**

**EL 24-023**

I, Arla Hamann Poindexter, respectfully submit this post hearing rebuttal brief regarding docket EL 24-023 located in Deuel County, SD.

**Who has the burden of proof?**

We have been reminded throughout this process that Invenergy holds the burden of proof. Invenergy has submitted the Grassland Habitat Assessment completed on the work of Burns & McDonnell's desktop analysis and one time public roadway observation. This was submitted and generally accepted as expert proof. The Assessment quotes the work of SDSU's Pete Bauman as well.

The PUC Staff asked SD Game Fish and Parks Chad Switzer to participate in the hearing. Mr. Switzer was regarded as an expert when he testified. Mr. Switzer also referenced the work of SDSU's Pete Bauman and cooperating partners.

**Rebuttal Points:**

The only rebuttal I wish to submit is in response to the PUC's Staff opinion is that I am not an "expert". And therefore, my testimony should not hold the same weight as Invenergy's experts or Mr. Switzer's.

Because the burden of proof is not mine, I was never asked to submit a resume. Michelle Phillips answered under cross examination that she did not have, nor was she aware of the subcontractors' experience in managing grasslands, ag land, or wildlife habitat.

Like Chad Switzer, I also have 25 years of managing wildlife habitat. I may not have an agency title or a salaried position along with this experience. However, I have proven results that have been recognized by wildlife and conservation agencies.

Through the discovery process, I shared with Staff and Invenergy that because of my work (and my family's), we received the 2017 SD Leopold Conservation award. This annual statewide award recognizes farmers or ranchers who have made conservation a guiding principle on the land the winner manages. In 2017, the award was sponsored by 33 partners, including the SD Game Fish and Parks. We were nominated by SDSU's Pete Bauman, in part because we had (at the time) nearly 20 years of partnerships with agencies Mr. Bauman worked with or also partnered with. We continue to partner with agencies as a teaching and research site. For additional information about the Leopold Award or partners, information is available at [sandcountyfoundation.org](http://sandcountyfoundation.org) and clicking on "our work" and Leopold Award and choosing 2017 and South Dakota links.

I feel that I raised important questions and doubts about the project's impact to wildlife and the environment. I feel that my testimony should be considered with the same weight as Michelle Phillips or Chad Switzer.

I also am not considered an "expert" in regards to safety in the proposed project area. This is technically correct. However, of all the parties involved, I am the only one who has significant knowledge or experience on the roads in the project area. It is also technically correct that I am not a medical expert in regards to my mother's dementia. However, as her primary caregiver for the last 5 years, I know more about her care and the effects of disruptions on her daily routines better than anyone. I agree that these concerns are temporary, but these are still considerations to the impacts to all the residents within or near the proposed project.

I appreciate the Commissioners and PUC staff's consideration of my concerns and opinions.



Arla Hamann Poindexter

February 21, 2025