

From: PUC
Sent: Wednesday, November 13, 2024 4:44 PM
To: Helen Hardy [REDACTED]
Subject: EL24-023

Hardy family,

This is in response to your letter to the South Dakota Public Utilities Commission regarding the requested Deuel Harvest Wind Energy South project siting permit, docket [EL24-023](#).

The commission received an application for this proposed project on June 28, 2024, resulting in the opening of this docket. The docket is currently being reviewed by my fellow commissioners and me as well as PUC staff. You will learn more as information continues to be requested by commissioners and staff, filed in the online docket and publicly available.

This [Siting Guide](#) posted in the docket helps explain the processing of a docket such as this one. Since the commission is a quasi-judicial administrative body, the commission's final decision must be based on facts established in the docket's evidentiary record as opposed to hearsay. The commissioners and PUC staff conduct their reviews of the docket separately, reviewing the experts and their testimony to determine accuracy. Experts typically testify under oath during the docket's evidentiary hearing. My fellow commissioners and I will weigh the expert's testimony as we believe is appropriate before voting on the docket's outcome. Any decision of the commission is subject to appeal to a higher court.

I appreciate you sharing your opinions regarding the proposed project's impact on wildlife, maintenance, aircraft lighting and decommissioning. Any specific complaints about current wind energy facilities, such as those of landowners in the project area, should be relayed to PUC staff for their follow-up with the project owner and the individual inquiring. Write to PUC staff at PUC@state.sd.us or call 605-773-3201.

It is important to recognize the South Dakota Legislature's ruling that if a wind project has a conditional use permit from the applicable local unit of government, then the project has been determined not to threaten the social and economic condition of the community. Reference [SDCL 49-41B-22](#) and Deuel County's [Conditional Use Permit](#) for this project.

As to how my fellow commissioners and I address the issues you raise on projects for which we have approved, I encourage you to read the orders we have issued previously with conditions addressing these. Here is the [Commission Order](#) permitting the PUC's most recent wind energy project docket, [EL21-018](#). Excerpts of our order's 45 conditions related to your concerns are below.

10. Applicant shall promptly report to the Commission the presence of any critical habitat of threatened or endangered species in the Project Area that Applicant becomes aware of and that was not previously reported to the Commission.

33. Applicant shall file a Bird and Bat Conservation Strategy (BBCS) prior to beginning construction of the Project. The BBCS shall be implemented during construction and operation of the Project.

34. If the Project is decommissioned, Applicant will follow Section 19 of the Application and the Decommissioning Plan and Reclamation Cost Estimate filed on February 3, 2022. The Commission shall be notified prior to any decommissioning action.

35. Applicant shall utilize an Aircraft Detection Lighting System approved by the Federal Aviation Administration.

36. Applicant shall establish a procedure for preventing whooping crane collisions with turbines during operations by establishing and implementing formal plans for monitoring the Project site and surrounding area for whooping cranes during spring and fall migration periods throughout the operational life of the Project and shutting down turbines and/or construction activities within 2 miles of whooping crane sightings. The South Dakota Game, Fish and Parks (SDGFP) will be consulted on the procedure to minimize impacts to whooping cranes.

39. At least 60 days prior to commencement of commercial operation, Applicant shall file an escrow agreement with the Commission for Commission approval that provides a decommissioning escrow account. The escrow account agreement shall incorporate the following requirements...

44. Applicant agrees to undertake one year of pre-construction and two years of postconstruction research to evaluate grassland breeding bird displacement along habitat edges in-lieu of post-construction mortality monitoring at the Project. Applicant shall consult with the SDGFP on the proposed survey methodology for the pre and postconstruction grassland breeding bird research, and the project must be designed to inform the scientific literature regarding potential effects of wind projects on breeding grassland bird displacement in fragmented habitats. Results of the grassland breeding bird research shall be reported to the SDGFP after the first year of post-construction monitoring and a final report should be compiled and submitted to the SDGFP at the end of the second year of monitoring.

45. Applicant will undertake a minimum of two years of independently-conducted postconstruction grouse lek monitoring of known leks that are located less than 1 mile from a wind turbine. Known leks are SDGFP confirmed lek locations and all potential leks documented during any wildlife surveys conducted by Applicant for Project development. The study shall be conducted on the ground. Applicant shall consult with SDGFP on the Page 15 of 17 proposed survey methodology for the post-construction lek monitoring. Results of the post-construction lek monitoring shall be reported to the SDGFP after the first year of monitoring and a final report should be compiled and submitted to the SDGFP at the end of the second year of monitoring.

Thank you for writing to share your concerns and allowing me the opportunity to share this information with you. Your message and my response will be posted under Comments and Responses in the docket.

Kristie Fiegen, Chairperson
South Dakota Public Utilities Commission
PUC.sd.gov