

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

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.

EL21-018

**AFFIDAVIT OF NORTH BEND WIND
PROJECT, LLC
RE: PERMIT CONDITION #1**

WHEREAS, the Final Decision and Order Granting Permit to Construct Facility dated January 10, 2023 (the "Permit"), requires that North Bend Wind Project, LLC ("Applicant") obtain all governmental permits which reasonably may be required by any township, county, state agency, or federal agency, or any other governmental unit for the construction and operation of the Facility prior to engaging in the particular activity covered by such permit, and that Applicant file an itemized affidavit with the Commission attesting that all permits were properly obtained prior to commercial operation of the Facility; and

WHEREAS, Applicant hereby submits this Affidavit in accordance with the requirements of Condition #1 of the Permit.

NOW, THEREFORE, the undersigned, Mathew Magdanz, hereby certifies in his capacity as a Vice-President of Applicant, that he is authorized to execute and deliver this Affidavit on behalf of Applicant. He further certifies, in his capacity as Vice President of Applicant, that the following is a list of all permits obtained in connection with the construction and proposed operations of the Facility as of the date hereof. Further, as of the date hereof, the Facility has not achieved commercial operation.

- South Dakota Public Utilities Commission Permit to Construct Facility dated 1/10/23
- Western Area Power Administration/NEPA Analysis-Finding of No Significant Impact-FONSI dated 5/11/23.
- Letter Agreement Approving Construction of Temporary Tap dated 12/1/22.
- Nationwide Permit 57 obtained via self-certification dated 6/14/23.
- Interdepartment Radio Advisory Committee No Objection Letter dated 8/31/22.
- Spill Prevention, Control, and Countermeasure (SPCC) Plan for Construction dated 8/15/23.
- South Dakota Department of Agriculture and Natural Resources (SD DANR) Stormwater Pollution Prevention Plan (SWPPP), Notice of Intent provided 4/15/23 with SD DANR coverage issued 4/19/23.
- DANR General Permit for Storm Water Discharges Associated with Construction Activities dated 5/19/23.
- SD DANR Temporary Water Use Permit for Construction dated 5/2/23.
- SD DANR Temporary Discharge Permit dated 5/19/23.
- SD DOT Highway Access Permit dated 6/9/23.
- Conditional Use Permit-Hyde County dated 8/10/21.
- Conditional Use Permit-Hughes County dated 8/10/22.
- FAA-Determinations of No Hazard (DNH) dated 11/29/21, extensions dated 6/6/23, and covering 71 towers and 7 alternate tower sites (see full listing in Appendix, Table 1) (notice provided to South Dakota Aeronautics Commission 10/5/23).
- FAA-DNH dated 8/2/22 covering 2 meteorological towers (see full listing in Appendix, Table 1) (notice provided to South Dakota Aeronautics Commission 10/5/23).
- FAA-DNH dated 8/3/22 covering 1 meteorological tower (see full listing in Appendix, Table 1) (notice provided to South Dakota Aeronautics Commission 10/5/23).
- FAA-DNH dated 10/10/23 covering 1 aircraft detection lighting system (ADLS) tower (see full listing in Appendix, Table 1) (notice provided to South Dakota Aeronautics Commission 11/7/23)

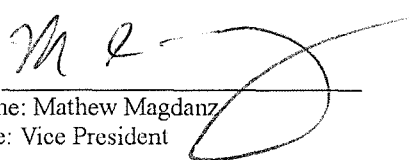
- Road Use Agreements:
 - Hughes County – 6/10/22 with amendment executed 5/2/2023
 - Hyde County – 12/6/22 with amendment executed 4/25/2023
- County Building Permits:
 - Hughes County – 8/1/23 (see full listing in Appendix, Table 2)
 - Hyde County – 8/10/23 (see full listing in Appendix, Table 2)

[SIGNATURE PAGE FOLLOWS]

☐ Dated this 29th day of December, 2023.

APPLICANT:

NORTH BEND WIND PROJECT, LLC

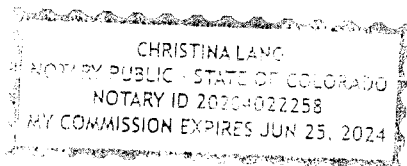
By: 

Name: Mathew Magdanz

Title: Vice President

Subscribed and sworn to before me on this 1 day of December, 2023.

(SEAL)




NOTARY PUBLIC
Notary Print Name: Christina Lang

My commission expires:

June 25, 2024

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Table 1: FAA Determinations of No Hazard (DNH) to Air Navigation

FAA Aeronautical Study No.	Turbine ID	Issue Date	Extension Date
2021-WTE-1897-OE	Wind Turbine 1	11/29/21	6/6/23
2021-WTE-1898-OE	Wind Turbine 2	11/29/21	6/6/23
2021-WTE-1899-OE	Wind Turbine 3	11/29/21	6/6/23
2021-WTE-1900-OE	Wind Turbine 4	11/29/21	6/6/23
2021-WTE-1901-OE	Wind Turbine 5	11/29/21	6/6/23
2021-WTE-1902-OE	Wind Turbine 6	11/29/21	6/6/23
2021-WTE-1903-OE	Wind Turbine 7	11/29/21	6/6/23
2021-WTE-1904-OE	Wind Turbine 8	11/29/21	6/6/23
2021-WTE-1905-OE	Wind Turbine 9	11/29/21	6/6/23
2021-WTE-1906-OE	Wind Turbine 10	11/29/21	6/6/23
2021-WTE-1907-OE	Wind Turbine 11	11/29/21	6/6/23
2021-WTE-1908-OE	Wind Turbine 12	11/29/21	6/6/23
2021-WTE-1909-OE	Wind Turbine 13	11/29/21	6/6/23
2021-WTE-1910-OE	Wind Turbine 14	11/29/21	6/6/23
2021-WTE-1911-OE	Wind Turbine 15	11/29/21	6/6/23
2021-WTE-1912-OE	Wind Turbine 16	11/29/21	6/6/23
2021-WTE-1913-OE	Wind Turbine 17	11/29/21	6/6/23
2021-WTE-1914-OE	Wind Turbine 18	11/29/21	6/6/23
2021-WTE-1915-OE	Wind Turbine 19	11/29/21	6/6/23
2021-WTE-1916-OE	Wind Turbine 20	11/29/21	6/6/23
2021-WTE-1917-OE	Wind Turbine 21	11/29/21	6/6/23
2021-WTE-1918-OE	Wind Turbine 22	11/29/21	6/6/23
2021-WTE-1919-OE	Wind Turbine 23	11/29/21	6/6/23
FAA Aeronautical Study No.	Turbine ID	Issue Date	Extension Date
2021-WTE-1920-OE	Wind Turbine 24	11/29/21	6/6/23
2021-WTE-1921-OE	Wind Turbine 25	11/29/21	6/6/23
2021-WTE-1922-OE	Wind Turbine 26	11/29/21	6/6/23
2021-WTE-1923-OE	Wind Turbine 27	11/29/21	6/6/23
2021-WTE-1924-OE	Wind Turbine 28	11/29/21	6/6/23
2021-WTE-1925-OE	Wind Turbine 29	11/29/21	6/6/23
2021-WTE-1926-OE	Wind Turbine 30	11/29/21	6/6/23
2021-WTE-1927-OE	Wind Turbine 31	11/29/21	6/6/23
2021-WTE-1928-OE	Wind Turbine 32	11/29/21	6/6/23
2021-WTE-1929-OE	Wind Turbine 33	11/29/21	6/6/23
2021-WTE-1930-OE	Wind Turbine 34	11/29/21	6/6/23
2021-WTE-1931-OE	Wind Turbine 35	11/29/21	6/6/23
2021-WTE-1932-OE	Wind Turbine 36	11/29/21	6/6/23
2021-WTE-1933-OE	Wind Turbine 37	11/29/21	6/6/23
2021-WTE-1934-OE	Wind Turbine 38	11/29/21	6/6/23
2021-WTE-1935-OE	Wind Turbine 39	11/29/21	6/6/23
2021-WTE-1936-OE	Wind Turbine 40	11/29/21	6/6/23
2021-WTE-1937-OE	Wind Turbine 41	11/29/21	6/6/23
2021-WTE-1938-OE	Wind Turbine 42	11/29/21	6/6/23
2021-WTE-1939-OE	Wind Turbine 43	11/29/21	6/6/23
2021-WTE-1940-OE	Wind Turbine 44	11/29/21	6/6/23
2021-WTE-1941-OE	Wind Turbine 45	11/29/21	6/6/23
2021-WTE-1942-OE	Wind Turbine 46	11/29/21	6/6/23
2021-WTE-1943-OE	Wind Turbine 47	11/29/21	6/6/23
2021-WTE-1944-OE	Wind Turbine 48	11/29/21	6/6/23
2021-WTE-1945-OE	Wind Turbine 49	11/29/21	6/6/23
2021-WTE-1946-OE	Wind Turbine 50	11/29/21	6/6/23
2021-WTE-1947-OE	Wind Turbine 51	11/29/21	6/6/23
2021-WTE-1948-OE	Wind Turbine 52	11/29/21	6/6/23

2021-WTE-1949-OE	Wind Turbine 53	11/29/21	6/6/23
2021-WTE-1950-OE	Wind Turbine 54	11/29/21	6/6/23
2021-WTE-1951-OE	Wind Turbine 55	11/29/21	6/6/23
2021-WTE-1952-OE	Wind Turbine 56	11/29/21	6/6/23
2021-WTE-1953-OE	Wind Turbine 57	11/29/21	6/6/23
2021-WTE-1954-OE	Wind Turbine 58	11/29/21	6/6/23
2021-WTE-1955-OE	Wind Turbine 59	11/29/21	6/6/23
2021-WTE-1956-OE	Wind Turbine 60	11/29/21	6/6/23
2021-WTE-1957-OE	Wind Turbine 61	11/29/21	6/6/23
2021-WTE-1958-OE	Wind Turbine 62	11/29/21	6/6/23
2021-WTE-1959-OE	Wind Turbine 63	11/29/21	6/6/23
2021-WTE-1960-OE	Wind Turbine 64	11/29/21	6/6/23
2021-WTE-1961-OE	Wind Turbine 65	11/29/21	6/6/23
2021-WTE-1962-OE	Wind Turbine 66	11/29/21	6/6/23
2021-WTE-1963-OE	Wind Turbine 67	11/29/21	6/6/23
2021-WTE-1964-OE	Wind Turbine 68	11/29/21	6/6/23
2021-WTE-1965-OE	Wind Turbine 69	11/29/21	6/6/23
2021-WTE-1966-OE	Wind Turbine 70	11/29/21	6/6/23
FAA Aeronautical Study No.	Turbine ID	Issue Date Extension Date	
2021-WTE-1967-OE	Wind Turbine 71	11/29/21	6/6/23
2021-WTE-1968-OE	Wind Turbine A01	11/29/21	6/6/23
2021-WTE-1969-OE	Wind Turbine A02	11/29/21	6/6/23
2021-WTE-1970-OE	Wind Turbine A03	11/29/21	6/6/23
2021-WTE-1971-OE	Wind Turbine A04	11/29/21	6/6/23
2021-WTE-1972-OE	Wind Turbine A05	11/29/21	6/6/23
2021-WTE-1973-OE	Wind Turbine A06	11/29/21	6/6/23
2021-WTE-1974-OE	Wind Turbine A07	11/29/21	6/6/23
2022-WTE-3236-OE	Met Tower PMM_T06	8/2/22	N/A
2022-WTE-3237-OE	Met Tower PMM_T07	8/2/22	N/A
2022-WTE-3235-OE	Met Tower PMM_T68	8/3/22	N/A
2023-WTE-5835-OE	ADLS Tower SD-02	10/10/23	N/A

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Table 2: Hughes and Hyde County, South Dakota, Turbine Building Permits

	Turbine No.	County	Building Permit No.	Permit Issue Date
D3		Hughes	CO2023-33	8/1/2023
E1		Hughes	CO2023-34	8/1/2023
E2		Hughes	CO2023-35	8/1/2023
E5		Hughes	CO2023-36	8/1/2023
E6		Hughes	CO2023-37	8/1/2023
E7		Hughes	CO2023-38	8/1/2023
E8		Hughes	CO2023-39	8/1/2023
E9		Hughes	CO2023-40	8/1/2023
F1		Hughes	CO2023-41	8/1/2023
F2		Hughes	CO2023-42	8/1/2023
F3		Hughes	CO2023-43	8/1/2023
F4		Hughes	CO2023-44	8/1/2023
F5		Hughes	CO2023-45	8/1/2023
F6		Hughes	CO2023-46	8/1/2023
F7		Hughes	CO2023-47	8/1/2023
F8		Hughes	CO2023-48	8/1/2023
F9		Hughes	CO2023-49	8/1/2023
G5		Hughes	CO2023-50	8/1/2023
G6		Hughes	CO2023-51	8/1/2023
G7		Hughes	CO2023-52	8/1/2023
G8		Hughes	CO2023-53	8/1/2023
G9		Hughes	CO2023-54	8/1/2023
A1		Hyde	23-0008	7/13/2023

A2	Hyde	23-0008	7/13/2023
A3	Hyde	23-0008	7/13/2023
A4	Hyde	23-0008	7/13/2023
A5	Hyde	23-0008	7/13/2023
A6	Hyde	23-0008	7/13/2023
B1	Hyde	23-0008	7/13/2023
B2	Hyde	23-0008	7/13/2023
B3	Hyde	23-0008	7/13/2023
B4	Hyde	23-0008	7/13/2023
B5	Hyde	23-0008	7/13/2023
B6	Hyde	23-0008	7/13/2023
B7	Hyde	23-0008	7/13/2023
B8	Hyde	23-0008	7/13/2023
B9	Hyde	23-0008	7/13/2023
C1	Hyde	23-0008	7/13/2023
C2	Hyde	23-0008	7/13/2023
C3	Hyde	23-0008	7/13/2023
C4	Hyde	23-0008	7/13/2023
C5	Hyde	23-0008	7/13/2023
C6	Hyde	23-0008	7/13/2023
C7	Hyde	23-0008	7/13/2023
Turbine No.	County	Building Permit No.	Permit Issue Date
C8	Hyde	23-0008	7/13/2023
C9	Hyde	23-0008	7/13/2023
D1	Hyde	23-0008	7/13/2023
D2	Hyde	23-0008	7/13/2023
D4	Hyde	23-0008	7/13/2023
D5	Hyde	23-0008	7/13/2023
D6	Hyde	23-0008	7/13/2023
D7	Hyde	23-0008	7/13/2023
D8	Hyde	23-0008	7/13/2023
E3	Hyde	23-0008	7/13/2023
E4	Hyde	23-0008	7/13/2023
G1	Hyde	23-0008	7/13/2023
G2	Hyde	23-0008	7/13/2023
G3	Hyde	23-0008	7/13/2023
G4	Hyde	23-0008	7/13/2023
H1	Hyde	23-0008	7/13/2023
H2	Hyde	23-0008	7/13/2023
H3	Hyde	23-0008	7/13/2023
I1	Hyde	23-0008	7/13/2023
I2	Hyde	23-0008	7/13/2023
I3	Hyde	23-0008	7/13/2023
I4	Hyde	23-0008	7/13/2023
I5	Hyde	23-0008	7/13/2023
I6	Hyde	23-0008	7/13/2023
I7	Hyde	23-0008	7/13/2023
I8	Hyde	23-0008	7/13/2023
I9	Hyde	23-0008	7/13/2023
ADLS Tower SD-02	Hyde	23-0017	10/16/2023
Met Tower PMM_T06	Hughes	CO2023-73	11/6/2023