

**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)	EL24-023 RESPONSE TO APPLICANT'S FIRST SET OF DATA REQUESTS TO LAKE COCHRANE IMPROVEMENT ASSOCIATION
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Lake Cochrane Improvement Association, Inc. ("LCIA"), by and through its Director Matt Holden, hereby responses to the First Set of Data Requests propounded by Applicant.

- 1-1) Provide copies of all data requests submitted by PUC staff or other party to you in this proceeding and copies of all responses to those data requests. Provide this information to date and on an ongoing basis. *Response:* LCIA, as of this date (October 8, 2024), responded to Staff's First Set of Data Requests on October 7, 2024. Applicant's representatives were simultaneously served at that time.

- 1-2) Describe, in detail, your concerns regarding the South Deuel Wind Project ("Project"). *Response:* The concern is limited to having adequate arrival room for any light airplane traffic arriving at Lake Cochrane, and also for departure. Those associated with LCIA who are licensed pilots have expressed concern that three identified towers may very well present obstructions to aviation, given their height and relative proximity and alignment with likely arrival-departure lines to Lake Cochrane.

- 1-3) Describe what mitigation measures would address the concerns you identified in response to Request 1-2. *Response:* Elimination of the turbines identified as 21, 22, and 49 would likely mitigate the concerns.

- 1-4) Identify any witnesses, including expert witnesses, you plan to have testify on your behalf. For each witness (including expert witnesses), please provide a resume or statement of qualifications of the witness(es), identify the subject matter regarding which the witness will testify, and identify and provide any exhibits the witness will refer to or introduce. *Response:* This has not been determined as of this date.

- 1-5) Are you asserting that the Project will negatively impact property values within the Lake Cochrane Park District? If so, provide copies of all documents supporting your claim, including any appraisals or other valuations that have been conducted for such property within the last ten years. *Response:* LCIA is not making this claim.

- 1-6) How many aircraft land at the Lake Cochrane Seaplane Base annually for the past five years: 2020, 2021, 2022, 2023 and 2024? *Response:* This information has not been compiled, nor is it required for FAA purposes.

- 1-7) Does the Lake Cochrane Seaplane Base have a designated or marked takeoff and landing

area? *Response:* No.

- 1-8) Does the Lake Cochrane Seaplane Base offer pilot instruction or flight lessons? *Response:* No.
- 1-9) Does the Lake Cochrane Seaplane Base have a fuel station for refueling aircraft? *Response:* No.
- 1-10) What months during the year is the Lake Cochrane Seaplane Base operational? *Response:* Small aircraft – when properly equipped with either floats or skis – can arrive and depart at any time of the year.
- 1-11) Is the Lake Cochrane Seaplane Base open to the public for use? *Response:* Yes.
- 1-12) What is the Lake Cochrane Improvement Association’s role in maintaining and operating the Lake Cochrane Seaplane Base? *Response:* Those who make use of the base are either members of the association, or are generally well known to the association – hence, there is a shared concern about the continued viability of the right and freedom to use the base as a means of travel to or from Lake Cochrane. The Seaplane Base is managed by Jim Eckholm, who is also a member of LCIA. The 2023-25 South Dakota Airport Directory, published by South Dakota DOT, Aeronautics Division, has Eckholm’s contact information.
- 1-13) Do you agree that the Project will meet Deuel County setback requirements? If not, please provide all facts and documents supporting your conclusion. *Response:* LCIA has not asserted the Project fails to meet county ordinance setback requirements. It is believed the ordinance and any ordinance-related proceedings did not consider whether a given or proposed tower site is a potential obstruction for which evaluation as potential aircraft hazard, as to aircraft operations to and from Lake Cochrane, is warranted.
- 1-14) Identify any other wind-related state or local permitting proceedings in which you have participated, formally or informally, and provide copies of all documents submitted by you in such proceedings. *Response:* None.
- 1-15) Does the Lake Cochrane Improvement Association assert that it can provide an opinion in this docket regarding whether any proposed wind turbine location may present a hazard to aviation? If so, identify the person who would provide this opinion and all training, experience, and education that you assert makes this person qualified to render this opinion. *Response:* The prospective tower locations as identified should be professionally evaluated as potential aircraft hazards. LCIA is merely presenting the views of those who are licensed pilots, whose lives will depend on being able to avoid in-flight collisions with these towers. The association is not equipped to *state an evaluation of potential hazards to flight*, since the FAA’s determination (when made) is the one that would seem to count. LCIA is expressing a concern about potential hazards, since accidental aircraft collisions with similar towers are known to have transpired in South Dakota and elsewhere. It is thought the towers will appear as very large, and quite close, particularly when departing from Lake Cochrane and attempting to gain altitude towards the direction of these towers. LCIA attempted to commission a study by a local engineer, who declined to provide service based on an asserted conflict of interest. Whether the State’s own agency or the FAA shares (or will come to share) these concerns is not presently known.

Date: October 8, 2024

/s/ Matt Holden

Matt Holden, Board Member
LAKE COCHRANE IMPROVEMENT
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