

From: Steve.Pirner@state.sd.us [mailto:Steve.Pirner@state.sd.us]
Sent: Sunday, March 29, 2009 1:10 PM
To: Sen.Gillespie@state.sd.us
Cc: Iles, Derric; DENR SECRETARY'S OFFICE; Glodt, Jason
Subject: FW: Hyperion

As per your request, Derric Iles, who is the State Geologist with DENR's Geological Survey Program in Vermillion, put together the attachment discussing drainage systems within the area rezoned for the proposed Hyperion Energy Center. As he states, at this time we do not have any information pertaining to how the Hyperion project will impact these drainage systems, but at some point any changes will be subject to review and approval by Union County, and maybe the U.S. Army Corps of Engineers. It is hoped this information is useful to you. Let us know if you need anything further. Thanks.

-----Original Message-----

From: Iles, Derric [mailto:Derric.Iles@usd.edu]
Sent: Sunday, March 29, 2009 11:18 AM
To: Pirner, Steve
Cc: Templeton, Dave
Subject: RE: Hyperion

-----Original Message-----

From: Senator Gillespie, Margaret
Sent: Wednesday, March 25, 2009 12:07 PM
To: Pirner, Steve
Subject: Hyperion

Dear Secretary Pirner,

I have been contacted by a constituent who is concerned about the Hyperion project. Can you tell me whether Hyperion's proposal interrupts any natural drainage systems or streams which pass through the project area?

Thank you for any guidance and assistance.

Maggie

Margaret V. Gillespie
Minority Whip
State Senator
District 16

An area in Union County has been rezoned to accommodate the proposed Hyperion Energy Center. Looking at the topographic map of this area shows it contains some intermittent streams and one perennial stream. Intermittent streams transmit the flow of surface water occasionally when enough water is generated through rainfall events or snowmelt. Perennial streams typically have a year-round flow of water. The perennial stream that flows through the rezoned area is Brule Creek which is located in or near the eastern portion of the rezoned area.

Judging by the straightness of some segments of the intermittent streams in the rezoned area, it is evident that local land owners have already modified the natural courses of some intermittent drainages. The extent to which these intermittent drainages might be further redirected for construction of the proposed Hyperion Energy Center cannot be determined at this time because DENR does not have construction plans for it. Likewise, we cannot predict any changes in the channel location that might be proposed for Brule Creek.

However, the control of drainage issues has been given to the counties by the South Dakota Legislature. Therefore, modifications to any existing drainages for the proposed Hyperion Energy Center will be considered by and controlled by Union County. Additionally, a federal Section 404 permit may be required from the U.S. Army Corps of Engineers depending on which drainages are impacted and the type of impact.

While the Department of Environment and Natural Resources (DENR) is not directly involved with permitting any changes to the drainage systems, DENR does have jurisdiction over air and water quality issues. To ensure we have background data before any construction proceeds, DENR has expanded its regional environmental monitoring networks to Union County. The attached map shows the general locations of air, surface water, and ground water monitoring stations that have been established around the rezoned area.

Monitoring Locations for the Hyperion Project

