



April 6, 2022

Public Utilities Commission
Capitol Building, 1st floor
500 E. Capitol Ave.
Pierre, SD 57501-5070

RE: EL21-018 - 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

Dear Commissioners:

On April 6, 2022, the South Dakota Aeronautics Commission (the "Commission") convened for a special meeting to address a request brought forth by a landowner, who is a party to the above-referenced permit application, for the Commission to provide input on said permit application.

Pursuant to Title 50 of South Dakota Codified Law (SDCL), the Commission has two statutory powers relevant to the discussion: (1) prevention of air navigation hazards determined to be public nuisances affecting public airports and airport facilities (SDCL 50-9-14) and (2) ensuring local airport layout plans comply with proper zoning requirements (SDCL Ch. 50-10). The Commission agrees neither of these statutory powers are at issue in this matter.

The deadline for any interested party to intervene in the permit application process was August 23, 2021. As such, the Commission determined at its April 6th meeting, that the Commission does not dispute the Federal Aviation Administration (FAA) determination of "no hazard" caused by the tall structures (turbines). In providing this statement, the Commission does not take a position opposing the permit application at issue or future wind projects in South Dakota.

The purpose of this statement is to express the Commission's concerns about preserving air space safety and to emphasize the use of caution in future development which may affect air safety in the State of South Dakota, ~~specifically the safe utilization of aerial applicators for agricultural purposes in proximity to wind farms.~~

Agriculture is one of South Dakota's largest industries. In order to maximize crop yield, it is common for agricultural producers to utilize airplanes for aerial application of herbicides and

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pesticides. Renewable energy in the form of wind turbines and wind project development is an ever-expanding part of the State's energy supply. The placement and planning of wind farms is done in the seemingly wide-open spaces of agricultural land. Conflicts between permitted land and air use and the rights of private property or facilities will likely arise in response to most permit applications.

The Commission supports the establishment of safe air travel within the State and also understands the need for further infrastructure development. The Commission hopes a balance can be found between air safety and the installation of wind projects such as the one currently under consideration. The construction of wind farms should not result in the dismantling of an agricultural industry within South Dakota.

Thank you for this opportunity to provide this statement pursuant to SDCL 49-41B-19.

Respectfully submitted,

Eric Odenbach
Chairman
South Dakota Aeronautics Commission

CERTIFICATE OF SERVICE